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setback requirements. Most of these buildings were in existence prior to the City's adoption of subdivision and zoning ordinances thereby, creating the non-conforming structures.

Plus, a much newer 700 sf 3-story rear living unit located at 701 Oakland Ave, completed in 2003, located behind the main living unit, also encroaches the rear yard setback and is located on a 6,824 sf lot zoned MF-4. The City allowed this building which sets a precedent for others to build similar new buildings. However, we are just requesting variance approval to maintain an existing condition that has been there for past 30 years.

Lastly, we have reviewed all the letter s in opposition to the rear setback variance request and believed the neighbors didn't quite understand the variance request they received in mail so we met with neighborhood association on Oct 8<sup>th</sup> to explain the rear setback variance. Our request was not a variance to build a new living unit but to allow the existing living unit that has been there for decades which has never been opposed by the neighbors since its existence.

#### **Stacked Parking Variance**

The property has existing 70' long concrete parking strips sufficient for compliance with LDC Section 25-6 Appendix A, which requires for 1.5 spaces/unit for the 2 one-bedroom multifamily units and 1 space/unit for an efficiency multifamily unit minus the urban core reduction of 20%, which requires a total of three parking spaces. According to Table 9-1, required parking spaces are 9' x 17' 6". Therefore, three spaces is 9' x 53' and we are in compliance with parking requirements. However, the issue is that MF-4 only allows 2 parking space stacking. We completed a parking analysis of neighborhood along Oakland Ave and discovered there in no uniformity in the existing parking in area. The properties range from no off-street parking, caliche and gravel driveways, 3 car stacked driveways or parking strips, 2 car parking strips, 1 car concrete driveway with one car garage, 1 car parking strip with carport and standard concrete driveways. The majority of these various driveway configurations allow ample parking for the residents. Since same situation as ours currently exists in the neighborhood, we applied for a waiver from City of Austin Transportation Reviewer Amber Mitchell on August 10<sup>th</sup>, but she would not grant a waiver for a three tandem parking queue and stated we would have to request a variance.

Therefore, since most driveways in neighborhood are non-conforming according to City regulations, we are only requesting a variance to the stacking requirement as ample parking exists on-site to meet City parking spaces requirements. Granting the variance will not increase traffic volumes, will keep all parking on-site, actually decrease parking on public streets and will not create a safety hazard. It will run with land use which is a permitted multi-family use. In addition, when the City of Austin adopted their subdivision regulations and zoning ordinance with a maximum 2 parking space stacking requirement, it created the unreasonable use and hardship so granting this variance does not alter the character of the property or area since this 70' concrete parking strips have been located there for decades and none of the neighbors oppose the stacking requirement and many lots in the neighborhood has the similar situation. This driveway has been in existence prior to the City's adoption of subdivision and zoning ordinances thereby, creating the non-conforming parking requirement.

A Land Planning, Engineering and  
Real Estate Development Services Firm

[www.friepdc.com](http://www.friepdc.com)

Frie Planning & Development




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Lastly, we have reviewed all the letters in opposition to the variance request and believed the neighbors didn't quite understand the variance request they received in mail so we have met with neighborhood association on Oct 8<sup>th</sup> to explain the parking variance. They actually oppose more on-street parking which granting this variance to the 3 car stacked driveway actually addresses and satisfies their concern by allowing all 3 required cars to park on-site on the existing parking strips that has been there for decades. Not approving this variance means one of the three existing cars will be forced to park on the street which is exactly what the neighbors are opposed to.

Thank you for your time, consideration and we look forward to presenting our case to you on November 14<sup>th</sup> in hopes for a favorable ruling to allow what has already existed for decades continue while we work to bring the property into compliance with City of Austin codes and ordinances.

Sincerely,



Ross Frie, AICP  
President

## Ross Frie

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**From:** John Barkley [barkley@barkleyhouses.com]  
**Sent:** Saturday, October 29, 2011 9:10 AM  
**To:** crankin@bigcheckfactory.com  
**Cc:** yvonne@bigcheckfactory.com; 'Ross Frie'  
**Subject:** 609 Oakland FW: Pics for you and John of the studio when it was built

Some additional context, as it were. Jb

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**From:** aimee bobruk [mailto:[aimeebobruk@aimeebobruk.com](mailto:aimeebobruk@aimeebobruk.com)]  
**Sent:** Wednesday, August 17, 2011 10:06 AM  
**To:** Medora Barkley  
**Subject:** Pics for you and John of the studio when it was built

Medora and John:

So it turns out I met Tom Athey--the guy who built the studio in 1982.  
I was getting out of my car and he happened to be on his bike.  
He sent me these pics.

I've included his e-mail below:

Hi Aimee,

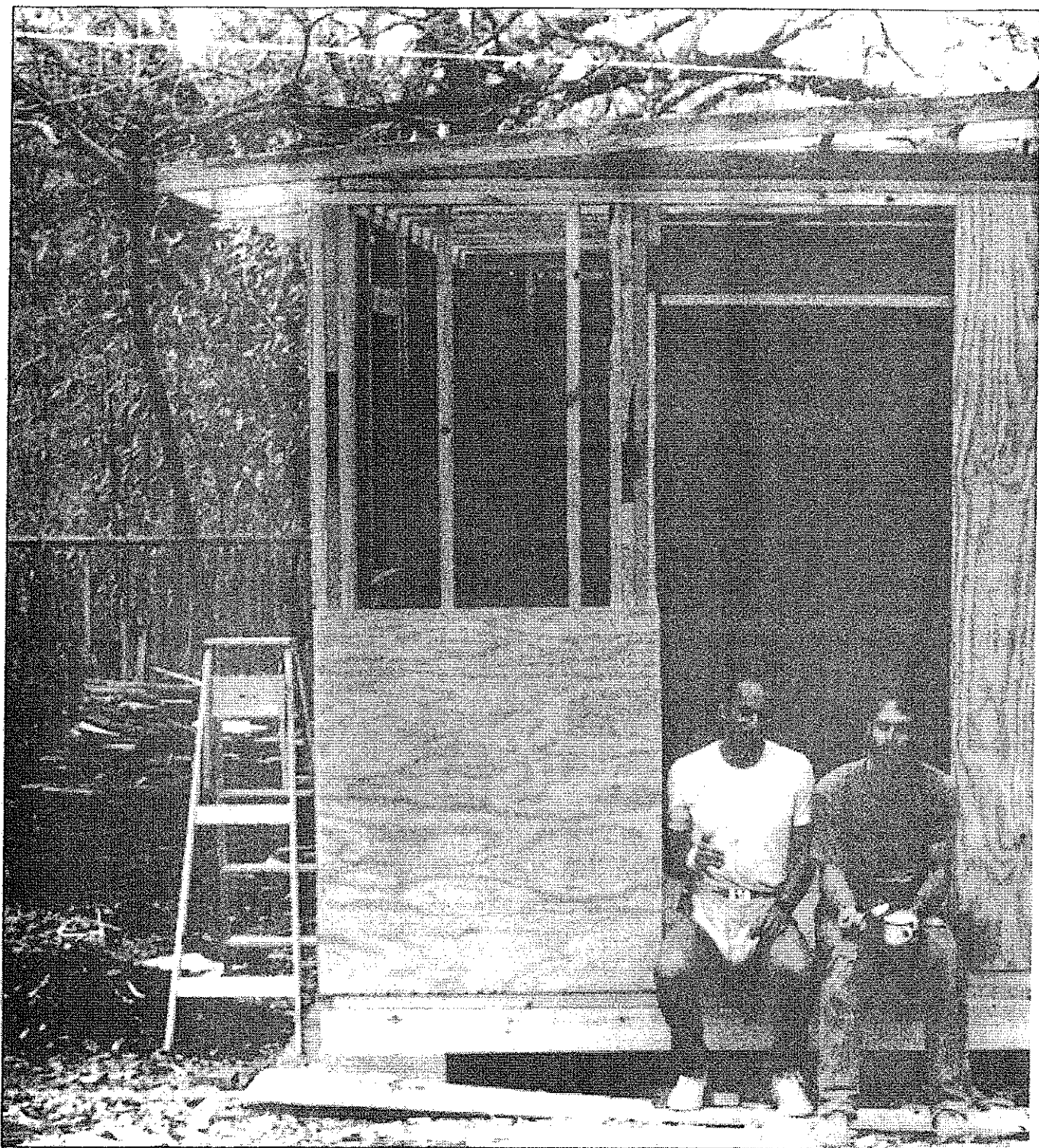
I'm the guy on the bike rambling on about your apartment/my studio (as it will always be in my mind) the other day. I really liked your music and your web site, all very cool. As I mentioned, I'm truly thrilled that creative things continue to happen in that space. I built it to match my own dreams at the time and had several incredible years there painting and making photographs. But I always worried that after I left it would just be somebody's apartment and its studio potential would go to waste. Glad to know that's not so...

And a PIANO in there! Awesome!

Anyway, I've attached a couple of photos from when it was under construction, circa 1982 or so. That's me with the beard, my friend Jim in the white shirt. I hope you enjoy these.

I enjoyed talking with you the other day. Keep up the good works...

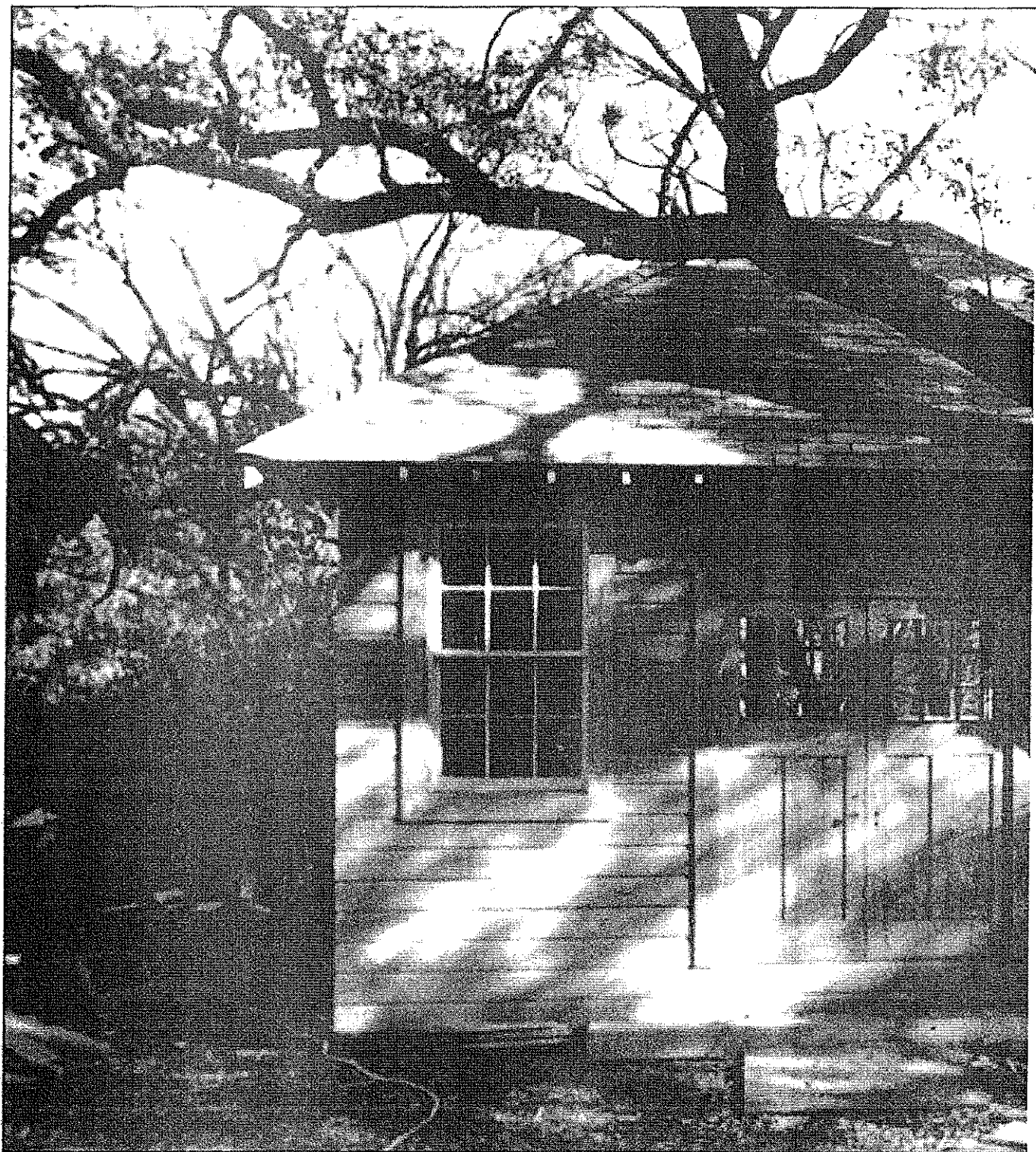
Tom Athey  
[tom@imagesfromhere.com](mailto:tom@imagesfromhere.com)



No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2012.0.1834 / Virus Database: 2092/4581 - Release Date: 10/28/11





## Ross Frie

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**From:** Mitchell, Amber [Amber.Mitchell@ci.austin.tx.us]  
**Sent:** Wednesday, August 10, 2011 12:01 PM  
**To:** Ross Frie  
**Cc:** Word, Daniel; Walker, Susan  
**Subject:** RE: 609 Oakland Ave Parking Requirement Determination (1 of 2)

Ross - I believe the requirement you are referring to is TCM 9.2.0(#4) which identifies the conditions/requirements for allowing tandem parking for multi-family and condominium residential uses. The definition of tandem is included in this section: one space behind another so that one car must be moved before the other can be accessed. A waiver to anything in the TCM is administrative, and therefore not appealable to the Board of Adjustment.

While many sites in this neighborhood may have similar (permitted or not) parking conditions to yours, I will not approve a waiver for a three tandem parking queue. It is not a reasonable situation for a multifamily or duplex residential situation and I will not create a precedent supporting this type of parking configuration. As such you'll have to request a variance to have 1 less parking space, and demonstrate to the Board why the existing parking situation (i.e. 70' long parking strips) makes this a reasonable request.

Amber Mitchell  
City of Austin - Development Assistance Center  
505 Barton Springs Rd, 1st Floor  
512-974-3428  
[amber.mitchell@ci.austin.tx.us](mailto:amber.mitchell@ci.austin.tx.us)

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**From:** Ross Frie [mailto:[ross@frieprdc.com](mailto:ross@frieprdc.com)]  
**Sent:** Wednesday, August 10, 2011 10:14 AM  
**To:** Mitchell, Amber  
**Cc:** Word, Daniel  
**Subject:** RE: 609 Oakland Ave Parking Requirement Determination (1 of 2)

Good Morning Amber/Daniel,  
This is good news since I have a 70' long concrete parking strips so all I may need is a variance to the 2 car max stacked parking requirement correct? What Section of ordinance is that? Can staff grant a waiver to this requirement or do I have to get BOA to grant variance? What is process for getting a staff approved waiver. I've attached the zoning and parking analysis I completed in the neighborhood which shows very few of properties comply with parking regulations which is not surprising this properties were platted in 1913 and most homes were built nearly 100 years ago.

If you require us to get variance from BOA, this is a draft of my variance request which you can clearly see is too minor of an issue to take up important BOA time and agenda.

### Stacked Parking Variance

The property has a current 70' long concrete parking strips sufficient for compliance with LDC Section 25-6 Appendix A which requires for 1.5 spaces/unit for the 2 one-bedroom multifamily units and 1 space/unit for an efficiency multifamily unit minus urban core reduction of 20% is a total of 3 parking spaces required. According to Table 9-1, required parking spaces are 9' x 17' 6". Therefore, 3 spaces is 9' x 53' and we are in compliance with parking

requirements. However, the issue is that MF-4 only allows 2 parking space stacking. We completed a parking analysis of neighborhood along Oakland Ave and discovered there is no uniformity in the existing parking in area. The properties range from no off-street parking, caliche and gravel driveways, 3 car stacked driveways or parking strips, 2 car parking strips, 1 car concrete driveway with one car garage, 1 car parking strip with carport, to standard concrete driveways. The majority of the various driveway configurations allow ample parking for the residents. Therefore, since most driveways in neighborhood are non-conforming according to City regulations, we are only requesting a variance to the stacking requirement as ample parking exists on-site to meeting City parking spaces requirements. Granting the variance will not increase traffic volumes, will keep all parking on-site and not result in parking on public streets and will not create a safety hazard and will run with use which is a permitted multi-family use.

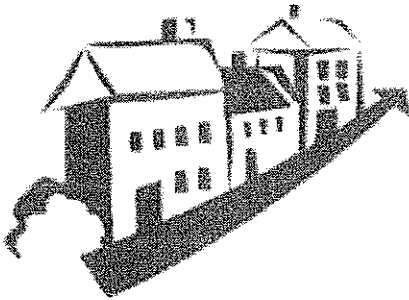
In addition, when the City of Austin adopted their subdivision regulations and zoning ordinance with a maximum 2 parking space stacking requirement, it created the unreasonable use and hardship and granting this variance does not alter the character of the property or area since 70' concrete parking strips have been located there for decades and none of the neighbors oppose the stacking requirement and many lots in the neighborhood has the similar situation. This driveway has been in existence prior to the City's adoption of subdivision and zoning ordinances thereby, creating the non-conforming parking requirement.

**Ross Frie, AICP**

*President/CEO*

Frie Planning & Development Concepts LLC

*A Land Planning, Engineering and Real Estate Development Services Firm*



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512.276.8895 Office

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[www.kwcommercial.com](http://www.kwcommercial.com)

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**From:** Mitchell, Amber [mailto:Amber.Mitchell@ci.austin.tx.us]  
**Sent:** Tuesday, August 09, 2011 2:09 PM  
**To:** ross@friepdc.com  
**Cc:** Word, Daniel  
**Subject:** RE: 609 Oakland Ave Parking Requirement Determination (1 of 2)

Efficiency = 1 space  
1 bedroom multifamily = 1.5  
1 bedroom multifamily = 1.5

Total = 4 spaces.  
Urban Core Reduction (20%) = -.8  
New Total = 3 spaces.

Aimee Bobruk  
609 Oakland Apt C  
Austin, TX 78703

November 7, 2011

The City of Austin  
Board of Adjustment  
301 W 2<sup>nd</sup> St  
Austin, TX 78701

In regards to the rezoning of 609 Oakland Ave

Dear City of Austin Board of Adjustment:

It is my pleasure and good fortune to be living in apartment C at 609 Oakland Ave, the studio structure under consideration for rezoning. I have resided happily on this property for the past three years, and it is my personal connection to this structure that compels me to write this letter in support of the rezoning being requested by John Barkley.

I would first like to express a word about the character of my landlord, John Barkley. For the three years I have rented from Mr. Barkley he has been a caring, concerned, punctual and communicative landlord. In regards to standard tenet needs, Mr. Barkley responds fully and promptly to any maintenance issues that arise and addresses my concerns respectfully. I simply want to express my faith that Mr. Barkley is an upstanding and attentive landlord, and I am sure this will be reflected with his communications with the city at this time.

As a professional performing musician and music teacher, I am concerned about "affordable" living in Austin. I have lived in Austin for ten years and in that time have witnessed the growth of the city. While this has been exciting and economically beneficial for many, there is a very real concern. When searching for my living space three years ago I encountered what many working and performing artists in this city currently battle—finding an affordable living space that is also conducive to creating one's art. I am extremely grateful that the Barkley's have provided me with an "affordable" dwelling in which I've been able to live and create my music. I've written over 30 songs from inside these four walls! From my knowledge, a photographer, Tom Athey, seeking his own inspirational abode built this structure circa 1982. I've also heard it was the initial meeting place for the Austin Film Society at it's inception. Clarksville is a central neighborhood, and I voice my support in the Barkley's providing an affordable, humble, and quaint living space for an artist such as myself in such a desirable neighborhood.



I have heard my neighbors bring up the question of parking. In the three years I have lived here I have never once experienced trouble parking on Oakland or W 6 1/2 St, even during the ACL festival. I believe that during the day, due to retail shops and offices on the corner of W 6<sup>th</sup> St and Oakland, that only a small portion of Oakland receives heavier parking traffic. I have always been able to park at 609 Oakland, either in the existing driveway, directly in front of the property, or on W 6 1/2 St (which intersects Oakland at 609 and is always vacant of cars).

My little house, in such a very discreet location, has quietly existed for almost thirty years, offering a space for creative folks to create. It is my deepest heartfelt desire that the city of Austin and the Clarksville neighborhood grant Mr. Barkley his rezoning request. It is my home after all.

In youth and valor,

A handwritten signature in cursive script that reads "Aimee Bobruk". The signature is fluid and written in dark ink.

Aimee Bobruk

*Lynne Fowler*  
609 Oakland Avenue  
Austin, Texas 78703

November 1, 2011

Board of Adjustment  
City of Austin, Texas

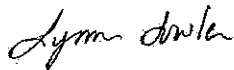
I currently live in unit A, the downstairs unit at 609 Oakland Avenue where I moved at the end of June. I have lived on Oakland Avenue for the past six years.

Mr. Barkley has personally worked hard to renovate 609 Oakland Avenue over the past years and has shown integrity in his efforts to maintain the character of the house. In addition to the architecture, the presence of artists has given Old West Austin its character. The back unit provides an affordable housing option to artists which could not afford the modern condos and apartments which dominate the neighborhood today. Artists are the backbone of our community. As I understand, the back unit was built in the early 1980's in the footprint of the original garage. It has been there long before current zoning regulations were in place.

To address any parking concerns: I have not had a problem parking at 609 Oakland. In my experience over the past six years, parking problems are more related to employees of retail shops along Sixth Street rather than from residents and their guests.

I fully support the existing rental units at 609 Oakland Avenue and I recommend that the City of Austin Board of Adjustment grant Mr. Barkley's variance.

Sincerely,



Lynne Fowler

From: **Scott Starkey** singlespendin@gmail.com  
Subject: Support for 609 Oakland  
Date: November 3, 2011 4:24 PM  
To: barkley@barkleyhouses.com



John Barkley

We would like to offer our support for your variance hearing, we do not object to your out building.

Thank you,

Julia & Scott Starkey  
610 Oakland Ave.

[awareawakealive.org](http://awareawakealive.org)

H. Scott Starkey  
3112 Windsor Rd. Ste. A113  
Austin, TX 78703  
512.656.4978

*Julia Starkey* / *HS*

**David N. Smith**

**611 Oakland Avenue**

**Austin, Texas 78703**

October 4, 2011

Board of Adjustment  
City of Austin, Texas

I own and live in the property at 611 Oakland Avenue, which is adjacent to 609 Oakland Avenue, the multi-family property, owned by John Barkley, and I am writing this letter to support his application for a variance.

Although I don't remember the exact timing, John and I bought these two properties at about the same time, in 1980 in my case. I have been a neighbor to Mr. Barkley for as long as he has owned the property.


I am familiar with the two structures on the property. I know that the rear structure serves as an affordable efficiency studio, which I think is very appropriate in this neighborhood. In fact, the property at 609 Oakland is similar to many other properties in our neighborhood, and is an excellent example of the flexibility that has resulted in the Clarksville area providing affordable housing options for renters wanting to live and work in the downtown areas. It is my belief that this type of arrangement is a valuable and creative part of the solution to the affordable housing problem in Austin.

I have no problem with the existing non-conforming structures being allowed to remain there as they have been for decades. I completely support to Mr. Barkley's request for the City of Austin to allow him to keep the buildings on the property as they are, and to continue to provide them as rental housing and /or studio space.

On a personal level, I have found Mr. Barkley both reasonable and approachable over the last 31 years, so I am not surprised to hear that he is cooperating with the City to bring the multi-family property into near compliance while allowing the rental units to continue, and I support his efforts to do so. I have witnessed the renovations and improvements he has made over the past few months, and his approach has shown the same conscientiousness and concern for quality that I have seen him demonstrate for 31 years.

In summary, I fully support the existing rental units at 609 Oakland Avenue and I am requesting that the City of Austin Board of Adjustment grant Mr. Barkley's variances. Mr. Barkley's handling of this property is a beautiful example of how private enterprise can help to provide reasonable responses to help solve the tremendous need for affordable rental housing in Austin, and especially in the downtown area.

Sincerely,



David Smith  
(512) 457-0100  
(512) 320-8625

Peter and Gioconda Bellonci  
615 Oakland Ave  
Austin, TX 78703-5115  
512 476 0559

November 2, 2011

To City of Austin BOA-


We own, and have lived for many years at 615 Oakland Ave – just two homes up the street from the property owned by John Barkley at 609.

This letter is to state our support of Mr Barkley's petition before the Board of Adjustment.

This letter of support will be kept short but is in full agreement with the more detailed letters I know have been received from other neighbors.

Thank you for your consideration –

Peter and Gioconda Bellonci

  
Gioconda Bellonci

October 13, 2011

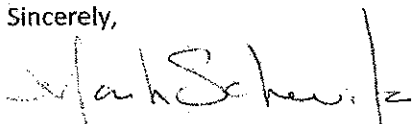
To City of Austin,

I own/live at the property on 608 Pressler St, which is adjacent/near 609 Oakland Avenue, the multi-family property, owned by John Barkley. I have been a neighbor to Mr. Barkley for as long time. I am writing this statement to inform you that I am familiar with the two rental 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, prior to City of Austin ever changing ordinances, 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,

 18 Oct 2011

Clarksville Resident

608 Pressler Street

Austin, Texas 78705



## PUBLIC HEARING INFORMATION

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 a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. 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.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.ci.austin.tx.us/development](http://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 name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2011-0104 - 609 Oakland Avenue  
Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 10th, 2011

LEWIS HAWKS

Your Name (please print)

709 West Lynn

Your address(es) affected by this application

*[Signature]*

Signature

Date

10/11/11

Daytime Telephone:

Comments:

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

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Case Number: C15-2011-0104 – 609 Oakland Avenue

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 10th, 2011

Katherine Ertle

Your Name (please print)

☐ I am in favor  
☒ I object

705 Oakland Avenue

Your address(es) affected by this application

*[Signature]*

Signature

Date

Daytime Telephone: 512.394.9520

Oct. 9, 2011

Comments: The unattached storage should not be livable space. This property does not have enough space for a third unit nor does the street have enough parking to accommodate a third unit. The owner should not be charging or renting out attic or storage space as livable space. This is robbing them, robbing the city of taxes and not lawful. See my email. If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088  
to Susan Walker dated  
October 6th.

**Walker, Susan**

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**From:** Ross Frie [ross@frieptdc.com]  
**Sent:** Monday, October 03, 2011 9:35 PM  
**To:** Walker, Susan  
**Cc:** 'Medora Barkley'; 'John Barkley'; ross@frieptdc.com  
**Subject:** BOA Agenda Item - C15-2011-0104 - 609 Oakland Ave  
**Importance:** High

Susan,

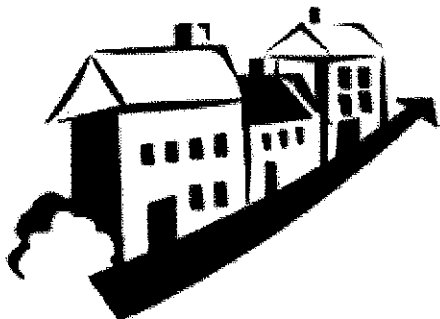
I am formally requesting C15-2011-0104 be postponed until the November 14<sup>th</sup> BOA meeting as we are continuing to obtain neighbors letters of support for our variance requests and are working towards obtaining the Certificate of Occupancy issued for the duplex amnesty permit also located on the lot. Please reply that you received our postponement request?

**Ross Frie, AICP**

*President/CEO*

Frie Planning & Development Concepts LLC

*A Land Planning, Engineering and Real Estate Development Services Firm*



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512.276.8895 Office

[www.frieptdc.com](http://www.frieptdc.com)

[www.kwcommercial.com](http://www.kwcommercial.com)

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**From:** [ross@frieptdc.com](mailto:ross@frieptdc.com)

**Date:** Mon, 3 Oct 2011 18:30:38 +0000

**To:** Walker, Susan<[Susan.Walker@austintexas.gov](mailto:Susan.Walker@austintexas.gov)>

**ReplyTo:** [ross@frieptdc.com](mailto:ross@frieptdc.com)

**Subject:** Re: BOA Application 7-31-08 Version.doc

I may request to postpone by end of today since still working with neighborhood on getting support letters. If I do, is there still room on Nov agenda? Is there re notification fee?

---

**From:** Walker, Susan [mailto:[Susan.Walker@austintexas.gov](mailto:Susan.Walker@austintexas.gov)]

**Sent:** Monday, October 03, 2011 11:57 AM

**To:** [ross@frieptdc.com](mailto:ross@frieptdc.com)

10/4/2011

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- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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Case Number: C15-2011-0104 – 609 Oakland Avenue  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, October 10th, 2011

Ellen Justice

Your Name (please print)

☐ I am in favor  
☒ Object

802 Winflo Drive

Your address(es) affected by this application

Ellen Justice

Signature

10-2-11

Date

Daytime Telephone: 512 476 7542

Comments:

There is already too much parking on the street in our neighborhood. Please don't decrease the number of required parking spaces on the property.

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

City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

## Heretakis, Maggie

---

**From:** Kate Ertle [kjertle@yahoo.com]  
**Sent:** Sunday, October 09, 2011 12:24 PM  
**To:** Heretakis, Maggie  
**Subject:** Case C15-2011-0104

Dear Ms. Heretakis,  
I was told you are the back up for Ms. Walker regarding the BOA meeting for Monday, October 12th. I apologize that you are getting this response late however I emailed it to Ms. Walker only to later find out that she was out. I hope you can add this to the case C15-2011-0104 for 609 Oakland:

> Dear Ms. Walker,  
> I would like to comment on Case Number C15-2011-0104 regarding 609  
> Oakland Avenue to be heard by the Board of Adjustments on Monday,  
> October 10th. First, I appreciate the effort the owners have done  
> painting the home. It is very charming and has excellent street  
> appeal. However, I object to a couple of his variances. His house is  
> a few houses down from mine (705 Oakland). For the most part, many of  
> us have converted our duplexes to single-family homes. My neighbors  
> and our neighborhood association encourage this. But 609 Oakland, on  
> the other hand, is a property with three units: one unit on the first  
> floor, a second unit on the second floor, and a third unit in a  
> separate shed/storage area unattached to the home. This shed/storage  
> is not considered livable space according to Travis CAD, does not have  
> its own water meter (it takes its water from another unit), and  
> someone is not paying property taxes on this square footage.  
> (Further, he converted attic space into rental income and also does  
> not pay taxes on this square footage either.)  
>  
> I oppose the request to maintain a third unit on this property,  
> decreasing the minimum lot size to 6,770. It is just too small of a  
> space to have three units. Plus the third unit is a shed and should  
> not be another rental unit.  
>  
> I do not appose to decreasing the minimum rear yard setback however I  
> give my vote to the family who resides just behind 609 Oakland on  
> Pressler. They are the most impacted.  
>  
> I object to the request of decreasing the minimum off-street parking  
> from three spaces to two. We already have a problem of street parking  
> on Oakland, especially close to 6th street. The additional car, from  
> this additional unit, is not helping this problem.  
>  
> Thank you for considering my concerns.  
>  
> Sincerely,  
> Kate Ertle  
>  
> p.s. I will also mail in my objection so you have it on file.  
> Again, I do not oppose the variance to decrease the rear yard setback.  
> I think the owners have a right to a storage unit as many of our homes  
> do not have much storage. But this should not be used as livable  
> space.

## PUBLIC HEARING INFORMATION

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Case Number: C15-2011-0104 - 609 Oakland Avenue

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 10th, 2011

*Chris Schorre*

Your Name (please print)

717 Brunklee Circle

Your address(es) affected by this application

*[Signature]*

Signature

10/7/2011

Date

Daytime Telephone: 512-731-1520

Comments:

100% opposed to  
120% request

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City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

FAX: 974-2934  
E-MAIL: [MA9A1E@AUSTIN.TX.GOV](mailto:MA9A1E@AUSTIN.TX.GOV)  
HERE: [MA9A1E@AUSTIN.TX.GOV](mailto:MA9A1E@AUSTIN.TX.GOV)



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**Case Number:** C15-2011-0104 – 609 Oakland Avenue

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, October 10th, 2011

*Stephen Grief*

Your Name (please print)

1500 West 6th St

Your address(es) affected by this application

*[Signature]*

Signature

10/3/11  
Date

Daytime Telephone:

474 7784

Comments:

☐ I am in favor  
☒ I object

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

City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

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ATTN: MAGGIE

Case Number: C15-2011-0104 - 609 Oakland Avenue  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, October 10th, 2011

Kim Harter  
Your Name (please print)

☒ I am in favor  
☐ I object

716 Brownlee Circle  
Your address(es) affected by this application

Kim Harter 10-7-2011  
Signature Date

Daytime Telephone: 512-474-4953

Comments: Beau yard setback to  
1.5 feet is too close to  
the neighbor.

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

City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088  
FAX: 974-2934  
E-MAIL: MAGGIE.  
HERETAKIS@AUSTIN.TX.GOV

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Case Number: C15-2011-0104 - 609 Oakland Avenue  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, October 10th, 2011

Your Name (please print) Kevin J. Dunn ☐ I am in favor ☒ I object

Your address(es) affected by this application 805 Winflo Drive 78705

Signature [Signature] Date 10-06-2011

Daytime Telephone: (512) 810-8818

Comments: See attached letter for specific concerns.

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

City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088  
FAX: 974-2934  
E-MAIL: [MAGGIE@AUSTIN.TX.GOV](mailto:MAGGIE@AUSTIN.TX.GOV)

HERETAKS@AUSTIN.TX.GOV

805 Winflo Drive  
Austin, TX 78703  
October 6, 2011

Austin Municipal Zoning Board  
Austin, TX

RE: CASE # C15-2011-0104

Location: 609 Oakland Avenue, 78703

Dear Sirs: *ATTN: MAGGIE*

I am very troubled by news of variance requests regarding this property. Four points:

(I) Lot size limitations exist for reasons. **Otherwise, why have zoning at all? What precedent is set by circumventing MF-4 minimum lot requirements?** Many of us in 78703 down-zoned to reduce the corresponding traffic woes, pollution issues, and visual ugliness overuse brings.

**You have a wonderful opportunity, with every decision you make, to set the future course of this city's growth, in prudent and well-reasoned ways.**

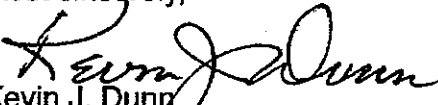
(II) Reduction of rear setback to 1.5 feet is most strange. If repairs are needed, if structural issues come to play in surrounding structures, if equipment must be moved between structures, well, **an extra few feet could be crucial.**

(III) Reducing triplex parking from three (3) spaces to two (2) spaces forces even more on-street parking, more congestion, more safety risks for motorists and pedestrians alike. **Is this request prudent? Just a few years ago, a young cyclist, a new Austin resident, was killed on a traffic-congested street, nearby. Had this street had even more cars parked at curbside, I can imagine the increased risk to all who walk or cycle daily.**

(IV) Finally, I will write that I know of many situations in which a variance HAS worked to afford citizens more efficient use of streets, safer traffic patterns, better quality of life. I am not, in any way, implying that variance procedures are not beneficial. Several of my neighbors have sought variances and for excellent reasons. I do not feel that this variance request achieves excellence but does, rather, diminish it greatly.

**What legacy are you leaving regarding uniquely livable downtown Austin?**

Most sincerely,



Kevin J. Dunn  
[kevin@studiomusic2.com](mailto:kevin@studiomusic2.com)

512.810.8818

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ATTN: MAGGIE

Case Number: C15-2011-0104 - 609 Oakland Avenue  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, October 10th, 2011

MIKE BAWHART

Your Name (please print)

☐ I am in favor  
☒ I object

800 3 803 WINFORD DRIVE

Your address(es) affected by this application

*[Signature]*

Signature

07 Oct 11

Date

Daytime Telephone: 512.423.5387

Comments: WE SPONSORLY OPPOSE THE REQUEST FOR A VARIANCE FOR ALL THREE REQUESTS.

SEE APPROVED FOR COMMENTS

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

City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

FAX: 974-2934

E-MAIL: MAGGIE,

HERETAKIS@AUSTIN.TX.GOV

Attn: Maggie

Case Number: C15-2011-0104 609 Oakland Avenue

We strongly oppose the request for a variance for all three requests. Just one of these requests alone is asking too much of the neighborhood. The variance is lacking in regard to adjacent properties and the community as a whole. If you do have the money to build in this neighborhood, overbuilding would not qualify as a hardship.

Request #1 – There are many properties in this neighborhood that are zoned mf4. If everyone requested a variance to put more on their mf4 property than is normally allowed, I do believe it would create an environment that is not green or Austin. There will be less space for trees and nowhere for rain to go but maybe storm sewers. I do believe in growth and expansion....just not in a way that would detract from our city and neighborhood. We used to have a view of the trees at Lady Bird Lake in the distance from our street. Now all we see is a parking garage.

Request #2 – There is no way we would support a variance that would allow someone to build 1.5 feet from their neighbor's rear yard property line. It will be difficult to build and maintain a building with only 1.5 feet to work in without encroaching into the adjacent neighbor's yard. Just think someday that could be someone wanting to build 1.5 from our property line. And then maybe we would like a variance to build 1.5 feet from our property line leaving a total of 3 feet between houses. This is not a neighborhood I would want to live in.

Request #3 – We also strongly oppose allowing 2 parking spaces in place of the 3 required parking places. We have lived in this neighborhood for twenty years. The street parking is getting more and more congested as the city grows. Besides that Oakland and surrounding streets are narrow and harder to maneuver when they are full of cars.

In conclusion, we have two mf4 properties. If these three requests are granted, we would expect we would have the right to the same variance for our properties.

Mike Banghart

800 Winflo Drive and 803 Winflo Drive



**Heretakis, Maggie**

---

**From:** Francine Thomas [brukaros2002@yahoo.com]  
**Sent:** Friday, October 07, 2011 4:22 PM  
**To:** Heretakis, Maggie  
**Cc:** lauraporcaro@mac.com; kjeertle@yahoo.com  
**Subject:** Case C15-2011-0104

Dear Ms. Heretakis:

Re: Case C15-2011-0104 609 Oakland Avenue, 78703

My husband and I live at 713 Oakland Avenue and would like to oppose the three variances being requested for 609 Oakland Avenue for the following reasons:

The square footage needed to allow three units is considerably more than the actual area of the property, making the property overcrowded.

The rear setback of only 1.5 feet puts the added unit almost on the neighbor's property line, which doesn't affect us, but certainly affects the house behind on Pressler Street. It also sets a bad precedent for any future requests in the neighborhood.

Oakland Avenue is already a narrow and congested street, especially at the southern end in the 600 block as it is close to a shuttle bus stop, so the request to decrease off-street parking spaces will just increase parking problems.

Thank you for your consideration:

Veryan Thompson

10/7/2011

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**Case Number: C15-2011-0104 – 609 Oakland Avenue**

**Contact: Susan Walker, 512-974-2202**

**Public Hearing: Board of Adjustment, October 10th, 2011**

Your Name (please print) \_\_\_\_\_

LEWIS HARRIS

☒ I am in favor  
☐ I object

Your address(es) affected by this application \_\_\_\_\_

709 West Luke

Signature

10/11/11  
Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

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

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Case Number: C15-2011-0104 – 609 Oakland Avenue

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 10th, 2011

FRANK LYNN

Your Name (please print)

616 PRESSLER

Your address(es) affected by this application

416 MLV

10-3-2011

Signature

Date

Daytime Telephone:

282-7626

Comments:

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

City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE #

ROW #

C15-2011-0104

10651039

TP-0108031104

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

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

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 609 OAKLAND AVENUE

LEGAL DESCRIPTION: Subdivision - LOT 14 BLK A OUT 3 DIV Z TERRACE PARK

Lot(s) 14 Block B Outlot \_\_\_\_\_ Division Z

I/We ROSS FRIE on behalf of myself/ourselves as authorized agent for  
FRIO PROPERTY LTD affirm that on AUGUST 1, 2011

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

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☒ MAINTAIN

A 1,564 SF DUPLEX BUILT IN 1912 AND AN 424 SF  
EFFICIENCY UNIT CONVERTED FROM ARTIST STUDIO  
IN 1994. THAT WAS A GARAGE ALSO BUILT IN 1912.

in a MF-4 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.