

Late Backup

Together we, Charles & Christine Boes, are the owners of the private property located at 408 E33 St, Austin 78705. On March 11, 2010, we filed an application for demolition of the current structure to enable us to build our single family five star energy-rated retirement home on this city conforming lot. We oppose the designation of the current structure as a historical landmark. We agree with the staff recommendations and the action of the Planning Commission that this structure does not meet the criteria for individual designation as a historic landmark.

We ask that the City Council deny the Historic Landmark Commission's recommendation for a zoning change to historic, and request that the demolition permit be released.

- This structure/private property is NOT in a Local Historic District (Staff report)
- This house is NOT listed in the Comprehensive Cultural Resources Survey, 1984 (Staff report)
- This structure is NOT located in any historical designation (Staff report)
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Brief Chronology of proceedings

- 1/ Application for demolition permit filed March 11, 2010
- 2/ Hearing on April 26, 2010 before Historic Landmark Commissioners resulted in initiation of historic zoning on a 7-0 vote
- 3/ As owners, we filed a valid petition with the city's preservation officer Steve Sadowsky opposing the historic zoning designation
- 4/ Hearing on May 24, 2010 before Historic Landmark Commission. City staff's recommendation indicates that structure does not qualify as a historic landmark. Commissioners voted 5-1 recommending a zoning change to historic.

This vote is ineffective & violates the Bylaws of the Historic Landmark Commission Article 7, Section H, which reads in part

"to be effective ... where a vote to recommend historic zoning of a property over the wishes of the property owner, requires the affirmative vote of at least six members of the board"

The demolition permit should be released without any further action by any City department, Commission, Board or Council.

5/ The Planning Commission hearing scheduled for July 13, 2010 was postponed to allow additional research by staff. The zoning change review sheet submitted at the July 13, 2010 meeting included the previous staff recommendation that the structure does not meet the criteria for individual designation as a historic landmark.

6/ At the Planning Commission hearing dated July 27, 2010, the Commission voted 5-3 in support of the staff recommendation against the historic zoning change. At this same public hearing, Commissioner Dealey requested the owner to contact her to obtain names of individuals/entities that would be interested in moving the structure. On July 29, 2010, owner contacted Commissioner Dealey, agreeing to work with an individual identified by the Commissioner who was interested in moving the structure. This person has now inspected the structure and obtained confirmation from a house moving company that the structure can be moved. The person has agreed to move the structure once the city review of this matter is completed.

7/ This matter is now slated for a public hearing before the City Council on August 19, 2010, Item 61. As owners, we request that historic zoning be denied, and that the demolition permit be issued.

We, Charles & Christine Boes, are willing to meet with each of you any day prior to the City Council meeting this week to discuss the matter.

Sincerely,
Charles & Christine Boes
Owners, 408 E33 St, Austin 78705

Reference: Sent by email to Mayor Leffingwell & Council Members, City of Austin, on August 15, 2010, regarding August 19, 2010 Council Agenda Item 61: C14H-2010-0016