

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

ROW

*Amended*

CASE #

*C15-2012-0109*

#

*10815798*

CITY OF AUSTIN

APPLICATION TO BOARD OF ADJUSTMENT

GENERAL VARIANCE/PARKING VARIANCE

*TP-0113000355*

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

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

STREET ADDRESS: 1308 Old 19th Street

LEGAL DESCRIPTION: Subdivision – Resubdivision of Lot 2  
John T. Patterson Addition

Lot(s) 2A Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Karrie League on behalf of myself/ourselves as authorized agent for

\_\_\_\_\_ affirm that on August 13, 2012

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

(check appropriate items below)

\_\_\_ ERECT \_\_\_ ATTACH x COMPLETE \_\_\_ REMODEL x MAINTAIN

Decrease the minimum front street setback from 25' to 11.81'  
and decrease the minimum rear yard setback from 10' to 7.9'  
in order to complete and maintain a single family residence

in a SF-3-CO-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.**

**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:  
The site fronts Cliff St. which is a paper street dedicated in 1895 and has never been constructed due to the topography of the hillside.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that: The street and rear setback required by zoning is in relation to a Right of Way for a street that can never be built as a consequence of topography. The site slopes and drainage requirements limit the buildable area of the site. The property was permitted, constructed according to plans, inspected, and a Certificate of Occupancy issued.

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

It is a unique condition where the side street in question does not exist.

**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 neighboring house at the setback in question is more than 80' away from the structure. The street does not exist and is only used as a driveway to this neighboring house.

**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:



# City of Austin BUILDING PERMIT

PERMIT NO: 2011-043683-BP

1308 OLD 19TH ST UNIT 3

Type: RESIDENTIAL

Status: Active

Issue Date: 05/20/2011

EXPIRY DATE: 11/16/2011

LEGAL DESCRIPTION				SITE APPROVAL		ZONING SF-3-CO-NP	
PROPOSED OCCUPANCY:		WORK PERMITTED: New		ISSUED BY: Gabriel Guerrero Jr			
New 2 Story Single Family Residence. 2 Car Carport. Uncovered Porch, Terrace and Roof Top Patio. New Construction.							
TOTAL SQFT New/Addn: 2,739	VALUATION Tot Job Val: \$450,000.00	TYPE CONST.	USE CAT. 101	GROUP	FLOORS 2	UNITS 1	# OF PKG SPACES 2
TOTAL BLDG. COVERAGE 1944	% COVERAGE 29.4	TOTAL IMPERVIOUS COVERAGE 2734	% COVERAGE 41.4	# OF BATHROOMS 3		METER SIZE 5/8	

## Contact

Applicant, RisherMartin, LLC  
General Contractor, RisherMartin, LLC

## Phone

(512) 495-9090  
(512) 495-9090

## Contact

Owner, Old West 19th

## Phone

(512) -

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	245.00	5/20/2011	Initial Residential Review Fee	100.00	5/20/2011			
<b>Fees Total:</b>	<b>345.00</b>							

Permits/Approved plans must be  
posted on Jobsite. A layout  
inspection/Pre-con must be  
made prior to beginning construction.

## Inspection Requirements

Building Inspection  
Plumbing Inspection

Driveway Inspection  
Sewer Tap Inspection

Electric Inspection  
Sidewalks Inspection

Mechanical Inspection  
Water Tap Inspection

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection.  
A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

## Comments

Reviewed and Approved by McMansion Review Team on April 3, 2011.

City Code Chapter 25-12, Article 13: A permit expires  
on the 181st day if the project has not scheduled nor  
received an inspection.

Residential Zoning Review  
A "Cancelled" and/or "Failed/No Work Performed"  
Inspection result does not extend the expiration date.

Date  
05/19/2011

Reviewer  
Brent Hendricks

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True  
Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



# City of Austin

P.O. Box 1088, Austin, Texas 78767

## RECEIPT

Receipt 5527931

No.:

Payment 05/20/2011

Date:

Invoice 5537100, 5537101, 5537104, 5537105

No.:

### Payer Information

Company/Facility Name: RisherMartin, LLC

Payment Made By:

2109 BOWMAN AVE AUSTIN TX 78703

Phone No.: (512) 495-9090

Payment Method: Check

Payment Received: \$345.00

Amount Applied: \$345.00

Cash Returned: \$0.00

Comments:

check# 1059 & 1061

### Additional Information

Department Name: Planning and Development Review

Receipt Issued By: Gabriel Guerrero Jr

### Receipt Details

FAO Codes	Fee Description	Internal Ref. No.	Address	Permit/Case No.	Amount
<b>Invoice No.: 5537100</b>					
1000 6800 9770 4177	Initial Residential Review Fee	10594188	1308 OLD 19TH ST Unit 3	2011-043683-BP	\$100.00
1000 6800 9770 4053	Building Permit Fee	10594188	1308 OLD 19TH ST Unit 3	2011-043683-BP	\$245.00
<b>Grand Total:</b>					<b>\$345.00</b>



## City of Austin

# CERTIFICATE OF OCCUPANCY

**BUILDING PERMIT NO. 2011-043683 BP**

**ISSUE DATE: 08/20/2012**

**BUILDING ADDRESS:** 1308 OLD 19TH ST UNIT 3

**LEGAL DESCRIPTION:** Lot 2A of Re-Subdivision of Lot 2 John T. Patterson Addition

**PROPOSED OCCUPANCY:**

R- 101 Single Family Houses

New - New 2 Story Single Family Residence. 2 Car Carport. Uncovered Porch, Terrace and Roof Top Patio. New Construction.

**NEW BUILDING SQUARE FOOTAGE:** 2739 SQ. FT.

**REMODEL BUILDING SQUARE FOOTAGE:** 0

**SPRINKLER SYSTEM:**

**CODE YEAR:** 2006

**CODE TYPE:** International Residential Code

**FIXED OCCUPANCY:** 0

**NON FIXED OCCUPANCY:**

**CONTRACTOR:** Jeremy Martin, RisherMartin, LLC

\*\*\*\*\* **CERTIFICATE OF OCCUPANCY** \*\*\*\*\*

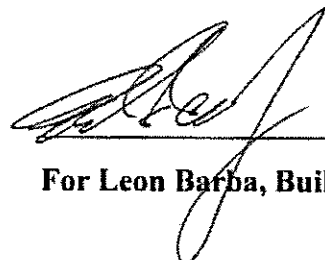
**THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED ABOVE HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR THE GROUP AND DIVISION OF OCCUPANCY LISTED ABOVE.**

NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION

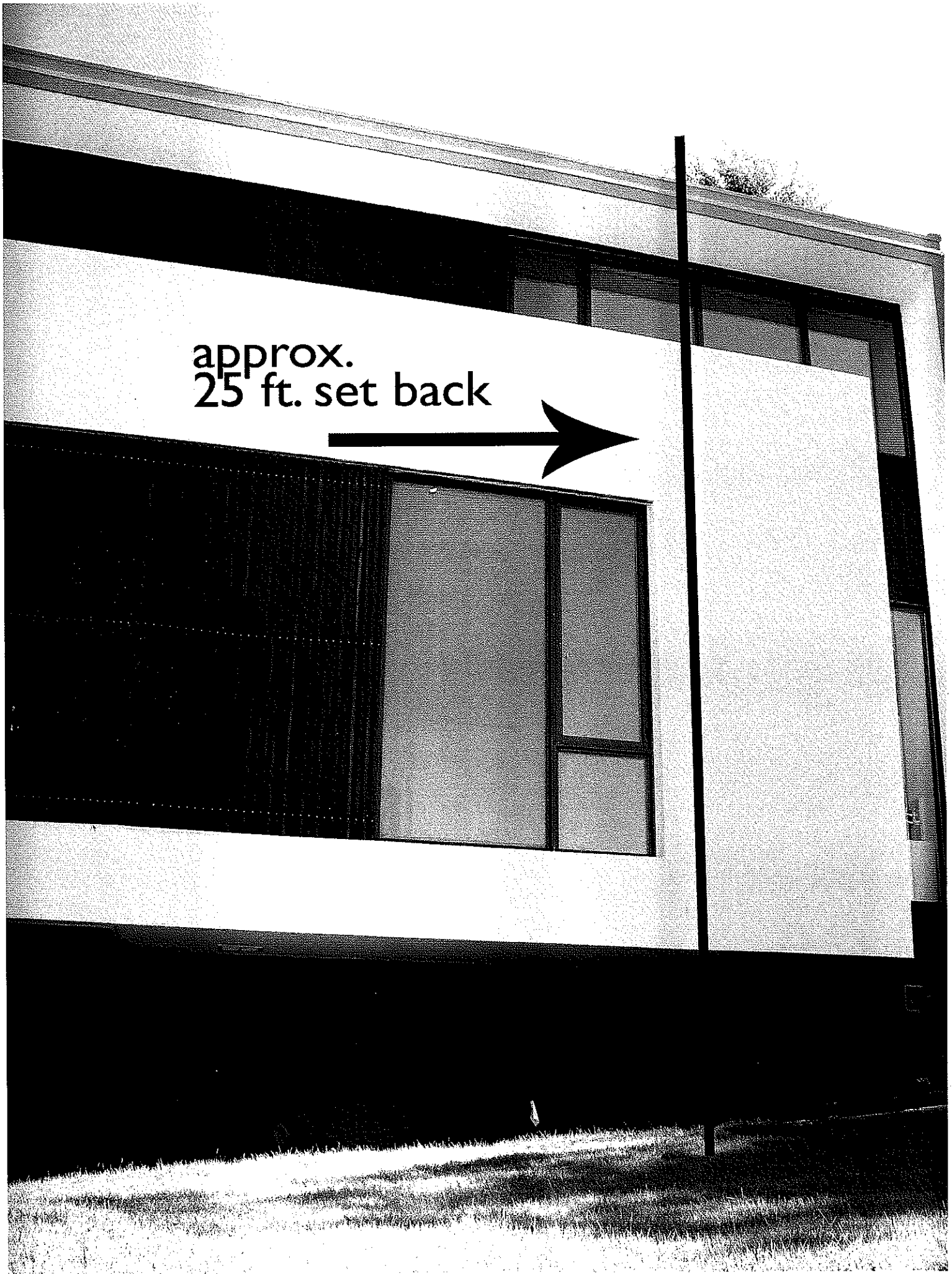
OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISE, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISE.

THE CITY OF AUSTIN DOES NOT ASSUME ANY RESPONSIBILITY OR LIABILITY BY REASON OF THE INSPECTION OR REINSPECTION OF THE PREMISE; OR THE ISSUANCE OF THIS "CERTIFICATE OF OCCUPANCY"; OR BY ANY REASON OF ANY APPROVAL OR DISAPPROVAL.

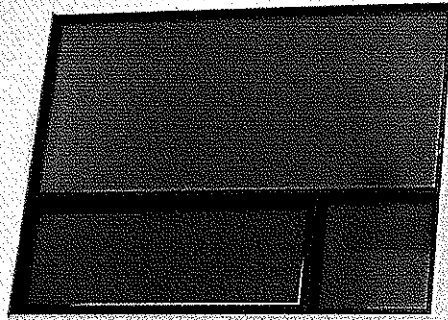
**BUILDING CODE REVIEWER:**

  
For Leon Barba, Building Official

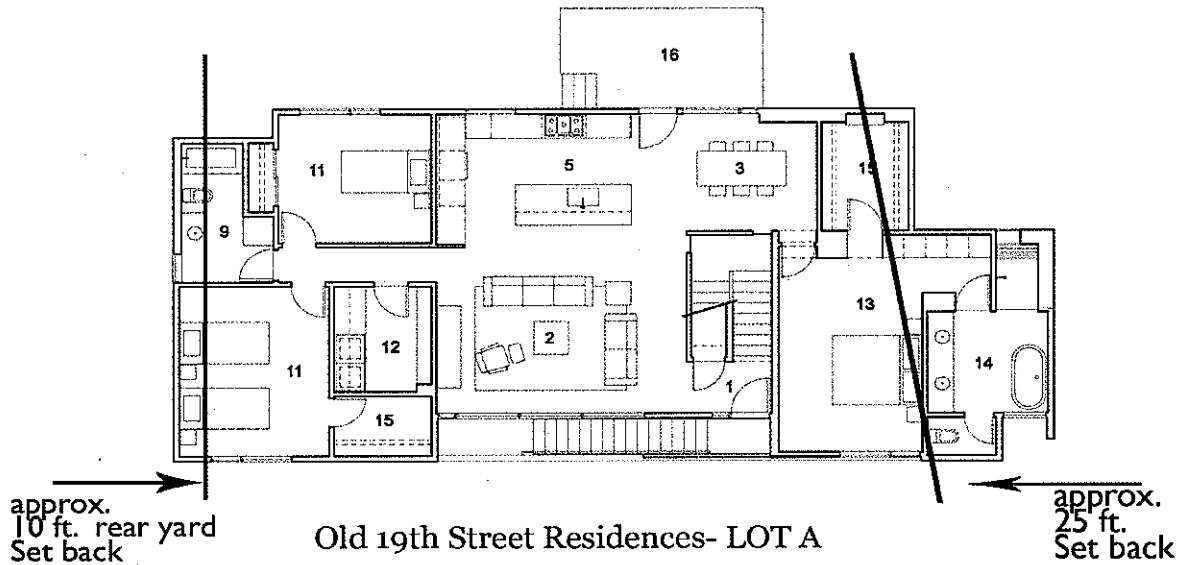
approx.  
25 ft. set back



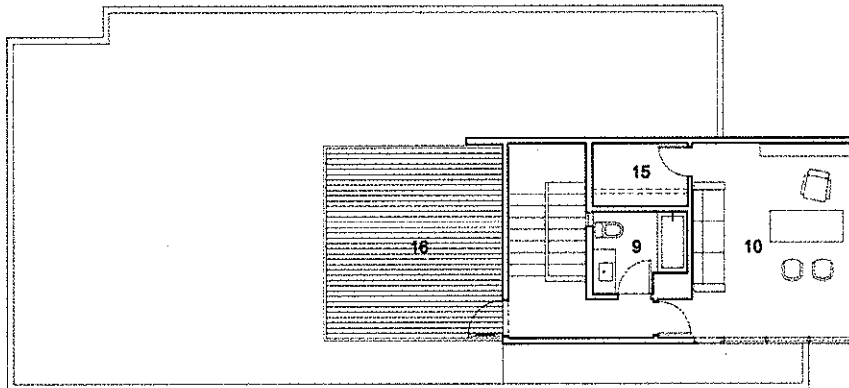
approx. 10  
foot rear  
yard set



# Lot A Unit 3



- |               |                       |
|---------------|-----------------------|
| 1 entry       | 10 office/guest       |
| 2 living room | 11 bedroom            |
| 3 dining room | 12 laundry            |
| 4 den         | 13 master suite       |
| 5 kitchen     | 14 master bath        |
| 6 pantry      | 15 closet             |
| 7 powder room | 16 terrace            |
| 8 mud room    | 17 carport            |
| 9 bathroom    | 18 utility crawlspace |



- ◆ +/- 2325 Square Feet of Living Space
- ◆ 3 bedrooms + second story office/guest suite
- ◆ 3 baths
- ◆ +/- 400 Square Feet of IPE Rooftop Deck

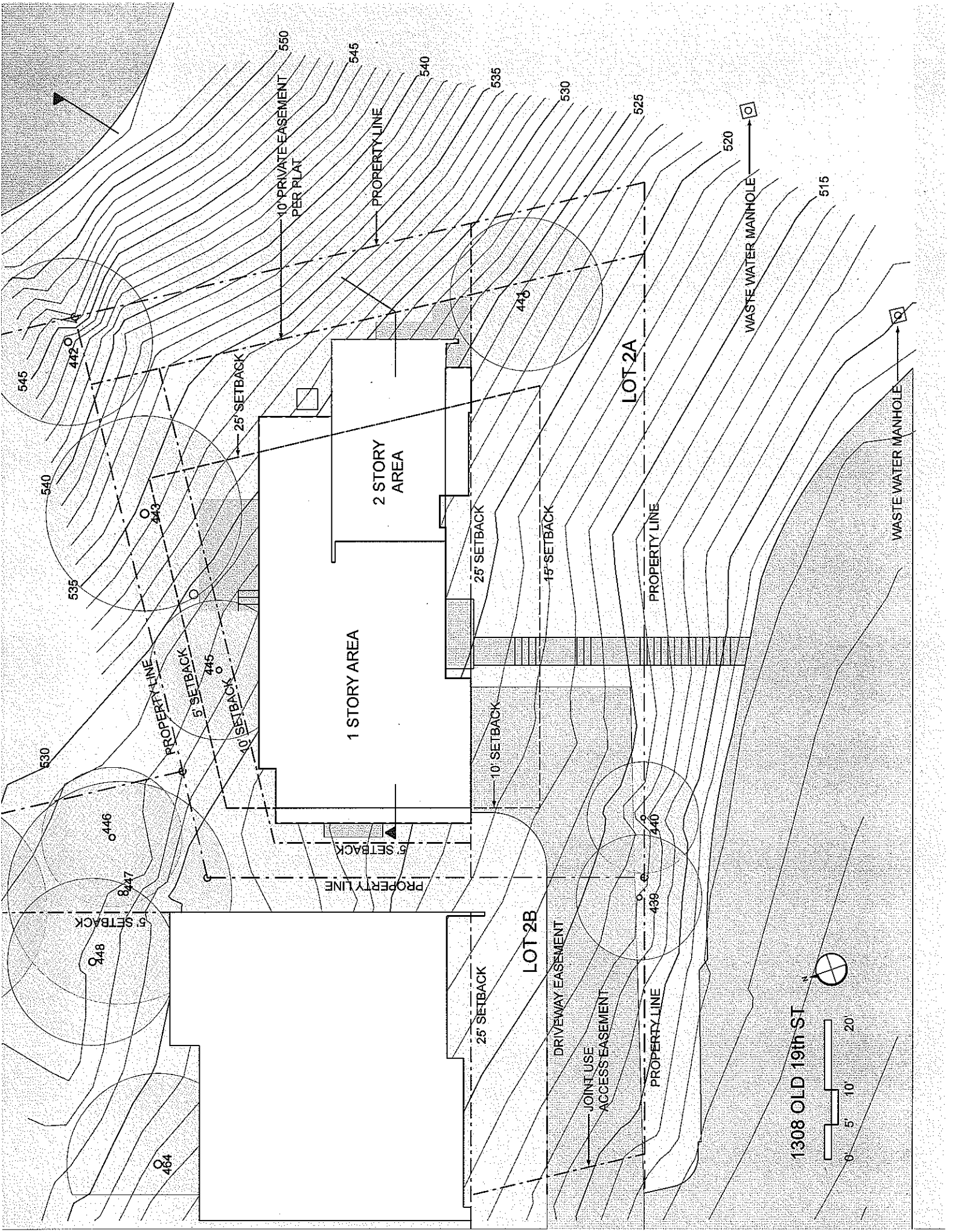




date 05.26.08

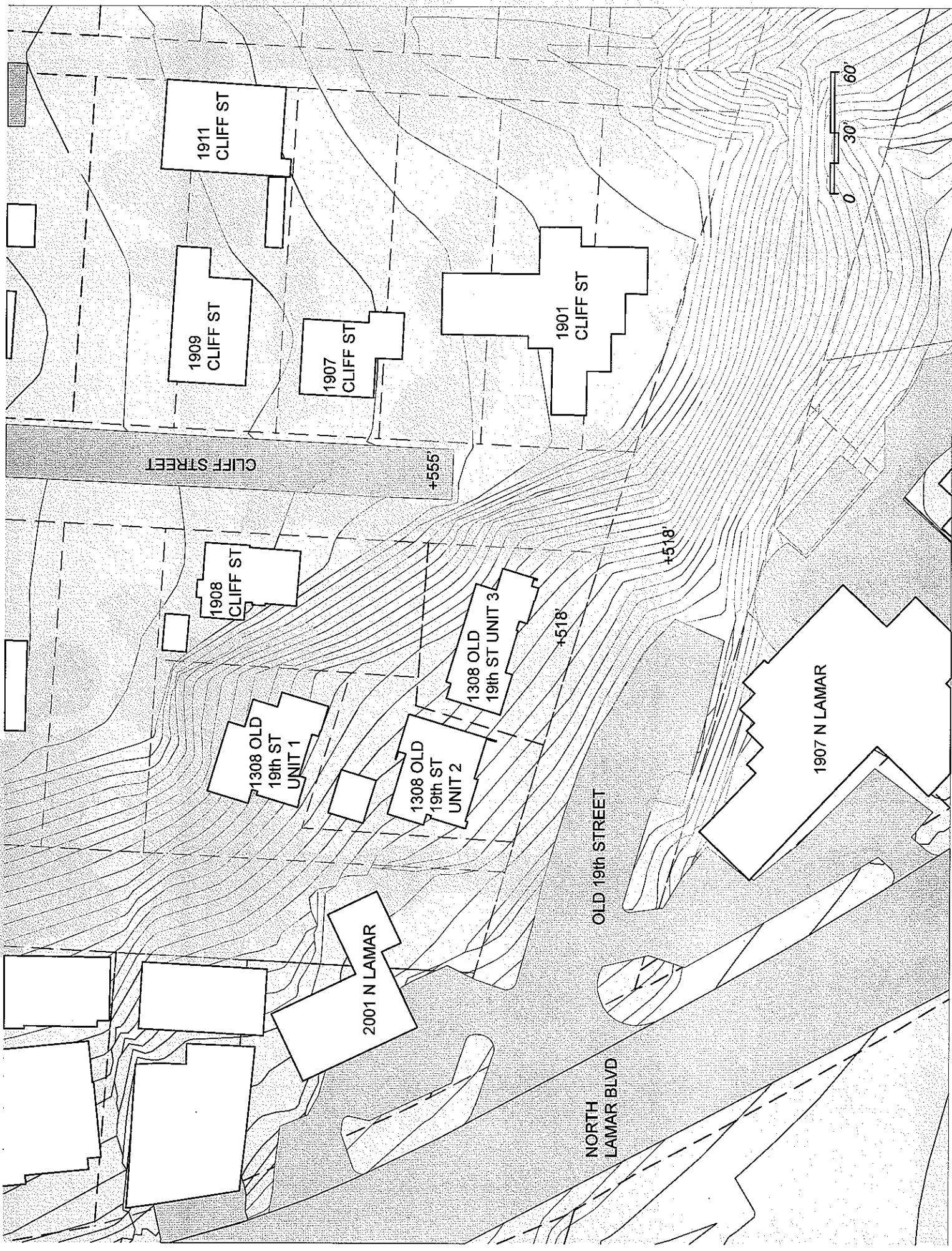
**alterstudio**  
architects LLP  
512.499.8007  
fax 512.499.8049

**old 19th street**  
site plan  
1/8" = 1'-0"



1308 OLD 19th ST





CLIFF STREET

+555'

1911  
CLIFF ST

1909  
CLIFF ST

1907  
CLIFF ST

1901  
CLIFF ST

1908  
CLIFF ST

1308 OLD  
19th ST  
UNIT 1

1308 OLD  
19th ST  
UNIT 2

1308 OLD  
19th ST  
UNIT 3

+518'

+518'

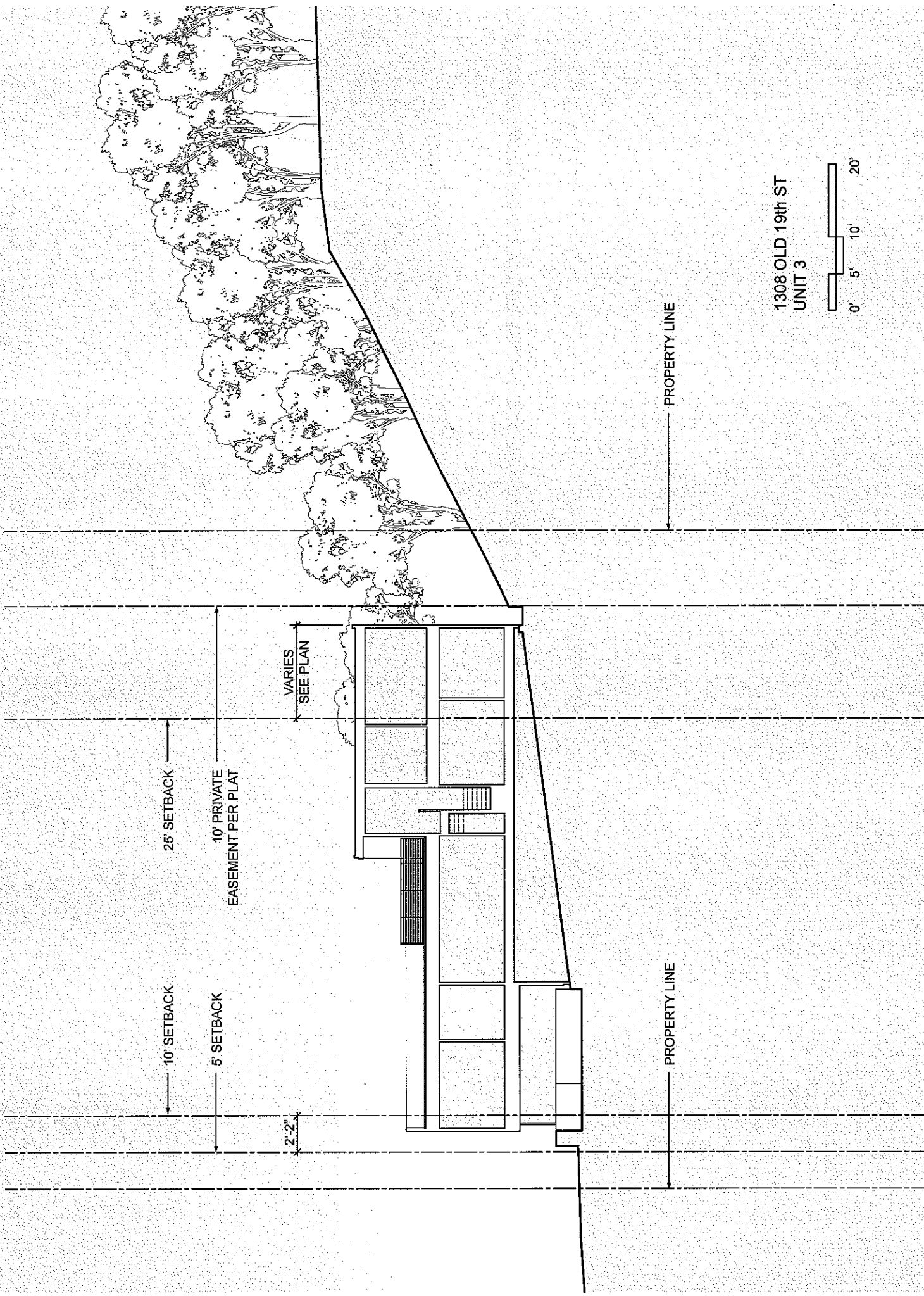
2001 N LAMAR

1907 N LAMAR

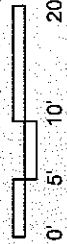
OLD 19th STREET

NORTH  
LAMAR BLVD





1308 OLD 19th ST  
UNIT 3



# Waterloo Surveyors Inc. SURVEY PLAT

J10554

OWNER:  
THEODORE HELD and NURIA ZARAGOSA

ADDRESS:  
1908 CLIFF STREET

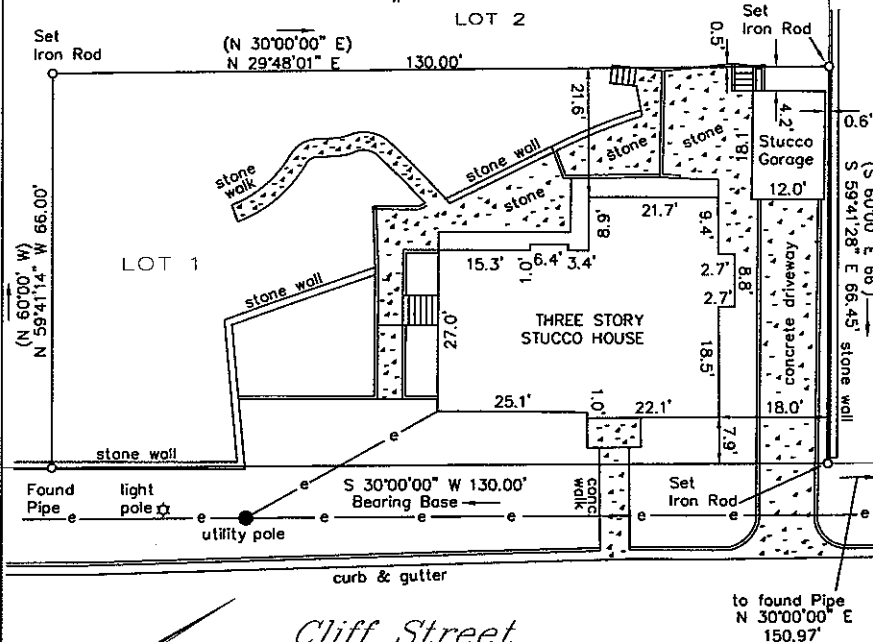
## LEGAL DESCRIPTION:

LOT 1, JOHN T. PATTERSON ADDITION, AN ADDITION IN TRAVIS COUNTY, TEXAS;  
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 13, PAGE 70  
OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

## LOT 1 IS SUBJECT TO:

RESTRICTIVE COVENANTS AND EASEMENT RIGHTS RECORDED IN IN VOLUME 13,  
PAGE 70, PLAT RECORDS, AND ALL OTHERS OF RECORD, IN TRAVIS COUNTY, TEXAS.

Radkey Limited Partnership LP  
Doc# 1999100333



SCALE  
1"=20'

State of Texas:  
County of Travis:

"THIS SURVEY WAS PERFORMED FOR AND CERTIFIED TO THE  
LIEN HOLDERS AND/OR THE OWNERS OF THE PREMISES  
SURVEYED AND TO TITLE INSURANCE GUARANTY COMPANY  
AND TEXAS AMERICAN TITLE COMPANY AS PER GF NO.  
201041316."

The undersigned does hereby certify that this survey was this day made on the  
property legally described hereon and is correct, and this survey substantially  
complies with the current Texas Society of Professional Surveyors Standards and

Specifications for a Category 1A Survey.

Dated this the 9TH day of NOVEMBER, 200 4

And I certify that the property shown hereon IS NOT within a special flood  
hazard area as identified by the Federal Insurance Adm. Department of HUD Flood  
hazard boundary map revised as per Map Number: 48453C0205 E

Zone: X Dated: 06/16/93

Thomas P. Dixon R.P.L.S. 4324

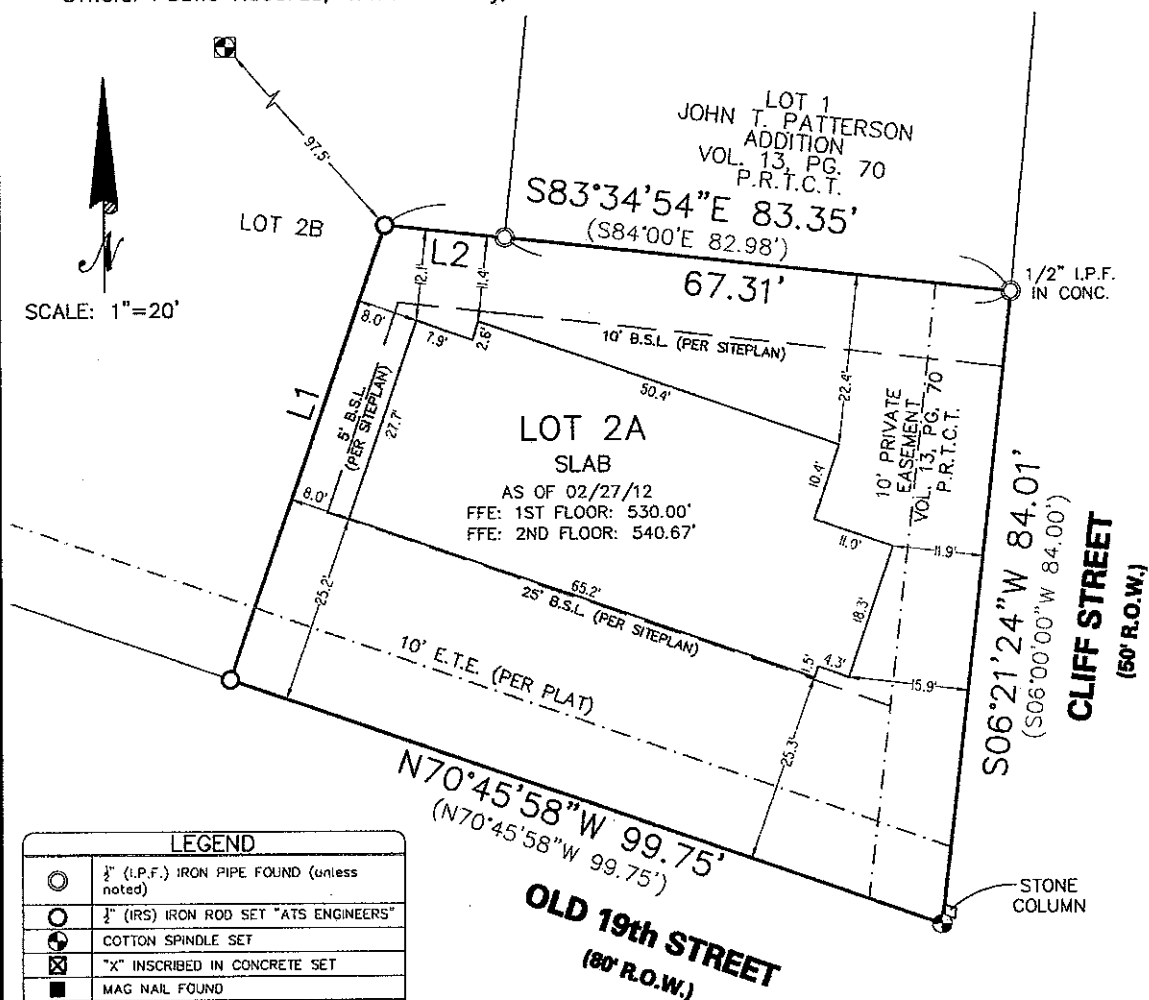
© Copyright 2004

P.O. Box 160176, Austin, Texas 78716-0176 Phone: 481-9602



# PARTIAL AS-BUILT SURVEY

Reference: Risher Martin Renovations Address: Old 19th Street, Austin, Texas  
 Lot 2A, RESUBDIVISION OF LOT 2, JOHN T. PATTERSON ADDITION, Doc. No. 201000051,  
 Official Public Records, Travis County, Texas.



## Notes:

- 1) This map and the survey on which it is based have been prepared without the benefit of a title report and are not intended to reflect all easements, encumbrances or other circumstances affecting the title to the property shown hereon.
- 2) Bearings shown hereon are based on the recorded plat.

I, Paul Utterback, HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has access to and from a public roadway, and that this plat is an accurate representation of the property to the best of my knowledge.

*Paul Utterback*

Paul Utterback, RPLS No. 5738

Client: Risher Martin Renovations

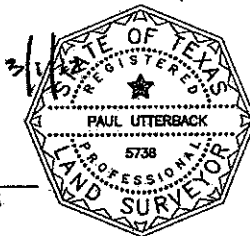
Date of Field Work: 01/12/2012; 02/15/2012; & 02/27/2012

Field: ZThomas/FHarris

Tech: CRamirez/MBolton

Date Drawn: 01/23/2012 (Rev.: 02/16/2012; 02/20/2012; 02/29/2012)

Path: Projects\BULK\Old19thSt-Lots2a-2c\Production\Dwgs\PARTIAL-AB-LOT2A\_120220.dwg



eileen meritt's  
**ATS**  
 www.ats-engineers.com  
 912 S CAPITAL OF TX HWY, STE 450  
 AUSTIN, TEXAS 78748  
 (612) 328-6996  
 FAX: (612) 328-6996  
**Engineers  
 Inspectors  
 & Surveyors**



ARCHITECTURAL	
A1.1	SITE PLAN, COVER SHEET (P)
A1.2	TEXT DIAGRAMS (P)
A1.3	COURT/CORRAL SPACE PLAN (P)
A1.4	FLOOR PLAN - LEVEL 1 - ROOF PLAN (P)
A1.5	FLOOR PLAN - LEVEL 2 - ROOF PLAN (P)
A1.6	EXTERIOR ELEVATIONS (P)
A1.7	INTERIOR ELEVATIONS (P)
A1.8	BUILDING SECTIONS (P)
A1.9	DETAILS (P)
A1.10	DETAILS (P)
A1.11	DOOR AND WINDOW SCHEDULE (P)
A1.12	INTERIOR ELEVATIONS (P)
A1.13	INTERIOR ELEVATIONS (P)
STRUCTURAL	
S1.1	LEVEL 1 (P)
S1.2	LEVEL 2 (P)
S1.3	DETAILS (P)
S1.4	DETAILS (P)
S1.5	DETAILS (P)
S1.6	FOUNDATION (P)
S1.7	FOUNDATION (P)
S1.8	FOUNDATION (P)
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S1.97	FOUNDATION (P)
S1.98	FOUNDATION (P)
S1.99	FOUNDATION (P)
S1.100	FOUNDATION (P)

BUILDING COVERAGES CALCULATION	
<b>FLOOR SIZE:</b>	
2ND FLOOR CONDITIONED AREA:	4,817 SQ.FT.
1ST FLOOR CONDITIONED AREA:	1,341 SQ.FT.
1ST FLOOR UNCONDITIONED AREA:	6,097 SQ.FT.
ATTACHED GARAGE:	8,557 SQ.FT.
WOOD DECKS - about 10%:	3,507 SQ.FT.
WINTERGARDENS:	9,000 SQ.FT.
COVERED PORCHES:	91,500 SQ.FT.
BALCONIES:	8,000 SQ.FT.
SHADING POLYEN:	0 SQ.FT.
TOTAL BUILDING AREA:	27,789 SQ.FT.
TOTAL BUILDING COVERAGE ON LOT:	1,944 SQ.FT.
	7.0 %

1,941 SQFT  
542 SQFT  
102 SQFT  
137 SQFT  
0 SQFT  
8 SQFT  
0 SQFT  
0 SQFT

TOTAL BUILDING COVERAGE ON LOT:  
DRIVEWAY AREA:  
SIDEWALK / WALKWAY:  
UNCOVERED PATIO(S):  
UNCOVERED WOOD DECK (B) - about 41.50%  
AIR CONDITIONER PAD(S):  
CONCRETE CROQS:  
OTHER:

[illegible]

1,848 BOFT  
471 SOFT  
2,319 BOFT

1ST FLOOR CONDITIONED  
2ND FLOOR CONDITIONED

TREE LIST:

[illegible]

THREE WITH D ARE TO BE REMOVED  
THREE WITH B ARE TO BECOME BROWN AND PROTECTIVE

A-39710

of the  $C$  matrix is

5/19/20

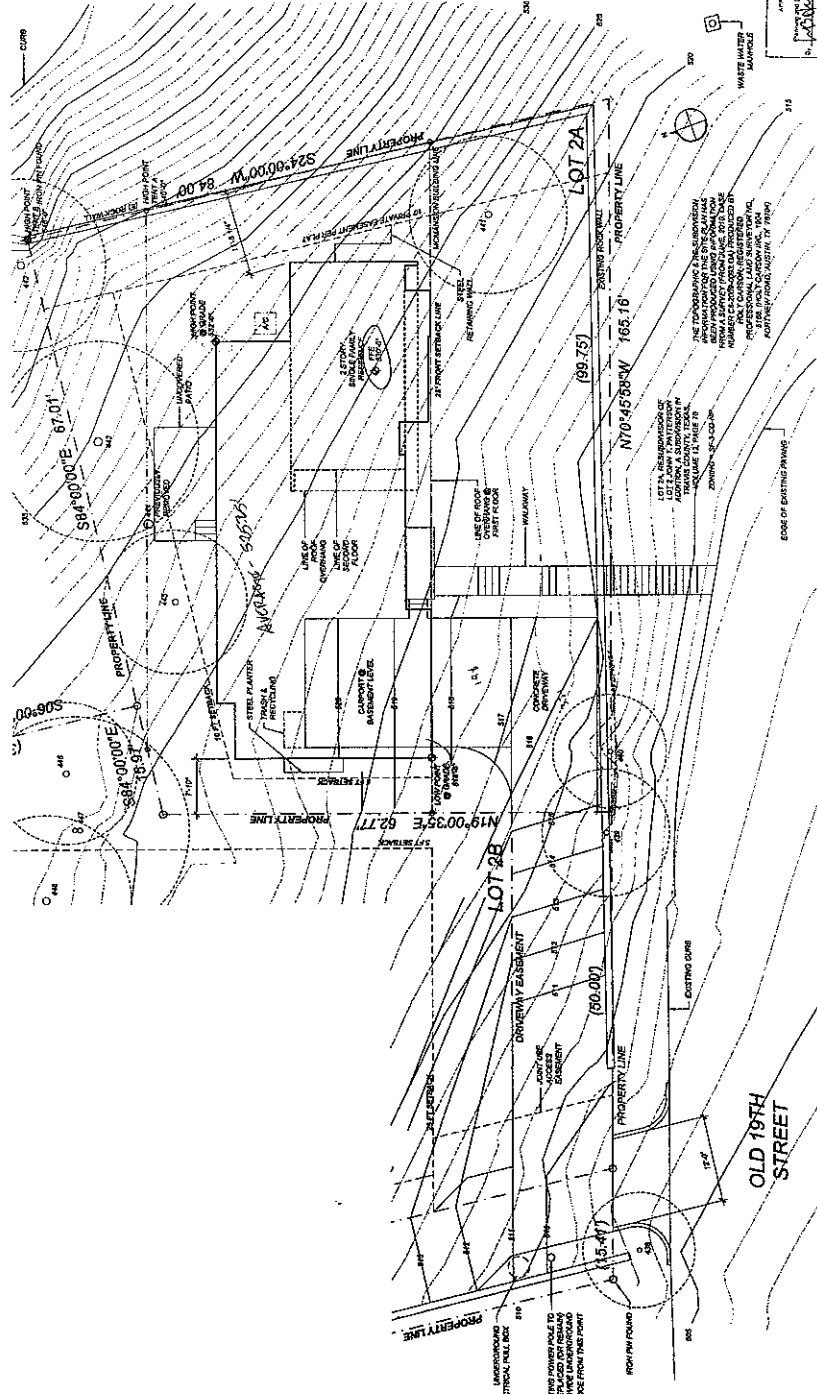
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Journal of Business Ethics (2015) 129:111–125

[illegible]

1300 Old 19th Street  
Unit 3  
Permit Set

## A1.1





To: City of Austin Board of Adjustments

From: Original West University Neighborhood Association

Re: 1308 Old 19<sup>th</sup> St., Lot 2-A

To whom it may concern,

Please be advised that we are unable to hold a neighborhood-wide meeting to vote on this issue until Sept 16. We will be able to provide an official letter of support following a positive vote at the hearing on Sept 17.

Thank you

A handwritten signature in cursive script, appearing to read 'Nuria Zaragoza'.

Nuria Zaragoza,

President

We the undersigned support the variance request for 1308 Old  
19<sup>th</sup> St. Lot 2-A

Name NURIA ZARAGOZA

Address 1908 CLIFF ST AUSTIN TX 78705

We the undersigned support the variance request for 1308 Old  
19<sup>th</sup> St. Lot 2-A

Name ERNESTO CRAGNOLINO & KRISTA WHITSON

Address 1911 CLIFF ST #3 AUSTIN, TX 78705.

We the undersigned support the variance request for 1308 Old  
19<sup>th</sup> St. Lot 2-A

Name Ronald M. Szwed

Address 1202 W. 22 1/2 Austin, TX 78705

We the undersigned support the variance request for 1308 Old  
19<sup>th</sup> St. Lot 2-A

Name MAT SLUSAREK

Address 1909 A CLIFF ST

We the undersigned support the variance request for 1308 Old  
19<sup>th</sup> St. Lot 2-A

Name Lorraine Pangle

Address 1200 W. 22 1/2 St

We the undersigned support the variance request for 1308 Old  
19<sup>th</sup> St. Lot 2-A

Name MIKE NAWLEY

Address 1208 W 22.5

We the undersigned support the variance request for 1308 Old  
19<sup>th</sup> St. Lot 2-A

Name \_\_\_\_\_



Jeremy Martin <jeremy@rishermartin.com>

---

## Fwd: Variance Support

1 message

---

**Karrie League** <karrie.league@draffhouse.com>  
To: Jeremy <jeremy@rishermartin.com>

Tue, Sep 11, 2012 at 7:58 AM

----- Forwarded message -----

From: **Jason** <westexdent@mac.com>  
Date: Mon, Sep 10, 2012 at 12:26 PM  
Subject: Variance Support  
To: karrie league <karrie.league@draffhouse.com>

To whom it may concern,

As a concerned resident in the neighborhood in question, I am in support of the variance request for 1308 Old 19th St, Lot 2-A.

Jason M. Duggan DDS

1913 Cliff St # 2  
Austin, TX 78705



Jeremy Martin <jeremy@rishermartin.com>

---

## Fwd: Variance Request Support of 1308 Old 19th St Lot 2-A

1 message

---

**Karrie League** <karrie.league@draffhouse.com>

Tue, Sep 11, 2012 at 10:50 AM

To: Jeremy <jeremy@rishermartin.com>

----- Forwarded message -----

From: **Barksdale, John @ Austin** <John.Barksdale@cbre.com>

Date: Tue, Sep 11, 2012 at 10:05 AM

Subject: Variance Request Support of 1308 Old 19th St Lot 2-A

To: Karrie League <karrie.league@draffhouse.com>, Gillian Stahl <gillianstahl@hotmail.com>

To the City of Austin,

We support the variance request of 1308 Old 19th St Lot 2-A.

John and Gillian Barksdale

1912 David Street

Austin, TX 78705

Thank You,

John & Gillian

John Barksdale | Vice President

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