

W. MICHAEL MURRAY

6-17-04
#51

January 5, 2004

The Planning Commission of Austin, Texas

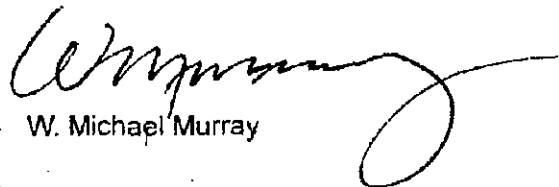
Dear Commission Members:

I am writing to support the application of Melton West to waive the compatibility height restrictions so that he may complete the modifications to his condominium unit at the Encinal Condominiums.

I am President of the Encinal Condominium Owners Association. In this position, I am also Chairperson of the Board of Directors. I would first like to state that Mr. West's proposed changes to his unit were properly submitted to the Board and the Association on several occasions. In no case was any opposition, either verbal or written, received by the Board prior to Mr. West's receiving final approval to go forward with construction. Since construction on the project has been stopped, I have personally discussed the situation with two owners, only one of whom still opposes the modifications. I believe that the opposition arose because of the negative visual impact of the unit in its current state.

Since the overall height of the condominium project already exceeds the proposed height of Mr. Melton's unit, I do not believe that granting his requested waiver will have any negative effect on the project. Personally, I believe that the changes that Mr. Melton has proposed will be beneficial to the entire condominium project and will enhance the overall aesthetics and value of the project.

Sincerely,



W. Michael Murray

David Gentry
Gentry Custom Frames
1500-a W. 5th St.
Austin, TX 78703

April 3, 2004

Planning Commission
City of Austin
P.O. Box 1088
Austin, TX 78767

Dear Commission:

Please consider Melton West's zoning variance for his condominium at the Encinal, 1106 W. 6th St.

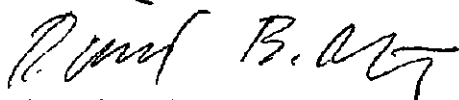
I am very familiar with this neighborhood, as I own a picture framing business two blocks west, and one block south of his condo. In my opinion, his proposal is not out of character with the existing structures along the adjacent blocks of 6th St.

I frequent the businesses along that block of 6th St. every week, and have considered Melton's project for some time—often while walking to Sweetish Hill, Z Tejas, or Whit Hanks. The complex is built up the side of a hill, and his proposed addition's height does not appear out of character with the existing structures. Though it may technically exceed the zoning specifications, in relation to the adjacent property, it seems to blend right in with the steep hillside. The entire property is nicely shielded with huge live oaks that provide a significant buffer to the street.

I have visited the Encinal, and I do not see that his proposed project would be deleterious to his neighbors' property or views. In fact, the rest of the property seems to be in a state of decline, and his addition may encourage a renaissance of renovation for all of the units.

To conclude, I support Melton West's petition for a variance.

Sincerely,



David B. Gentry

Kirk S. Petersen
12440 Alameda Trace Circle, #1518
Austin, TX 78727
(512) 750-6879

April 5, 2004

City of Austin Planning Commission
P.O. Box 1088
Austin, TX 78767
RE: 1106 W. 6th Street, Unit 301

To Whom It May Concern:

I am writing to express my views and opinions in support of the Height Waiver Request submitted to you by Mr. Melton West. It is important to note that I hold a real estate license with the State of Texas and presently work as a mortgage loan officer for the oldest alternative lender in Texas. I have a degree in civil engineering and have worked on numerous development projects throughout Texas.

As a long-time resident of Austin, I am very familiar with properties in the Clarksville/Castle Hill area. In fact, I have lived and worked in the area, both, just a few blocks from his home. I am also familiar the modifications that Mr. West is planning for his home at Encinal. I applaud the proposed improvements and feel that the improvements create a win-win scenario for all concerned parties. Having lived in the area, I also know that the rather obstreperous "neighborhood association" can be averse to any change, whatsoever. I ask you to keep in mind that neighborhoods are growing and changing, or they are dying and deteriorating – never are they static.

I urge you to grant the variance due to the following facts:

- The improvements proposed are in-line with other improvements being made in the area and are aesthetically pleasing up-close and hardly visible from the street or surrounding properties.
- Face facts – the area is predominantly commercial and on a very busy street. Any construction that would encourage residential use in the area would be a benefit to other residences in the area, as well as surrounding businesses.
- The improvements will increase the property values of other units at Encinal, as well as surrounding residential properties. This means that the tax basis increases. With current budget challenges, I think it is in the best interest of the commission, the City, and Austin residents to collect as much revenue as possible from these sorts of projects.
- Other buildings in the area are taller than the improvements proposed by Mr. West. It would be plain silly to limit his right to improve his property as others in the area have improved theirs.
- Improvements proposed by Mr. West secure the safety and structural integrity of the building. This will benefit other residents of Encinal, as well as that of surrounding properties. It is my understanding that the building was in compliance with city building codes at the time of original construction. Obviously, the improvements would bring a number of items up to current 2004 standards.

You may easily contact me as indicated above, at anytime, with your questions or to verify the authenticity of this letter.

Best Regards,



Kirk S. Petersen

WAYNE BAILEY, P.C.
Attorney At Law
2150 Justin Lane, Suite 113
Austin, Texas 78757
(512) 263-5376; Fax: (512) 380-0504

April 4, 2004

City of Austin Planning Commission
P.O. Box 1088
Austin, TX 78767.

Re: Height Waiver at 1106 W. 6th Street, Unit 301
Property Owner: Melton West

Dear Sirs:

I am writing in support of the application for waiver of height restriction filed by Melton West, the owner of the property referenced above.

I grew up in and around the Austin area and moved back here after attending law school in Houston. I appreciate the unique flavor of the Austin experience and have no desire to see the quality of life diminished by building projects that damage that uniqueness in anyway.

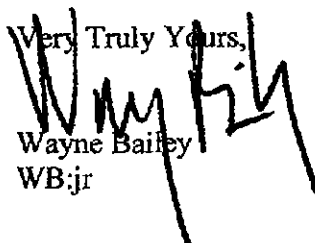
I have known Mr. West for some time and have had the opportunity to visit him in his home on many occasions. He has hosted fundraisers for both local and national charities at this property. The Encinal is wonderful enclave in the midst of several commercial properties and is an example of urban living at its best. Mr. West's planned addition to the property in no way diminishes that experience and in fact, in my opinion, only serves to strengthen the character and beauty of the neighborhood and increase his neighbors' property values.

The planned addition will not be a black eye, painfully obvious to all who pass by. In fact, the completed addition will not be as tall as several existing buildings in the vicinity, most notably the AISD Building and the Garden Condominiums at 1115 W. 6th. In any event, because the Encinal is located on a heavily treed lot with many mature oak trees

and because the canopies of the trees, together with the setback of the buildings, obscure the buildings from the street, the increased height would go unnoticed by most anyway.

Accordingly, I lend my support for Mr. West's application and ask that his plans be approved as submitted.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Wayne Bailey', written over the typed name and initials.

Wayne Bailey

WB:jr

April 4th, 2004

City Planning Commission
City of Austin
Austin, TX

RE: Melton West-Height Waiver Request for 1106 W. 6th St

Dear Commission Members,

I have been watching the construction of the top floors of the condominium at 1106 West 6th Street with fascination. After inquiring about the apparent stoppage in the project, I was disappointed to hear of the work stop order in place. I think that the project is an asset to both the condominium complex and the surrounding community.

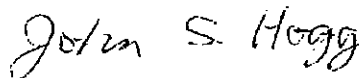
The height of the structure should not be an issue because of the blending of the structure with the surround tree canopies, as well as the slope of the hill. There are structures within the same complex that appear taller, just up the hill from the property under review. Also, there are many trees and buildings with higher elevations as one travels up the hill.

Mr. West has apparently taken great care in carefully planning an esthetically appealing structure, as well as a strong structure with large steel beams supporting it. This not only improves his property, but also improves the surrounding properties because of the steel reinforcements he has also provided them.

As a City of Austin property owner, I would hope that more residential structures in Austin would be built with steel reinforcement, and with such careful blending into the hillsides.

I encourage and support the height waiver for Mr. Melton to complete the condominium renovation at 1106 W. 6th Street.

Respectfully,

A handwritten signature in black ink that reads "John S. Hogg". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

John S. Hogg MD

4109 Jefferson Street
Austin, Texas 78731
April 2, 2004

City of Austin Planning Commission
P O Box 1088
Austin, Texas 78767

Re: Encinal Condominium construction

Dear Planning Commission;

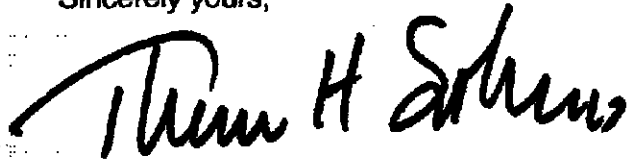
I have resided in central Austin for the last 20 years and enjoy the architectural integrity of our city. I am writing in regard to the construction in the Encinal Condominiums, specifically 1106 W 6th Street, Unit 301, 78703.

This Condominium has many special features which include a very sloped grounds and varying heights of the units as well as tall trees. The current structural improvement, which can be determined by its completed skeleton, harmonizes with and complements the existing neighboring structures. The slope of the property allows the new construction to blend in with its environment inconspicuously.

In my opinion, the improvements fit in well with the immediate surrounding area, which includes buildings of a greater height than this structure. It also balances the newer downtown construction of urban residences.

I support the allowance of a waiver to complete the construction on this project.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas H. Smith". The signature is fluid and cursive, with a large, sweeping initial "T".

Thomas H Smith, MD

Terry M. Franz
1904 Kenwood
Austin, Texas 78704
512-447-8768
tmfranz@airmail.net

April 4, 2004

City of Austin Planning Commission
PO Box 1088
Austin, Texas 78767

Dear Planning Commissioners:

Please consider my letter in support of Melton West's request for a waiver for the height of his residence at 1106 West 6th Street, Unit 301. I am a 19-year Austin resident, and for 15 of those years I have lived in Austin's inner-city. I love Austin and plan to spend my life here.

The height of Mr. West's residence is not noticeable except from a few points in the neighborhood. The topography of the area and the many trees in the neighborhood conceal his residence from most vantage points, even on the streets nearest to his property. In fact, the height of his residence is consistent with heights of several other nearby residences, including the Garden Condominiums, residential suites in the AISD complex, and several residences on nearby Baylor Street.

Secondly, the improvements he is making to his property will enhance the value of his and his neighbors' properties.

Thank you for your consideration. I hope you will support Mr. West's variance request for his residence.

Sincerely,


Terry M. Franz

A. Arro Smith

909 West 29th Street, Austin, Texas 78705 512/294.8646 arro@austin.tx.com

2 April, 2004

City of Austin Planning Commission
P.O. Box 1088
Austin, TX 78767

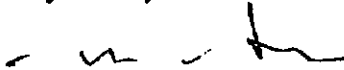
Dear Commission Members:

I understand that Mr. Melton West of 1106 West Sixth Street is petitioning your Board for a zoning variance. I urge you to approve Mr. West's request for two main reasons:

Mr. West has lived in Austin for many years, and understands the unique texture and tenor of central Austin. I have great faith that his proposed addition will blend into the eclectic blend of architecture already present on West Sixth Street. I have reviewed his plans, and find them aesthetically compelling.

I have been a friend of Mr. West for many years. Before his current construction project began, I was privileged to be a guest at his apartment for many charitable functions. He is a dedicated philanthropist that has unselfishly raised thousands of dollars for deserving organizations. It is rare to find a private home so well suited for small charity functions. With its location on West Sixth Street, there is always plenty of parking; and it is easy to find without disturbing the neighbors. I am confident that his proposed addition will continue to serve many in the community through his networking generosity.

Thank you for your consideration,



April 3, 2004

City of Austin Planning Commission
P.O. Box 1088
Austin, TX 78767

Dear Sirs:

I am writing regarding the renovation efforts of Melton West at the Encinal Condominiums, 1106 W. 6th, Unit 301, Austin.

I came to Austin 40 years ago from Houston. I remember when the Austin's population was about 60,000. I am very familiar with this neighborhood. I have lived in the immediate neighborhood, and I have many fiends who have lived in the neighborhood.

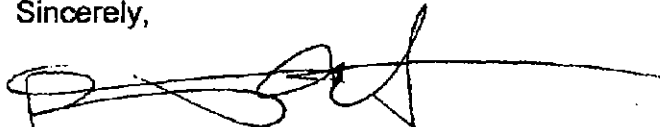
I remember when the Encinal was constructed. There was some controversy that the complex was destroying a family neighborhood. Now it is one of the few remaining residences actually on 6th Street, surrounded by businesses.

I do not feel that the new height of the structure does any harm to the area. The Encinal is surrounded by commercial properties, and there are several taller buildings within a block. I feel that Mr. West's unit is actually hard to see from much of the surrounding neighborhood. I have tried to point it out to friends while driving through the vicinity, and it is hidden behind trees and other buildings. When one does get into a position to clearly see the complex, I feel that Mr. West's unit compliments the whole.

It is my belief that Mr. West deserves the opportunity to complete his project. I understand that he has tried to work with the City to arrange satisfactory compromises and that the work actually includes structural improvements. I hope that the City will find a way to allow the work to successfully go forward.

Thank you for your time on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dennis Ciscel', with a long horizontal line extending to the right.

Dennis Ciscel
8023 Doe Meadow Dr.
Austin, TX 78749

JIM CARUTH

1811 SANTA CLARA ST. • AUSTIN TX 78757
PHONE 512-453-8878

April 5, 2004

City of Austin Planning Commission
P.O. Box 1088
Austin TX 78767

To the Planning Commission:

I am writing to support Melton West's residential construction project at 1106 West Sixth Street. Although the addition to his residence rises beyond the height restriction for that property, it does so by only a few feet. I feel that the few extra vertical feet that the construction requires does not detract from the property or from the neighborhood. There are other buildings in the immediate vicinity that are taller.

Melton West's partially constructed addition has been in existence for well over a year. I have seen it many times. The variable, stair-stepped elevations of the buildings at 1106 West Sixth Street allow the Melton West's addition to fit in with the surrounding buildings. Also, the area's varying ground elevation places other buildings at a higher absolute elevation, although they may not be as tall as Mr. West's addition. Consequently, Mr. West's addition doesn't protrude noticeably, as it might in an area of flat topography and structures of uniform height.

I hope that the Planning Commission will grant a waiver to the height restriction and allow Melton West to complete his addition.

I live in Brentwood, and as a former member of the Brentwood Neighborhood Association's steering committee, I am sensitive to neighborhood planning decisions. I have lived in Austin since 1995, and also lived in Austin from 1973 to 1979.

Thanks for your consideration.

Sincerely,



Jim Caruth

April 4, 2004

City of Austin Planning Commission
P.O. Box 1088
Austin, Texas 78767

Dear Planning Commission Members:

As a long-term resident of the Austin community, I feel compelled to express my dismay over the halt of the construction/remodeling project at 1106 W. 6th St., Unit 301. I feel that a waiver should be granted to Melton West in order for the construction to continue, as there is no reasonable explanation as to why it should not. Surrounding the property, there are several other residential buildings that exceed the height and with much more intrusive and obvious appearance than what this Encinal property will have once completed. This property expansion is so inconspicuous that those walking and driving down 6th Street more often than not, will never notice any change. Helping this inconspicuous appearance is the fact that the new construction blends into the existing structure and complex and I feel will only increase the property valuation of the surrounding units and properties. In addition to a blended appearance of the architecture, there are beautiful and very large trees surrounding the structure and property that almost completely hide the structure from the primarily commercial area around the property.

Thank you for your attention to planning matters that are very important to our community. I hope that you will grant Melton West with the necessary approval to complete this project, which will only add value and beauty to our wonderful city!

Sincerely,



Steve Overman
3105 Lafayette Avenue
Austin, Texas 78722
soverman@austin.tx.com

5624 Woodrow Avenue
Austin, Texas 78756

April 4, 2004

City of Austin Planning Commission
Post Office Box 1088
Austin, TX 78767

To the Members of the Planning Commission:

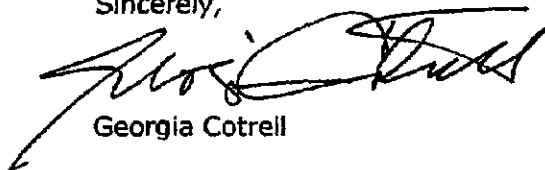
This is in support of Melton West's application for a height waiver for his home at 1106 West 6th Street, Unit 301, of the Encinal Condominiums. I am a long-time resident of Austin, having moved here from San Antonio in 1971.

Frankly, I have never understood why there's been any issue whatsoever with the height of Melton's beautiful condo redesign. With those huge oaks and pecans in front, you can barely see his place from 6th Street. And there are *definitely* more than just a few buildings very close by Encinal that are obviously taller than Unit 301.

I feel that his creative and attractive design is going to do nothing more or less than vastly improve the Encinal, as well as the OWANA area in general.

I urge you to grant him this waiver and allow the project to come to completion.

Sincerely,

A handwritten signature in black ink, appearing to read "Georgia Cotrell", with a long, sweeping underline that extends to the left.

Georgia Cotrell

1800 Rainy Meadows
Austin, TX 78757

City of Austin Planning Commission
P.O. Box 1088
Austin, TX 78767

April 3, 2004

To Whom It May Concern:

I have known and respected Melton West for ten years. During this time, he has been a responsible citizen of Austin, Texas. He has strived to be a good citizen and improve the quality of Austin as a city. I am writing this letter to request that you grant a waver regarding the height of the new construction at 1106 W. 6th Street, Unit 301.

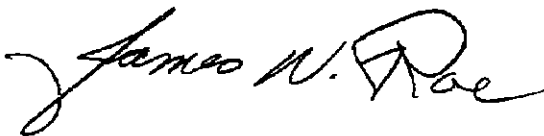
There are several reasons that I do so. Firstly, the property is surrounded on three sides by commercial property, Z-Tejas, Whit Hanks Furniture and AISD complex across the street. Secondly, the property is on 6th street a commercial street. Finally, there are several properties nearby that are taller than the construction for which Mr. West is requesting a waver. These properties are: 1) the Garden Condominiums at 1115 W., 2) the AISD complex's residential suites and 3) several residences on Baylor street.

Because of the other structures at the same height or higher, the commercial nature of the area, the mature trees that shield the expansion and the face that the expansion adds value to the existing properties in the complex, I believe it is quite appropriate that a height waver be granted. Mr. West has always been tasteful in his approach to his property, both inside and out. The small extra height will not be obtrusive or even really seen because of the large trees.

Again, I am requesting that you approve the height waver for Mr. West's property at 1006 West 6th Street.

I do thank you for giving me an opportunity to express my views.

Sincerely,

A handwritten signature in cursive script that reads "James N. Roe". The signature is written in dark ink and is positioned above the printed name.

James N. Roe

April 5, 2004

City of Austin Planning Commission
P.O. Box 1088
Austin, TX 78767

RE: 1106 W. 6th, Unit 301
Property of Melton West

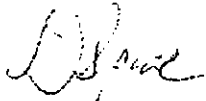
To Whom It May Concern:

I am writing you in support of the improvements on the above address. I understand that modifications were necessary to address structural problems and that the modifications will bring the unit in line with current fire and building code. I believe the building's additional height will not be conspicuous and will upscale the entire condominium complex and surrounding area. The renovations should increase property values and consequently the tax base.

I am a native of Austin and have lived primarily in the 78703 and 78704 areas since 1950. I witnessed the development of that specific area and am familiar with the Encinal Condominiums. The revitalization of the area, including the new Whole Foods office building only one block away, is complemented by the upgrade of this property.

I am in full support of granting the height waiver. Thank you for your attention in this matter.

Sincerely,



Dwight Spears
2210-A Quarry Rd
Austin TX 78703
Phone: 512-236-8900
[dwight@dwightspears.com](mailto:dwright@dwightspears.com)

April 5, 2004

Thom Washington
1304 Summit Street, Unit 214
Austin, Texas 78741

To the Members of the Planning Commission:

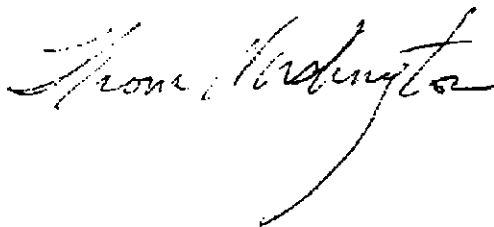
I have been recently made aware of the proposal for a waiver of zoning restrictions in regards to the home improvement to Unit 301 at 1106 W. 6th St. I would like to voice my support for waiving these restrictions. I can understand the need for such regulations as they ensure the integrity of the neighborhood. However, I can not see that the modifications that Mr. West is proposing would detract from the integrity of the neighborhood but rather it seems to me to be a vast improvement. I do not find that this construction, when completed, will cause the structure to be out of proportion to the other buildings around it, nor would it be easily visible from any of the adjoining streets.

I have always enjoyed the architectural styles of the buildings in Old West Austin and I would be vehemently opposed to anyone who would build a structure that would take away from the neighborhood character. In my opinion this project can only serve to add to people's enjoyment of the city. Additionally, the owners of the project have invested a great amount of capital into the renovations and to deny the waiver would be financially debilitating to them.

Once again, please include me as very much in favor for Mr. West's request for a waiver to the restrictions that are blocking this much anticipated progress.

Sincerely,

Thom Washington
407-3658

A handwritten signature in cursive script, reading "Thom Washington". The signature is written in dark ink and is positioned below the typed name and phone number.

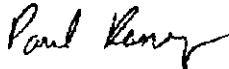
April 5, 2004

City of Austin Planning Commission
P.O. Box 1088
Austin, TX 78767

RE: Request for height waiver at 1106 W. 6th Street, Unit 301

I am writing in support of Mr. West's application for a height waiver for his home at 1106 W. 6th St. As a long time resident of Austin, residing at 1300 Norwood Rd. on property that adjoins the old airport, I am very familiar with the many changes occurring in our city. I feel that the changes that Mr. West wishes to incorporate into his residence will not only increase its value, but also that of his neighbor's properties and the general area as well. As a taxpayer and registered voter, I urge a favorable ruling for his application.

Respectfully,



Paul Raney,
1300 Norwood Road
Austin, TX 78722
512-517-2748

City of Austin Planning Commission
P.O. Box 1088
Austin, TX 78767

The purpose of this letter is to request a height waiver for the new construction on Unit 301 at 1106 W. 6th Street.

My name is Robert Quevedo and I have lived in Austin for the past 7 years. I have had the pleasure of spending time in the shops, restaurants and galleries with friends and family in or about the 1100 block of West 6th street. Much to my surprise the Encinal complex is never noticed. Even with Melton West's expansion to his property, I still find myself pointing out the complex and the buildings to them. The tall old trees and the surrounding buildings do an excellent job of helping the complex blend in. The complex has uniqueness to it and its integrity is not being compromised by the construction. It would add a more distinct character to it. The change would definitely improve not only the appearance of the property but also add value to it.

Sincerely,


Robert Quevedo
7104 Tesoro Trail
Austin, TX 78729

April 4, 2004

David Swim
1707 Mariposa Drive
Austin TX 78741

City of Austin Planning Commission
P.O. Box 1088
Austin TX 78767


Dear Planning Commission:

I am a have lived in Austin since escaping Oklahoma in 1985. I have owned property in Austin since 1987. I am writing you in support of the request for a height waiver for the remodel of Mr. West's condo at 1106 W. 6th, Unit 301.

I believe granting the height waiver is appropriate for the following reasons:

- 1 The immediate area currently has a healthy mix of residential and commercial uses with Whit Hanks across the street and Z-Tejas right next door. This *construction renovates existing residences and thus reinvests in valued residential space in the midst of this growing commercial area.*
- 2 These condominiums are virtually surrounded by very large oak and pecan trees that screen the unit from the street and neighbors.
- 3 The remodel enhances and blends well with the Encinal and its neighbors. The project will increase the prestige of the area and thus its overall property value.

Sincerely,

A handwritten signature in cursive script that reads "David Swim".

David Swim

April 5, 2004

City of Austin Planning Commission
P.O. Box 1088
Austin, TX 78767

RE: 1106 W. 6th, Unit 301
Property of Melton West

To Whom It May Concern:

I am writing you in support of the improvements on the above address. I understand that modifications were necessary to address structural problems and that the modifications will bring the unit in line with current fire and building code. I believe the building's additional height will not be obtrusive and will upscale the entire condominium complex and surrounding area. The renovations should increase property values and consequently the tax base.

I am a native of Austin and have lived primarily in the 78703 and 78704 areas since 1950. I witnessed the development of that specific area and am familiar with the Encinal Condominiums. The revitalization of the area, including the new Whole Foods office building only one block away, is complemented by the upgrade of this property.

I am in full support of granting the height waiver. Thank you for your attention in this matter.

Sincerely,



Dwight Spears
2210-A Quarry Rd
Austin TX 78703
Phone: 512-236-8900
[dwight@dwightspears.com](mailto:dwright@dwightspears.com)

City of Austin Planning Commission
P.O. Box 1088
Austin, TX 78767

Dear City of Austin Planning Commission,

I have been a Realtor in Austin for 5 years. Clarksville is one of my favorite neighborhoods in Austin.

I am writing to you to urge you to give Melton West at 1106 W. 6th, Unit 301 a height waiver. The new structure would blend in beautifully with the present aesthetic theme, and would INCREASE the property values of the area.

Please give Mr. West a height waiver.

Sincerely,



Jeremy Dearman
512-632-3147

2401 Winsted lane #6
Austin, TX 78703-3004

5 April, 2004

Gary Lane
10235 Scull Creek Dr
Austin, TX 78730

City of Austin Planning Commission
PO Box 1088
Austin, TX 78767

To Whom It May Concern:

I would like to write a few lines in support of my friend, Melton West. He is attempting to renovate his condominium at Encinal (1106 W 6th Street, Unit 301).

As a long-time resident of Austin (more than 30 years), I've noted that growth in this city is inevitable. Even through the ups and downs, the city continues to expand and the property values continue to rise.

What I believe Mr. West is attempting to do is to enhance the value of his home and the other condominiums in Encinal, as well as the surrounding area. It will afford him a beautiful view of the city, while remaining unobtrusive behind large trees and set back from the street.

My hope is that you would give serious consideration to allowing him to make these improvements to his property.

Thank you for your time.

Respectfully,


Gary Lane

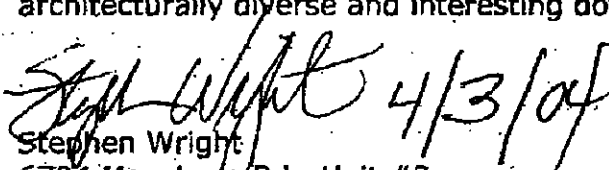
City of Austin Planning Commission
P.O. Box 1088
Austin, TX 78767.

Dear Commissioners,

My friend, Melton West, is seeking a height waiver to the zoning at his condominium at 1106 W. 6th, Unit 301. There are a number of good reasons to grant the variance. Unique housing downtown adds to the character of downtown and causes more people to want to live in the central business district. If people are allowed to create unique living environments then more people will choose to not go out over the aquifers, instead building downtown.

The height of this structure doesn't harm the surrounding area. Encinal is surrounded on three sides by commercial properties such as Z-Tejas, AISD office complex and the Whit Hanks furniture store. The property presents on 6th street, not a residential street. There are several nearby buildings (within a couple of hundred feet) that are taller than this condominium. These are the Garden Condominiums at 1115 W. 6th, the AISD complex's residential suites and several of the residences on Baylor Street. The increased height is inconspicuous. For most of the year, very large trees in front of and around the Encinal complex obscure the condo from being seen from West 6th Street almost completely. A full view of the unit is only available from a few faraway vantage points. His condominium unit is surrounded by other condominiums and thus the height is stepped back from surrounding properties. This provides appropriate scale and clustering. The new design blends in with existing Encinal architecture.

I have lived in Austin since 1974, much of the time in the downtown area. I love the feel of our downtown and hope more people will move back. Fancy look-a-like lofts are not for everyone. I urge you to consider allowing these changes and promoting an open, architecturally diverse and interesting downtown living environment.

 4/3/04
Stephen Wright
6704 Manchaca Rd., Unit #3
Austin, Texas 78745

Lynda Courtney
Watershed Protection and Development Review
For the Austin Planning Commission
City of Austin
P.O. Box 1088
Austin, Texas 78767-8835

Dear Planning Commissioners:

I own and reside at 700 Baylor Street. I am opposed to any waivers or variances of the building codes for the property at 1106 W. 6th, Encinal condominiums, Unit 301. The applicant has created their own hardship by substantially constructing a addition to the structure that is not in compliance with the land development height limits. To grant a waiver at this point rewards and encourages people to undertake construction without regard to building codes or city regulations. Then if they are cited they will feel that they can apply for waiver of the codes simply because what they have constructed out of compliance is an accomplished fact.

The applicant has known for some time that neighbors had a problem with the height of the construction. Indeed neighbors had to repeatedly contact the enforcement officials to try to get them to cite the non-compliance.

There is no unusual or compelling reason for the applicant to have not followed the codes except that getting around them suited personal interests. There is no legal basis for granting a waiver and if the applicant is forced to follow the law the property is not rendered valueless or unusable, except as the willful disregard for the law has created serious consequence of the applicant's own making.

I and my family are opposed to any waiver of height limits, as allowed in LDC 25-2-1081, for the case pending in file number SPC-03-0023W.

Sincerely,

A handwritten signature in black ink that reads "Daniel J. Traverso". The signature is written in a cursive, flowing style with a large initial 'D'.

Daniel J. Traverso

**Old West Austin Neighborhood Association
OWANA
P.O. Box 2724, Austin, Texas 78768-2724**

April 7, 2004

Mr. Chris Riley, Vice Chair of the Planning Commission and Commission Members
City of Austin
P.O. Box 1088
Austin, Texas 78767

Subject: SPC-03-0023W; Request for Waiver to Compatibility Standards at 1106 West 6th street, Unit 301, Melton West Residence

Dear Vice Chair Riley and Commission Members:

I am writing to you concerning the request for a waiver for the Melton West residence at the Encinal Condominium project at 1106 West 6th Street. Specifically, I would like you to know that the OWANA Steering Committee voted unanimously on April 5, 2004 to oppose the granting of this waiver. In addition, OWANA members and neighbors who live close by this project protest against and oppose the granting of any waiver which would allow the structure at 1106 West 6th Street #301 to fail to comply, in any manner, with the compatibility standards delineated in the City of Austin Land Development Code.

The history of this project has triggered a great deal of concern within the neighborhood, as well as with City staff. A letter from Mr. Ronald Menard, Plan Review Coordinator of the City's Watershed Protection and Development Services Department (dated August 28, 2003) to Mr. Charles Fisk of The Architect's Office Corporation (Mr. West's architectural firm) states that "the permit to remodel the existing 4th story was issued based on false information. A search of all permits issued at this address failed to uncover a permit for the construction of the 4th story greenhouse. It is my conclusion that since the 4th story greenhouse was not legally constructed, the permit is revoked." Mr. Menard also stated in that letter that "The 5th Story addition must be removed: a demolition permit is required." As of this date, the construction remains standing.

The Austin Land Development Code, Volume 2, Section 25-2-1081, allows your commission to grant a waiver to compatibility standards as Mr. West is requesting, if the waiver is "appropriate and will not harm the surrounding area". We believe that a waiver is *not* appropriate in this case. The Old West Austin Neighborhood Plan, passed by the City Council in June 2000 as an Ordinance, in Section A (regarding Land Use/Zoning), under Objective 2.3 of Goal 2 - Protect the Character of the Neighborhood, Action 7 states the need to "Have a zoning inspector available to spend up to 8 hours per week in the neighborhood. If necessary, increase staff in Inspections Division of the Development Review and Inspection Department. (City Action Item: DRID)." It is quite clear that the basic need behind the unequivocal statement of this Neighborhood Plan objective has been the history of people gambling that they won't get caught and going ahead with building

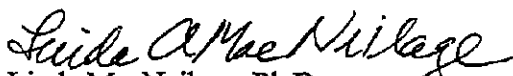
whatever they want, without compliance to code, knowing that if they get caught the consequences won't be very serious and they can simply request a waiver and complete their project. The surrounding OWANA property owners feel strongly that in order to protect the neighborhood, no waiver is appropriate in this case. A waiver is not appropriate in terms of height because it is not compatible with the SF zoned property within 100 feet of it, and because this construction harms the surrounding area by diminishing property values because it represents such a visual blight in the neighborhood.

In November of 2003 the applicant reported that he worked with his condo association for 2 years to get approvals for his construction, but said that he "was unaware of OWANA". Since becoming aware of OWANA, Mr. West, the applicant, and his attorney, Mr. J. Bradley Greenblum, have requested to be put on the agenda to speak about this construction at two OWANA general Membership meetings. Members of the Zoning subcommittee have also met with them about the concerns of the neighbors, as has an owner of SF zoned property within 100 feet. Neighbors report an impression that the applicant has acted in bad faith throughout the entire process, and this factor alone is significant in denying any height or elevation waiver. The granting of a waiver in this case carries with it the risk of setting a potentially disastrous precedent to others who might be tempted to risk moving forward on a construction project that is not in compliance with code, taking the risk that if caught they can simply obtain a waiver and then proceed. Granting a waiver could set a precedent which would represent an undermining of City ordinances and codes, and an erosion of the protection that property owners and residents rely upon their zoning to afford them. In order to discourage this kind of behavior it is obvious that the consequences of taking this kind of gamble need to be made more serious, and need to be stringently enforced.

Currently we are undertaking a zoning rollback effort with the City, as set forth in the Old West Austin Neighborhood Plan, whereby dozens of property owners are changing their zoning from MF-4 to SF. This will strengthen our use of compatibility standards throughout the neighborhood. Granting a waiver to compatibility standards, even before the rollback has been implemented, would serve to undermine this effort.

While there has not been a motion at a General membership meeting of our neighborhood association specifically relating to this project, a motion addressing the importance of code compliance was passed unanimously last year. As you must realize, waivers not only undermine the ordinance but also disempower City staff, like Mr Menard, who are charged with enforcing it. We would like to ask you to let our neighborhood know that you will protect us and our properties by denying this waiver, and by stringently enforcing compliance of all zoning codes and compatibility standards.

Sincerely,



Linda MacNeilage, Ph.D.
OWANA Chair



City of Austin Watershed Protection and Development Review
505 Barton Springs Road/ P.O. Box 1088 / Austin, Texas 78767-8835

NOTICE OF PLANNING COMMISSION PUBLIC HEARING FOR A SITE PLAN WAIVER

Mailing Date of this Notice: April 2, 2004

File Number: SPC-03-0023W

The Watershed Protection and Development Review Department has received an application for a waiver or variance of a site plan for the project described below. This notice has been mailed to you because City Ordinance requires that all property owners within 300 feet of a proposed development and affected neighborhood organizations be notified that an application for development has been filed.

OWNER: Jesse and Barbara West

PHONE: (713) 782-8406

AGENT: Melton West

PHONE: (512) 478-8400

PROJECT NAME: Encinal Condominiums, Unit 301

PROJECT ADDRESS AND/OR LEGAL DESCRIPTION: (See map) 1106 W. 6th Street

WAIVER REQUESTED: The applicant requests the following waiver from the Land Development Code: From Compatibility height limits, as allowed in LDC 25-2-1081.

PLANNING COMMISSION HEARING DATE: April 13, 2004

TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center, 3rd Floor Room #325, Austin, Texas

If you have any questions concerning this notice, please contact Lynda Courtney at the City of Austin, Watershed Protection and Development Review Department, (512) 974-2830. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # SPC-03-0023W

Zoning & Platting Commission Hearing Date: 4-13-04

Name (please print) Martha Fitz Water

☐ I am in favor
(Estoy de acuerdo)

Address 1106 W. 6th St.

☒ I object
(No estoy de acuerdo)

Encinal Condominiums, Unit 209
Austin, Texas 78703

Martha Fitz Water, owner and resident