

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

CASE # C15-2011-0062  
ROW # 10589939  
TP-0113060820

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

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

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

STREET ADDRESS: 1201 Exposition, 1206 Norwalk Lane B, 1206 Norwalk Lane A and 1210 Norwalk Lane, four adjacent lots that comprise a tract of land to be redeveloped together:

**LEGAL DESCRIPTION:**

- 1201 Exposition: 50X134 FT OF LOT 1 BLK 8 WESTFIELD A 0113060820
- 1206 Norwalk Lane B: 79X134 FT OF LOT 1 BLK 8 WESTFIELD A 01-1306-0811
- 1206 Norwalk Lane A: E80 FT OF S134.13 FT AV OF LOT 1 BLK 8 WESTFIELD A 01-1306-0819
- 1210 Norwalk Lane: CEN 50 FT OF LOT 1 BLK 8 WESTFIELD A 01-1306-0810

I/We PSW Homes (John Carter Shanklin and/or Ryan Diepenbrock) on behalf of myself/ourselves as authorized agent for the Ockey Family Trust affirm that on April 8, 2011 we hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

X ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

A development of attached, multi-story condominiums (12) on one portion balanced with detached, single story 'homesite' condominiums (8) on the remaining portion of the tract if we can get some modest relief from the required 25ft setback to a 15ft setback on the 12th Street frontage

in an MF-3 - NP district.  
(zoning district)

*West Austin N.P.*

**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 property is surrounded on three sides by road frontage which compresses the buildable foot print and pushes the design to be vertical (multi-story, 30 units) to a greater extent than we believe is appropriate given the goals of the neighborhood plan which seek to limit density and maintain a scale that is compatible with the single family character of the area. Without a change in the required setback along 12<sup>th</sup> street to 15ft from 25ft a single family design on a portion of the tract could only be done if the houses were so close together as to be aesthetically unappealing and out of character of the area and notably less safe from a fire safety perspective.

**HARDSHIP:**

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

The property is surrounded on three sides by road frontage and the required setbacks limit the buildable foot print significantly more than a comparable adjacent property. An identical MF3 property with streets on two sides would have a buildable area of 76% of the total, the subject tract is limited to 69% by the additional setback required due to the third street.

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

Of the immediate adjacent properties on the three streets two of the three are not residential properties, the one to the west is Lions Municipal Golf course, the one to the south is the football field and track for O'Henry Junior High School, the property to the east is zoned SF3 and the northern MF3 zoned lot has only two streets to contend with.

**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 variance helps the planned development conform to the general goals of the neighborhood plan in that it keeps a significant portion of the tract as single family style, one story homes lowering both the overall density and height as opposed to the

alternative of a large monolithic 3 to 4 story building of all attached condos covering the entire buildable area in the tract with current setbacks. It does not impair the use of the adjacent properties (a Jr High School football field directly across), existing area condos and apartments or the golf course and the 15ft setback combined with the approximately 7ft ROW means the closest any structure would come to the curb on the 12<sup>th</sup> street side would be 22ft (compared to the 25ft setback requirement) which provides a substantial buffer between the street and the nearest structure on the subject property. With no actual building structure currently in place or likely in the future within several hundred feet on the directly adjacent lot to the south (O'Henry Jr HS) this change does not impair the purpose of the regulation zoning setback.

**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:

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2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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

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

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**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

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

Signed *John Carter Shanklin*, April 8<sup>th</sup>, 2011  
John Carter Shanklin, PSW Homes

Mail Address: 2003 S. 1<sup>st</sup> Street, Austin, TX 78704. 512-276-5414.

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

Signed *Allison R. Ockey (Bob)*  
Ockey Family Trust

Mail Address *74 Highland Rd*

City, State & Zip *Sunny Valley, CA 93065*

Printed *ALLISON ROBERT OCKEY* Phone *(818) 599-3725* Date *4-10-11*

## GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

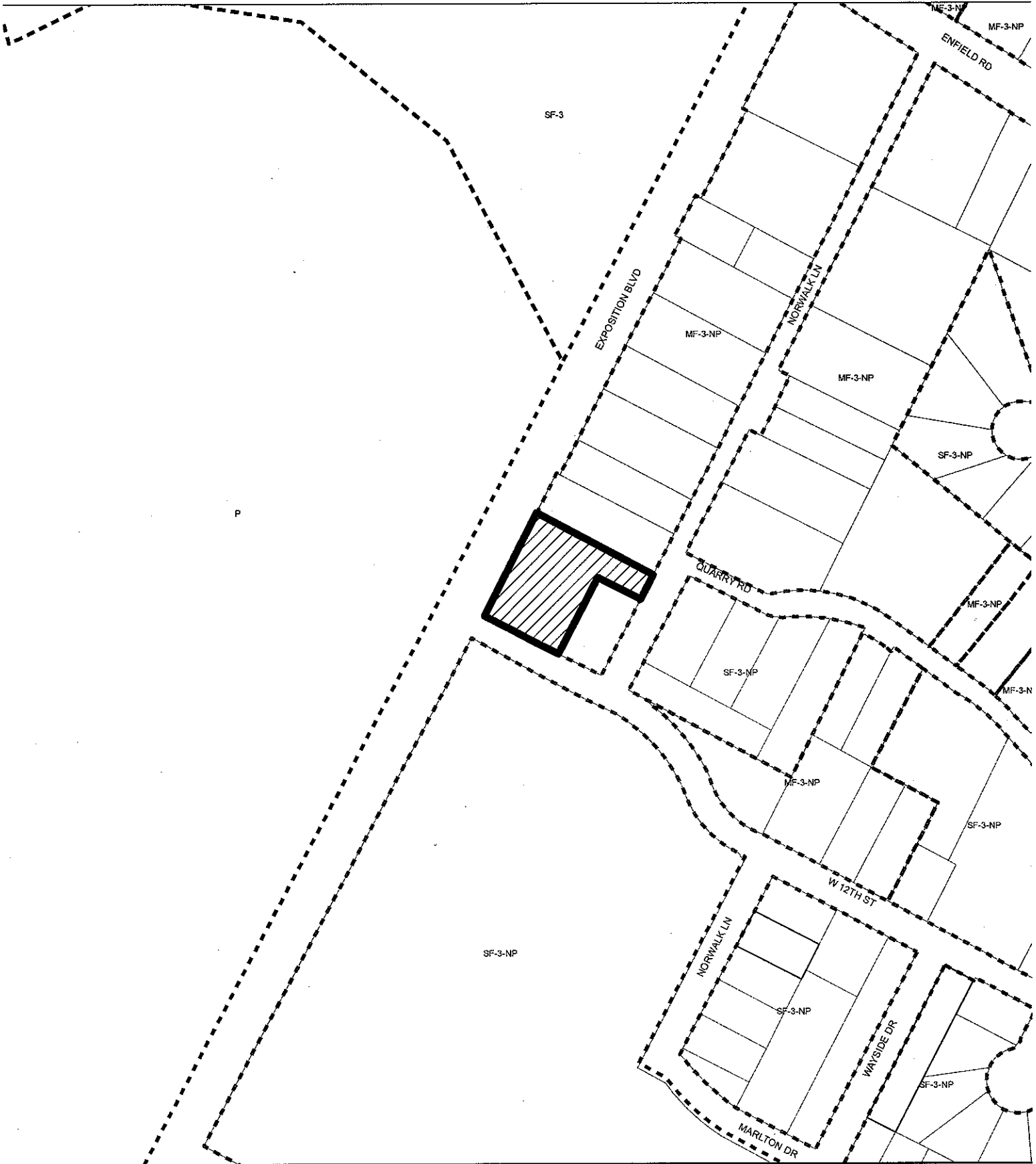
### VARIANCE REQUIREMENTS:

#### General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

**SUBMITTAL REQUIREMENTS:** (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)



- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) Other Information - Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting.



**BOARD OF ADJUSTMENTS**

CASE#: C15-2011-0062  
 LOCATION: 1201 EXPOSITION BLVD, 1206 A & B  
 NORWALK LN & 1210 NORWALK LN  
 GRID: G24  
 MANAGER: SUSAN WALKER

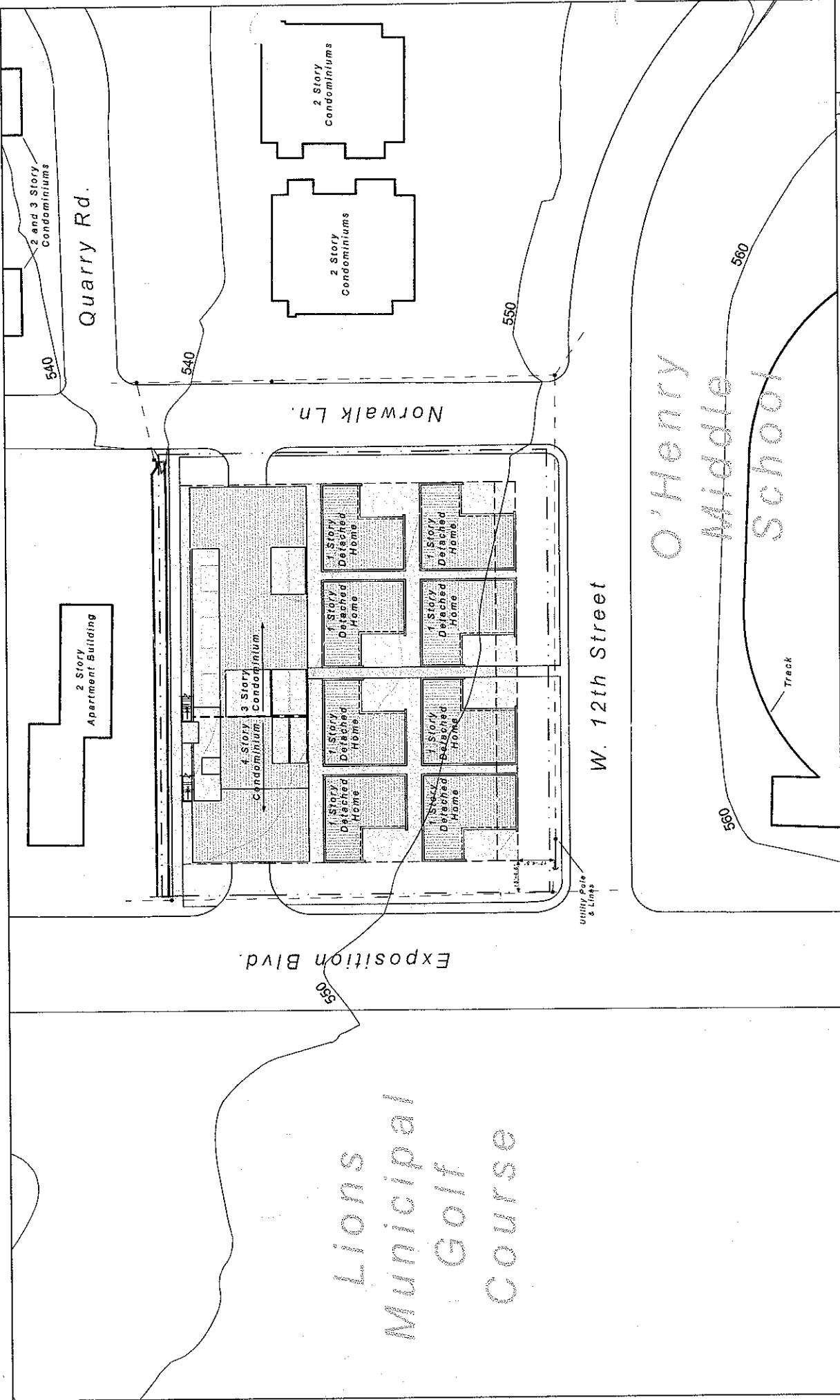


-  SUBJECT TRACT
-  ZONING BOUNDARY



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





12th & Exposition

PSW REAL ESTATE

Site Plan  
Proposed Development

SCALE: 1" = 40'



**City of Austin**

*Austin's Community-Owned Electric Utility*

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

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

April 20, 2011

Mr. Carter Shanklin  
2003 S 1<sup>st</sup> Street  
Austin, Texas 78704

Re: 1201 Exposition Blvd; 1206 and 1210 Norwalk Lane  
Lot 1, Block 8 Westfield A

Dear Mr. Shanklin,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to erect the multi-story condominiums. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6112.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Esparza", with a long horizontal flourish extending to the right.

Christine Esparza  
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker