



**Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 44  
AGENDA DATE: Thu 08/25/2005  
PAGE: 1 of 1**

**SUBJECT:** Conduct a public hearing and consider an appeal by Mr. Mike McHone under Section 25-11-247 of the City Code of the denial of a Certificate of Appropriateness by the Historic Landmark Commission under Section 25-11-247 of the City Code for the relocation of the Nelson and Texanna Davis House, currently located at 1621 West 12<sup>th</sup> Street.

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** N/A

**REQUESTING** Neighborhood Planning **DIRECTOR'S**  
**DEPARTMENT:**and Zoning **AUTHORIZATION:** Alice Glasco

**FOR MORE INFORMATION CONTACT:** Steve Sadowsky, 974-6454; Sylvia Arzola, 974-6448

**PRIOR COUNCIL ACTION:** Set public hearing on 8/18/05.

**BOARD AND COMMISSION ACTION:** Certificate of Appropriateness denied by Historic Landmark Commission.

**PURCHASING:** N/A

**MBE / WBE:** N/A

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This is to consider an appeal by Mike McHone of the Historic Landmark Commission's denial of a Certificate of Appropriateness for the relocation of the Nelson and Texanna Davis House.

The owner of the house has agreed to donate the house to the Clarksville Community Development Corporation, which will move it from its current location at 1621 West 12th Street and rehabilitate it as affordable housing at a new location, 1817 West 10<sup>th</sup> Street, within the Clarksville neighborhood. The owner has further agreed to pay the moving costs and the costs of stabilizing the house for rehabilitation.

The owner applied for a Certificate of Appropriateness from the Historic Landmark Commission to move the house. The Commission denied the request for the Certificate of Appropriateness on the grounds that the house should be preserved in its current location. The applicant has now filed an appeal of the denial of the Certificate of Appropriateness to move the house.

# **Mike McHone**

## **Real Estate**

June 29, 2005

Steve Sadowsky  
Historic Preservation Officer  
505 Barton Springs Rd.  
Austin, Texas 78704

**Re: C14H-05-0002 Nelson and Texanna Davis House 1621 West 12<sup>th</sup> Street; Relocate house to 1817 West 10<sup>th</sup> Street; Certificate of Appropriateness**

Dear Mr. Sadowsky,

In accordance with provision 25-11-247 Appeal (A) of the City's Land Development Code, I hereby request an appeal of the denial of the above described Certificate of Appropriateness. The reasons for this appeal are described in this letter in accordance with the Appeals Procedure of Chapter 25-1, Article 7, Division 1 (Appeals) of the City's Land Development Code.

### **Notice of Appeal (LDC 25-1-183)**

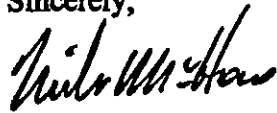
1. Appellant: Michael R. McHone, 1904 Guadalupe, Austin, TX 78705. Mailing Address: P.O. Box 8142, Austin, TX 78713. Telephone: 512-481-9111.
2. Appellant is the Applicant's and Owner's Authorized Representative.
3. Appeal of the decision of the City of Austin Historic Landmark Commission to deny the Certificate of Appropriateness for the Nelson and Texanna Davis House C14H-05-0013 at the June 27<sup>th</sup> meeting, Item C. 5.
4. The decision was made June 27<sup>th</sup> 2005, which is less than 10 days ago.
5. Appellant was retained by the owner and the applicant to assist in processing permits from the City of Austin that were needed for the subject property and is the authorized agent for the owner and the applicant in this matter.
6. Reasons for the appeal:
  - A. Staff findings supported the applicant's and the owner's request and the item was placed on the agenda as a "consent item". The Historic Landmark Commission failed to recognize the joint efforts of the applicant and the owner in developing a preservation plan that saved and restored the potentially historic house on an alternative but near by site at 1817 West 10<sup>th</sup> Street.
  - B. The Clarksville Community Development Corporation and the Owner of 1621 West 12<sup>th</sup> are in agreement to relocate the house. Together they have

1904 Guadalupe "On the Drag" • ph: 512-481-9111 • fax: 512-481-1002 •  
mchone1234@sbcglobal.net  
mailing address: P.O. Box 8142, Austin, TX, 78713

secured approval of the Board of Adjustments to relocate the structure to land owned by the CCDC.

- C. Additionally the owner of 1621 W. 12<sup>th</sup> will not only donate the house to the CCDC but will pay for the move and a portion of the rehabilitation cost for the rehabilitation at 1817 W. 10<sup>th</sup>.
- D. The Historic Landmark Commission did not adequately recognize the long term and ongoing commitment and responsibility of the CCDC in preserving the Clarksville Community and affordable housing therein. The agreement between the owner of 1621 W. 12<sup>th</sup> and the CCDC allows for a significant home to remain in Clarksville and be restored for affordable housing in an area where current housing demands makes this ever more improbable occurrence.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike McHone", written in a cursive style.

Mike McHone

**C. Approval/Disapproval Of Certificates Of Appropriateness**

4. C14H-04-0030 - January House  
1617 West 12th Street  
Construct new house and apartment.  
Owners: Jack Sanders and Nancy Crow  
City Staff: Steve Sadowsky, Historic Preservation Office, 974-6454

**Commission Action:** Mather / Hansen

**Motion:** Postpone the public hearing to July 18, 2005.

**Ayes:** Hansen, Laky, Limbacher, Mather, and West

**Abstained:** Leary

**Absent:** Bunton

**Motion carried by a vote of 5-0-1.**

**C. Approval/Disapproval Of Certificates Of Appropriateness**

5. C14H-05-0002 - Nelson and Texanna Davis House  
1621 West 12<sup>th</sup> Street  
Relocate house to 1817 West 10th Street.  
By: Clarksville Community Development Corporation  
Owner: Jon Armstrong  
City Staff: Steve Sadowsky, Historic Preservation Office, 974-6454

**Commission Action:** Mather / Laky

**Motion:** Deny a Certificate of Appropriateness to relocate the house to 1817 West Tenth Street In Clarksville.

**Ayes:** Hansen, Laky, Limbacher, Mather, and West

**Abstained:** Leary

**Absent:** Bunton

**Motion carried by a vote of 5-0-1.**

**City Of Austin Historic Landmark Commission**

**June 27, 2005 Individual Minutes**

**C14H-05-0002 – Nelson and Texanna Davis House, 1621 West 12<sup>th</sup> Street**

**C. Approval/Disapproval Of Certificates Of Appropriateness**

5. C14H-05-0002 – Nelson and Texanna Davis House, 1621 West 12<sup>th</sup> Street  
Relocate house to 1817 West 10th Street.  
By: Clarksville Community Development Corporation  
Owner: Jon Armstrong  
City Staff: Steve Sadowsky, Historic Preservation Office, 974-6454

**Staff Presentation**

Mr. Steve Sadowsky described the house as a ca. 1909 one-story rectangular-plan clipped front gabled Cumberland-style frame bungalow, which was modified into a bungalow, perhaps as early as 1914, although the clipped front gable of the house indicates a date closer to 1925. It is noted for its double front doors, frame construction, and modest one-story size. With its board and batten siding and Cumberland house configuration, it is typical of houses built in Clarksville around the turn of the 20<sup>th</sup> century, and a rare surviving example of an intact Clarksville house.

The Nelson and Texanna Davis House is located in Clarksville, originally developed as a freedmen's town in the 1870s. The vast majority of the residents of Clarksville were African-Americans, who labored at unskilled occupations in Austin's segregated society. Early residents of Clarksville owned their own homes, which set them apart from many of Austin's African-American families, who lived in alley houses or rented quarters throughout the city. Until the turn of the 20<sup>th</sup> century, whites and blacks generally lived in close proximity to each other, with the exception of African-American enclaves like Clarksville. In the early decades of the 20<sup>th</sup> century, the pattern of segregation in Austin became much more apparent, as African-Americans were increasingly clustered in separate districts, culminating in the 1928 city plan, which designated a "Negro district" on the east side of town to house all African-American families, businesses, and institutions.

**City Of Austin Historic Landmark Commission**

**June 27, 2005 Individual Minutes**

**C14H-05-0002 – Nelson and Texanna Davis House, 1621 West 12<sup>th</sup> Street**

The house was occupied by the Nelson and Texanna Davis family, from around 1915 to the present. Nelson Davis, an African-American farm laborer, moved from Fayette County, Texas to this house in Austin, and became a laborer for the streetcar line. His wife Texanna, earned money as a laundress for private families. Travis County deed records reveal that the Davises bought the property from E. J. Hofheinz on February 3, 1920, although the city directories for 1916 and 1918 show the Davises as owners of the property. The discrepancy may be accounted for by the fact that many African-Americans purchasing property did not have their deed recorded until a certain percentage of the purchase price had been paid.

The Davis House, built in a traditional Southern style, represents the lifestyle and standard of living for African-Americans in Clarksville in the early 20<sup>th</sup> century. Nelson Davis represents the flight of African-Americans from rural areas to cities in the early 20<sup>th</sup> century; he was employed as a laborer and trackman for the streetcar line, a typical occupation for African-American men of his generation. Texanna Davis worked as a farm laborer in Fayette County then took in washing for private families when she moved to Austin, a typical employment for African-American women. So while the house does not have specific associations with any one person of historical significance to the history of the city, it does represent the broader theme of African-American history in Austin. It was the home of the Davis family, who epitomized many of the city's African-American residents in the early 20<sup>th</sup> century through their residency in Clarksville and their occupations.

The number of intact early 20<sup>th</sup> century houses in Clarksville has dwindled to a handful; the Davis House represents the history of the neighborhood through its architecture and occupants, who typify African-American life in the early 20<sup>th</sup>

**City Of Austin Historic Landmark Commission**

**June 27, 2005 Individual Minutes**

**C14H-05-0002 -- Nelson and Texanna Davis House, 1621 West 12<sup>th</sup> Street**  
century. Farm laborers in Fayette County, they typify the late 19<sup>th</sup> and early 20<sup>th</sup> century movement of rural African-Americans to cities such as Austin. They purchased a property in Clarksville, established by freedmen for African-American citizens, and engaged in the typical occupations open to the race at the time.

The ca. 1909 house is over 50 years old, retains a high degree of architectural integrity, and is significant for its architecture and historical associations. The house is listed as a Priority 2 in the Clarksville Historic Resources Survey (2000), and is contributing to the Clarksville National Register Historic District. The house is listed in the Comprehensive Cultural Resources Survey (1984), but has no preservation priority.

The property owner has agreed to donate the house to the Clarksville Community Development Corporation, who will relocate it to a site at 10<sup>th</sup> and Theresa, rehabilitate it, and rent it as affordable housing. Staff fully supports this plan. The CCDC was granted a variance for the 10<sup>th</sup> and Theresa site on June 13, 2005 by the Board of Adjustment.

The case will need to return to Council for 2<sup>nd</sup> and 3<sup>rd</sup> readings for historic zoning at the new location at 10<sup>th</sup> and Theresa once the house is relocated.

The Planning Commission endorsed a plan to relocate the house within Clarksville to preserve it.

Commissioner Jean Mather inquired about the impervious cover; she has a different impervious cover noted.

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**June 27, 2005 Individual Minutes**

**C14H-05-0002 – Nelson and Texanna Davis House, 1621 West 12<sup>th</sup> Street**

Mr. Steve Sadowsky replied that the impervious cover limits are the same, the only variance needed was a one foot variance for the side lot and the to have a secondary building placed on the same lot limited to 850 square feet; this house is 854 square feet. The Board of Adjustment staff has reviewed this case and they have not indicated that there is an impervious cover problem.

Commissioner Laurie Limbacher asked for clarification of the information that the proposed location of the house would be at the rear of the lot.

Mr. Sadowsky replied yes, there is another house on the lot, the relocated house would be placed behind the existing house, facing north; it is not going to face Theresa Avenue. There is approximately 37-feet between the houses; the entry to both houses is off of Theresa Avenue; it will be behind the existing house and in front of the relocated house.

**In Support of Relocation**

Mr. Mike McHone, representing the applicant, stated that this is an opportunity to preserve an affordable house in Clarksville; something that we should encourage. So many times we are presented with a demolition permit or relocation permit to move it out of its historic neighborhood. If the Historic Landmark Commission approves the relocation, this would allow the opportunity to restore the structure and re-use it in the neighborhood for affordable housing.

**In Opposition to Relocation**

*There were no speakers.*

**Public hearing was closed (Mather/Leary)**

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Commissioner Laurie Limbacher stated that she was concerned that if the Commission approved the relocation tonight, would the rehabilitation of the house also require a Certificate of Appropriateness, or would it simply be a building permit in the Clarksville historic district.

Mr. Sadowsky replied that this case would be withdrawn because the zoning case goes along with the land, so a new case will need to be filed when the house is relocated, and that the Commission would hear an application for a Certificate of Appropriateness when the CCDC rehabilitates the house.

Commissioner Patti Hansen stated that she is confused; right now the Commission has a pending historic zoning case on this structure, so if the Commission votes to move the house, there is a possibility that the house has lost its historic character since it is in a different location, it faces a different way, it is the back of a lot, etc.

Commissioner Hansen commented that procedurally, wouldn't the City Council need to direct the Historic Landmark Commission to withdraw this case and file a new one, since the Historic Landmark Commission and the Planning Commission have recommended this case for Historic Zoning and now it is at City Council.

Mr. Sadowsky responded that it is at City Council where it went for the 1<sup>st</sup> reading at last Thursday's City Council Meeting. Therefore City Council is aware of this case. What this case is on the Historic Landmark Commission's agenda for is to get your approval for the relocation of the house. It will go back for 2<sup>nd</sup> and 3<sup>rd</sup> readings at City Council, possibly we could take the existing case and move the location of the case to the new site or we may need to withdraw and re-file the case.

**City Of Austin Historic Landmark Commission**

**June 27, 2005 Individual Minutes**

**C14H-05-0002 – Nelson and Texanna Davis House, 1621 West 12<sup>th</sup> Street**

Commissioner Hansen commented that the city has a Historic Zoning case pending at City Council, if we move for relocation then that would cancel out the pending case.

Mr. Sadowsky responded that City Council voted to approve on the 1<sup>st</sup> reading at last Thursdays City Council Meeting. It will not be complete until the 3<sup>rd</sup> reading at City Council.

Commissioner Limbacher commented that she agrees with Commissioner Hansen that the Davis House has already been determined to be historically significant and if the Historic Landmark Commission votes to move the house that will compromise the assessment that the house is historically significant.

Mr. Sadowsky responded that relocation is not the best preservation practice, but that this case offered the city an opportunity to preserve and re-use a house in Clarksville. He also pointed out to the Commissioners that the Roy Thomas House was relocated under basically the same circumstances. It has been restored, and is now a gem even though it is not on its original site.

**Commission Action: Mather / Laky**

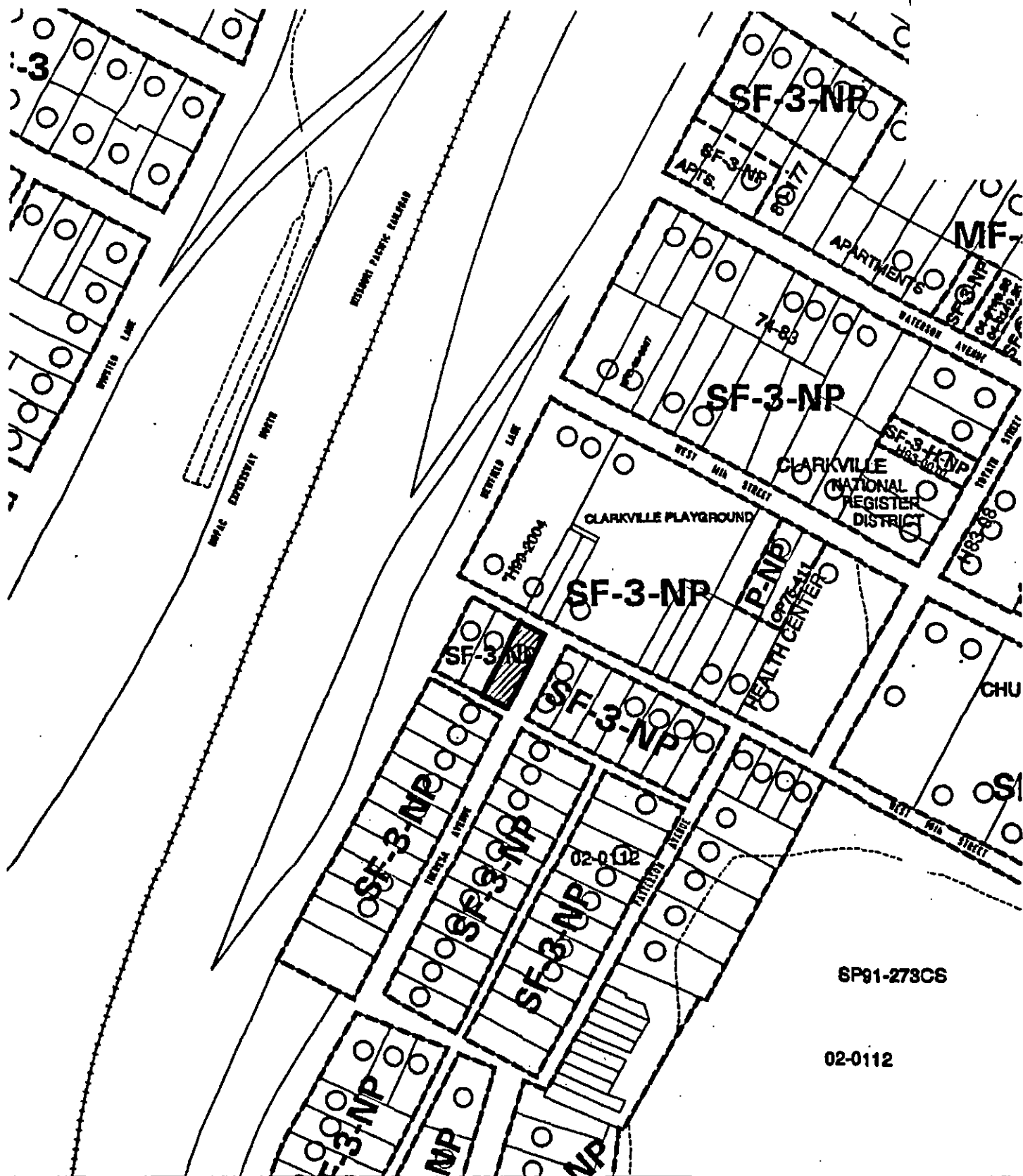
**Motion: Deny the Certificate of Appropriateness to relocate the house to 1817 West Tenth Street In Clarksville.**





**Ayes: Hansen, Laky, Limbacher, Mather, and West**

**Abstained: Leary**

**Absent: Bunton**

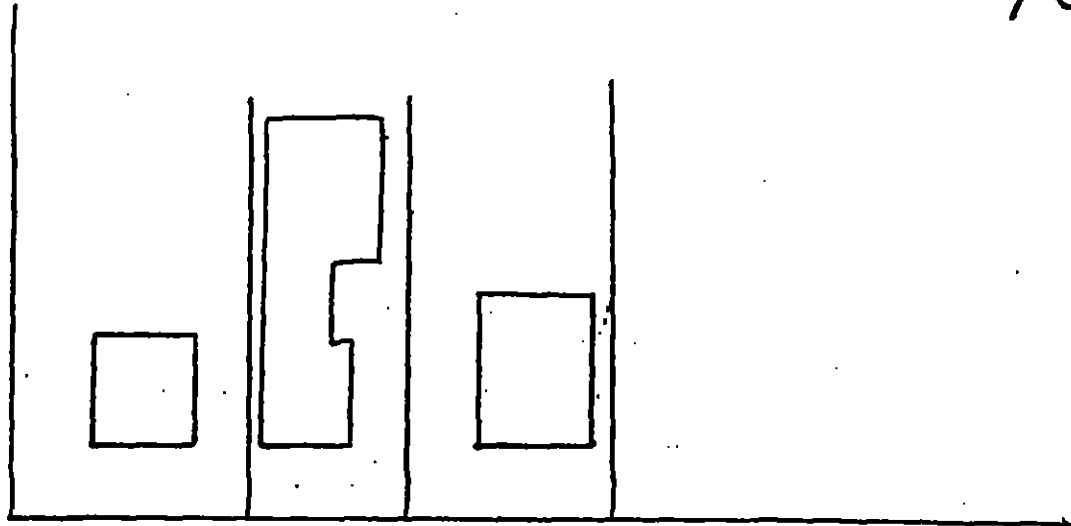
**Motion carried by a vote of 5-0-1.**



 1" = 200'	<b>SUBJECT TRACT</b> 	<b>BOARD OF ADJUSTMENTS</b>  <b>CASE #:</b> C15-05-091 <b>ADDRESS:</b> 1817 W 10TH ST <b>SUBJECT AREA (acres):</b> N/A		<b>DATE:</b> 05-05  <b>INTLS:</b> 6M	<b>CITY GRID REFERENCE NUMBER</b>  H23
	<b>PENDING CASE</b> 				
	<b>ZONING BOUNDARY</b> 				
	<b>CASE MGR:</b> S. WALKER				

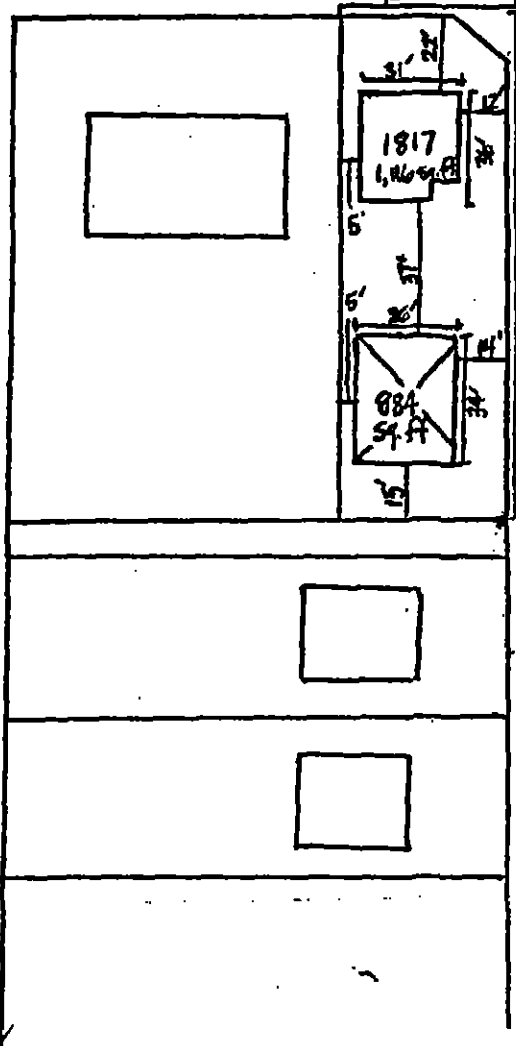
E12  
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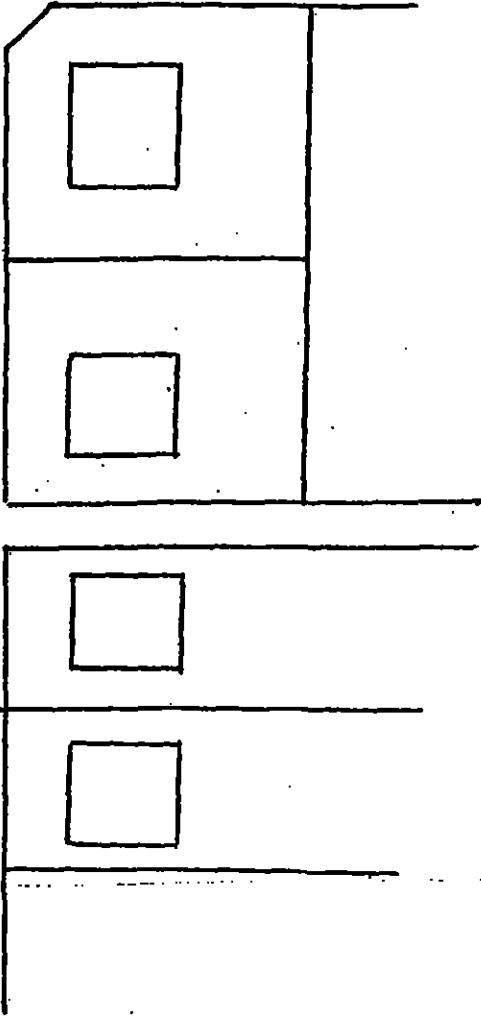


W. 10TH

MO-PAC



THERESA



CASE # C15-05-091  
TP# 0111040603

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: PRINT OR TYPE; USE BLACK INK; AND COMPLETE ALL REQUESTED INFORMATION.

STREET ADDRESS: 1817 W. 10th St.

LEGAL DESCRIPTION: Subdivision - Washington Heights

Lot(s) 1 Block 3 Outlot \_\_\_\_\_ Division \_\_\_\_\_

I, Mc Aubrey Carter on behalf of myself/ourselves as authorized agent for Clarksville Comm. Dev. Corp. affirm that on 4-25, 2005.

hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN RELOCATE

a 26' x 34' house to a lot which already has another house on it. The lot is 45' x 135' (6,075 sq. ft.)

in a SF-3-NP district.  
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

If your variance request is for a reduction in setbacks or height limits, please contact Christine Esparza with the Electric Utility at 322-8112 before filing your application with this office to discuss your request. The Electric Utility will recommend the board deny your request if it will result in an encroachment into an electric easement or a NESC violation.

Variances requested: ① Lot size: 7,000 sq. ft. to 6,075 sq. ft. 25-2-774(B)(1)  
② Lot width: 60' to 45' 25-2-774(B)(2) - although the lot is a corner lot and is 135' deep.  
③ Street side yard: 15' to 14'  
④ Rear house size: 850 sq. ft. to 884 sq. ft. 25-2-774(D).

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings:

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

25-2-74  
(B) This is a proposal to relocate a historic house from one lot in Clarksville to another. The house will be rehabbed by the applicant and maintained as a single-family use. Density is consistent with Clarksville settlement. The  
HARDSHIP: required lot size do not allow for relocation of the house.

2. (a) The hardship for which the variance is requested is unique to the property in that:

It will provide for the preservation of a historically-significant house in Clarksville that would otherwise be torn down.

- (b) The hardship is not general to the area in which the property is located because:

The lot is owned by the Clarksville Community Development Corporation, which will rehab and reuse the house as affordable housing.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The density is consistent with historic Clarksville settlement patterns

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

The house is presently part of the neighborhood fabric and will only be moved a few blocks.

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

there is ample off-street parking for this house on the proposal attachment site

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

the house will be fully accessible from the street and will have off-street parking so the house will be accessible by emergency vehicles and will not create street parking.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

We are not requesting changes to the site.

We are asking only to place a house over the rear lot setback and one front lot setback.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed

[Signature]

Mail Address

1401 E 7th

City, State & Zip

Austin, Texas 78702

Printed

AUBREY CARTER

Phone

472 3393

Date

5/2/2005

OWNER'S CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed

[Signature]

Mail Address

1401 E 7th

City, State & Zip

Austin, Texas 78702

Printed

AUBREY CARTER

Phone

472 3393

Date

5/2/2005

Board Member CCDC: property owner

**Subj:** Zoning Variance  
**Date:** Thursday, June 9, 2005 10:15:15 AM  
**From:** laborista@hotmail.com  
**To:** mreed4@aol.com

Hi, Ms. Reed

I galdly support allowing the variance of the Land Development Code for the Clarksville Community Development Corp. at 1817 W. 10th St.

My only question was answered by you. Having been on the board of the CCDC in the past myself allows me to welcome the addition of more low rent housing in this community.

I have enjoyed my neighbors accross the street and welcome additions of more instead of an empty lot.

I hope the City Board grants you the variance. This neighborhood is full of variances and as long as it is good for the community it should be allowed.

If, I can be of any assistance to you or the City of Austin please contact me at 784-4839.

Teresa Perez-Wiseley widow of Bobby K. Wiseley  
Natalia Jean Wiseley-Brown  
Yolanda K. Perez Wiseley  
Owners of 909 Theresa Ave. 78703