

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE: Monday, May 11, 2015**

**CASE NUMBER: C15-2015-0057**

\_\_\_Y\_\_\_ Jeff Jack - Chair  
\_\_\_Y\_\_\_ Michael Von Ohlen - Motion to Grant with Conditions (see below)  
\_\_\_Y\_\_\_ Melissa Whaley Hawthorne - Vice Chair - 2<sup>nd</sup> the Motion  
\_\_\_Y\_\_\_ Sallie Burchett  
\_\_\_-\_\_\_ Ricardo De Camps (OUT)  
\_\_\_N\_\_\_ Brian King  
\_\_\_Y\_\_\_ Vincent Harding

**APPLICANT: Jim Bennett**  
**OWNER: Lamar Clemons**

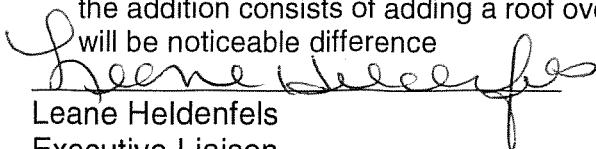
**ADDRESS: 2900 CLEARVIEW DR**

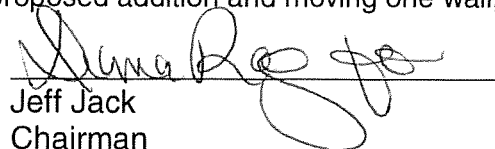
**VARIANCE REQUESTED:** The applicant has requested a variance(s) from Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 (*Maximum Development Permitted*) to increase square footage from .4:1 Floor to Area Ratio (FAR) (required) to .47:1 FAR (requested) in order to add 79 square feet to an existing residence with .45:1 FAR in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with the condition that the applicant will not apply for another building expansion utilizing the non-complying exemption provision of the code Section 25-2-963 (Modification & Maintenance of non-complying structures), Board Member Melissa Hawthorne second on a 5-1 vote (Board member Bryan King nay); **DENIED. (AUTOMATIC POSTPONEMENT DUE TO ONLY 6 BOARD MEMBERS)**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: this is a minimal departure from the code and the variance will not lessen the purpose or integrity of the ordinance
2. (a) The hardship for which the variance is requested is unique to the property in that: the house was constructed prior to the current regulations and the design of the roof and existing walls create a collection point for foreign material, the proposed enclosed entry and mud room with guttering will help to minimize the problem  
(b) The hardship is not general to the area in which the property is located because: the recessed entry is not common to the area
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 use of the property will remain single family, the addition will not impair the use of the adjacent properties, because the addition consists of adding a roof over the proposed addition and moving one wall, there will be noticeable difference

  
Leane Heldenfels  
Executive Liaison

  
Jeff Jack  
Chairman

## PUBLIC HEARING INFORMATION

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**Case Number: C15-2015-0057, 2900 Clearview Drive**

**Contact:** Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)  
**Public Hearing: Board of Adjustment, May 11th, 2015**

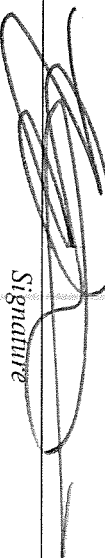
CHRISTIAN GUNTHER

*Your Name (please print)*

☒ I am in favor  
☐ I object

2002 MEADOW BROOK DR. 78703

*Your address(es) affected by this application*



*Signature*

*Date*

Daytime Telephone: 512-306-4434

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note: all comments received will become part of the public record of this case

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

City of Austin- Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-6305

Or scan and email to [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

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Case Number: C15-2015-0057, 2900 Clearview Drive

Contact: Leanne Heidenfels, 512-974-2302, [leanne.heidenfels@austintexas.gov](mailto:leanne.heidenfels@austintexas.gov)  
Public Hearing: Board of Adjustment, May 11th, 2015

Your Name (please print)

Jim Johnson

☒ I am in favor  
☐ I object

Your address (as reflected by this application)

2901 Eberly Lane

Signature

*Jim Johnson*

Date

Dateline Telephone:

512 478-5637

Comments:

I am in favor of  
Leanne & Ann Leanders to  
increase the value of their  
property & their quality of  
daily household life by  
making this addition.

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Case Number: C15-2015-0057, 2900 Clearview Drive

Contact: Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

Public Hearing: Board of Adjustment, May 11th, 2015

Stacy Leon

Your Name (please print)

☐ I am in favor  
☒ I object

2001 Hopi Tr Austin 78703

Your address(es) affected by this application



Signature

5/3/15

Date

Daytime Telephone: 512 461-8838

Comments: Our neighborhood has allowed too many variances what have caused it to lose much of the old oaks & other trees that have made it special. In addition the green space surrounding the house has been markedly reduced. This house in particular already takes up the majority of the lot. Streets have been able to feel their space without building so should they

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Austin, TX 78767-1088

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## Heldenfels, Leane

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**From:** Blake <~~blake.tollett@citylink.net~~>  
**Sent:** Wednesday, May 06, 2015 4:15 PM  
**To:** Heldenfels, Leane  
**Cc:** WANG ExCom  
**Subject:** C15-2015-0057; 2900 Clearview Drive

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Leane Heldenfels, Liaison  
Board of Adjustment  
City of Austin

RE: C15-2015-0057; 2900 Clearview Drive

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### Members of the Board of Adjustment:

The Board of Directors (BoD) of West Austin Neighborhood Group (WANG) at our regularly scheduled monthly meeting discussed the above referenced variance request with both the Applicant and the Owner.

At this time the neighborhood association's position on this request is neutral, neither opposed or not opposed. It was noted that close by neighbor opposition, if any, to the variance request was at this time unknown.

In 2006 this property was granted a variance to decrease the western side yard setback from the required 5 feet to 3.5 feet in order for a second story to be erected. The resulting building permit was initiated prior to the enactment of the Residential Design Compatibility ordinance.

In 2011, based on existing noncomplying encroachments into the east side required side street setback, a covered porch was added to the property. How these encroachments into the required side street setback came to be is unknown, but are not a part of the variance granted in 2006.

A member of the neighborhood association will be in attendance at the hearing. Thank you for your service to the community.

Blake Tollett-WANG

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**Public Hearing: Board of Adjustment, May 11th, 2015**

Your Name (please print) Mr & Mrs Mike & Lori

Your address(es) affected by this application 1901 Meadowbrook Drive

Signature [Signature]

Date 5/4/15

Daytime Telephone: 512-965-2044

Comments: Minimal changes requested

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
--

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**Public Hearing: Board of Adjustment, May 11th, 2015**

DYKE CARLTON  
Your Name (please print)

☒ I am in favor  
☐ I object

1905 Medalsbrook Dr 78703  
Your address(es) affected by this application

Leane Heldenfels 5/31/15  
Signature Date

Daytime Telephone: 512 476 3039

Comments:

We have no objections at all.

Note: all comments received will become part of the public record of this case

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**Public Hearing: Board of Adjustment, May 11th, 2015**

Mam H. Gershon  
 Your Name (please print) ☒ I am in favor  
☐ I object

2909 Clearview Drive  
 Your address(es) affected by this application

Mary Heldenfels 5/13/15  
 Signature Date

Daytime Telephone: 512 750 9378

Comments: This minimal change should be approved.

Note: all comments received will become part of the public record of this case

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**Public Hearing: Board of Adjustment, May 11th, 2015**

Your Name (please print) CECILIA CECIL

☒ I am in favor  
☐ I object

Your address(es) affected by this application 2905 CLEARVIEW

Al Cecil 5/11/15  
Signature Date

Daytime Telephone: 512-517-1088

Comments: A minimal change  
should be approved.

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**Public Hearing: Board of Adjustment, May 11th, 2015**

Your Name (please print)

*Rebecca F. Winton*

☒ I am in favor  
☐ I object

Your address(es) affected by this application

*1903 Meritwood Dr.*

*Signature: M. Winton* *Date: 5/2/2015*  
 Daytime Telephone: *512-472-3003*

Comments:

*I think it will be a good location for the station.*

*Rebecca F. Winton*

*Rebecca F. Winton*

Note: all comments received will become part of the public record of this case

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

City of Austin- Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

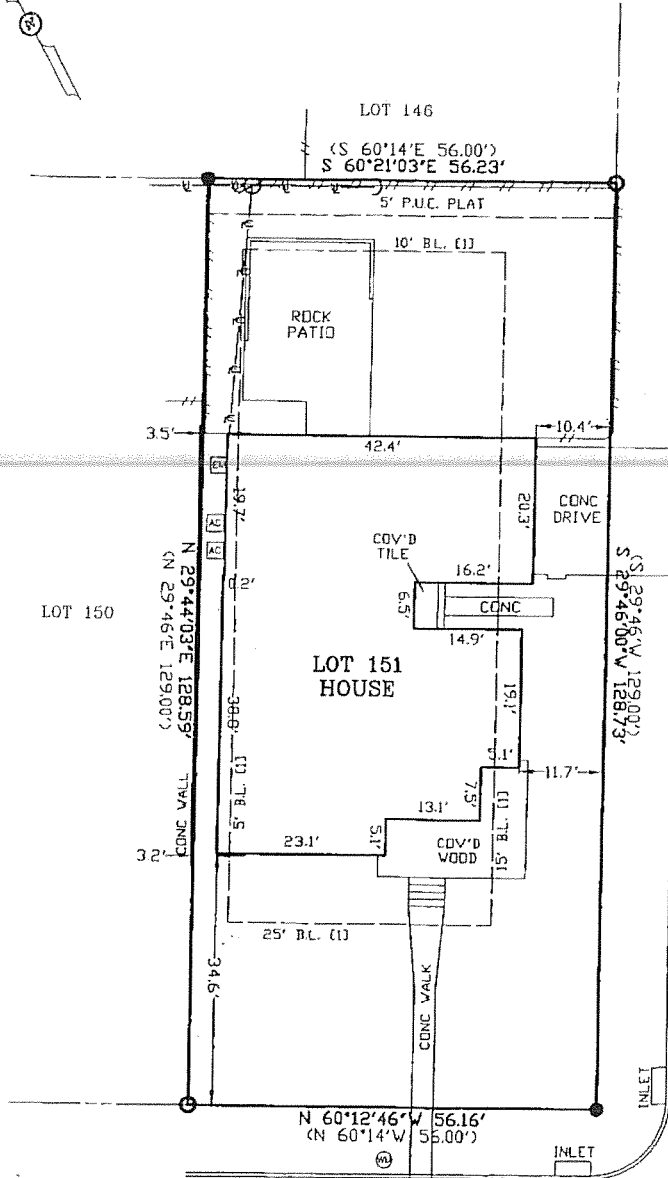
Or fax to (512) 974-6305

Or scan and email to [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

SCALE: 1"=20'

# LEGEND

- IRON ROD FND.
- PIPE FND.
- WOOD FENCE
- UTILITY LINE
- AC A/C UNIT
- EM ELEC. METER
- WM WATER METER
- UTILITY POLE
- GUY ANCHOR
- BUILDING LINE
- PUBLIC UTILITY EASEMENT



MEADOWBROOK DRIVE  
(50' R.O.W.)

## SURVEYOR'S NOTES

( ) DENOTES RECORD INFORMATION  
[1] BUILDING LINE PER CITY OF AUSTIN CURRENT ZONING ORDINANCE.

THIS MAP DOES NOT REFLECT BUILDING REQUIREMENTS WHICH MAY BE IMPOSED BY THE LOCAL GOVERNING AUTHORITY OR HOME OWNER'S ASSOCIATION.

THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS AND/OR CONDITIONS WHICH MAY APPEAR ON THE PLAT OF RECORD.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

2900 CLEARVIEW DRIVE  
(50' R.O.W.)

## IMPERVIOUS COVERAGE:

BLDG.....2210  
CONC.....378  
ROCK.....432  
WOOD.....144  
TOTAL.....3162

LOT.....7230  
IMP.....43%

Tr No. 151 BLOCK --- SUBMISSION / ADDITION TARRY-TOWN 3  
CATION --- PHASE --- Book --- Page(s) 231 Cabinet --- PLAT RECORDS  
--- Volume 3 Slide ---  
Y --- TRAVIS COUNTY, TEXAS Document No. --- Official Public Records of --- County, Texas  
--- AUSTIN Reference: ---

## \* IMPORTANT NOTICE \*

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DEPICTS ONLY THOSE BOUNDARIES, EASEMENTS AND BUILDING LINES SHOWN ON THE RECORDED PLAT. BOUNDARY AMENDMENTS, ADDITIONAL EASEMENTS AND SETBACKS MAY AFFECT LOT 151

ALL POINTS SURVEYING

1714 FORTVIEW ROAD - SUITE 200

AUSTIN TX. 78704

TELE.: (512) 440-0071 - FAX: (512) 440-0199

FIRM REGISTRATION # 10118900



Field Work	Dwg.	Date
Field Work	WW	7-30-14
Drafting	JG	

SURVEY DATE: 7-30-14  
Job No. 07832014  
SCALE: 1"=20'



## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
  - is the record owner of property within 500 feet of the subject property or proposed development; or
  - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/development](http://www.austintexas.gov/development).

Written comments must be submitted to 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. Any comments received will become part of the public record of the case.

**Case Number: C15-2015-0057, 2900 Clearview Drive**

**Contact:** Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

**Public Hearing: Board of Adjustment, May 11th, 2015**

*L. Alexander*

Your Name (please print)

*2807 Clearview Dr.*

Your address(es) affected by this application

*Leanne Heldenfels*

Signature

*May 2, 2015*

Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Note: all comments received will become part of the public record of this case

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Or fax to (512) 974-6305

Or scan and email to [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
--



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2015-0057  
Address: 2900 CLEARVIEW DRIVE



1" = 250'

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

CASE # C15-2015-0057  
Row # 11327405  
TAX # 0116060709  
TCAD ✓

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: 2900 Clearview Drive

LEGAL DESCRIPTION: Subdivision – Tarry-Town 3

Lot(s) 151 Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_

I Jim Bennett as authorized agent for Lafmar Clemons

\_\_\_\_\_ affirm that on 3/6/15 hereby apply for a hearing before the Board of Adjustment

for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

An addition to an existing single family residence providing a F.A.R. of 0.47 (.45 is existing) .40 is allowed

\_\_\_\_\_ in a SF-3 NP (zoning district) (West Austin Neighborhood Group)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

**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

**REASONABLE USE:**

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

This is a minimal departure from the code and the variance will not lessen the purpose or integrity of the ordinance.

**HARDSHIP:**

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

The house was constructed prior to the current regulations and the design of the roof and existing walls create a collection point for foreign material. The proposed enclosed entry and mud room with guttering, will help to minimize the problem

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

The recessed entry is not common to the 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 use of the property will remain single family. The addition will not impair the use of the adjacent properties, because the addition consists of adding a roof over the proposed addition and moving one wall, the other side walls already exist. There will be noticeable difference.

**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:



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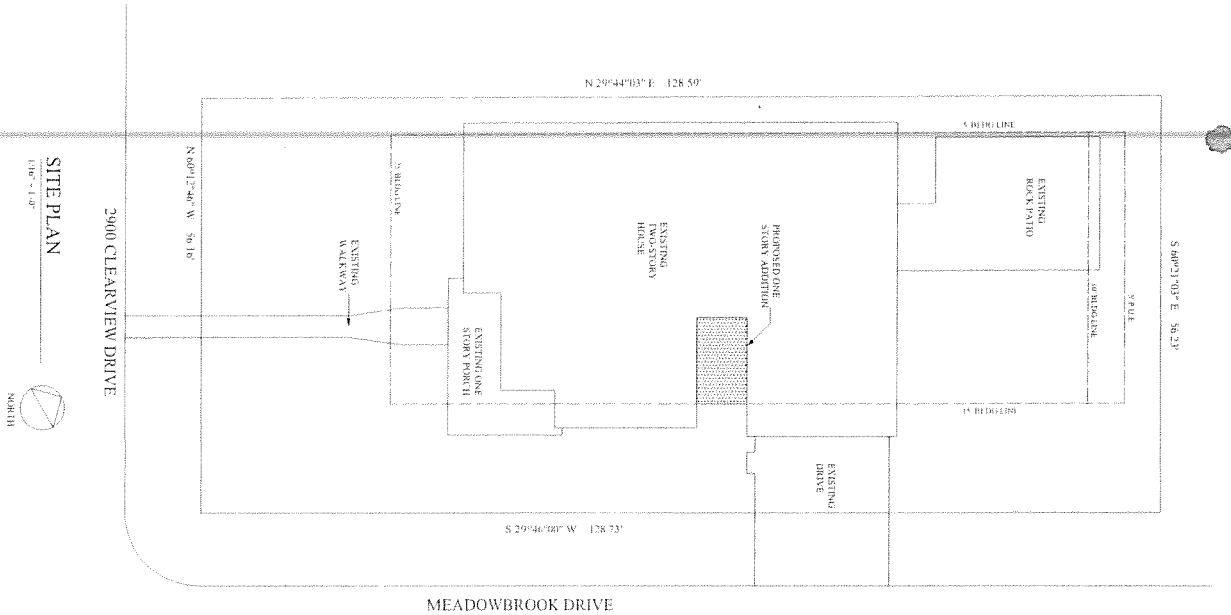
**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**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 Jim Bennett Mail Address 11505 Ridge Dr  
City, State & Zip Austin, TX. 78748  
Printed Jim Bennett Phone 512-282-3078 Date 3/5/15

**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 Lamar Clemens Mail Address 2900 Clearview Dr  
City, State & Zip Austin TX 78703  
Printed Lamar Clemens Phone 512-651-7011 Date 3-4-15



MEADOWBROOK DRIVE

# LOT DESCRIPTION.

LOT 151, TARRY TOWN 3, IN VOLUME 3, PAGE 31 OF THE PLAT  
RECORDS OF TRAVIS COUNTY, TEXAS, CITY OF AUSTIN.

GENERAL NOTE  
SITE PLAN BASED ON SURVEY FROM ALL POINTS SURVEYING,  
DATED 7/30/2014.

GROSS FLOOR AREA EXISTING			
1ST FLOOR	EXISTING	EXEMPTION	TOTAL
1ST FLOOR	1732	1732	1732
2ND FLOOR	1332	1332	1332
2ND FLOOR ATTACHED	450	200	250
TOTAL	3514	1532	1982
F.A.R.	0.45		0.45
GROSS FLOOR AREA PROPOSED			
1ST FLOOR	EXISTING	NEW EXEMPTION	TOTAL
1ST FLOOR	1732	1732	1732
2ND FLOOR	1332	1332	1332
2ND FLOOR ATTACHED	450	200	250
TOTAL	3514	1532	1982
F.A.R.	0.45		0.45
LOT AREA	7230 SF		

A.1	Renovation	Leland F. Decker	Architect	
	Clemmons Residence	104 Darling Dr. 512-457-0230	Wimberley, TX Reg. #12424	
	2900 Clearview Dr., Austin, TX			
	INSPECTOR F.A.R. VARIANCE 3515			