

December 6, 2011

Ms. Susan Walker  
Board of Adjustment Coordinator  
City of Austin Planning and Development Review  
505 Barton Springs, 1<sup>st</sup> Floor  
Austin, Texas 78704

Re: 111 East Koenig Lane  
+/- 2.4 acres  
Request for Variance from Section 25-2-1063(C) (2) and (3)  
Case No. C15-2011-0131

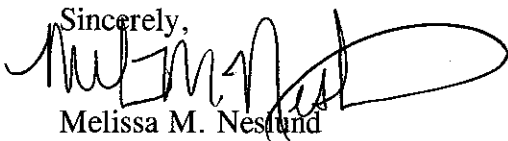
Dear Ms. Walker:

Enclosed please find an updated Board of Adjustment (BOA) application reflecting conditions agreed-upon between the developer and the Northfield Neighborhood Association (NNA). Additionally, the height request has been reduced to a maximum of 47 feet across the site, with the exception of the first row of units along 56<sup>th</sup> Street which will be three (3) stories and meet the compatibility standard requirements. Also included is an updated site plan reflecting all access off Avenue F and an exhibit showing the requested variance area.

In addition, the NNA voted in favor of recommending the variance at their meeting last night, December 5, 2011. Alliance Residential (Developer) and the NNA sub-committee tasked with reviewing this request are currently finalizing the language of the agreement. We propose to include the conditions agreed-upon with the neighborhood in the variance should it be approved. We intend to provide an executed copy of the Letter Agreement between the Developer and NNA at the BOA meeting on Monday, December 12, 2011.

We look forward to presenting this project and variance request to the BOA next Monday, December 12, 2011. Please let us know if you have questions or need additional information prior to the meeting.

Sincerely,



Melissa M. Nestlund

Enclosures

Cc: Mr. Brandon Easterling, *Alliance Residential*

I:\100125\10003\Admin\Letters\2011\December\120611 Susan Walker.doc\sv

BURY+PARTNERS, INC.  
221 West Sixth Street, Suite 600  
Austin, Texas 78701

TEL (512) 328-0011  
FAX (512) 328-0325

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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).

Revised

CASE # C15-2011-0131  
ROW # \_\_\_\_\_

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

**REVISED APPLICATION – December 6, 2011**

**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

Lot(s) 1A Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_

We Melissa Neslund & Charlie Fowler, Bury+Partners on behalf of ourselves as authorized agent for Alliance Residential affirm that on December 6, 2011 we submit an updated application,

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

(check appropriate items below)

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

A 3 & 4-story Vertical Mixed Use Building (VMU) which requires a variance to increase the maximum compatibility height requirement of Section 25-2-1063(C)(1)(b) from three (3) stories and forty (40) feet in height to four (4) stories and forty-seven (47) feet in height in the areas of the site delineated on the attached exhibit. This variance area equates to approximately 1.24 acres out of the total 2.4 acre site. The variance area is shown in yellow and represents a variance need of varying height from one (1) foot to seven (7) feet in height depending upon the portion of the site and its distance from the nearby single-family residences. We propose to keep the row of units along 56<sup>th</sup> street to 3 stories in height which meets the compatibility standard requirements.

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:

This site is located along a major arterial (Koenig Lane) and was opted-into VMU by the North Loop neighborhood. 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 VMU building that meets 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 47 feet across the site, excluding the row of units along 56<sup>th</sup> Street which will be approximately 3 stories (significantly less than the allowable 60 feet per the CS zoning and within the current allowable compatibility height). This equates to a requested variance area of approximately 1.24 acres (out of a 2.4 acre site) which ranges from a height variance needed of 1 foot to 7 feet.

**HARDSHIP:**

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

This property is situated along a major arterial that has been identified as a corridor intended for development and redevelopment of VMU buildings. The properties' hardship is based on the physical limitations of an infill, urban site that is bounded by single-family. Given the distances from the nearby single-family, the allowable height stair-steps across the site increasing in the middle to a maximum height of 52' and back down to 40' on the sites northern and southern boundaries. The varying allowable height makes it extremely difficult to construct an urban, infill, VMU building on the site.

- (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. This site was zoned CS-MU-V-CO-NP with the intent for a future

VMU redevelopment including, a mix of uses 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 variance will not alter the character of the area adjacent to the property because the project fronts along a major arterial and will range in height from 3-stories (adjacent to the single-family along 56<sup>th</sup> Street) to a maximum height of 47 feet and 4 stories on the remainder of the site. The neighborhood opted this site into the VMU overlay, thereby approving infill redevelopment along this portion of Koenig Lane. We've agreed to design the site plan so that all access is off Avenue F thereby limiting the effects on 56<sup>th</sup> Street. Only 3 stories will be constructed along 56<sup>th</sup> Street. Koenig Lane is defined as an Urban Roadway (per the Design Standards and Mixed Use Ordinance) which does not require street trees; this project will however incorporate 4-inch street trees on all street sides at an average spacing of 30 feet on center. Currently, if the compatibility standards are met, the site can achieve 52 feet near the center with the allowable height gradually dropping to 40 feet at the northern and southern boundaries. Given the sites location along Koenig Lane, a major arterial, 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. Maximum height is proposed to be 47 feet and will not reach the allowable 52 feet at any location on the site. Additionally, height will remain at 3-stories for the row of units fronting 56<sup>th</sup> street .

The following items have been agreed-to with the Northfield Neighborhood Association through a Letter Agreement. We propose to include the following conditions in the requested variance:

1. The development will have a single parking garage entrance/exit on Avenue F.
2. The developer agrees to provide \$75,000 in matching funds to pay for the engineering of traffic calming devices in the neighborhood designed to discourage cut-through traffic, slow down motorists and increase safety.
3. The developer agrees to construct a bus pull-out bay on the west side of Avenue F in addition to other bus stop enhancements (subject to CapMetro approval).
4. The height of the project along 56<sup>th</sup> Street will be restricted to 3-stories with no 56<sup>th</sup> street-facing balconies and no rooftop deck on the 3-story units.
5. The developer agrees to maintain a tree-based vegetative buffer along 56<sup>th</sup> Street, along with a 4' sidewalk north of the vegetative buffer.

**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

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

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

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

NA

**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 \_\_\_\_\_ Mail Address 3305 Big Bend Drive

City, State & Zip Austin, TX 78731

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



**EXH**  
 SHEET  
 DRAWN BY: JAC  
 DESIGNED BY: JAC  
 REVIEWED BY: JAC  
 PROJECT NO.: 100023-10003

**III KOENIG LANE  
 ALLIANCE  
 RESIDENTIAL**

**COMPATIBILITY EXHIBIT**

**Bury+Partners**  
 221 1st Street, Suite 202  
 Seattle, WA 98101  
 TEL: (206) 461-7100  
 FAX: (206) 461-7101  
 www.bury.com

DATE	NO.	DESCRIPTION

**LEGEND**

VARIANCE AREA (1.24 AC)

NON-VARIANCE AREA (1.16 AC)

