

ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14H-2010-0005

HLC DATE:

February 22, 2010

PC DATE:

April 13, 2010

APPLICANT: Robert P. and Edythe Schmidt Michel

HISTORIC NAME: Jacob and Bertha Schmidt House

WATERSHED: Waller Creek

ADDRESS OF PROPOSED ZONING CHANGE: 712 Sparks Avenue

ZONING FROM: SF-3-CO-NP

TO: SF-3-H-CO-NP

SUMMARY STAFF RECOMMENDATION: Staff recommends the proposed zoning change from single family, conditional overlay, neighborhood plan (SF-3-CO-NP) district to single family, conditional overlay, neighborhood plan – Historic (SF-3-H-CO-NP) combining district zoning.

HISTORIC LANDMARK COMMISSION ACTION: Recommended the proposed zoning change from single family, conditional overlay, neighborhood plan (SF-3-CO-NP) district to single family, conditional overlay, neighborhood plan – Historic (SF-3-H-CO-NP) combining district zoning. Vote: 7-0.

QUALIFICATIONS FOR LANDMARK DESIGNATION:

The Jacob and Bertha Schmidt House is an excellent and rare example of the Dutch Colonial Revival style of architecture, popular in the 1920s especially in the Mid-West and Northeast, and is associated with Jacob and Bertha Schmidt, the proprietors of Yaring's, one of Austin's most prominent ladies' clothing stores, and active members of Austin's Jewish community.

PLANNING COMMISSION ACTION: Recommended the proposed zoning change from single family, conditional overlay, neighborhood plan (SF-3-CO-NP) district to single family, conditional overlay, neighborhood plan – Historic (SF-3-H-CO-NP) combining district zoning. Vote: 7-0.

DEPARTMENT COMMENTS: The Jacob and Bertha Schmidt House is listed in the Comprehensive Cultural Resources Survey (1984), but without a research priority for preservation.

CITY COUNCIL DATE: May 13, 2010

ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Steve Sadowsky

PHONE: 974-6454

NEIGHBORHOOD ORGANIZATION: Hancock Neighborhood Association

BASIS FOR RECOMMENDATION:

The ca. 1924 Jacob and Bertha Schmidt House is an excellent example of a gambrel-roofed Colonial Revival house and was the home of Jacob Schmidt, the founder of Yaring's Department Store and a prominent figure in Austin's Jewish community.

Architecture:

Two-story rectangular-plan gambrel-roofed side-gabled Colonial Revival house with a symmetrical composition, paired 6:6 windows and single 8:8 windows on the second floor; enclosed sunporch to the right and open porch to the left of the central block of the house. The house is in excellent condition and maintains its historic appearance.

Colonial Revival houses were the most popular house design style in the early to mid-20th century throughout the country. Colonial Revival was based upon the architecture of the American colonies, and symbolized pride in American history. Colonial Revival houses are generally side-gabled, with a symmetrical composition, multi-light windows, and decoration around the front door, including pilasters and pediments. The Schmidt House embodies all of the distinguishing characteristics of Colonial Revival design.

Historical Associations:

The house was built in 1924 for Jack Pillow, the cashier of the Calcasieu Lumber Company, founded by William Sherman Drake, Sr. in the 1880s. Pillow left the house and the company in 1930 amid an embezzlement scandal, and turned the Sparks Avenue house over to William Drake, who sold the house to Jacob Schmidt (1889-1965). Born in Hungary, Schmidt came to the United States in 1907, landing in New York, where he worked in a slaughterhouse and brewery. He moved to Seguin, Texas shortly thereafter, and began peddling clothing to area farmers, a very common occupation for Jewish immigrants in the early 1900s. From his peddling business, he opened a clothing store in Yorktown, Texas in 1915, and later opened stores in Beeville and San Marcos. He moved to Austin in 1930, opening the Jacob Schmidt Department Store on E. 6th Street; he opened Yaring's on Congress Avenue in 1936, which was the city's leading ladies' fashion store for many years. Yaring's was named for his wife, whose maiden name was Yahr. Schmidt was also a very prominent member of Austin's fledgling Jewish community, active in the establishment and growth of the synagogue. After his death in 1965, the business was continued by his son; the Sparks Avenue house has remained in the Schmidt family since 1930, and is currently occupied by Jacob Schmidt's grand-daughter and her husband.

PARCEL NO.: 02150602190000

LEGAL DESCRIPTION: Lot 18 and the South 6 feet of the East 50 feet of Lot 33, Outlot 1, Division X, and Lots 19 and 20, Outlot 1, Division X, Harris Park Addition.

ANNUAL TAX ABATEMENT: \$11,810 (owner-occupied); city portion: \$2,000

APPRAISED VALUE: \$846,299

PRESENT USE: Residence

CONDITION: Excellent

PRESENT OWNER

Edythe S. Michel
712 Sparks Avenue
Austin, Texas 78705

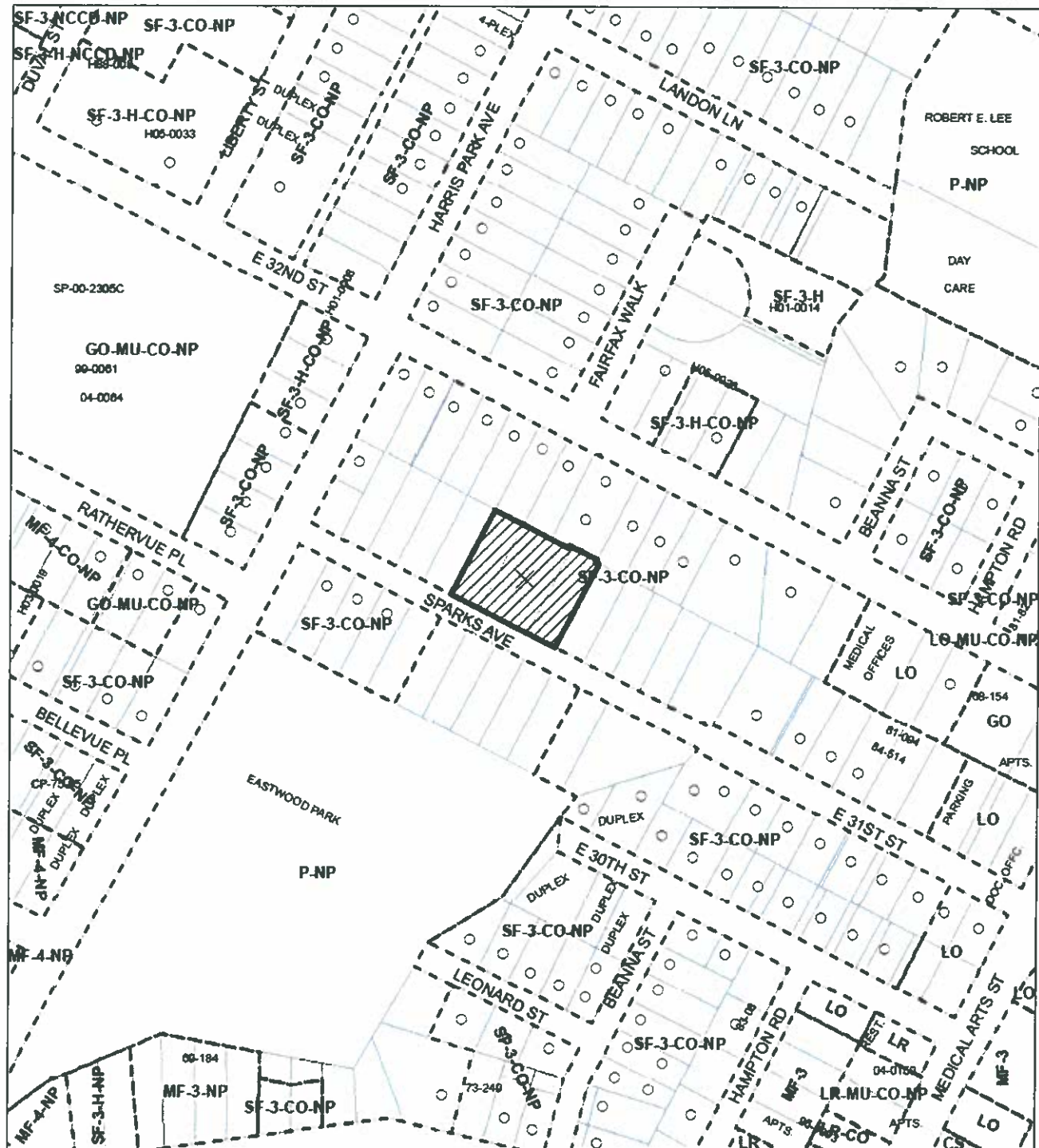
DATE BUILT: ca. 1924




ALTERATIONS/ADDITIONS: None apparent.

ORIGINAL OWNER(S): Jack Pillow (1924)

OTHER HISTORICAL DESIGNATIONS: None.

LOCATION MAP



-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

OPERATOR: S. MEEKS

HISTORIC ZONING

ZONING CASE#: C14H-2010-0005
 ADDRESS: 712 SPARKS AVE
 SUBJECT AREA: 0.000 ACRES
 GRID: J24
 MANAGER: S. SADOWSKY



1" = 200'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
 No warranty is made by the City of Austin regarding specific accuracy or completeness.





712 Sparks Avenue, Austin TX 78705

Descriptive Narrative - Introduction

The house at 712 Sparks Avenue is rich in history. It was built by the Calcasieu Lumber Company in 1924 and purchased by Jacob Schmidt in 1930. Its present owners are Robert Michel and his wife, Edythe Schmidt Michel who is the granddaughter of Jacob Schmidt. Its history touches on several icons of early Austin businesses, and there is even an element of intrigue surrounding the original owner.

The house is located on four lots, totaling two-thirds of an acre in the Harris Park Addition. It is a unique blend of a classical 1920s residence and grand cottage, situated on a slight rise across the street from Eastwoods Park, just one block from the University of Texas School of Law, and across the park from the J. Frank Dobie house. Framing the property is a magnificent 600 year old oak that may one day become known as one of Austin's important trees.

Total square footage is 2,966 (1,788 first floor, 1178 second floor), with three bedrooms, 2 baths, living room, dining room/parlor, kitchen and home office/solarium; with original wood floors and tiling intact. There is a spacious veranda on the west side of the house. The property includes a separate two story building – a carriage house with separate quarters upstairs.

The house has been featured in commercials and films, including most famously: *The War at Home*, produced in 1996 by The Disney Company, directed by and starring Emilio Estevez, with Kathy Bates and Martin Sheen. Several production photographs can be found at IMDb.com (Internet Movie Database); and 2003's Universal release, *The Life of David Gale*, directed by Alan Parker and starring Kevin Spacey and Kate Winslet. The wonderful Live Oak has become a star in its own right.

BUILDER

Drake Lumber Company / Calcasieu Lumber

The house on Sparks Avenue was built in 1924 by The Drake Lumber Company, founded in 1883 by William Sherman Drake and his brother, Carl Drake. Carl soon resigned from the company and was replaced by Robert G. Mueller, father of Robert F. Mueller after whom Austin's first airport was named. The Drakes were a driving force in construction during Austin's early boomtown years. The company was renamed Calcasieu in 1915. Even a cursory glance at deeds recorded at the Travis County Tax Assessor's office testifies to the extent of the company's involvement in the development of a rapidly growing Capitol City. Page after page lists Drake Lumber and Calcasieu as grantors of deeds throughout the city. Even today, there is a group of homes at 3403 Hampton Road, just a few blocks from the Sparks Avenue house that are known as "The Calcasieu Houses." An interesting note is found in the history of the University of Texas Longhorn Band: it was the Drake Lumber Company that furnished a replacement rim for "Big Bertha" - still the largest bass drum in the world -- after it was rescued from the basement of a building in Chicago that had once held a laboratory for tests involving the first atomic bomb. The drum was purchased for \$1, decontaminated, and carefully restored. I mention this because, like 712 Sparks Avenue, built by Drake, Big Bertha has been featured on television, in commercials and on the big screen, playing herself in 1952's *Stars and Stripes Forever*, Hollywood's homage to John Phillip Souza.

Another aside to this research reveals that the name *Calcasieu* is not, as many believe, a family name. Instead, it is a tribute to the great stands of longleaf yellow pine that flourish in Calcasieu Parish in southwestern Louisiana -- the name itself is a Cajun variation on the Native American Atakapa language, *katkosh*, for Eagle, and *yok*, to cry.

The Drake family history continued well after the elder Drake's death in 1934: his son, Bill, Jr. was an Austin City Councilman and Mayor, and the First Street Bridge bears his name; his daughter, Katherine Drake Hart, was the wife James Pinkney Hart, one-time justice of the Texas Supreme Court, and the first Chancellor of the University of Texas.

We shall see in this narrative how the histories of the Drakes and other early figures in the Austin community inexorably intertwine with the history of the Sparks Avenue house.

Jack Pillow- First Owner – 1924-1930

The first deed to the Sparks Avenue house was to Jack Pillow in 1924. Mr. Pillow, a Calcasieu employee in whom the company founder, William Sherman Drake, Sr. and his wife took a personal interest. Although no architectural references have been unearthed, it is known that the house was built through the good graces of the Drakes. Mr. Pillow lived in the house with his wife and family until 1930, when the hearts of Mr. Pillow's benefactors were broken. We ran across an item from a Statesman dated July 28, 1930 which summarizes the next big step in the history of 712 Sparks Avenue and, unfortunately, Jack Pillow himself. It seems that Mr. Pillow had betrayed Mr. and Mrs. Drake by embezzling a large sum of money from the Calcasieu Company in which he served as cashier. "Mr. Pillow . . . has turned over to the company an automobile and the home in which he held an equity."

The stage is now set for the current history of the house at 712 Sparks Avenue.

Jacob & Bertha Schmidt – Second Owners – 1930-1998

The 712 Sparks Avenue property was deeded to Jacob Schmidt on October 31, 1930, by William Sherman Drake in consideration of \$1000.00 payments over 10 years at 7% interest. After Mr. Drake's death in 1934, the deed was amended to include as executor payees Maggie Drake (widow of W.S.Drake), R.G. Mueller, Margaret Drake (daughter of William and Maggie Drake) and John Pinkney Hart (husband of Katherine Drake).

Jacob Schmidt was one of Austin's earliest and most prominent retailers. His immigration from Europe in the late 19th century exemplifies his resourcefulness, and his life in Austin intertwines with the City's cultural development, its business history and the well known philanthropy of its citizens.

The Barker Texas History Center at the University of Texas at Austin provides the following biographical information:

SCHMIDT, JACOB (1889-1965). Jacob Schmidt, clothing merchant, was born on January 30, 1889, in Bartfeld, Hungary (later Bardejov, Czechoslovakia), the son of Juda and Ethel (Reichman) Schmidt. His parents were natives of Bardejov, where his father ran a small restaurant and beer parlor. Schmidt immigrated in 1907 to the United States and worked briefly in a slaughterhouse and at a brewery in New York. He spent a brief period in Wilkes-Barre, Pennsylvania, and then moved to Seguin, Texas. At the age of eighteen, he began peddling clothing in

Central and South Texas from a covered wagon pulled by two mules. He was supplied with merchandise by William Mendlovitz, who operated a small store in Seguin and was a source of supply for several peddlers in the region. Peddlers at the time followed well-known trails and delivered clothing to farmers and ranchers, who considered them an important source of supply. Schmidt traveled several hundred miles to sell merchandise and often slept under his wagon. Most clothing peddlers of that day were either Jewish, like Schmidt, or Lebanese. On June 16, 1912, Schmidt married Bertha Yahr, another immigrant from Hungary, who had come to Texas through the so-called Galveston Movement, which encouraged European Jews to enter the United States through Galveston rather than through New York in order to avoid entrapment in the New York slums. From Galveston, where she landed, Bertha traveled to Seguin, where she and Jacob met and wed. [It was immigration officials who gave Ms. Yahr the name Bertha, in the misguided effort to minimize her "Jewishness." Her given name is Salome.] They had one son and four daughters. Jacob eventually moved to Yorktown, where he opened his first store by 1915. Subsequently, he opened stores in Beeville and San Marcos. In 1930, he moved to Austin and opened the Jacob Schmidt Department Store on East Sixth Street. Schmidt died on November 15, 1965, in Austin and was buried in Agudas Achim Cemetery. In 1994 the business that he started was being operated by a second and third generation of Schmidts under the name Yaring's, which owned ten ladies' specialty stores. "Yaring's" is derived from Mrs. Bertha Schmidt's family name, Yahr. The first Yaring's opened on Congress Avenue in Austin in 1936.

Under the guidance of Jacob Schmidt and, later, his son Leon, Yaring's eventually developed into a chain of ten department stores throughout Austin and elsewhere, featuring upper end clothing and accessories. Its reputation earned visits by many of the au courant fashion designers of the day, from here and abroad. Leon Schmidt was also instrumental in the early development of the Arboretum area, developing the Great Hills retail center on both sides of Research Boulevard.

That Jacob Schmidt would tightly intertwine with other icons of Austin's business community is evidenced in several ways. The Sparks avenue house was built by William Sherman Drake Sr., whose Drake Lumber Company, which opened in 1883, occupied several blocks along a then-rushing Shoal Creek, between 2nd & 5th Streets, where wagon trains entered the city.

After the death of William Drake Sr. (1864-1934), his son, William ("Bill") Drake, Jr. continued to operate Calcasieu until Bill's death in 1967. Bill was Austin Mayor pro-tem from 1949-51 and Mayor from 1951-52. The First Street Bridge was named after the younger Mr. Drake.

A tangential relationship between Calcasieu and the Jacob Schmidt family is surely traced to the flagship Yaring's department store located at 506 Congress Avenue, which happened to be next door to Robert Mueller Travel Goods Store. (Mr. Mueller could never have imagined that Austin's first commercial airport would bear his son's name.) The proximity of Mr. Mueller's store to Jacob Schmidt's Yaring's is echoed subsequently in the 1936 (second deed) for 712 Spark Avenue. That lease was cleared on the 21st of October, 1940 and members of the Schmidt family have owned the property outright ever since.

Jacob and Bertha raised five children in the Sparks Avenue house: Lena Simon, Leon Schmidt, Sylvia Schwartz, Helen Bock and Edythe Kruger Friedman. Edythe was married first to Aaron Kruger, who started the Kruger Jewelry Company, and, after his death, to Dr. Tom Friedman. She is the great aunt of the author, poet, singer and would-be governor, Kinky Friedman, and the daughter-in-law of Fania Kruger, the poet, author and activist whose legacy includes an annual Fellowship Award and Writer's Award under the auspices of The University of Texas Department of English.

Leon Schmidt, and his wife Barbara Schmidt are the parents of the present owner, Edythe Michel. The Schmidts are philanthropists of the first order, having given generously to causes too numerable to list, including the Mexi-Arte Museum and, most recently, a \$1,000,000 gift to the New Children's Hospital, and, by way of Robert and Edythe Michel, a \$20,000.00 gift in their name to the Long Center for the Performing Arts. Leon and Barbara were principal founders of the Austin Jewish Community Center, along with Michael and Susan Dell and others.

The Schmidt family built a second home on Balcones Drive. The Sparks Avenue house was eventually probated to Jacob and Bertha Schmidt's offspring, and was a well-maintained rental property for ten years.

Robert P. Michel & Edythe Schmidt Michel – Owners since 1998

The current owners of 712 Sparks Avenue are Robert Paul and Edythe Michel, nee Schmidt. Leon Schmidt and Joel Simon (executors of the estates of Bertha Schmidt and Jacob Schmidt) assigned their lease on September 4, 1998 in consideration of \$320,000, the mortgage of which closed in 2005. Thus, this wonderful house remains in the Schmidt family and will likely so remain for generations to come.

Edythe Michel attended Saint Stephen's Episcopal School. She is an enthusiastic housewife, mother, gardener, philanthropist, investor and patron of the arts.

Edythe Schmidt and Robert Michel were married on June 7th, 1987. They are the proud parents of two children, Jacob Paul and Shana Rose. Jacob is a 5th grader at Austin Jewish Academy and Shana is attending her first year of college at John Cabot University in Rome, having graduated from McCallum High School this past spring.

Robert "Booka" Michel, has been active for many years in the Austin Music Community. An accomplished percussionist, he co-founded The Creative Opportunity Orchestra – with Tina Marsh and Alex Coke – in 1978. He has played with many legends of Texas music, including Townes Van Zandt, Joe Ely, Butch Hancock, Jimmie Dale Gilmore, Angela Strehli, Jimmy Carl Black and Arthur Brown among many others. He has worked with and represented Mr. Hancock and Ponty Bone and the Squeezetones, and has performed on national television and radio. Both Booka and Edythe were instrumental in the revival of Austin's Warehouse District in the early 1990s.

Booka is President of Loudhouse Productions, which includes Loudhouse Music and Film Production. His Loudhouse Records label, founded in 2000, has released several best-selling and very well-reviewed albums, including: R. C. Banks' *Conway's Corner* (Number One Blues Album of the Year in Australia), Ponty Bone's *Fantasize* (Number One Song of the Year in Canada), Mike Kindred's *Handstand* (featured on MSNBC), David Olney's *The Wheel*, and *Migration* (which reached #1 in Europe on the Euro-Americana charts).

Mr. and Mrs. Michel are executive producers of a documentary short, *Native New Yorker*, which has been enthusiastically praised and rewarded at film festivals both here and abroad. The silent documentary was filmed with a hand-cranked, 1924 vintage Kodak camera. The film

traces the steps of a Native American who visits the land of his ancestors in various locations throughout Manhattan. Filmed over several seasons, the most remarkable aspect of the film is that it captures, in 1920s era black and white the World Trade Center on the very morning it was attacked. *Native New Yorker* has received acclaim and awards at every festival in which it has been entered, including two Gold Medals at Utah's Park City Film Festival in February, 2006. Most recently, the film was awarded Best Short Documentary at the 2006 Tribeca Film Festival. It has been screened for Academy Awards Qualification in Los Angeles.

Loudhouse Productions is currently producing a feature film, *Baghdad, Texas* which was filmed in the Austin area.

Summary

712 Sparks Avenue is intrinsically Austin. Architecturally and creatively an Austin hallmark. Throughout its 60-year history, it has been home to creative, dynamic and community-minded, active families. Its history has touched some of Austin's earliest great business leaders and political figures. It certainly deserves to be included among Austin's Historic Landmark homes.

A. APPLICATION FOR HISTORIC ZONING

PROJECT INFORMATION:

DEPARTMENTAL USE ONLY	
APPLICATION DATE: <u>12/28/06</u>	FILE NUMBER(S) <u>C4h-01-0045</u>
TENTATIVE HLC DATE: _____	
TENTATIVE PG or ZAP DATE: _____	
TENTATIVE CC DATE: _____	
CASE MANAGER <u>Shane Sadowsky</u>	CITY INITIATED: YES / NO
APPLICATION ACCEPTED BY: <u>Shane</u>	ROLLBACK: YES/NO

BASIC PROJECT DATA:

1. OWNER'S NAME: <u>EDYTHE SCHMIDT MICHEL; SPOUSE ROBERT P. MICHEL</u>	
2. PROJECT NAME: <u>712 Sparks Avenue</u>	
3. PROJECT STREET ADDRESS (or Range): <u>112 SPARKS AVENUE, AUSTIN</u>	
ZIP <u>78705</u>	COUNTY: <u>TRAVIS</u>
IF PROJECT ADDRESS CANNOT BE DEFINED ABOVE:	
LOCATED _____ FRONTAGE FEET ALONG THE <u>N. S. E. W. (CIRCLE ONE)</u> SIDE OF	
(ROAD NAME PROPERTY FRONTS ONTO), WHICH IS	
APPROXIMATELY _____	DISTANCE FROM ITS
INTERSECTION WITH _____	CROSS STREET.

AREA TO BE REZONED:

4. ACRES <u>.666</u>	(OR)	SQ.FT. <u>29,016</u>			
5. ZONING AND LAND USE INFORMATION:					
EXISTING ZONING	EXISTING USE	TRACT# (IF MORE THAN 1)	ACRES / SQ. FT.	PROPOSED USE	PROPOSED ZONING
<u>SF-3</u>	<u>RES</u>	_____	<u>.666</u>	<u>RES</u>	<u>SF-3-H</u>
_____	_____	_____	_____	_____	<u>HISTORIC</u>
_____	_____	_____	_____	_____	_____

RELATED CURRENT CASES:

6. ACTIVE ZONING CASE? (YES / NO)	FILE NUMBER: _____
7. RESTRICTIVE COVENANT? (YES / NO)	FILE NUMBER: _____
8. SUBDIVISION? (YES / NO)	FILE NUMBER: _____
9. SITE PLAN? (YES / NO)	FILE NUMBER: _____

PROPERTY DESCRIPTION (SUBDIVISION REFERENCE OR METES AND BOUNDS):

10a. SUBDIVISION REFERENCE: Name: <u>HARRIS PARK ADDITION</u>			
Block(s)	<u>2</u>	Lot(s)	<u>18, 19, 20</u>
Plat Book:	Page		
MAP	Number:	<u>2-1506</u>	
10b. METES AND BOUNDS (Attach two copies of certified field notes if subdivision reference is not available or zoning includes partial lots)			

DEED REFERENCE CONVEYING PROPERTY TO PRESENT OWNER AND TAX PARCEL I.D.:

11. VOLUME:	<u>3</u>	PAGE:	<u>99</u>	TAX PARCEL I.D. NO.	<u>02150602190000</u>
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OTHER PROVISIONS:

12. IS PROPERTY IN A ZONING COMBINING DISTRICT / OVERLAY ZONE?	YES / <u>NO</u>
TYPE OF COMBINING DIST/OVERLAY ZONE (NCCD, NP, etc) _____	
13. LOCATED IN A LOCAL OR NATIONAL REGISTER HISTORIC DISTRICT?	YES / NO ?
14. IS A TIA REQUIRED?	YES / NO (NOT REQUIRED IF BASE ZONING IS NOT CHANGING)
TRIPS PER DAY: _____	
TRAFFIC SERIAL ZONE(S): _____	

OWNERSHIP TYPE:

15.	<input checked="" type="checkbox"/> SOLE	<input type="checkbox"/> COMMUNITY PROPERTY	<input type="checkbox"/> PARTNERSHIP	<input type="checkbox"/> CORPORATION	<input type="checkbox"/> TRUST
If ownership is other than sole or community property, list individuals/partners/principals below or attach separate sheet.					

OWNER INFORMATION:

16. OWNER CONTACT INFORMATION	
SIGNATURE: <u>[Signature]</u>	NAME: <u>EDYTHE SCHMIDT MICHEL</u>
FIRM NAME: _____	TELEPHONE NUMBER: <u>474-4314</u>
STREET ADDRESS: <u>712 SPARKS AVENUE</u>	
CITY: <u>AUSTIN</u>	STATE: <u>TX</u>
ZIP CODE: <u>78705</u>	
EMAIL ADDRESS: <u>LOUDHOUSE@AUSTIN.TX.COM</u>	

AGENT INFORMATION (IF APPLICABLE):

17. AGENT CONTACT INFORMATION	
SIGNATURE: _____	NAME: _____
FIRM NAME: _____	TELEPHONE NUMBER: _____
STREET ADDRESS: _____	
CITY: _____	STATE: _____
ZIP CODE: _____	
CONTACT PERSON: _____	TELEPHONE NUMBER: _____
EMAIL ADDRESS: _____	

DEPARTMENTAL USE ONLY: _____

D. SUBMITTAL VERIFICATION AND INSPECTION AUTHORIZATION

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.

Edythe Schmidt Michel 12/21/06
Signature Date
EDYTHE SCHMIDT MICHEL
Name (Typed or Printed)

Firm (If applicable)

INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.

Edythe Schmidt Michel 12/21/06
Signature Date
EDYTHE SCHMIDT MICHEL
Name (Typed or Printed)

Firm (If applicable)

E. ACKNOWLEDGMENT FORM

concerning
Subdivision Plat Notes, Deed Restrictions,
Restrictive Covenants
and / or
Zoning Conditional Overlays

I, EDYTHE SCHMIDT MICHEL have checked for subdivision plat notes, deed restrictions,

(Print name of applicant)

restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at

712 SPARKS AVENUE, AUSTIN TX 78705

(Address or Legal Description)

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlay information which may apply to this property.


(Applicant's signature)

12/21/06
(Date)

F. 2: Historical Documentation - Occupancy History

Occupancy Research for (fill in address) 712 SPARKS AVENUE

1925-1929 Jack Pillow Family

1930-1965 Jacob Schmidt Family

1966-1987 Mrs. Jacob Schmidt

1988-1997 House rented to various residents

1998-Present Robert Michel & Edythe Schmidt Michel family

F. 1: Historical Documentation - Deed Chronology

Deed Research for (fill in address) 712 SPARKS AVENUE

Henry & Jimmie Wendlant to Jack Pillow v.367 p.284
Lot 20, Harris Park Addition
January 22, 1925
\$1,200.00

W. S. Drake to Jacob Schmidt v.666 p.580
Lots 18, 19, 20
October 31, 1930
\$10,000.00

W. S. Drake, Sr. died in 1934 and the deed was
re-assigned by his estate as follows:
Estate of W. S. Drake to Jacob Schmidt v.543 p.417
Lots 18, 19, 20, Harris Park Addition
May 15, 1936

Estate of Jacob Schmidt & Bertha Schmidt to Edythe S. Michel v.3 p.99
September 4, 1998
\$320,000

TAX CERTIFICATE
Nelda Wells Spears
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

NO 136364

ACCOUNT NUMBER: 02-1506-0219-0000

PROPERTY OWNER:

MICHEL EDYTHE S
712 SPARKS AVE
AUSTIN, TX 78705-3103

PROPERTY DESCRIPTION:

LOT 18 * S 6FT OF E 50FT LOT 33 OL
T 1 DIV X LOT 19-20 OLT 1 DIV X HA
RRIS PARK ADDN

ACRES 0.000 MIN* .00000 TYPE

SITUS INFORMATION: 712 SPARKS AV

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2006	AUSTIN ISD	9,606.92
	CITY OF AUSTIN (TRAV)	2,716.82
	TRAVIS COUNTY	2,369.94
	TRAVIS COUNTY HEALTHCARE DISTRICT	386.65
	ACC (TRAVIS)	629.06

TOTAL SEQUENCE 0 15,709.39

TOTAL TAX:	15,709.39
UNPAID FEES:	* NONE *
INTEREST ON FEES:	* NONE *
COMMISSION:	* NONE *
TOTAL DUE ==>	15,709.39

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2006 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

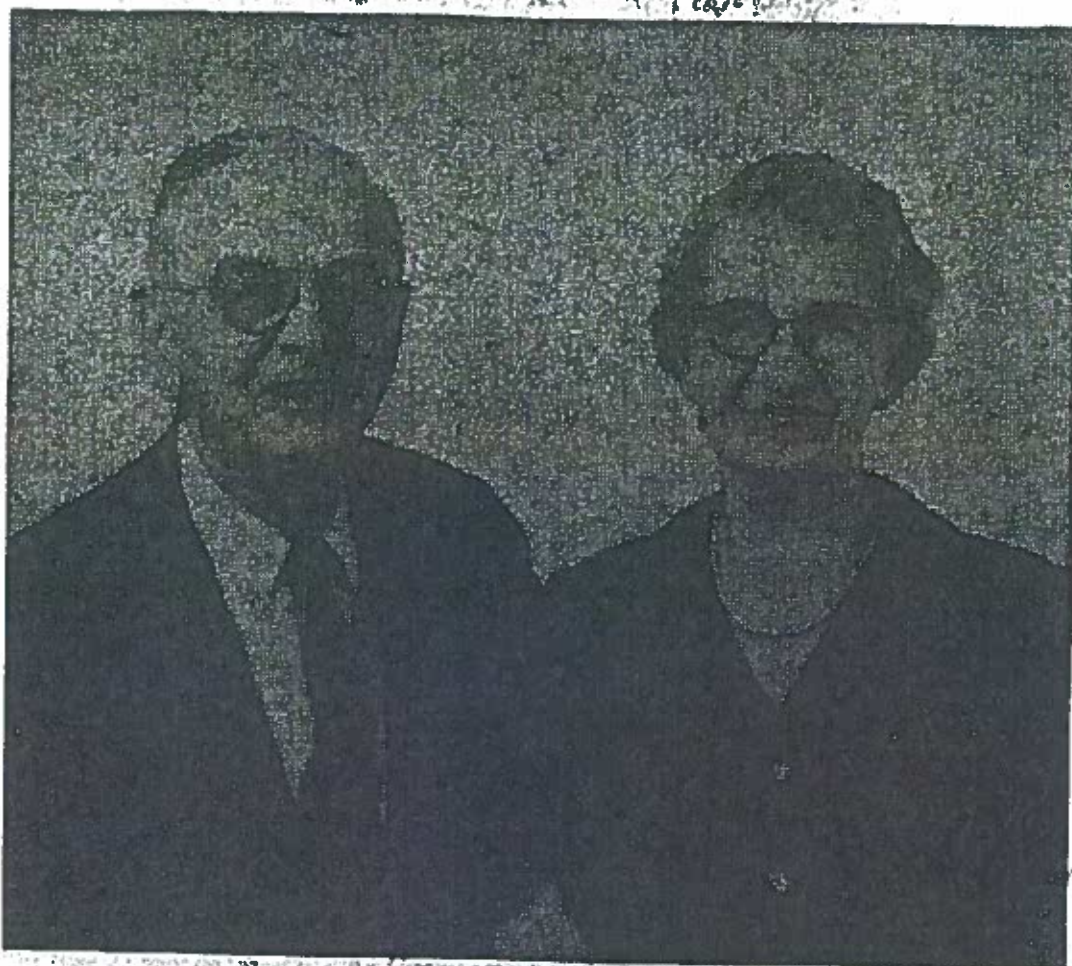
Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 10/30/2006

Fee Paid: \$10.00

Nelda Wells Spears
Tax Assessor-Collector

By: 



IONORED ON ANNIVERSARY

Mr. and Mrs. Jacob Schmidt were honored by their sons and daughters with a family dinner Saturday evening at Green Pastures on the occasion of their golden wedding anniversary.

Daisies, the flowers carried by Mrs. Schmidt as a bride, were used as the floral theme of the anniversary dinner.

Mr. and Mrs. Schmidt, who are owners of Yaring's Stores, have resided in Austin since 1930. They were married on June 18, 1912 in Seguin. Mrs. Schmidt is the former Miss Bertha Yahr.

They have five children, a

son and four daughters, who are Leon A. Schmidt, Mrs. Joel Simon and Mrs. Aaron Kruger of Austin; and Mrs. Abraham Bock and Mrs. Arnold L. Schwartz of Dallas. They have 14 grandchildren.

Among the out of town relatives attending the dinner were Mrs. George Williams of New York City; Leon Gans of San Francisco; Dr. and Mrs. Melvin Winer of Los Angeles; Mrs. A. E. Massman of Corpus Christi; Mr. and Mrs. Ander Deutsch and Mr. and Mrs. A. Yahr of Seguin; and Sam Richman, Mr. and Mrs. Hyman Hirsch and Mr. and Mrs. Otto Kriss, all of Dallas.

...
Leon Schmidt, president of Yaring's, said Austin's oldest family owned and operated business will open a 10th location by the middle of April. The new store, in the Travis Square shopping center at U.S. 183 and RR 620, will have about 12,500 square feet, similar to the Barton Creek Square store, and will include a children's department.



"We have spent our entire business life studying Austin and its needs and wants," Schmidt said. He does not foresee opening out-of-town stores.

Jacob Schmidt, Leon's father, founded the department store in 1911 in Yorktown. The name was derived from Schmidt's mother's maiden name — Bertha Yahr. The elder Schmidts immigrated from Hungary, Bertha coming through Galveston and Jacob through New York. They met in Seguin, where they worked for the Mendlowitz family, and where Jacob got his start as a peddler.

Jacob moved the family to Austin in 1930 so Leon and his four sisters could go to school. The first Austin store was at the same 506 Congress Avenue address, but only occupied one half of one floor.

Leon's sisters remain part owners of Yaring's. Lena Simon and Edythe Kruger live in Austin, and two others live in Dallas. Leon's son, Robert, is secretary-treasurer, and Mark Simon is operations manager.

A nonfamily member, at least not by blood, is Leonard Frank, Leon's former roommate at Harvard. Frank joined Yaring's in 1939, and now is a consultant.

AM-ST, 3/11/1984



Studman

JACOB SCHMIDT

Merchant's Funeral Tuesday

Funeral Rites Today *Yarings* For Yaring's Owner *Apr. 11-16-65*

Funeral for Jacob Schmidt, founder of Yaring's department store in Austin, will be Tuesday at 11 a.m. at the Cook Funeral Home with Rabbi Judah L. Fish of Agudas Achim Congregation officiating. Burial will be in Agudas Achim Cemetery. Memorial donations may be made to favorite charities.

Schmidt died Monday morning at his home, 712 Sparks Avenue, after a year's illness. He is survived by his widow, Mrs. Bertha Yahr Schmidt; one son, Leon Schmidt of Austin; four daughters, Mrs. Aaron Kruger and Mrs. Joel Simon, Austin, Mrs. Abe Bock and Mrs. Arnold Schwartz, Dallas; one sister, Mrs. Abe Yahr of Seguin, and a brother, Arnold Schmidt of Seguin.

Schmidt was born in Hungary on Jan. 31, 1889, the son of Mr. and Mrs. Judah Schmidt. His father was a merchant.

Leaving Europe in 1907 at 17, Schmidt landed in New York, where he found employment in a slaughter house and later in a brewery. He moved to Texas in 1908 and settled in Guadalupe County where he started his mercantile career by selling dry goods from farm house to farm house in a covered wagon in a radius of 100 miles.

Schmidt and Bertha Yahr were married in Seguin, July

18, 1912. Two years earlier he opened his first store in Yorktown and a few years later constructed a store building there. Six years afterward he opened a store in Beeville and followed five years later with the opening of another store in San Marcos.

Moving to Austin in 1929, Schmidt opened the Jacob Schmidt Department Store at 141 East Sixth Street. Seven years later in 1936, he opened Yaring's at 506 Congress Avenue and subsequently opened branches of Yaring's at 413 Congress Avenue and North Loop Plaza.

JACOB SCHMIDT PROVES MARK TWAIN WAS RIGHT

It was Mark Twain who many years ago stated that "Success is 25% inspiration and 75% perspiration"...and it was Jacob Schmidt, leading Austin merchant and President of Yaring's, who verified it.

Immigrating from Hungary at the age of 17, Jacob Schmidt walked off a cattle boat in New York with \$4 in his pocket, and a burning desire to achieve some measure of the success that he saw surrounding him in this new fabulous country. He accepted any kind of work he could get to sustain himself, and eventually made his way down to Seguin where he worked in one of the early stores of that city. He was energetic, ambitious, and enterprising, and soon was able to borrow enough money to invest in a covered wagon and team of mules, with which he peddled his wares from farm house to farm house, throughout central Texas. He often worked 20 hours a day, and has continued this same pattern of diligent effort throughout his business career. Even today, to his younger associates, he sets a living example of his firm belief that one cannot succeed without effort, energy, and plenty of hard work.

The opening of the North Loop Plaza store represents the fourth expansion made by Yaring's under Mr. Schmidt's leadership during the past decade. In 1941 the store at 506 Congress was doubled in size and a third floor was added. In 1959, "Yaring's 413" was opened, and the following year, the entire first floor at 506 was revamped and remodelled, while remodelling of a lesser scope was carried out

on the second and third floors. Although the creative genius of architects, interior decorators, engineers and consultants have gone into the physical structures, Mr. Schmidt still holds that ^{is} Mark Twain's formula/largely responsible for Yaring's success.

Jacob Bertha Schmidt

Mrs. Jacob Bertha Schmidt, age 97, of Austin, died Sunday in Dallas.

She had been a resident of Austin since 1930, she came to the United States from Hungary in 1907 at the age of 16 and worked in Seguin, where she met her husband. They started their small store in Yorktown, moving to Austin for their children to have better educational benefits. She was the wife of the founder of Yaring's Department Stores.

Funeral services will be held at 3:00 PM, Monday in the Colonial Chapel at Cook-Walden Funeral Home, with Rabbi Marc Sach and Rabbi Louis Firestein officiating. Interment will be in Agudas Achim Cemetery.

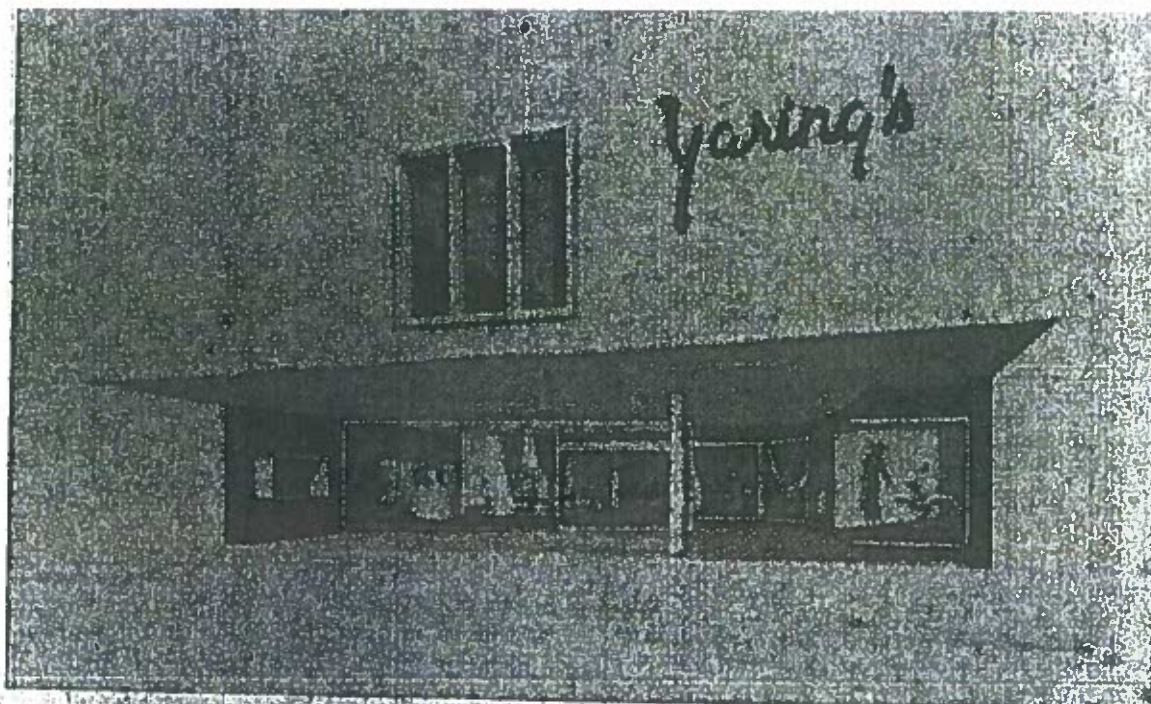
Mrs. Schmidt was the mother of Leon Schmidt, Lena Simon, both of Austin, Sylvia Schwartz, Helen Bock, both of Dallas, and Edythe Kruger of Austin; sister of Leah Deutsch of Seguin; grandmother of 15; great-grandmother of 22.

Pallbearers will be her grandchildren.

In lieu of flowers, expressions of sympathy may be made in memorials to the American Heart Fund, Congregation Agudas Achim or Temple Beth Israel.

Arrangements by Cook-Walden Funeral Home, Lamar location

AAS 09/14/1987



This beautiful, modern store which has been serving Austin and Central Texas since 1938 when it was founded by Jacob Schmidt. The store has a look

of the future, and its many departments have the latest fashions for the very young, the very old and those in between. The store is at 506 Congress Avenue.

Covered Wagon Was Beginning

It took just a covered wagon, a pair of mules and a couple of hot bricks to keep his feet warm when a young man decided to become a merchant back in the Texas of 1900 or so.

These, young Jacob Schmidt had—plus the kind of drive that turns pennies into dollars. His span of mules has long gone to where there are no heavy loads, but the name of Jacob Schmidt is still high on the list of Texas merchants.

Now he's got two stores: Yaring's at 506 Congress and Yaring's across the street at 413.

Both have a new look, the look of the 20th Century going into its second half.

The original Yaring's, opened in 1938, has a brand new and bright first floor. Sportswear, shoes, lingerie, handbags and cosmetics all have more room and brighter space. And a lot of luxury items

young Jacob Schmidt never could have sold to the isolated ranch wives back before the days of paved roads.

The 17-year-old merchant loaded his wagon full of piece goods and other items dear to the heart of farm women in New Braunfels and started out to learn the roads and needs of Central Texas. He had walked off a cattle boat in New York City with \$4 in his pocket, hitched rides and biked to New Braunfels and a merchant uncle got a good night's sleep, and went to work.

Jacob Schmidt opened his first store in New Braunfels in 1914. By the time he moved his family to Austin, he had stores in Yorktown, San Marcos and Beeville, too.

Yaring's (the name grew from his wife's given name, Yahr) opened its second store at 413 Congress last November. Its fabrics

department offers one of the largest selections in Central Texas while the household section carries many of the nation's top brand names.

Even the gift department has grown in both size and time. Normally operated only during the Christmas season, the gift section is a 12-months-a-year feature now.

Yaring's new Beauty Salon operated by Densia Barnes and the curtain and drapery department are located in the mezzanine of 413. The Beauty Salon is staffed by five operators and offers complete service.

Jacob Schmidt's merchandizing career has come a long way—along with Texas.

Dell Children's Medical Center Receives A Holiday Surprise - Santa Brings Three \$1 Million Gifts!

AUSTIN, Texas – (December 20, 2004) – Santa delivered three special gifts to Children's Hospital—bringing Christmas a few days early. The gifts were three separate \$1 million dollar donations that will go toward the construction of the new Dell Children's Medical Center of Central Texas.

"These three year-end gifts are significant for us as they underscore the fact that while we have had phenomenal support for the new Dell Children's Medical Center of Central Texas, we still have a long way to go before we raise the \$75 million needed to complete our campaign. It is our hope that these gifts will encourage others to remember to support the new Dell Children's Medical Center during this season of giving," said Missy Wood, Executive Director, Children's Medical Center Foundation.

The three prominent Austin families who have stepped forward with significant gifts of \$1 million each are Joe R. and Teresa L. Long, Barbara and Leon Schmidt and Dave and Isabel Welland. "Each of these community leaders is an Austin legend in their own right. The Longs are well-known philanthropists and champions of the arts who feel strongly enough about the future of our children to make this significant donation. The Schmidts, long time Austin residents, who owned Yarings department stores and developed much of downtown Austin, wanted to make this donation to provide for the health of their grandchildren and future generations to come. The Wellands have given in an effort to guarantee a healthier future for the children of Central Texas," said Jim Kozlowski, Board Chairman of the Children's Medical Center Foundation of Central Texas.

The donations continue to show the broad community support for the Children's Medical Center Foundation's Imagine the Miracles capital campaign. Children's Medical Center Foundation must raise \$50 million by 2007 in order to receive a \$25 million matching grant from the Michael and Susan Dell Foundation to meet their \$75 million goal. To date Children's Medical Center Foundation has raised \$31.5 million including the Dell matching funds.

"It is through the generosity of donors like the Longs, the Schmidts and the Wellands that we are able to build a world-class pediatric medical center that will provide for the children of Central Texas, now and for future generations to come, said Robert I. Bonar Jr., Dr. H.A., President and CEO, Children's Hospital of Austin.

OLDEST LUMBER COMPANY NOTED FOR SERVICE

One of the oldest firms in Austin and Central Texas is the Calcasieu Lumber company with a record of 47 years of continuous service to its patrons.

The buildings and yards of this lumber concern cover an entire city block at 311 West Second street. All lumber is stored under cover, thus insuring the builder a good grade of lumber at all times. Besides the well known yellow pine, the Calcasieu Lumber company handles white pine, birch, oak, gum, walnut, cypress and all kinds of veneer.

The Calcasieu Lumber company also handles various specialty lines such as Sheetrock, Celetex, all kinds of roofings, built-in fixtures, paints and builders' hardware.

The company operates a completely equipped planing mill and

cabinet shop and handles millwork contracts.

Besides serving the retail trade, the Calcasieu Lumber company also does a jobbing and wholesale business in and around Central Texas of sash, doors, mouldings and hardware.

Another feature of the firm's service is the building of homes on easy terms and financing of large and small homes.

W. S. Drake, one of Austin's best known business men, is the president, and R. G. Mueller, who has been associated with the company for the past 28 years, is manager of the Calcasieu Lumber company.

WEDNESDAY, JULY 8, 1930.

Jack Pillow Will Return to Face Indictment Here

Bill For Embezzlement Is Voted by Travis Grand Jury

Jack Pillow, former cashier of the Calcasieu Lumber company of Austin, faces charges of embezzlement brought in indictments returned by the grand jury last week, it was learned Monday.

R. G. Mueller, manager of the lumber concern, said he was informed Monday that Mr. Pillow would return voluntarily Tuesday or Wednesday to answer charges brought against him. The shortage did not exceed \$9000, Mr. Mueller said, answering a common report that a larger sum had been missing.

Mr. Pillow has made an effort to make up the shortage and has already turned over to the company an automobile and the home in which he held an equity, Mr. Mueller said. The prosecution of Mr. Pillow was not sponsored by the Calcasieu Lumber company he explained.

Jack Pillow Surrenders

Jack Pillow, former cashier of the Calcasieu Lumber company, charged with embezzlement of \$13,375.05 in six indictments returned by the grand jury recently, was released on bonds totaling \$3000 for his appearance in the district court Thursday. It was announced Wednesday night by Sheriff Coley C. White.

Sureties on the six bonds were T. E. Odiorne, druggist and C. W. Moore, contractor.



Austin American-United Press

EDYTHE KRUGER'S CHILDREN LOVE HER SINGING TALENT
They listen raptly while she practices new score.

The American - Statesman 2-24-57

Edythe Kruger To Sing With City's Symphony

Edythe Kruger, popular Austin soprano, will join the Austin Symphony Orchestra as guest soloist for its upcoming "pops" concert next month.

The special concert, planned to honor the orchestra's season ticket holders and contributors, will be performed Monday, March 4, in the City Coliseum.

It'll be the second time Mrs. Kruger has made a guest appearance with the local symphony. Several seasons ago, she sang the role of Adele in the symphony's concert version of "Die Fledermaus."

Mrs. Kruger, though, has performed frequently elsewhere on the local music scene and is well known not only in the Austin area but throughout the state. During the fall, she was guest soloist with the Dallas Symphony Orchestra, and last spring she was among the finalists in the Metropolitan Auditions of the Air.

Her most recent Austin appear-

ance came last month when she sang at the inauguration ceremonies for Governor Price Daniel.

The program for which Mrs. Kruger will join the orchestra has yet to be announced, but Conductor Ezra Rachlin is promising a collection of light, familiar works whose public popularity makes them consistent with the "pops" concert idea.

The "bonus" concert, which will be free to the orchestra's contributors and season ticket patrons, is made possible through a grant from the music performance trust funds of the recording industry in cooperation with the Austin Federation of Musicians. Additional financial assistance comes from several prominent Austin citizens.

Details about obtaining free tickets to the concert may be gotten through the symphony business office, GR 6-6749.



Christianson-Leberman
EDYTHE KRUGER

YARING'S PRESENTS . . .

LUIGI TRUNK SHOWING

9:30 am to 5:30 pm
Friday, September 8
YARING'S NORTHLOOP

9:30 am to 5:30 pm
Saturday, September 9
YARING'S DOWNTOWN

N. Reinhardt

Mr. Luigi, noted designer of Ultra-Suede® garments, will present his entire collection at Yaring's Northloop, Friday, September 8 and Yaring's Downtown, Saturday, September 9. We invite you to review Mr. Luigi's superb collection. His fashions reflect a craftsmanship unequalled in America today. Sizes 6 to 18.



Mr. Luigi

Yaring's
Hope to see you
*Registered Trademark



The home of Bertha and Jacob Schmidt

Elyse Kruger
1988

