

CASE # 015-2011-0131  
ROW # 70682609  
TP- 022709-09-05

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: 111 E. Koenig Lane

LEGAL DESCRIPTION: Subdivision – Parker and Howard Subdivision, according to the plat recorded in Volume 33, Page 18, Plat Records of Travis County, Texas

Lot(s) 1A Block Outlot Division NA

We Melissa Neslund & Charlie Fowler, Bury+Partners, on behalf of ourselves as authorized agents for Alliance Realty Partners, LLC, as authorized attorney in fact for property owners Marcy Gene Howard, Robin Howard Moore, Jim G. Howard, Terri Dalton, Gary L. Dalton, James Dalton, and the Estate of Henry K. Howard, Deceased affirm that on October 21, 2011, we hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

A 4-story, wrap multi-family project  
\_\_\_\_\_  
\_\_\_\_\_

in a CS-MU-V-CO-NP district.  
(zoning district)

**NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.**

**VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):**

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The zoning regulations, North Loop Vertical Mixed Use (VMU) regulations, and neighborhood plan recommendations conflict; the compatibility standards imposed on this site limit the ability to construct a vertical mixed use development that would meet the intent of the VMU ordinance and the North Loop Neighborhood Plan which recommend for a mix of residential housing types, densifying corridors, walkability, mixed use development, etc. CS zoning permits 60 feet in height. The compatibility standards allow a range of 40 feet in height, gradually increasing toward the middle of the site to a maximum of 51 feet in height. The height decreases back down to 40 feet at the northern and southern property lines. This request is for a maximum height of 50 feet across the site (less than the allowable 60 feet per the CS zoning).

**HARDSHIP:**

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

This property (along with 3 other adjacent properties) is located along a Core Transit Corridor that has been identified as a corridor intended for development and redevelopment of Vertical Mixed Use buildings. This property is encumbered by the compatibility standards which limit the ability to develop a reasonably sized/height, mixed use, residential product that's desired by the neighborhood plan and VMU ordinance.

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

The site is zoned CS-MU-V-CO-NP which is typical along a major commercial corridor, but the site is unique because there are single-family homes across Koenig Lane and across E. 56<sup>th</sup> Street making it difficult to achieve a uniform height across the site that allows for a workable VMU building. There are 3 adjacent sites in the same predicament; they are also zoned CS-MU and recently opted into the VMU overlay. Each of these sites were zoned CS-MU-V-CO-NP with the intent for the future VMU redevelopment including, restaurant, retail, residential, etc. which translates into the walkable, pedestrian oriented vision for Koenig Lane and this area.

**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 proposed development is a 50 foot tall, VMU building including residential with neighborhood scale retail. The proposed project is preserving a Heritage Tree on-site and providing for a pedestrian environment along the street frontages. The proposed development is not seeking a height of 60 feet which is what is allowed in the CS zoning district; rather,

the development is seeking a height of 50 feet across the site. Currently, if the compatibility standards are met, the site can achieve 51 feet near the center with the allowable height gradually dropping to 40 feet at the northern and southern boundaries. Given it's location along Koenig Lane, a Core Transit Corridor, and the neighborhood's desire for a compact, walkable, mixed use neighborhood, we believe this development is in line with their vision and will not negatively impair the adjacent properties or neighborhood.

**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:

NA

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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:

NA

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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:

NA

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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:

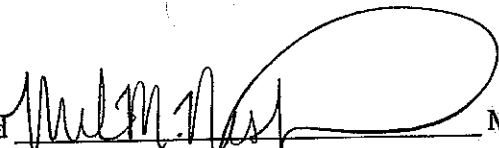
NA

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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  Mail Address 221 W. 6<sup>th</sup> Street, Suite 600

City, State & Zip Austin, TX 78701

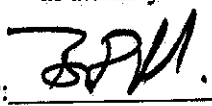
Printed Melissa Neslund Phone 512-328-0011 Date October 21, 2011

**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:

MARCY GENE HOWARD, ROBIN HOWARD MOORE, JIM G. HOWARD, TERRI DALTON, GARY L. DALTON, JAMES DALTON, and THE ESTATE OF HENRY K. HOWARD, DECEASED

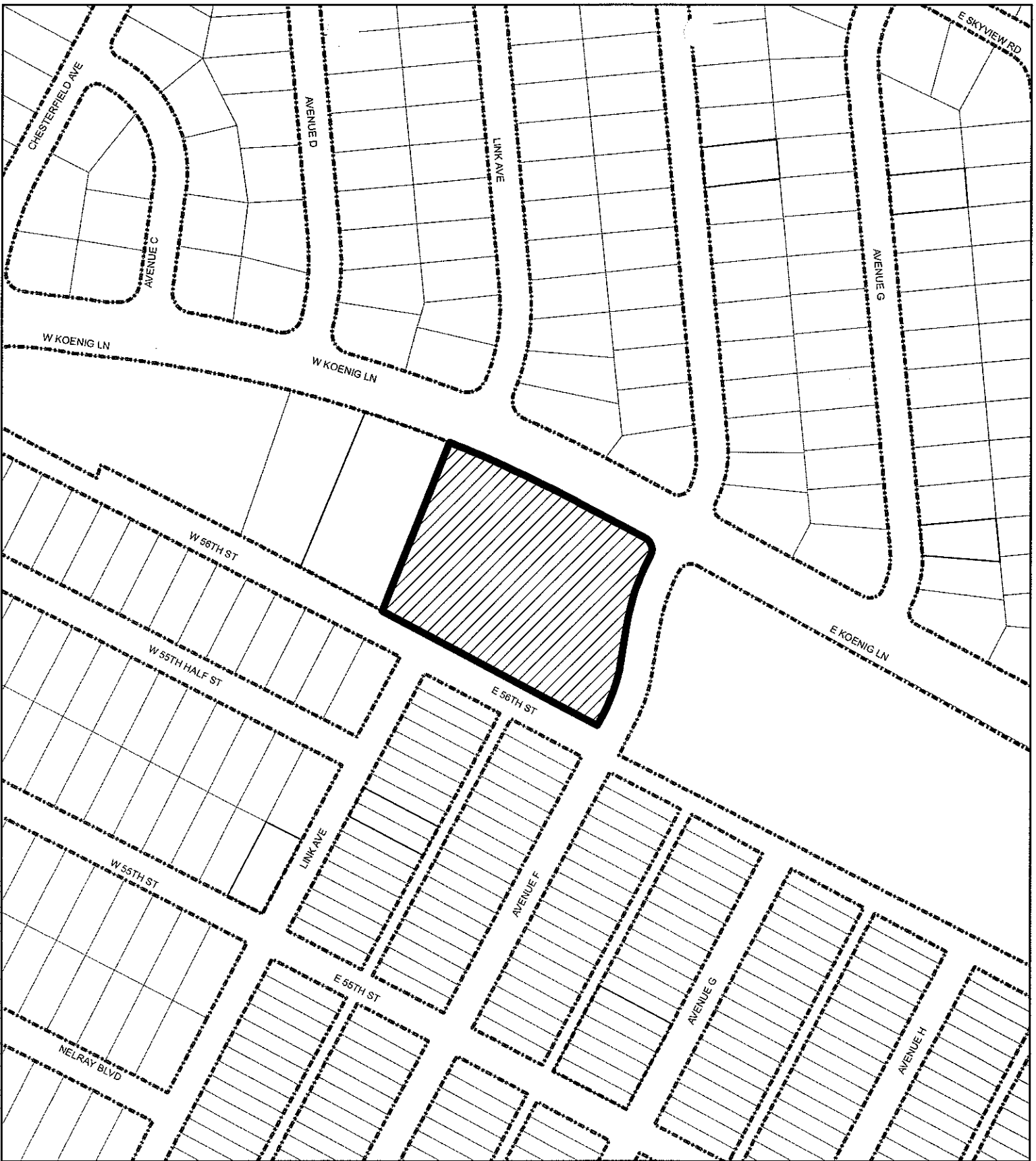
By: ALLIANCE REALTY PARTNERS, LLC, a Delaware limited liability company,  
as attorney in fact for each owner

By:   
Name: BRIAN P. AUSTIN  
Title: Vice President

Address c/o Alliance Residential, Attn: Brandon Easterling, 3108 North Lamar

City, State & Zip Austin, TX 78731

Phone 512-371-5820 Date October 21, 2011



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2011-0131  
 LOCATION: 111 E KOENIG LANE



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**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

October 21, 2011

Alliance Residential  
3305 Big Bend Dr  
Austin, Texas 78731  
Via email to Melissa Neslund: [mneslund@burypartners.com](mailto:mneslund@burypartners.com)

Re: 111 E. Koenig Lane  
Lot 1A, Parker and Howard Subdivision

Dear Melissa,

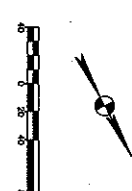
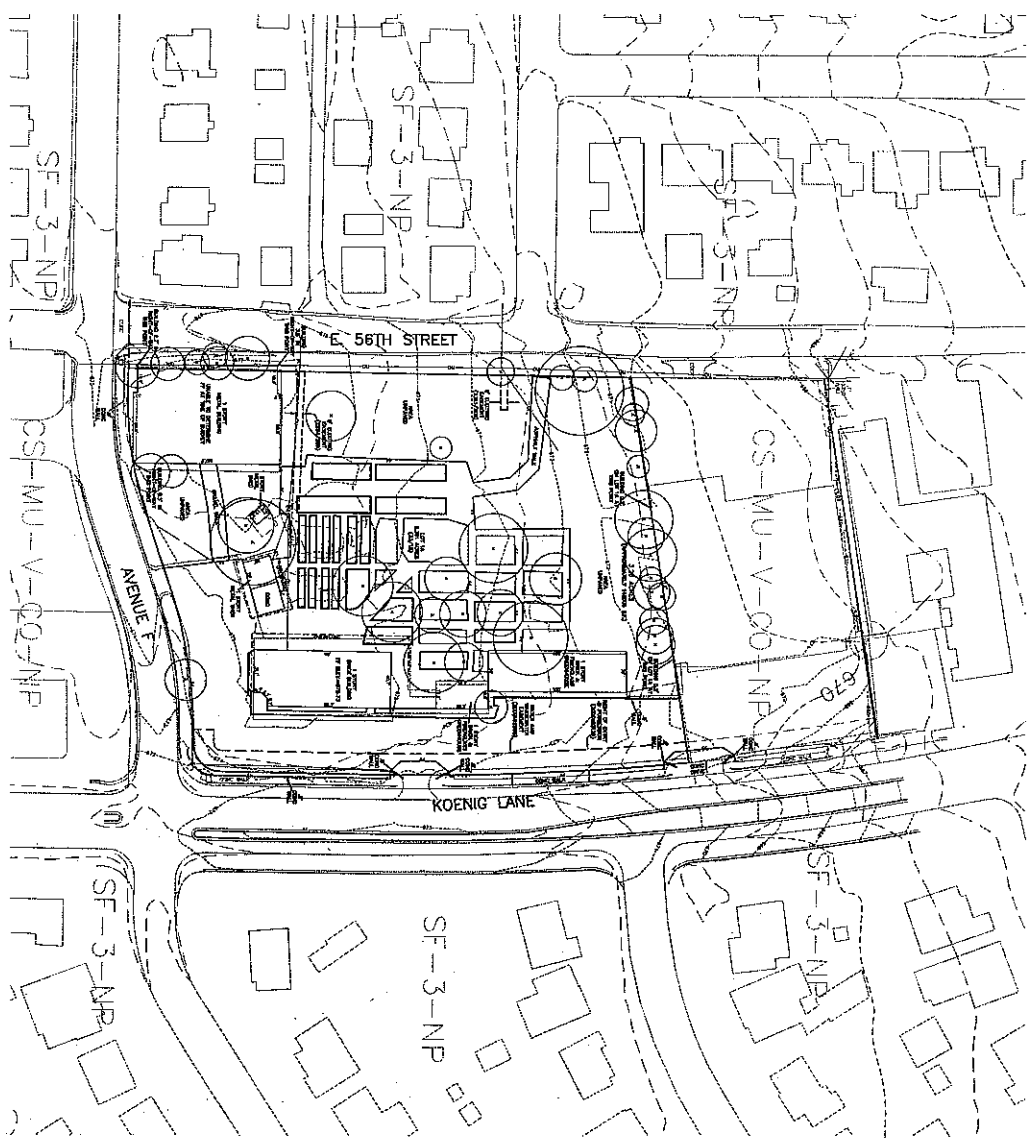
Austin Energy (AE) has reviewed your application for the above referenced property requesting a compatibility setback variance to increase the overall maximum height allowance to 50 feet across the site, but to maintain all required setbacks. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch, provided owner/applicant meets AE clearance criteria requirements as well as be in compliance with the National Electric Safety Code and OSHA with any existing or future improvements.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

Sincerely,

Lena Lund  
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker



DATE	NO.	REVISION	APPROVAL

<b>EXA</b> SHEET	DRAWN BY: SN
	DESIGNED BY: SN
	REVIEWED BY: SN
	PROJECT NO.: 100125-10003

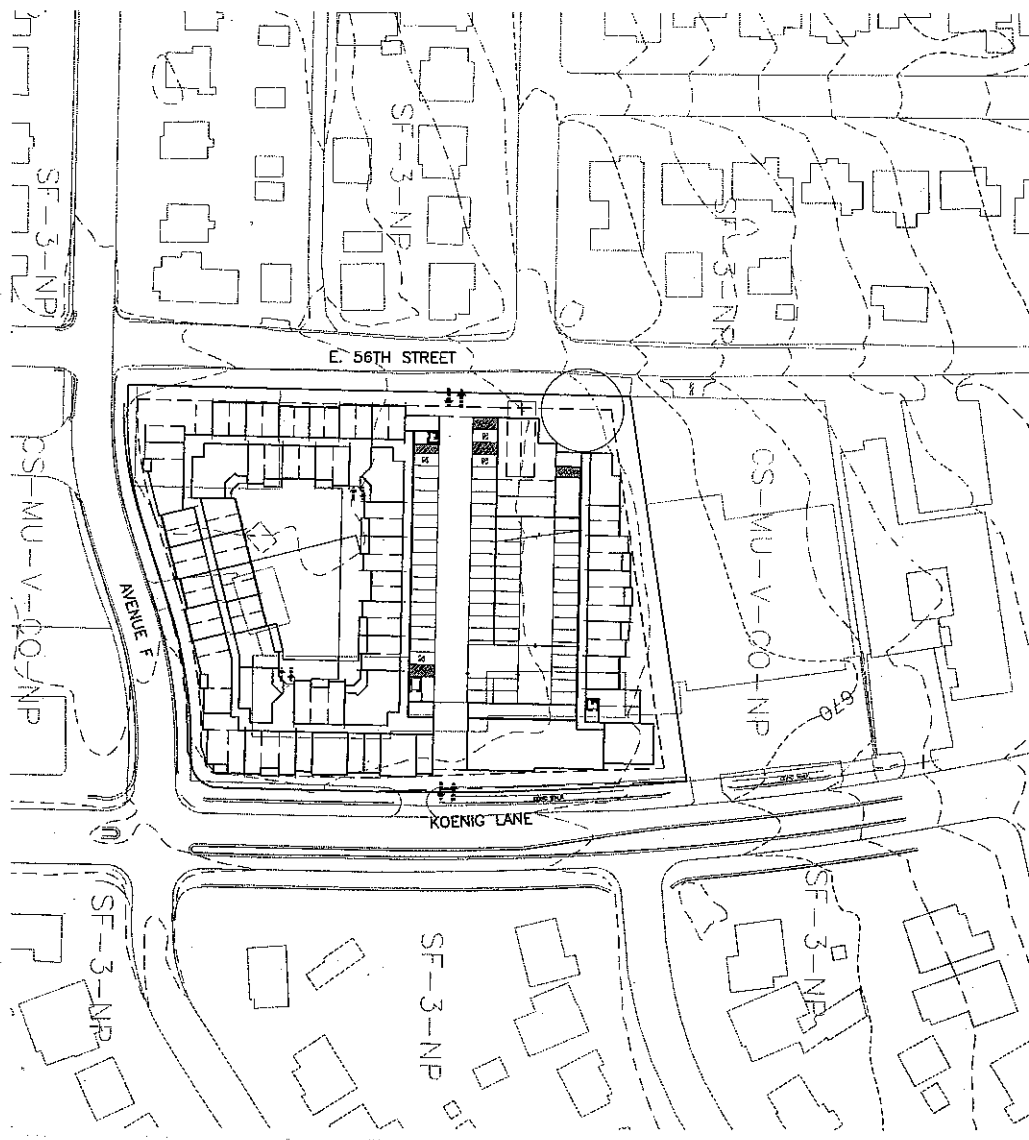
**111 KOENIG LANE  
AUSTIN, TEXAS**

**ALLIANCE RESIDENTIAL**

**EXISTING CONDITIONS  
SITE PLAN**

**Bury+Partners**

211 East Sixth Street, Suite 300  
Austin, Texas 78701  
Tel: (512) 476-1111 Fax: (512) 476-0205  
TREC Registration Number: P-1164  
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**EXB**  
SHEET

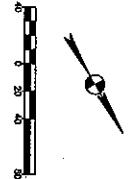
DRAWN BY:	SK
DESIGNED BY:	SN
REVIEWED BY:	SN
PROJECT NO.:	100125-10003

**111 KOENIG LANE  
AUSTIN, TEXAS**

**ALLIANCE RESIDENTIAL**

**PROPOSED CONDITIONS  
SITE PLAN**

DATE	NO.	REVISION	APPROVAL



**Bury+Partners**  
222 West Sixth Street, Suite 900  
Austin, Texas 78701  
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TXB Registration Number 2-1002  
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