

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

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

MIN. LOT SIZE - PROPERTY WAS PLATTED IN 1913 + NEVER REPLA
REAR SETBACK - BUILDING FOOTPRINT IS EXISTANCE SINCE 1912

HARDSHIP:

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

PROPERTY AND BUILDING EXISTED PRIOR TO CITY OF
AUSTIN ZONING ORDINANCE THAT CREATED NON-COMPLIAN

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

UNFORTANTLEY, HARDSHIP IS GENERAL TO CLARKSVILLE
AREA SINCE THERE ARE OTHER PROPERTIES IN AREA
NON-COMPLIANT DUE TO CITY ADOPTED REGULATIONS
AREA CHARACTER: AFTER NEIGHBORHOOD WAS COMPLETED

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:

PROPERTY AND BUILDINGS ALREADY IN EXISTANCE
FOR NEARLY 100 YEARS AND ADJACENT OWNERS SUPPOR
VARIANCES.

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:

CURRENT 70' LONG CONCRETE PARKINGS STRIPS
ARE ADEQUATE FOR PARKING REQUIREMENT, HAVE
BEEN IN EXISTANCE BEFORE CITY PARKING
REGULATIONS AND VARIANCE TO REDUCE PARKING
REQUIREMENT FROM 3 TO 2 SPACES WILL NOT
REDUCE CURRENT EXISTING PARKING CONFIGURATI

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:

GRANTING VARIANCE WILL REDUCE PARKING ON PUBLIC STREET SINCE MORE THAN 3 CARS PARK ON EXISTING PARKING STRIPS WITH NO STREET PARKING.

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

IF VARIANCE NOT GRANTED, THEN 3RD VEHICLE WILL BE FORCED TO PARK ON PUBLIC STREET INCREASING SAFETY HAZARD.

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

THE ONE PARKING SPACE REDUCTION WILL RUN WITH CURRENT MULTIFAMILY USE. IF MORE UNITS ADDED, CITY APPROVAL WOULD REQUIRE MORE PARKING SPACES.

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

FRIE PLANNING & DEVELOPMENT CONCEPTS
Mail Address 1921 LOHMANS CROSSING #100

City, State & Zip LAKEWAY, TX 78734

Printed ROSS FRIE, AICP Phone 925-2562 Date 8/11/11

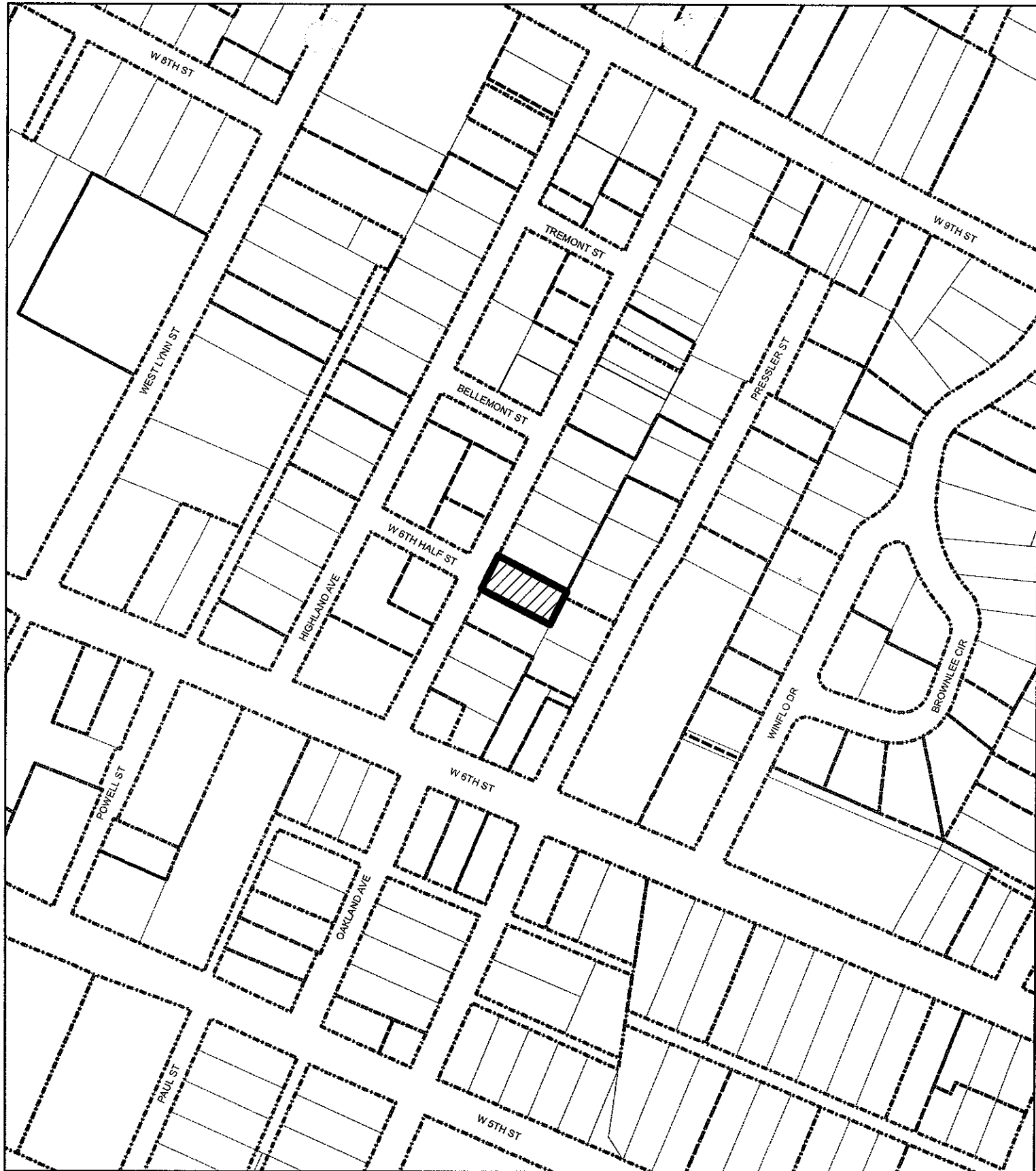
OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed

John M. Barkley Mail Address 3117 Guadalupe

City, State & Zip AUSTIN TX 78705

Printed John M. Barkley Phone 512 472 2123 Date 8/12/11



SUBJECT TRACT



ZONING BOUNDARY

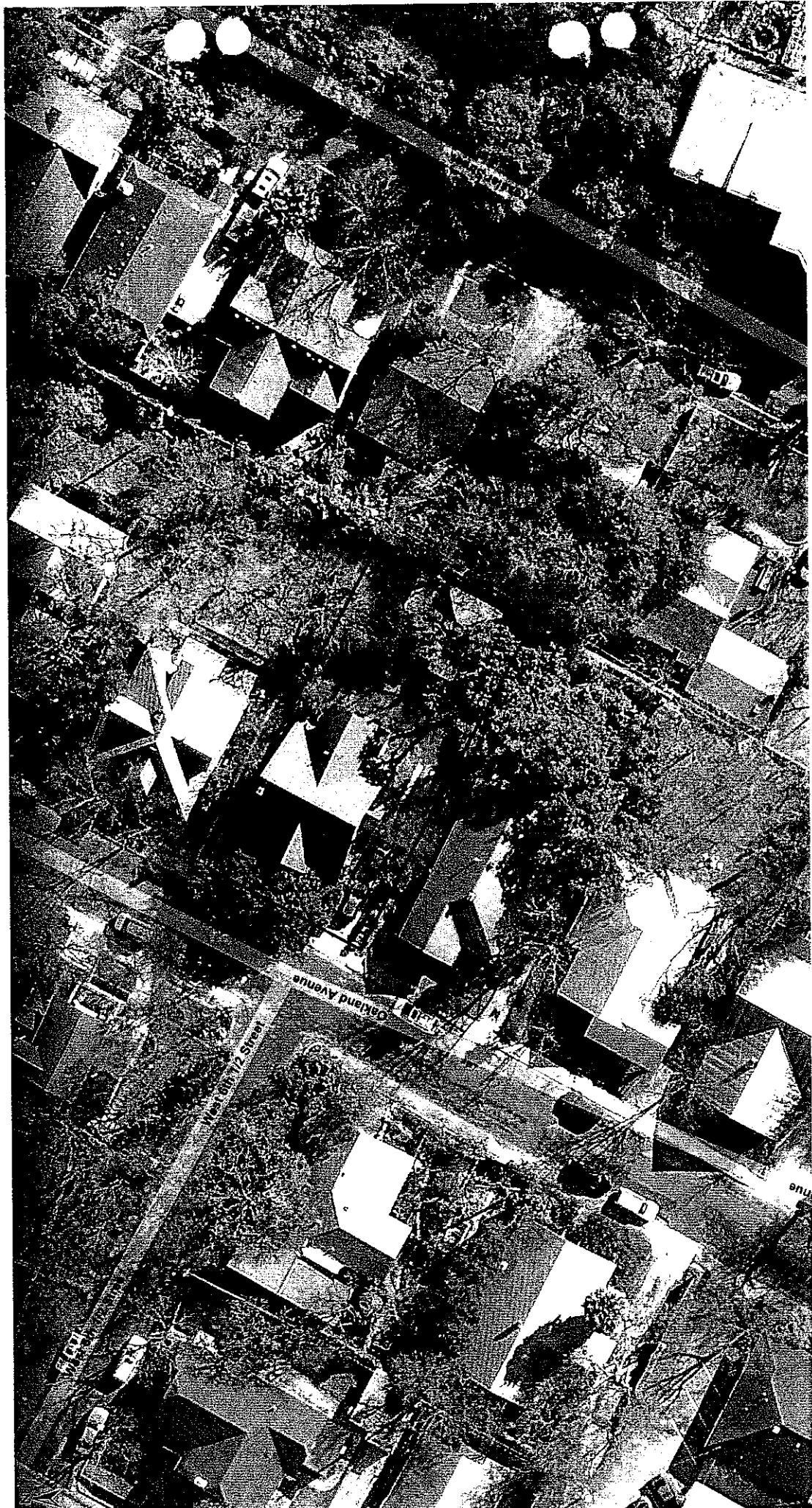
BOARD OF ADJUSTMENTS

CASE#: C15-2011-0104
 LOCATION: 609 OAKLAND AVE
 GRID: H23
 MANAGER: SUSAN WALKER

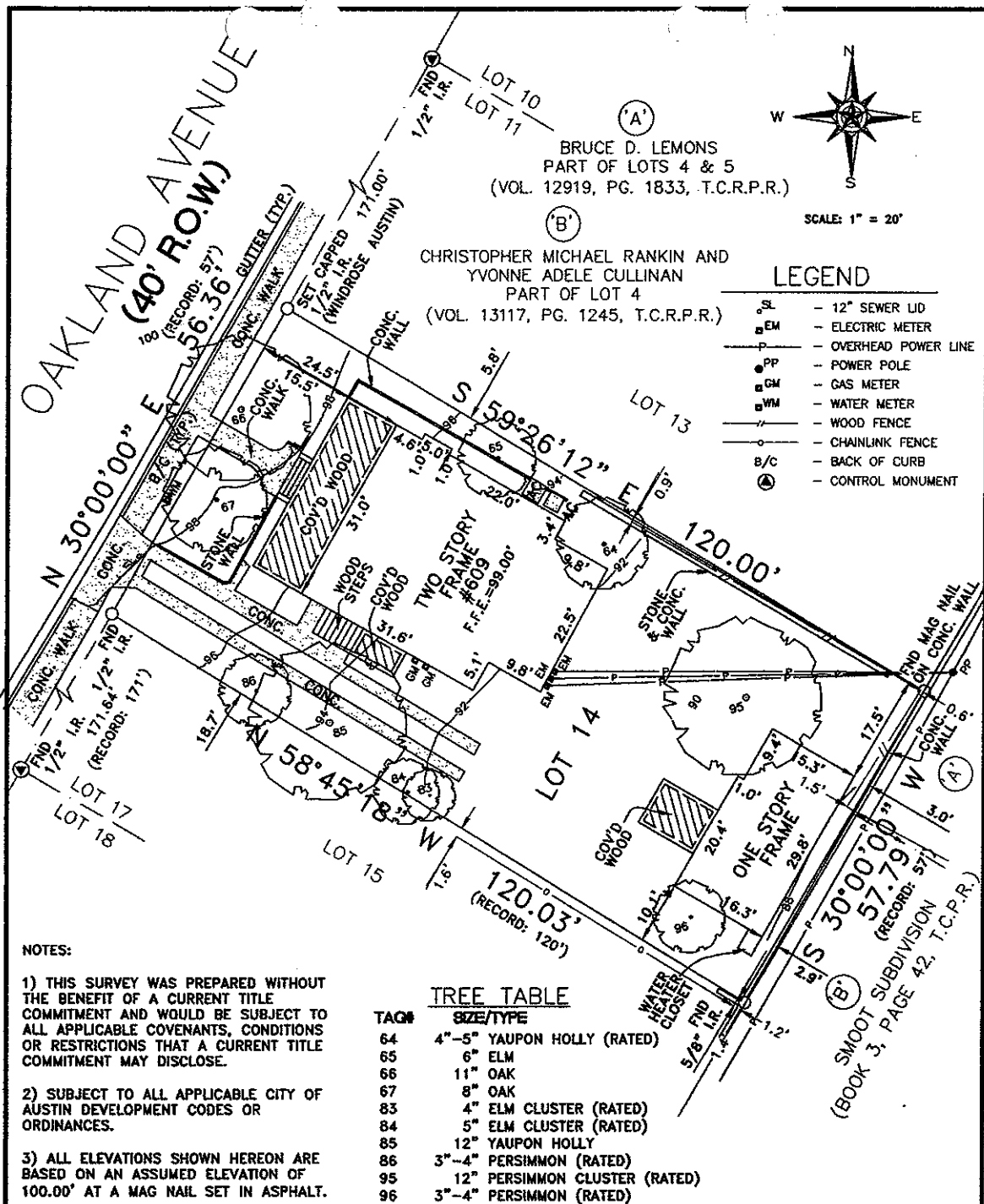


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







NOTES:


- 1) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND WOULD BE SUBJECT TO ALL APPLICABLE COVENANTS, CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE COMMITMENT MAY DISCLOSE.
- 2) SUBJECT TO ALL APPLICABLE CITY OF AUSTIN DEVELOPMENT CODES OR ORDINANCES.
- 3) ALL ELEVATIONS SHOWN HEREON ARE BASED ON AN ASSUMED ELEVATION OF 100.00' AT A MAG NAIL SET IN ASPHALT.

ALL BEARINGS ARE BASED ON AN ASSUMED BEARING OF N 30°00'00" E ALONG THE EAST RIGHT-OF-WAY OF OAKLAND AVENUE. ALL EASEMENTS AND BUILDING LINES ARE BASED ON THE RECORDED PLAT, UNLESS OTHERWISE NOTED. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN GF NO. -

SURVEY OF
LOT 14, BLOCK "A", TERRACE PARK, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 2, PAGE 242, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X(UNSHADED)" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480624 0445 H, REVISED SEPTEMBER 28, 2008. FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

CLIENT	BARKLEY HOUSES	LENDER CO.	-
ADDRESS	609 OAKLAND AVENUE, AUSTIN, TEXAS 78703	TITLE CO.	-



Windrose Land Services Austin
4120 Commercial Center Dr.
Suite 300
Austin, Texas 78744
TEL (512) 326-2100 FAX (512) 326-2770
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I do hereby certify that this survey was this day made on the ground and that this plat correctly represents the property legally described hereon (or on attached sheet). That the facts found at the time of this survey show the improvements and that there are no encroachments apparent on the ground, except as shown.

FIELD WORK	05/09/11	RW	DRAFTED BY	05/11/11	MT	CHECKED BY	05/13/11	RW
REVISION	-	-	-			MAPSCO PAGE		JOB NO.
REVISION	-	-	-			584 Q		24637



City of Austin

Austin's Community-Owned Electric Utility

www.austinenenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

August 11, 2011

Ross Frie
1921 Lohman's Crossing, Suite 100
Austin, Texas 78734
ross@frieppdc.com

Re: 609 Oakland Avenue
Lot 14 Blk A OLT 3 DIV Z Terrace Park

Dear Mr. Frie,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the rear setback from 10 feet to 1.5 feet in order to maintain an existing structure as shown on the attached red-stamped sketch. This request is approved by AE provided owner/applicant meets AE clearance criteria requirements as well as be in compliance with the National Electric Safety Code and OSHA with any existing or future improvements.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

Sincerely,



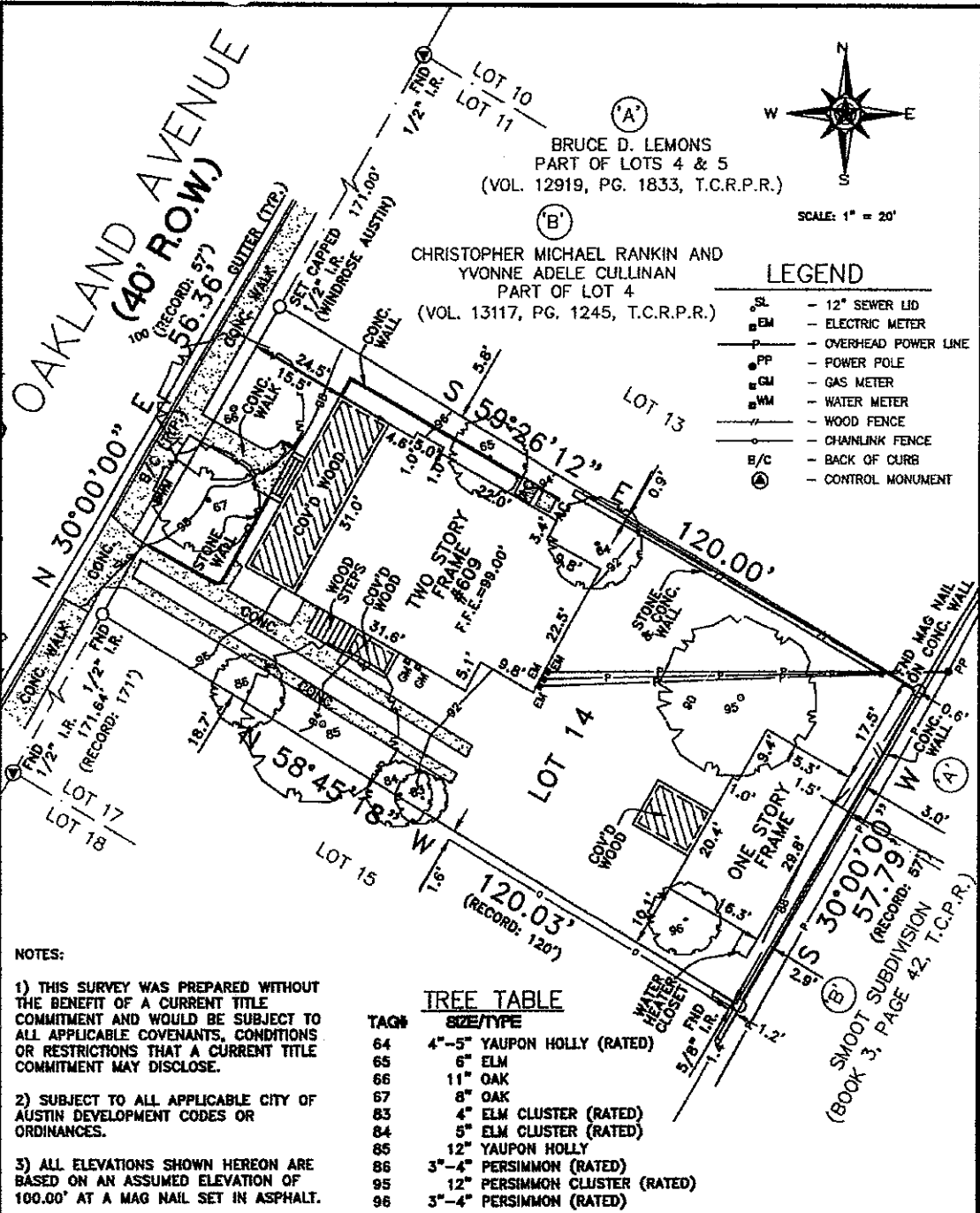
Lena Lund

Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

AUSTIN ENERGY
for
 8-11-11

Austin Energy has reviewed the plan for
 and approved the same for the various requests before the Board of Adjustment. Any changes to
 this plan must be approved by Austin Energy.



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CLIENT	BARKLEY HOUSES	LENDER CO.	-
ADDRESS	609 OAKLAND AVENUE, AUSTIN, TEXAS 78703	TITLE CO.	-

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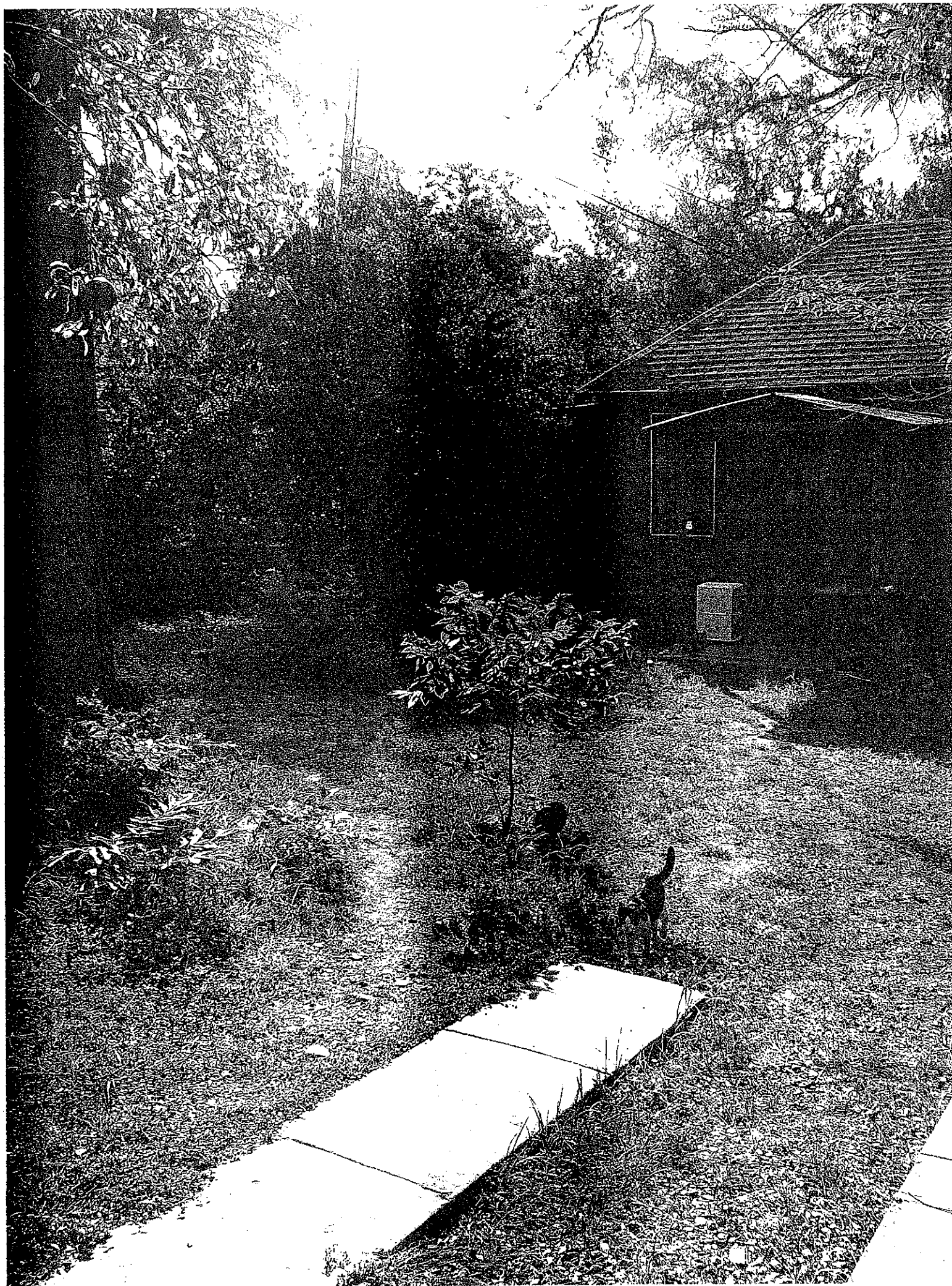
I do hereby certify that this survey was this day made on the ground and that this plot correctly represents the property legally described hereon (or on attached sheet). That the facts found at the time of this survey show the improvements and that there are no encroachments apparent on the ground, except as shown.

FIELD WORK	05/08/11	RW	DRAFTED BY	05/11/11	MT	CHECKED BY	05/13/11	RW
REVISION	-	-	-	-	-	MAPSCO PAGE	JOB NO.	-
REVISION	-	-	-	-	-	584 Q	24637	-

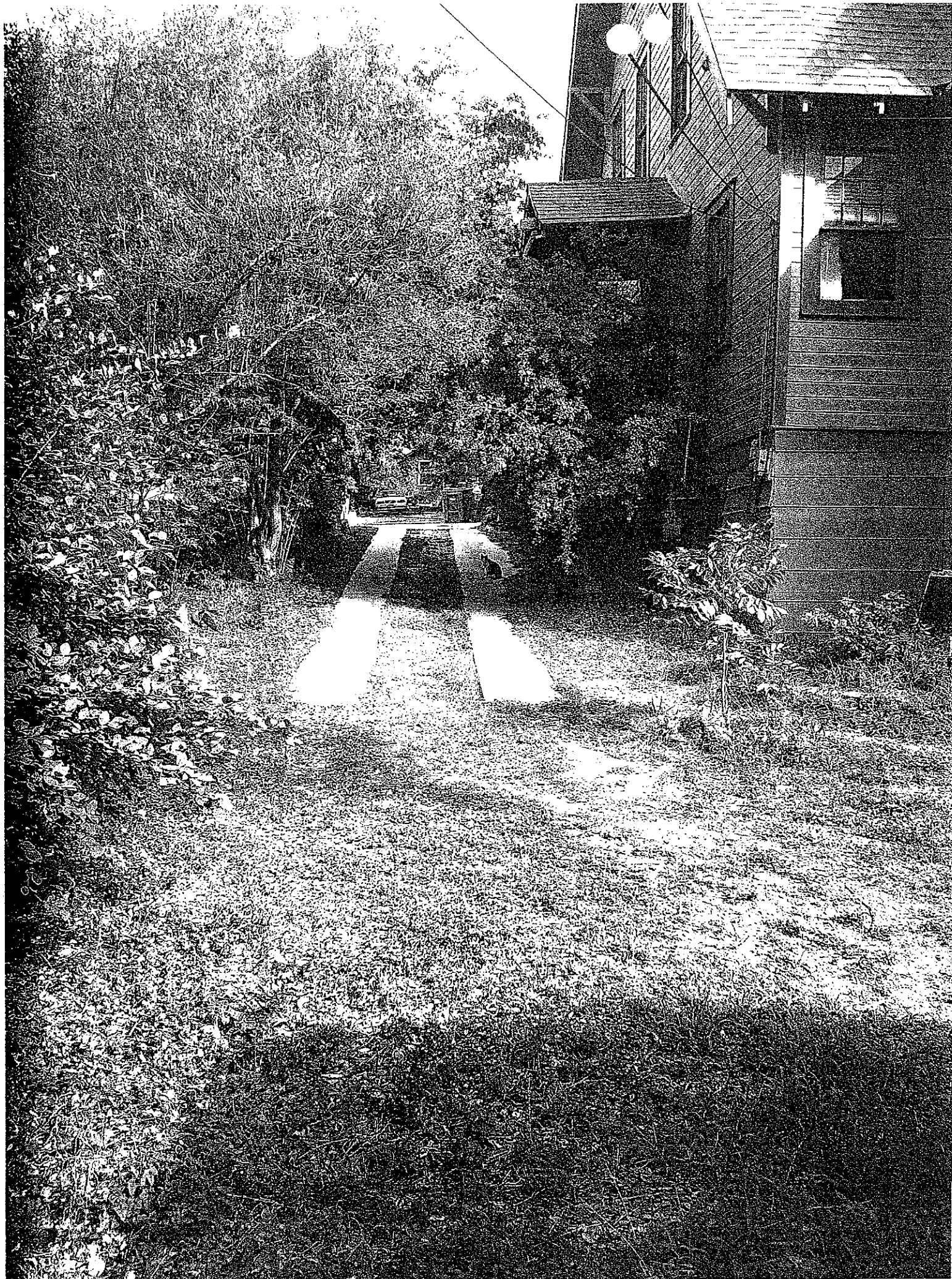
NEIGHBORHOOD ZONING MAP

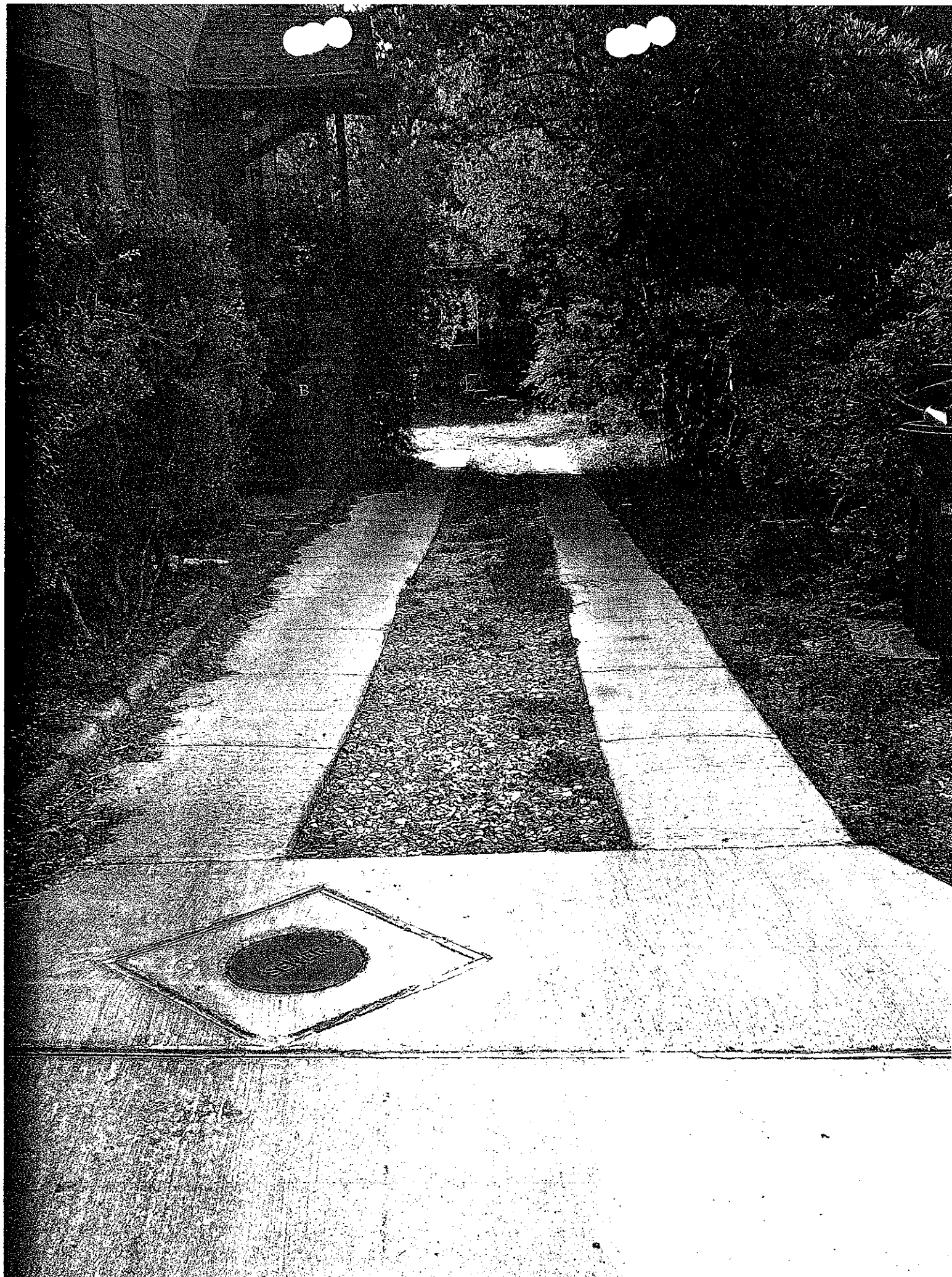


[illegible]









August 3, 2011

To City of Austin,

I own the property at 611 Oakland Avenue, which is adjacent to 609 Oakland Avenue, the multi-family property, owned by John Barkley. I have been a neighbor to Mr. Barkley for as long as he has owned the property. I am writing this statement to inform you that I am familiar with the two structures on the property. I know that the rear structure serves as an affordable efficiency studio and I appreciate that Austin has affordable housing options for renters wanting to live and work in the downtown areas. In addition, his property is similar to many other properties in our unique character Clarksville neighborhood.

I have no issues with the existing non conforming structures continuing there as they have been for decades and I further offer my support to Mr. Barkley's efforts to request the City of Austin allow him to continue his rental business to offer affordable housing options and /or studio space to citizens of Austin. I also applaud Mr. Barkley's efforts to work with City to bring the multi-family property into near compliance while allowing the rental units to continue. I've been witnessing his renovations and improvements over past few months while working with City Planners and Inspectors to address all their code regulation concerns to improve the living conditions of the front structure.

In summary, I fully support the existing rental units at 609 Oakland Avenue and I am requesting the City of Austin Board of Adjustments grant Mr. Barkley's variances so he may continue to offer affordable housing options so desperately needed in Austin and especially the downtown area.

Sincerely,

A handwritten signature in black ink, appearing to read "David Smith", written over a horizontal line.

David Smith

611 Oakland Avenue

Austin, Texas 78705

