

C4  
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**SUBDIVISION REVIEW SHEET**

**CASE NO.:** C8-2012-0065.0A

**Z.A.P. DATE:** December 4, 2012

**SUBDIVISION NAME:** Castlewood Forest Estates

**AREA:** .843 acres (36,740 sq. ft)

**LOTS:** 2

**OWNER/APPLICANT:** Dean and Nelissa Heddin

**AGENT:** Hector Avila

**ADDRESS OF SUBDIVISION:** 2216 Toulouse Drive

**GRIDS:** E-16

**COUNTY:** Travis

**WATERSHED:** Slaughter

**JURISDICTION:** Full Purpose

**EXISTING ZONING:** SF-2

**PROPOSED LAND USE:** Single Family

**VARIANCE:** To delete the requirement of Section 25-4-33, which requires an applicant to include all the land in the original tract in an application for the final plat. (see attached back-up).  
**RECOMMENDED**

**SIDEWALKS:** Are required.

**DEPARTMENT COMMENTS:** It should be noted that there is some confusion with the neighbors on this case, (which can be seen in the letters of opposition) that they believe that the applicant is requesting to place duplexes on the proposed lots. This misconception was based on an error made by the agent by his mislabeling of the proposed use of "Dup" in the subdivision application. Because the property is zoned SF-2 duplexes are a prohibited use on this site. The owner also stated for the record that she has no desire to attempt to rezone the property for duplexes, but only to have one single family residence per lot.

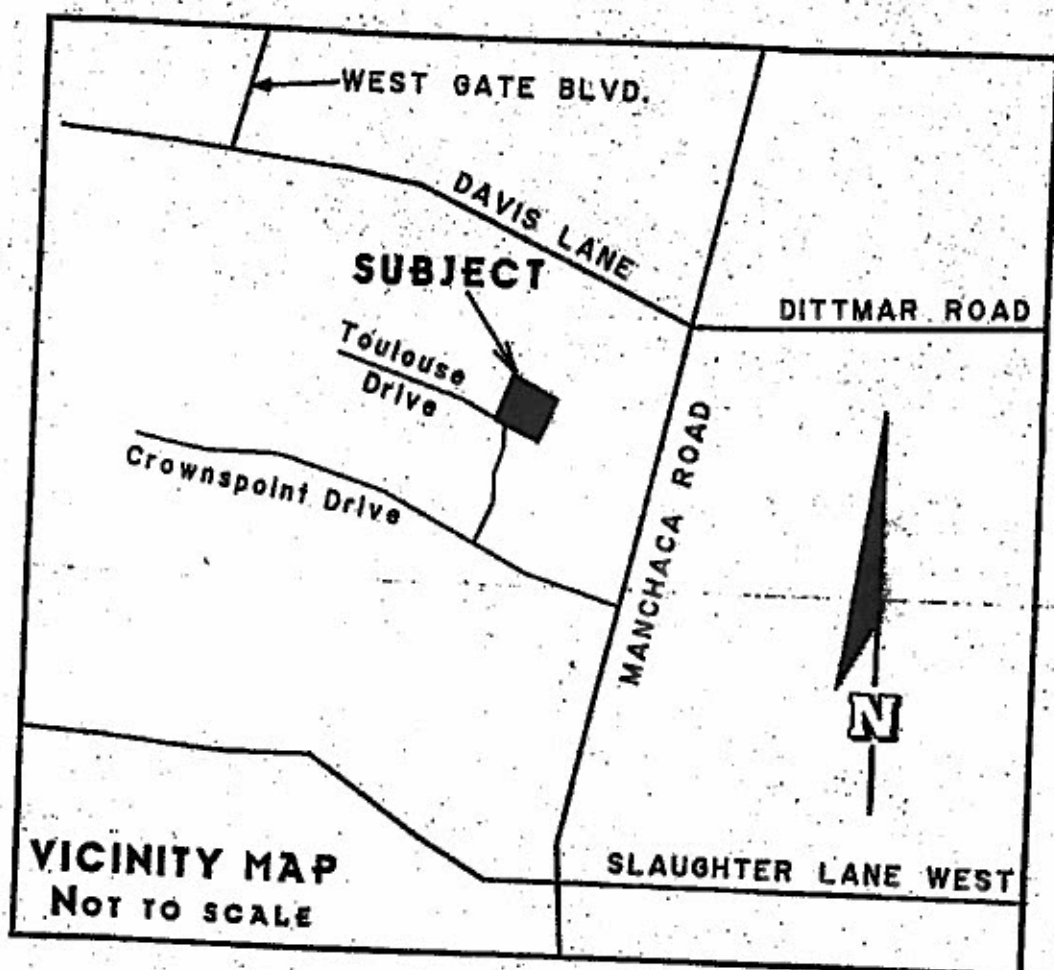
**STAFF RECOMMENDATION:** If the variance is approved by the Commission, the Staff would then recommend approval of the plat because it would then meet all requirements.

**ZONING AND PLATTNG COMMISSION ACTION:**

**CASE MANAGER:** David Wahlgren  
Email address: [david.wahlgren@ci.austin.tx.us](mailto:david.wahlgren@ci.austin.tx.us)

**PHONE:** 974-6455

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# CASTLEWOOD FOREST ESTATES

SCALE: 1" = 50'

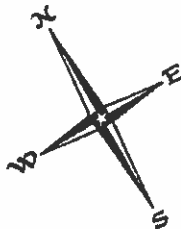


## Legend

- Iron Rod Found
- IPF Iron Pipe Found
- Iron Rod Set with plastic cap imprinted with "Holt Carson, Inc."
- Capped Iron Rod Found marked "McGray" (Record Bearing and Distance)
- ETE = Electric and Telecommunications Easement
- proposed Concrete Sidewalk

## LOT SUMMARY

Total Number of Lots = 2  
 Lot 1 = 18,370 Square Feet  
 Lot 2 = 18,370 Square Feet  
 Total Area = 36,740 Square Feet = 0.843 Acre  
 Lot 1 Residential Use  
 Lot 2 Residential Use



## CURVE DATA

① Δ = 24°22'32" R = 276.00' T = 69.41' C = 118.14' A = 117.02' CB = N47°11'22"W	② Δ = 10°32'11" R = 276.00' T = 26.36' C = 60.60' A = 80.67' CB = N40°16'01"W	③ Δ = 13°50'41" R = 276.00' T = 33.39' C = 66.29' A = 66.46' CB = N52°27'27"W	④ Δ = 4°10'06" R = 276.00' T = 10.01' C = 20.01' A = 20.01' CB = S32°54'51"E
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THE STATE OF TEXAS  
 THE COUNTY OF TRAVIS  
 KNOW ALL MEN BY THESE PRESENTS:

That We, Melissa D. Hedin and husband, Dean Hedin, owner of all of that certain [0.84] acre of land out of the Theodore Bissell League Abstract No. 3 in Travis County, Texas, as conveyed to us by General Warranty Deed recorded in Document No. 2010022173 of the Official Public Records of Travis County, Texas, less that certain 0.0708 acre tract as conveyed to the City of Austin by Special Warranty Deed recorded in Document No. 2012021978 of the Official Public Records of Travis County, Texas, and together with all of that certain 0.0278 acre tract of land being a portion of Lot 60, Block E, Tanglewood Forest Section One, Phase B, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 62 Page 391 of the Plat Records of Travis County, Texas, as conveyed to us by Deed without Warranty recorded in Document No. 2012000355 of the Official Public Records of Travis County, Texas, said subdivision having been approved for subdivision pursuant to the public notification and hearing provision of Chapter 212.04 of the Local Government Code, do hereby subdivide said tracts of land in accordance with the attached map or plat shown to be known as

## CASTLEWOOD FOREST ESTATES

subject to any easements and/or restrictions heretofore granted, and not released.

WITNESS OUR HANDS this 15 day of November, A.D. 2012

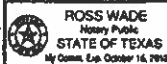
\_\_\_\_\_  
 Melissa D. Hedin  
 9205 Comburg Drive  
 Austin, Texas 78748

\_\_\_\_\_  
 Dean Hedin  
 9205 Comburg Drive  
 Austin, Texas 78748

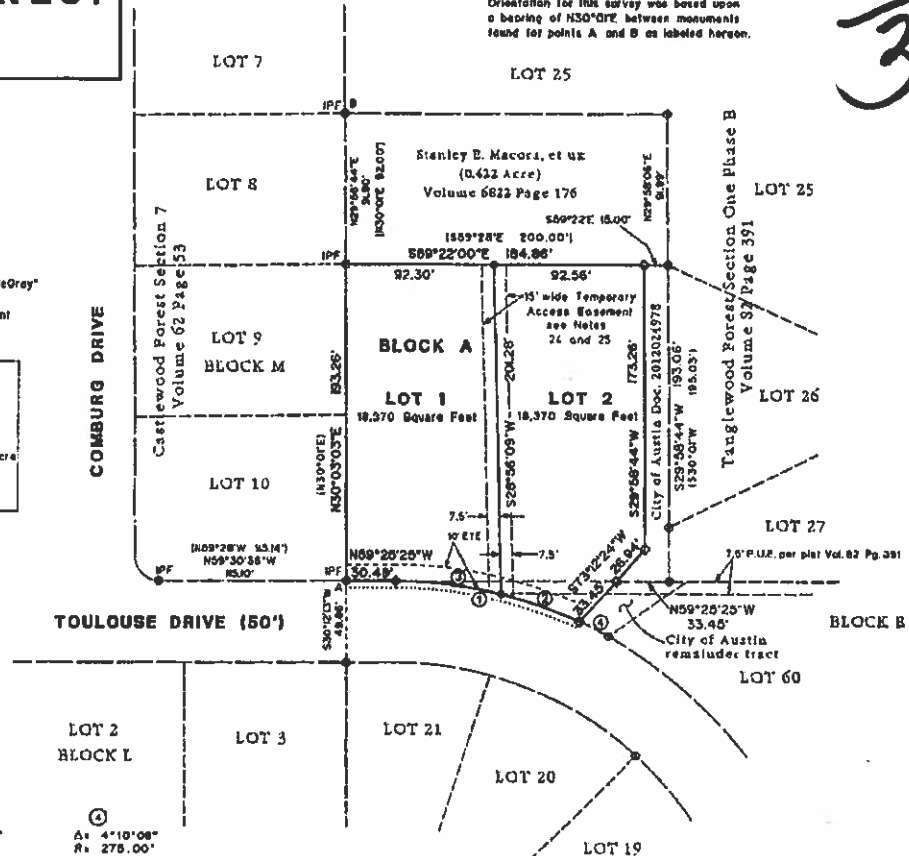
THE STATE OF TEXAS  
 THE COUNTY OF TRAVIS

I, the undersigned authority, on this the 15th day of November, A.D. 2012, did personally appear Melissa D. Hedin and Dean Hedin, known to me to be the persons whose names are subscribed to the foregoing instrument of writing, and they acknowledged before me that they executed the same for the purposes and considerations therein expressed.

NOTARY PUBLIC  
 Printed Name Ross Wade  
 Commission Expires 10-16-2013



NOTE:  
 Orientation for this survey was based upon a bearing of N50°00'E between monuments found at points A and B as labeled hereon.



This subdivision is located in the Full Purpose Jurisdiction of the City of Austin  
 this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

THE STATE OF TEXAS  
 THE COUNTY OF TRAVIS

I, Dana DeBeauvoir, Clerk of Travis County, Texas, do hereby certify that the foregoing instrument of writing and its Certificate of Authentication was filed for record in my office on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, A.D., at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and duly recorded on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., at \_\_\_\_\_ o'clock \_\_\_\_\_ M. in the Official Public Records of said County and State in Document No. \_\_\_\_\_

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY this the \_\_\_\_\_ day of \_\_\_\_\_, 2012, A.D.

DANA DEBEAUVOIR, COUNTY CLERK TRAVIS COUNTY, TEXAS

BY \_\_\_\_\_  
 Deputy

ACCEPTED AND AUTHORIZED for record by the Zoning and Planning Commission of the City of Austin, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, 2012, A.D.

\_\_\_\_\_  
 Chairperson Secretary

ACCEPTED AND AUTHORIZED for record by the Director, Planning and Development Review Department, City of Austin, County of Travis, this the \_\_\_\_\_ day of \_\_\_\_\_, 2012, A.D.

Doug Guernsey, Director, Planning and Development Review Department

NOTE:  
 THE WATER AND/OR WASTEWATER EASEMENTS INDICATED ON THIS PLAT ARE FOR THE PURPOSE OF CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, UPGRADE, DECOMMISSIONING AND REMOVAL OF WATER AND/OR WASTEWATER FACILITIES AND APPURTENANCES, NO OBJECTS, INCLUDING BUT NOT LIMITED TO, BUILDINGS, FENCES, RETAINING WALLS, TREES OR OTHER STRUCTURES ARE PERMITTED IN WATER AND/OR WASTEWATER EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN.



## MEMORANDUM

TO: Members of the Zoning and Platting Commission

FROM: David Wahlgren, Development Services Process Coordinator

DATE: November 28, 2012

SUBJECT: Variance Request for Castlewood Forest Estates  
Case Number – C8-2012-0065.0A

Recommendation: To approve the variance

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The applicant for the above referenced subdivision is requesting a variance to Title 25 of the Land Development Code (LDC) Section 25-4-33; (B) *An applicant shall include all land in the original tract in an application for preliminary plan or plat approval.* In this case, the .843 acre original tract included an adjacent .422 acre undeveloped tract to the northeast that is currently land locked. However, this land locked tract is not owned by the applicant, but by the owner of Lot 8 that fronts on Comburg Drive. That owner does not wish to participate in the subdivision of his property at this time.

It appears that this situation was created with the development of Tanglewood Forest (the adjacent subdivision to the east). At the time that Tanglewood Forest was to be developed the developer offered (for sale) land to the lots in the existing Castlewood Forest (along Comburg Drive) as an extra buffer. That land was sold to those owners, but was never platted, and has changed hands over the years (even the City of Austin has purchased an access strip to get to the detention pond through it), however there are no deed restrictions on the development of the land.

Because the tract to the rear is land locked, and the other owner is not interested in joining with the subdivision, the owner has added a 15' access easement between Lots 1 and 2 that could be utilized as a driveway for the land locked tract. This easement would remain, if and until, the land locked tract obtains some other legal access subject to approval of the Director of the Planning Department.

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The LDC states under sub section (C) that; "the land use commission,.... may waive the requirement of Subsection (B) after determining that the requirement is impractical or imposes an unreasonable hardship on the applicant. In this case, it is the Staff's opinion that the applicant has done everything reasonable (offered the tract to join in the application, and provided an access easement for the benefit of the land locked tract) to help the balance obtain access to a public street. The Staff therefore recommends approval of the variance.

**Staff recommends approval of the variance for the following reasons:**



- The owner of the balance of the tract is unwilling to participate in the subdivision application.
- The balance is owned by an adjacent property that fronts on Comburg Street, and if necessary has the ability to access Toulouse Drive through a 15' access easement that can function as a driveway.

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If you have any further questions or required additional information, please contact me at 974-6455 or at [david.wahlgren@ci.austin.tx.us](mailto:david.wahlgren@ci.austin.tx.us)

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-  Subject Tract
-  Base Map

CASE#: C8-2012-0065.0A  
LOCATION: 2216 Toulouse Dr



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.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C8-2012-0065.0A

Contact: David Wahlgren, 512-974-6455

Cindy Castillas, 512-974-3437

Public Hearing: Zoning and Platting Commission, Dec 4, 2012

Harold + Kimberly Livingston

Your Name (please print)

2300 Toulouse Dr. Austin, TX 78748

Your address(es) affected by this application

Signature

10/18/12

Date

Daytime Telephone: 512-723-1623 Kim's

Comments: This is totally unacceptable.

It would displace wildlife that has been trapped in the area by construction on all sides. Also, this would completely change the quiet and pristine street by changing the landscape and mixing home usage. Property value would be affected if and down the street + local area.

We strongly discourage this proposal.

If you use this form to comment, it may be returned to:

City of Austin - Planning & Development Review Dept. 14<sup>th</sup> Fl

David Wahlgren

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor  
☒ I object

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C8-2012-0065.0A

Contact: David Wahlgren, 512-974-6455

Cindy Castillas, 512-974-3437

Public Hearing: Zoning and Platting Commission, Dec 4, 2012

Joyce Lammers

Your Name (please print)

9009 Comburg Dr. 11-17-12

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 512-282-2190

Comments: I've had enough with the "hard projects" behind my house, while I may agree to for repaving the driveway, my property beyond my driveway has been repeatedly ignored.

Joanne Lammers

If you use this form to comment, it may be returned to:

City of Austin - Planning & Development Review Dept. 14<sup>th</sup> Fl

David Wahlgren

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor  
☒ I object

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Case Number: C8-2012-0065.0A

Contact: David Wahlgren, 512-974-6455

Cindy Casillas, 512-974-3437

Public Hearing: Zoning and Platting Commission, Dec 4, 2012

JAMES T. CLIFT

Your Name (please print)

☐ I am in favor  
☒ I object

9203 COMBARK AVE 78748

Your address(es) affected by this application

James T. Clift

Signature

Date

Daytime Telephone: 512-947-9801

Comments: I AM TOTALLY AGAINST

THIS AS ZONING AND RESIDENT  
OF THIS WOODS LOT. THIS  
WILL HAVE A DIRECT IMPACT  
ON THE VALUE OF MY PROPERTY  
AND QUALITY OF LIFE I ENJOY  
FROM THE BEAUTY OF THIS  
GREAT BEST DIRECTLY BEHIND  
MY PROPERTY, I AM AGAINST THIS  
20011106

If you use this form to comment, it may be returned to:

City of Austin - Planning & Development Review Dept. /4<sup>th</sup> Fl

David Wahlgren

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C8-2012-0065.0A

Contact: David Wahlgren, 512-974-6455

Cindy Casillas, 512-974-3437

Public Hearing: Zoning and Platting Commission, Dec 4, 2012

Gloria Jordan

Your Name (please print)

☐ I am in favor  
☒ I object

2212 Toulouse Austin 78748

Your address(es) affected by this application

Gloria Jordan

Signature

Date

Daytime Telephone: 512-809-9848

Comments: I am uncomfortable with  
the creation of a single lot (2005)  
subdivision so that the owner  
can do as he wishes with  
it without covenants except  
those he creates.

If building is to take  
place on this location, I would  
like it to be a single family  
structure not 2 on divided  
lots.

If you use this form to comment, it may be returned to:

City of Austin - Planning & Development Review Dept. /4<sup>th</sup> Fl

David Wahlgren

P. O. Box 1088

Austin, TX 78767-8810



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Case Number: C8-2012-0065.0A

Contact: David Wahlgren, 512-974-6455

Cindy Casillas, 512-974-3437

Public Hearing: Zoning and Platting Commission, Dec 4, 2012

Lloyd Blum

Your Name (please print)

☐ I am in favor  
☒ I object

2112 Toulouse Dr, Austin, TX 78748

Your address(es) affected by this application

Lloyd Blum

Signature

Date

Daytime Telephone: 512-577-8507

Comments:

If you use this form to comment, it may be returned to:  
City of Austin - Planning & Development Review Dept. /4<sup>th</sup> Fl  
David Wahlgren  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C8-2012-0065.0A

Contact: David Wahlgren, 512-974-6455

Cindy Casillas, 512-974-3437

Public Hearing: Zoning and Platting Commission, Dec 4, 2012

Judith S. Abbott

Your Name (please print)

☐ I am in favor  
☒ I object

2810 Lombard Castleway

Your address(es) affected by this application

Judith S. Abbott

Signature

Date

Daytime Telephone: 512-478-3511

Comments:

If you use this form to comment, it may be returned to:  
City of Austin - Planning & Development Review Dept. /4<sup>th</sup> Fl  
David Wahlgren  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C8-2012-0065.0A

Contact: David Wahlgren, 512-974-6455

Cindy Casillas, 512-974-3437

Public Hearing: Zoning and Platting Commission, Dec 4, 2012

Your Name (please print)

Sharon Shepherd

☐ I am in favor  
☒ I object

Your address(es) affected by this application

9203 Comburg Drive 78748

Signature

Date

Daytime Telephone

(512) 293-4453

Comments: I am against the

rezoning and development of this greenbelt area.

This is SPOT Zoning and is unfair and inconsiderate of the owner/developer to ask to rezone this parcel of land without regard to its surroundings or effect it will have to neighboring homeowners.

If you use this form to comment, it may be returned to:

City of Austin - Planning & Development Review Dept. /4<sup>th</sup> Fl

David Wahlgren

P. O. Box 1088

Austin, TX 78767-8810

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Contact: David Wahlgren, 512-974-6455

Cindy Casillas, 512-974-3437

Public Hearing: Zoning and Platting Commission, Dec 4, 2012

Your Name (please print)

Diane Perez Barbara Richard

☐ I am in favor  
☒ I object

Your address(es) affected by this application

2114 Toulouse Dr  
Diane & Barb  
Barbara & Richard

Signature

Date

Daytime Telephone:

512-292-6679

Comments:

Keep this zone

SINGLE-FAMILY LOT--

If you use this form to comment, it may be returned to:

City of Austin - Planning & Development Review Dept. /4<sup>th</sup> Fl

David Wahlgren

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C8-2012-0065.0A

Contact: David Wahlgren, 512-974-6455

Cindy Casillas, 512-974-3437

Public Hearing: Zoning and Platting Commission, Dec 4, 2012

STANLEY E. MACORAK JR

Your Name (please print)

☐ I am in favor  
☒ I object

7201 COMBURG DR. (AUSTIN 78742)

Your address(es) affected by this application

Signature

Date

Daytime Telephone: (512) 280-1853

Comments:

SEE ATTACHED LTR

I VLG & RECD 01/10/12

PROPOSED 138-SUBDIVISION

SEE ATTACHED LTR

If you use this form to comment, it may be returned to:

City of Austin - Planning & Development Review Dept. /4<sup>th</sup> Fl

David Wahlgren

P. O. Box 1088

Austin, TX 78767-8810

DOE TO HEALTH REASONS

I CANNOT ATTEND

MEETINGS

Mr. David Wahlgren, Planning and Development Review  
P. O. Box 1088  
Austin, Tx 78767-8810

13 Nov '12

C4  
12

I VIGOROUSLY object to the proposed re-subdivision known as  
Castlewood Forest Estates. (Case # C8-2012-0065.0A)


1. I bought my back lot as a "greenbelt" in 1977 from Arthur Eatman (the original owner) as did most of my neighbors. The existing zoning laws for Castlewood Forest and/or Tanglewood Forest have been in place for a long time and are adequate. Any proposed re-subdivision would destroy the "greenbelt" of long standing and diminish the "greenbelt" value of adjacent neighbors like myself. It disturbs me that recent arrivals in Castlewood would try to destroy or diminish the attractiveness of the neighborhood.

2. I have no knowledge of the intended use of the land in the proposed re-subdivision. I have talked briefly with the owner Dean Heddin who owned the corner house and the two lots behind it which compose the proposed re-subdivision. Mr. Heddin has since sold his house. My neighbor in 9203 Comburg tried to buy the lot back of 9203 and Mr. Heddin refused to sell.

3. I talked to Mr. David Wahlgren several months ago about the city's notification to me concerning the application for a proposed re-subdivision. At that time he said that proposed re-subdivision zoning allowed only single family dwellings but the notification of 9 Nov speaks, in confusing language, about the possibility of duplexes.

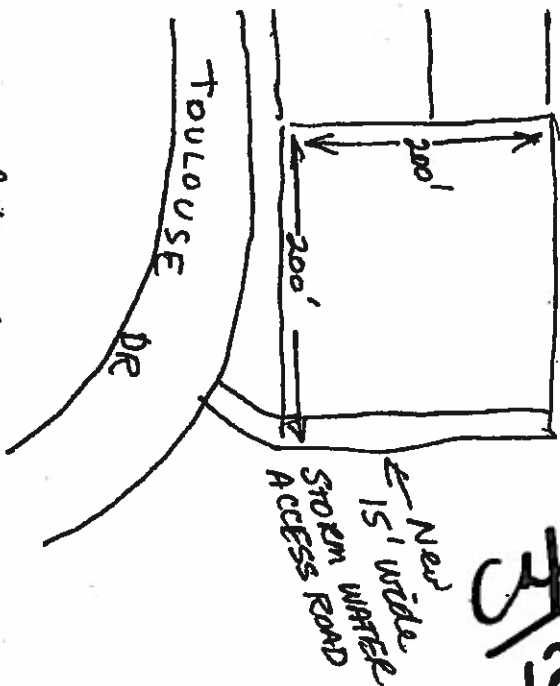
4. People already use our lot as a passage to other places or neighborhoods and once, when my wife asked young strangers passing close to the house what they were doing, our house was heavily "egged" the next day. Dwellings in the proposed re-subdivision, either single family or duplex (if allowed) would doubtless increase traffic across our land causing my wife and I (both retired) serious concern, in addition to destroying the greenbelt.

Sincerely,

  
Stanley E. Macora, Jr., PhD  
9201 Comburg Dr.  
Austin, Tx 78748

DUE TO HEALTH REASONS  
I CANNOT ATTEND  
DEC 4TH MEETING

5/13



Continued from front  
 although lots could be the  
 size of Cattlewood lots  
 the front access on Toulouse  
 will be shortened because of  
 new storm water access drive.  
 Homes in Cattlewood have  
 larger setbacks from side property  
 lines (10' on one side & 20' on other)  
 7' [ ] 20'  
 Would these setbacks apply to the  
 New lots?

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Case Number: C8-2012-0065/0A  
 Contact: David Wahlgren, 512-974-6455  
 Cindy Casillas, 512-974-3437  
 Public Hearing: Zoning and Platting Commission, Dec 4, 2012

David & Nancy Holt  
 Your Name (please print) 2305 Toulouse Drive

☒ I am in favor  
☐ Object

Your address(es) affected by this application

David Holt Nancy Holt 11/10/2012  
 Signature Date

Daytime Telephone: 512-280 3161

Comments: My lot & lots are perpendicular to the road it seems like they will have to be narrower so they will be less expensive  
and backing out. Cattlewood front is an attached subdivision starting from the 80's, so new homes should be subdivided  
subdivided as currently subdivided. My one drive is built to serve both homes with 4 fire/emergency service access in a problem for the back drive?

If you use this form to comment, it may be returned to:  
 City of Austin - Planning & Development Review Dept. / 4th Fl  
 David Wahlgren  
 P. O. Box 1088  
 Austin, TX 78767-8810