

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



**AGENDA ITEM NO.: Z-9
AGENDA DATE: Thu 09/29/2005
PAGE: 1 of 1**

SUBJECT: C14H-05-0011 – Edgar von Boeckmann House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4401 Avenue H from family residence-neighborhood conservation (SF-3-NCCD) combining district zoning to family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district zoning. Planning Commission Recommendation: Pending. Applicants: Judge Robert Lee Pitman and David Christian Smith. City Staff: Steve Sadowsky, 974-6454.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Alice Glasco

ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14H-05-0011

HLC DATE:

July 18, 2005

PC DATE:

September 13, 2005

AREA: .358 acre

APPLICANT: David Christian Smith & Judge Robert Lee Pitman, owners

HISTORIC NAME: Edgar von Boeckmann House

WATERSHED: Waller Creek

ADDRESS OF PROPOSED ZONING CHANGE: 4401 Avenue H

ZONING FROM: SF-3-NCCD

ZONING TO: SF-3-H-NCCD

SUMMARY STAFF RECOMMENDATION: Staff recommends the proposed zoning change from single family residence, neighborhood conservation (SF-3-NCCD) combining district to family residence, neighborhood conservation - Historic (SF-3-H-NCCD) combining district zoning for the property's architectural and historical significance.

HISTORIC LANDMARK COMMISSION ACTION: Recommended the proposed zoning change from single family residence, neighborhood conservation (SF-3-NCCD) combining district to family residence, neighborhood conservation - Historic (SF-3-H-NCCD) combining district zoning for the property's architectural and historical significance.
Vote: 7-0.

PLANNING COMMISSION ACTION: Recommended the proposed zoning change from single family residence, neighborhood conservation (SF-3-NCCD) combining district to family residence, neighborhood conservation - Historic (SF-3-H-NCCD) combining district zoning for the property's architectural and historical significance. Vote: 8-0 (Jackson off dais)..

DEPARTMENT COMMENTS: The house is within the Hyde Park National Register Historic District and was listed as non-contributing due to architectural modifications (vinyl siding). The owners have restored the house so that it is now contributing to the Hyde Park National Register Historic District. It is listed as a Priority 2 (Medium) in the Comprehensive Cultural Resources Survey (1984).

CITY COUNCIL DATE: September 29, 2005

ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Steve Sadowsky

PHONE: 974-6454

NEIGHBORHOOD ORGANIZATION: Hyde Park Neighborhood Association

BASIS FOR RECOMMENDATION:

The ca. 1910 house is over 50 years old, retains a high degree of architectural integrity, and is significant for its architecture and historical associations:

ARCHITECTURE

The ca. 1910 Edgar von Boeckmann House, designed by San Antonio architect Leo Maria Joseph Dielmann (see below), is a fine example of Neo-Classical residential architecture in Austin. The one-and-a-half story wood-frame house has a recessed central entry flanked by two front-facing gables with cutaway corners on both sides, and a flat-roofed portico in between. The door has large sidelights and transoms; the front gables have recessed tympani containing a Palladian window. There is a central gabled dormer and a hipped roof. A long gallery runs along the north (left) side of the house.

While the Neo-Classical style was generally used for large public buildings around the turn of the 20th century, it was also popular for upper middle class houses, and reflected their interest in Classical forms in architecture. The Neo-Classical style is characterized by symmetrical composition, prominent front porticoes or porches with Classical columns, and Palladian windows. While generally executed in brick or stone, it is not uncommon to find wood examples in Texas and the South. The Edgar von Boeckmann House exhibits the symmetry and Classical references characterizing Neo-Classical architecture with its Doric columns and Palladian windows.

The design for the Edgar von Boeckmann House is based upon a house in Seguin, Texas, where Edgar von Boeckmann had lived prior to moving to Austin.

HISTORICAL ASSOCIATIONS

The Edgar von Boeckmann House is located on a tract originally owned by sculptor Elisabet Ney, and just to the east of her home and studio, Formosa, on Waller Creek. **Edgar von Boeckmann** (1851-1918), purchased the property in 1909 and began construction of this house the same year. Born in Germany, von Boeckmann came to Texas with his father, Carl August Friedrich von Boeckmann in 1867 at the age of 16. The family lived in New Braunfels for 10 years, then moved to Austin where the elder von Boeckmann ran several businesses. Edgar's half brothers Eugene and Reinhardt von Boeckmann opened the von Boeckmann-Jones Printing Company in Austin, while Edgar farmed near Geronimo, Guadalupe County. In the 1890s, Edgar established the Geronimo cotton gin, which gained a reputation for being one of the best outfitted gins in the state. He moved to Seguin in 1903, and to Austin in 1909, having turned the gin business over to his sons. Von Boeckmann was instrumental in establishing Texas Lutheran College in Seguin in 1912. He died in 1918, several years after being hit by a streetcar, and was buried in Seguin. His widow Clementine remained in the house until her death in 1924.

The von Boeckmanns chose San Antonio architect **Leo Maria Joseph Dielmann** (1881-1969) to design their Austin home. Dielmann, born in San Antonio, studied architecture

and engineering in Germany. He was especially known for his church designs, and built the Fort Sam Houston Post Chapel, buildings at Our Lady of the Lake University in San Antonio, St. Mary's Catholic Church in Fredericksburg, and other schools, civic buildings, and residences around Texas. This is one of the few known Dielmann houses in Austin.

After Mrs. von Boeckmann's death, the property was sold to Enno Cassens, who remained in the house through the 1920s. Contractor J. Lee Johnston purchased the house in 1929, and maintained it for family members through the early 1940s. Leslie O. and Mary Keeble purchased the property in 1950. Keeble was the manager of Caswell's Austin Gin for many years.

PARCEL NO.: 02200804010000

DEED RECORD: Docket No. 2004130439

LEGAL DESCRIPTION: Lots 13-16 and the south 10.7 feet of Lot 12, Block 1, Hyde Park Addition No. 1.

ANNUAL CITY TAX ABATEMENT: Unknown – the property is not listed in TCAD because it is the home of a federal court judge.

APPRAISED VALUE: Unknown

PRESENT USE: Residence

CONSTRUCTION/DESCRIPTION: One-and-a-half rectangular-plan hipped roof Neo-Classical frame house with central portico; cutaway front bays with front gables each containing a Palladian window in the tympanum; 2:2 fenestration.

CONDITION: Excellent.

PRESENT OWNER

David Christian Smith and Robert Lee Pitman
4401 Avenue H
Austin, Texas 78751

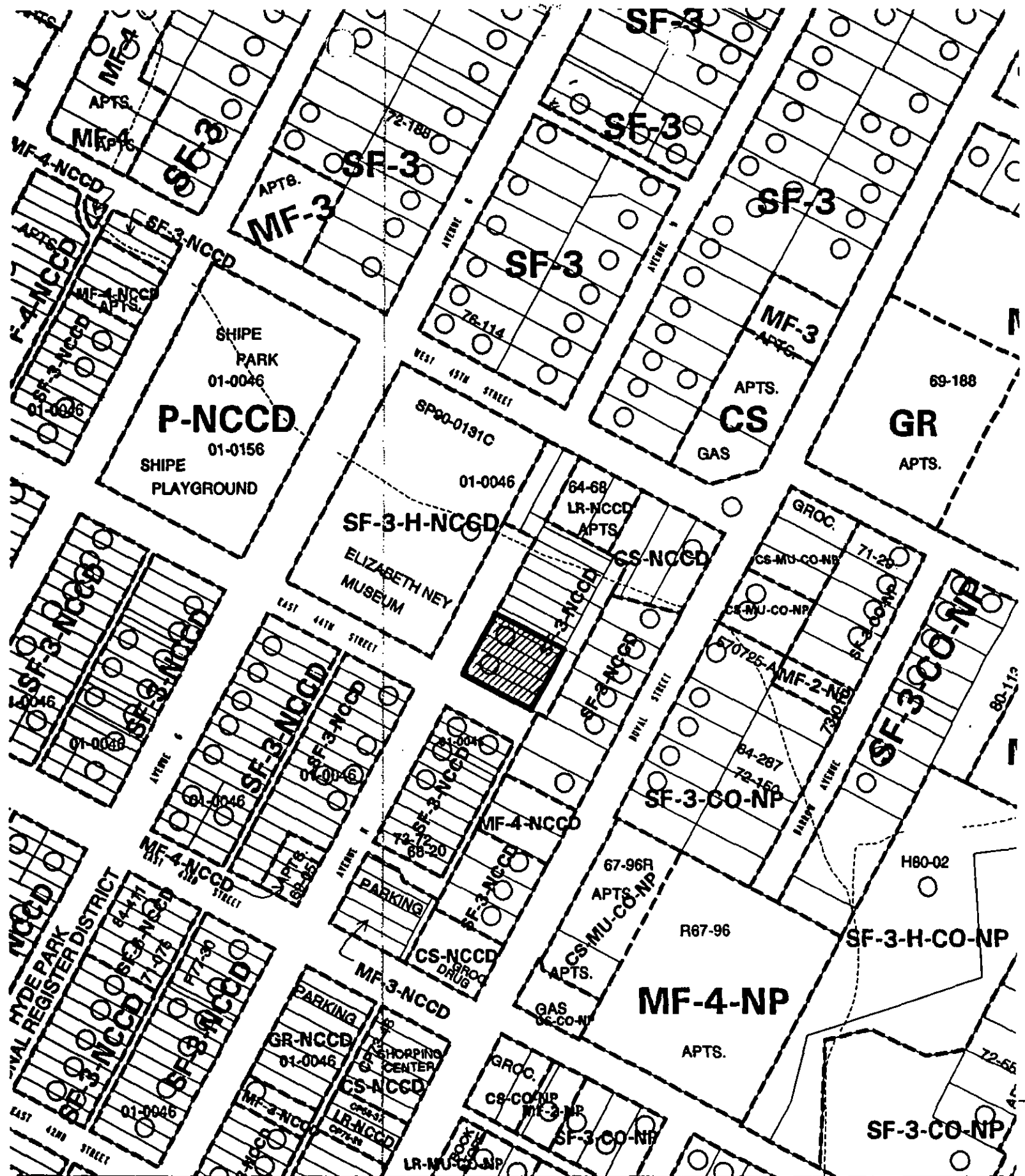
DATE BUILT: ca. 1910





ALTERATIONS/ADDITIONS: The owners have restored the original façade of the house, removing the vinyl siding which covered it for many years, and have re-opened the side gallery. New rear dormer to match front dormer.

ORIGINAL OWNER(S): Edgar von Boeckmann (1909)

OTHER HISTORICAL DESIGNATIONS:

The house is once again contributing to the Hyde Park National Register Historic District after its restoration, and a Priority 2 for preservation in the Comprehensive Cultural Resources Survey (1984).



 1" = 200'	SUBJECT TRACT		HISTORIC ZONING		CITY GRID REFERENCE NUMBER K25
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14H-05-0011	DATE: 05-06	
	CASE MGR: S. SADOWSKY		ADDRESS: 4401 AVENUE H	INTLS: SM	
			SUBJECT AREA (acres): N/A		



A. APPLICATION FOR HISTORIC ZONING

OK to proceed
SS
6-17-05

PROJECT INFORMATION:

Tx: 261759

DEPARTMENTAL USE ONLY	
APPLICATION DATE: <u>6/17/05</u>	FILE NUMBER: <u>C144 05-0011</u>
TENTATIVE HLC DATE: _____	
TENTATIVE FC or ZAP DATE: _____	
TENTATIVE CO DATE: _____	
CASE MANAGER: <u>Steve Seaburn</u>	CITY INITIATED: YES / NO
APPLICATION ACCEPTED BY: <u>SA</u>	ROLLBACK: YES / NO

BASIC PROJECT DATA:

1. OWNER'S NAME: <u>DAVID CHRISTIAN SMITH & JUDGE ROBERT LEE PITMAN</u>	
2. PROJECT NAME: <u>VON BOECKMANN - KEEBLE HOUSE</u>	
3. PROJECT STREET ADDRESS (or Range): <u>4401 AVENUE H</u>	
ZIP: <u>78751</u>	COUNTY: <u>TRAVIS</u>
IF PROJECT ADDRESS CANNOT BE DEFINED ABOVE:	
LOCATED _____ FRONTAGE FEET ALONG THE <u>N. S. E. W.</u> (CIRCLE ONE) SIDE OF	
(ROAD NAME PROPERTY FRONTS ONTO), WHICH IS	
APPROXIMATELY _____	DISTANCE FROM ITS
INTERSECTION WITH _____	CROSS STREET.

AREA TO BE REZONED:

4. ACRES	<u>0.358</u>	(OR)	SQ.FT.	_____	
5. ZONING AND LAND USE INFORMATION:					
EXISTING ZONING	EXISTING USE	TRACT# (IF MORE THAN 1)	ACRES / SQ. FT.	PROPOSED USE	PROPOSED ZONING
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RELATED CURRENT CASES:

6. ACTIVE ZONING CASE?	(YES / NO)	FILE NUMBER:	_____
7. RESTRICTIVE COVENANT?	(YES / NO)	FILE NUMBER:	_____
8. SUBDIVISION?	(YES / NO)	FILE NUMBER:	_____
9. SITE PLAN?	(YES / NO)	FILE NUMBER:	_____

PROPERTY DESCRIPTION (SUBDIVISION REFERENCE OR METES AND BOUNDS):

10a. SUBDIVISION REFERENCE: Name: Hyde Park Addn. No 1
Block(s) 1 Lot(s) 13-14 + 3.10.7' outlot(s)
Plat Book: 1 Page Block 12
Number: _____
10b. METES AND BOUNDS (Attach two copies of certified field notes if subdivision reference is not available or zoning includes partial lots)

DEED REFERENCE CONVEYING PROPERTY TO PRESENT OWNER AND TAX PARCEL I.D.:

INSTRUMENT # 2004130439
11. VOLUME: _____ PAGE: _____ TAX PARCEL I.D. NO. _____

OTHER PROVISIONS:

12. IS PROPERTY IN A ZONING COMBINING DISTRICT / OVERLAY ZONE? YES / NO
TYPE OF COMBINING DIST/OVERLAY ZONE (NCCD, NP, etc) HYDE PARK
13. LOCATED IN A LOCAL OR NATIONAL REGISTER HISTORIC DISTRICT? YES / NO
14. IS A TIA REQUIRED? YES / NO (NOT REQUIRED IF BASE ZONING IS NOT CHANGING)
TRIPS PER DAY: _____
TRAFFIC SERIAL ZONE(S): _____

OWNERSHIP TYPE:

15. ☒ SOLE ☐ COMMUNITY PROPERTY ☐ PARTNERSHIP ☐ CORPORATION ☐ TRUST
If ownership is other than sole or community property, list individuals/partners/principals below or attach separate sheet.

OWNER INFORMATION:

16. OWNER CONTACT INFORMATION
SIGNATURE: [Signature] NAME: ROBERT PITMAN
FIRM NAME: _____ TELEPHONE NUMBER: 916-5679
STREET ADDRESS: 4401 AVENUE H
CITY: AUSTIN STATE: TX ZIP CODE: 78751
EMAIL ADDRESS: AUSTIN.PITMAN@YAHOO.COM

AGENT INFORMATION (IF APPLICABLE):

17. AGENT CONTACT INFORMATION
SIGNATURE: _____ NAME: _____
FIRM NAME: _____ TELEPHONE NUMBER: _____
STREET ADDRESS: _____
CITY: _____ STATE: _____ ZIP CODE: _____
CONTACT PERSON: _____ TELEPHONE NUMBER: _____
EMAIL ADDRESS: _____

DEPARTMENTAL USE ONLY: _____

D. SUBMITTAL VERIFICATION AND INSPECTION AUTHORIZATION

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.

David C. Smith Robert L. Pitman 4.7.05
Signature Date

David C. Smith Robert L. Pitman 4.7.05
Name (Typed or Printed)

Firm (If applicable)

INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.

David C. Smith Robert L. Pitman 4.7.05
Signature Date

David C. Smith Robert L. Pitman
Name (Typed or Printed)

Firm (If applicable)

E. ACKNOWLEDGMENT FORM

concerning
Subdivision Plat Notes, Deed Restrictions,
Restrictive Covenants
and / or
Zoning Conditional Overlays

I, DAVID SMITH / ROBERT PIRMAN have checked for subdivision plat notes, deed restrictions,

(Print name of applicant)

restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at

4401 AVENUE H

(Address or Legal Description)

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlay information which may apply to this property.

David C Smith / Robert Pirman
(Applicant's signature)

4.7.05
(Date)

TAX CERTIFICATE
Nelda Wells Spears
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

NO 119949

ACCOUNT NUMBER: 02-2008-0401-0000

PROPERTY OWNER:

SMITH DAVID CHRISTIAN &
ROBERT LEE PITMAN
4401 AVENUE H
AUSTIN, TX 78751

PROPERTY DESCRIPTION:

LOT 13-16 * & S10.7FT OF
LOT 12 BLK 1
HYDE PARK ADDN NO 1
PLUS 26X111.4
Consult Deed For Remainder Of Desc.
ACRES 0.000 MIN% .00000 TYPE

SITUS INFORMATION: 004401 AVENUE H 00000

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2004	AUSTIN ISD	*ALL PAID*
	CITY OF AUSTIN (TRAV)	*ALL PAID*
	TRAVIS COUNTY	*ALL PAID*
	HOSPITAL DISTRICT	*ALL PAID*
	ACC (TRAVIS)	*ALL PAID*
TOTAL SEQUENCE 0		*ALL PAID*
TOTAL TAX:		*ALL PAID*
UNPAID FEES:		* NONE *
INTEREST ON FEES:		* NONE *
COMMISSION:		* NONE *
TOTAL DUE ==>		*ALL PAID*

TAXES PAID FOR YEAR 2004 \$4,109.28

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2004 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

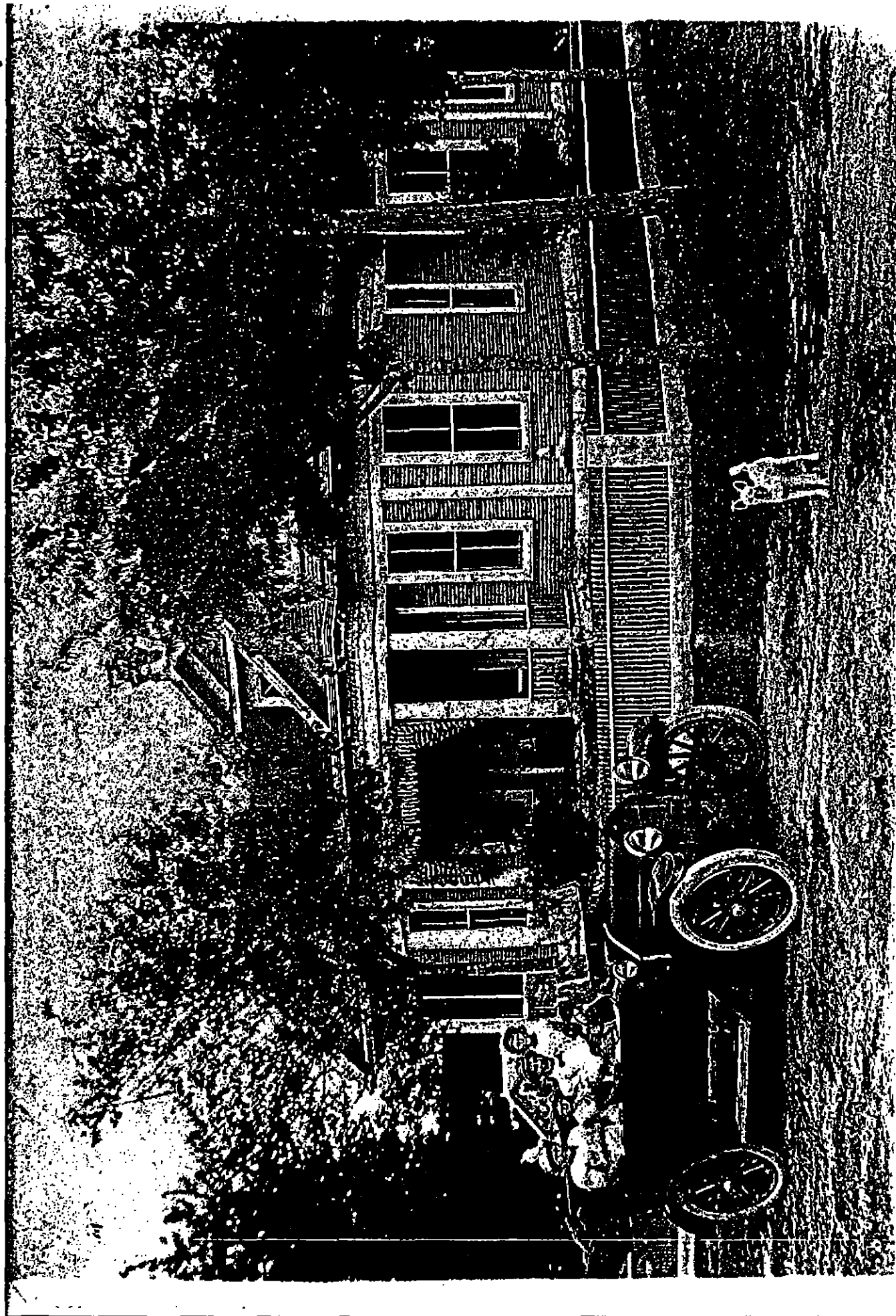
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 04/08/2005

Fee Paid: \$10.00

Nelda Wells Spears
Tax Assessor-Collector

By: *Donna Herrera*





Boeckmanfamilyhome1 (Converted) (1056x736x24 QuickDraw)



**TEXAS
HISTORICAL
COMMISSION**

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

February 10, 2005

Peter Flagg Maxson
Architectural Historian
601 W. 14th Street
Austin, Texas 78701

RE: Boeckmann-Keeble House, 4401 Avenue H, Austin, Travis County, Texas

Dear Mr. Maxson:

This letter serves as confirmation that the Boeckmann-Keeble House, 4401 Avenue H, in Austin, Travis County, is a contributing property in the Hyde Park Historic District, which was listed in the National Register of Historic Places in 1990.

The house was classified as "noncontributing" at the time of the nomination because it was covered in synthetic siding. This siding, however, has been removed and the original porch configurations have been restored, and now the house now stands as a very significant landmark in the district. We commend the owners of the Boeckmann-Keeble House for their excellent work, and encourage them to pursue local landmark designation.

Thank you for your interest in the preservation of Texas' rich heritage.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Smith".

Gregory W. Smith
National Register Coordinator

CITY OF AUSTIN HISTORIC RESOURCE SURVEY

TEXAS HISTORIC SITES INVENTORY FORM — TEXAS HISTORICAL COMMISSION (rev. 8-82)

1. County Travis TRA
AU 5. USGS Quad No. 3097-242 Site No. K-25-111
 City/Rural Austin UTM Sector _____
 2. Name _____ 6. Date: Pictorial _____ Est. 1910
 Address 4401 Ave. H 7. Architect/Builder _____ Contractor _____
 3. Owner _____ 8. Style/Type _____
 Address _____ 9. Original Use _____
 4. Block/Lot _____ Present Use _____
 10. Description 1 story frame residence

 11. Present Condition _____
 12. Significance _____

 13. Relation to Site: Moved Date _____ or Original Site (describe) _____

14. Bibliography _____ 15. Informant _____
 16. Recorder HMM Date Jan-Mar 84

DESIGNATIONS

PHOTO DATA

TNRIS No. _____ Old THC Code _____
☐ RTHL ☐ HABS (no.) TEX _____
 NR: ☐ Individual ☐ Historic District
☐ Thematic ☐ Multiple-Resource
 NR File Name _____
 Other AHS, THC

8&W 4x5s _____ Slides _____
 35mm Negs. _____

YEAR	DRWR	ROLL	FRME
		37	27

ROLL	FRME

to
to
to

Tax Parcel # _____
 Original Owner _____

PHYSICAL CONDITION:

	Good	Fair	Poor
Structure	_____	_____	_____
Grounds	_____	_____	_____
Neighborhood	_____	_____	_____

PRESERVATION INDEX:

_____ City Zoning
2 Priority Research

COMMENTS:

ARCHITECTURAL SIGNIFICANCE:

Outstanding _____ Excellent _____
 Significant _____ Contributory _____

(Photo)

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14H-05-0011

Contact: Steve Sadowsky, (512) 974-6454

Public Hearing:

July 18, 2005 Historic Landmark Commission

Cynthia Shilwardine Katherine

Your Name (please print)

4309 Avenue H

Your address(es) affected by this application

4309 Avenue H

Signature

Date

Comments: we strongly support this rezoning change.

7/4/05



If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Steve Sadowsky

P. O. Box 1088

Austin, TX 78767-8810

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY GENERALLY KNOWN AS THE EDGAR VON BOECKMANN
3 HOUSE, LOCATED AT 4401 AVENUE H IN THE HYDE PARK
4 NEIGHBORHOOD AREA FROM FAMILY RESIDENCE NEIGHBORHOOD
5 CONSERVATION (SF-3-NCCD) COMBINING DISTRICT TO FAMILY
6 RESIDENCE-HISTORIC-NEIGHBORHOOD CONSERVATION (SF-3-H-NCCD)
7 COMBINING DISTRICT.

8
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10
11 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
12 change the base district from family residence-neighborhood conservation (SF-3-NCCD)
13 combining district to family residence-historic-neighborhood conservation (SF-3-H-
14 NCCD) combining district on the property described in Zoning Case No. C14H-05-0011,
15 on file at the Neighborhood Planning and Zoning Department, as follows:

16
17 The south 10.7 feet of Lot 12 and all of Lots 13, 14, 15, and 16, Block 1, Hyde
18 Park Addition, a subdivision in the City of Austin, Travis County, Texas,
19 according to the map or plat of record in Plat Book 1, Page 67, of the Plat Records
20 of Travis County, Texas (the "Property"),

21
22 generally known as the Edgar von Boeckmann House, locally known as 4401 Avenue H, in
23 the City of Austin, Travis County, Texas, and generally identified in the map attached as
24 Exhibit "A".

25
26 PART 2. Except as otherwise provided in this ordinance, the Property is subject to
27 Ordinance No. 020131-20 that established the Hyde Park neighborhood conservation
28 combining district.
29
30
31
32
33
34
35
36
37

1 **PART 3.** This ordinance takes effect on _____, 2005.
2
3

4 **PASSED AND APPROVED**
5

6 _____, 2005
7
8

§
§
§

Will Wynn
Mayor

9
10
11
12 **APPROVED:**

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk

