






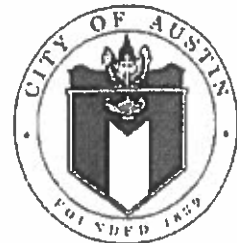
19-1



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

### NOTIFICATIONS

CASE#: C15-2016-0041  
LOCATION: 3200 Clawson Road



1" = 153'

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.

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

**DATE: Monday, April 11, 2016**

**CASE NUMBER: C15-2016-0041**

☒ Y Brooke Bailey 2<sup>nd</sup> the Motion  
☒ Y Michael Benaglio  
☒ Y William Burkhardt  
☒ Y Eric Goff  
☐ O Melissa Hawthorne (OUT)  
☒ Y Don Leighton-Burwell  
☒ Y Rahm McDaniel  
☒ Y Melissa Neslund  
☒ Y James Valadez  
☒ Y Michael Von Ohlen Motion to PP to May 9, 2016  
☒ Y Kelly Blume (Alternate)

**APPLICANT: Vince Huebinger**

**OWNER: Muazaz Younes**

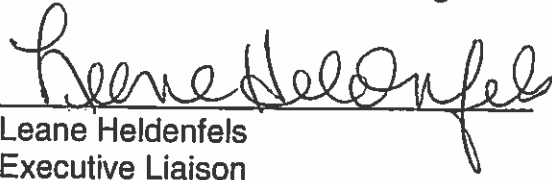
**ADDRESS: 3200 CLAWSON RD**


**VARIANCE REQUESTED:** The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the street frontage lot width from 50 feet (required) to 45 feet (requested) in order to subdivide this property into three lots in a "SF-3", Family Residence zoning district.

**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to May 9, 2016, Board Member Brooke Bailey second on a 10-0 vote; **POSTPONED TO MAY 9, 2016.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
(b) The hardship is not general to the area in which the property is located because:
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:

  
Leane Heldenfels  
Executive Liaison

  
William Burkhardt  
Chairman



## CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

19/3

### Board of Adjustment General/Parking Variance Application

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

#### For Office Use Only

Case # C15-2016-0041 ROW # 115006C9 Tax # 0404090145  
TCAD ✓

#### Section 1: Applicant Statement

Street Address: 3200 Clawson Road

Subdivision Legal Description:

Theodore Lowe Heights

Lot(s): 5 Block(s): A

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF-3

I/We Vincent G. Huebinger on behalf of myself/ourselves as  
authorized agent for 3200 Clawson Development LLC affirm that on  
Month March, Day 11, Year 2016, hereby apply for a hearing before the  
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☒ Complete ☐ Remodel ☐ Maintain ☐ Other: \_\_\_\_\_

Type of Structure: future residential

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Portion of the City of Austin Land Development Code applicant is seeking a variance from:

Request a Variance from the Lot frontage requirements in 25-4-157(C)2(c)ii & 25-4-174(B)2(a)  
Minimum Lot Width from 50' to allow a 45' width x 172' depth on Clawson Road.

## Section 2: Variance Findings

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 supporting documents.

**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.**

I contend that my entitlement to the requested variance is based on the following findings:

### Reasonable Use

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

Although the property is 0.8 acres in size, it is extremely deep relative to its width and contains  
heritage trees. Code Chapter 25-4 and specifically, § 25-4-174, which governs lot size,  
indicates that the minimum lot width of an interior lot is 50'. In addition, § 25-4-175, which  
governs flag lots, indicates that the minimum width of a flag lot is either 15' or 20', depending on  
the circumstances. (cont'd on page 8)

### Hardship

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

In the tract's current configuration, including the width, depth, and the existing tree cover, the  
25-4 current code requirements above restrict the flexibility for saving trees and limit the  
potential of a large area (45' x 172') along the frontage of Clawson Road. This area should be  
allowed as SF residential. Instead at 45', based on 25-4, it is undevelopable and restricted.  
Without the variance, the owner can clearly subdivide; however it would be... (cont'd on page 8).

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

other tracts have been able to develop surrounding this site with similar conditions and  
development plans. There are different sized lots along Clawson and most have trees;  
however, this tract has an abundance of protected and heritage trees and is larger than most  
other tracts in the immediate area.

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### Area Character

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 area immediately across the street and to the south, along with numerous tracts along Clawson have been either platted, resubdivided, are under construction, have been rezoned, or are in transition for redevelopment. The frontage along Clawson Road for the variance at the 45' can be limited access and not disturbed by the proposed development if this is the board's choice. It would then eventually become a manicured landscaped yard area and open space. This variance enhances the immediate area and surrounding conforming... (cont'd on page 8)

### 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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

N/A - not a parking variance request

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:

N/A - not a parking variance request

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

N/A - not a parking variance request

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

N/A - not a parking variance request

### Section 3: Applicant Certificate

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

Applicant Signature: [Signature] Date: 03/11/2016

Applicant Name (typed or printed): Vincent G. Huebinger

Applicant Mailing Address: 1715 S. Capital of Texas Hwy #207

City: Austin State: TX Zip: 78746

Phone (will be public information): (512) 328-2693

Email (optional – will be public information): vinceh@flash.net

### Section 4: Owner Certificate

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

Owner Signature: [Signature] Date: 03/11/2016

Owner Name (typed or printed): 3200 Clawson Development LLC c/o Muazaz Younes

Owner Mailing Address: 816 Congress Ave. #1620

City: Austin State: TX Zip: 78701

Phone (will be public information): (713) 973-7856

Email (optional – will be public information): \_\_\_\_\_

### Section 5: Agent Information

Agent Name: Vincent Gerard & Associates, Inc.

Agent Mailing Address: 1715 S. Capital of Texas Hwy #207

City: Austin State: TX Zip: 78746

Phone (will be public information): (512) 328-2693

Email (optional – will be public information): vinceh@flash.net

### Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Please see page 8

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## Additional Space (continued)

### Reasonable Use continued

...The property owner wishes to divide the property, and applying these provisions to the property would prevent any usage of the frontage of the flag lots (which would comprise 0.3 acres of the lot).

The requested variance to the 50' minimum lot width requirement, which would allow a lot with a 45' width, would allow a reasonable use of the property, given the physical conditions on the site and the presence of a number of heritage trees. The variance would allow more usable lots to be developed, instead of requiring more restrictive space and limited lot configurations. Moreover, the lot to which the variance would apply would still be over 7,700 sq ft, which far exceeds the minimum lot square footage of 5,750 sq ft.

In addition, the existing tree locations in proximity to the proposed lot lines are challenging but can be alleviated by the variance approval. If the variance is not granted, the development of the property is forced into a physical hardship for the owners, and portions of the lots will be subject to difficult conditions and restrictions for residential use. Physical conditions of the tree cover onsite are major factors in this variance, and the usability of the frontage lot is a necessity. This variance would allow more flexibility with regard to the development of the lots and allow the owner to preserve the trees and ensure they coexist with the single family subdivision as proposed.

### Hardship A continued

...extremely limited by access, utility, and pad site locations to a serious hardship condition. The code protects the heritage trees without the ability to remove, replace or relocate so flexibility needs to come in the form of a variance. The slight variance in minimum lot width (5 ft), still allows for a very large lot (over 7,700 sq ft), preserves heritage trees, and allows for more aesthetic and functional development of the property.

### Area Character continued

...tracts by conditions that can be elected to be imposed as a condition of approval.

SAVE



## VINCENT GERARD AND ASSOCIATES, INC.

Leane Heldenfels  
City of Austin  
Zoning Board of Adjustments  
City of Austin, Texas

March 25, 2016

### **RE: Zoning Board Variance Request, 3200 Clawson Road**

The proposed re-subdivision of 3200 Clawson into (3) separate lots within a flag configuration may be summarized under two scenarios.

#### **Variance Request, 3 Single family lots, 1 lot width variance.**

Under this scenario, two of the proposed residential lots would be created toward the rear of the lot in a flag lot configuration in accordance with section 25-4-175, City of Austin Land Development Code. This section of the code allows proposed 3 lot scenario that will utilize a shared driveway along the south boundary of the tract. Minimum width restriction of 15' at the ROW frontage would be incorporated in a creation of the flag lots that are more flexible in accommodating the existing protected & heritage trees but would limit the 1<sup>st</sup> lot width to 45.16' frontage. This scenario is shown on the attachment and by code excludes the flag portion of each lot.

The proposed 1st lot of the re-subdivision would be the creation of a single family lot of 8,385 square feet, far exceeding the minimum lot size requirement of 5,750 square feet. It would have a proposed frontage width of 45.16' adjacent to the Clawson Road ROW and a depth of 172'. The 45.16' frontage would not be in compliance with section 25-4-174 minimum lot width of 50'; therefore, a variance request is submitted for approval by the Zoning Board of Adjustments for the reduction of 50' wide minimum lot frontage. Even though the lot requires a variance for frontage, it would be 172' deep, allowing more than adequate size and shape for a quality residential home site on this property.



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**Without the Variance request – 3 single family lots**

This proposed scenario would create three single family lots by code that are forced toward the rear of the of existing lot. It complies with the flag lot configuration with a proposed frontage width of 15', providing a lot area of 7009 square feet. The remaining area in the frontage, 172', would be unusable for residential development in accordance with the code criteria.

The three (3) proposed single family lots would also utilize a flag lot configuration. Two of the flag lots would propose a frontage width of 15' yielding a smaller lot area. These proposed lot area square footages exclude the proposed flag portion of both lots. Sizes and configurations are shown on the attached Concept. This scenario does not require a variance to Lot 1 but does prohibit a residential structure within the 172' flag portion of the lot.

The re-subdivision process for this configuration limits the sizes and flexibility of the design even though it complies with the code. Variances are usually granted when the applied code creates a hardship, and this would be a hardship within the land development code if the variance is not granted.

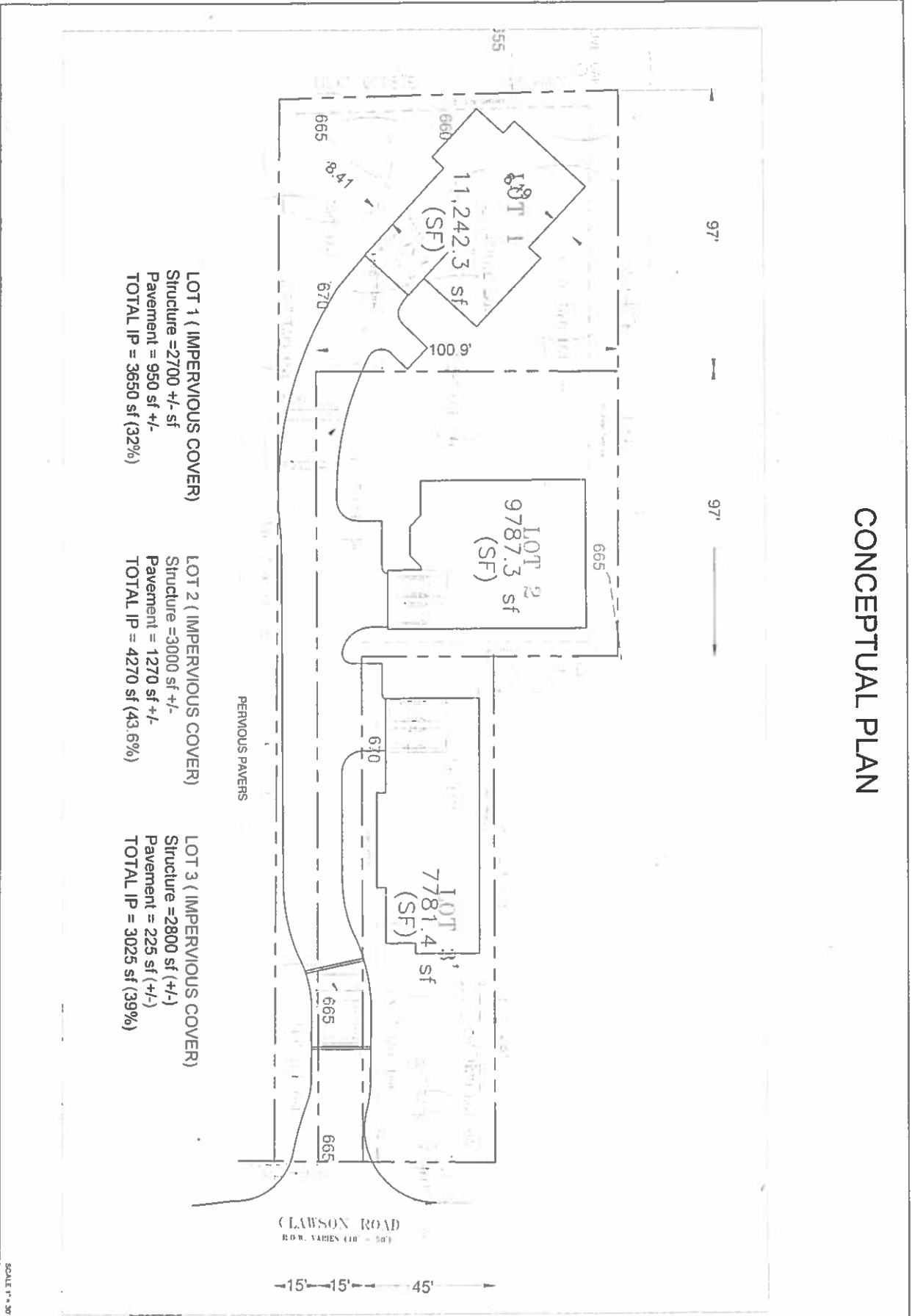
Respectfully,



Vincent G. Huebinger

ATTACHMENT:  
Feasibility Study Concept

# CONCEPTUAL PLAN



LOT 1 (IMPERVIOUS COVER)  
Structure = 2700 +/- sf  
Pavement = 950 sf +/-  
TOTAL IP = 3650 sf (32%)

LOT 2 (IMPERVIOUS COVER)  
Structure = 3000 sf +/-  
Pavement = 1270 sf +/-  
TOTAL IP = 4270 sf (43.6%)

LOT 3 (IMPERVIOUS COVER)  
Structure = 2800 sf (+/-)  
Pavement = 225 sf (+/-)  
TOTAL IP = 3025 sf (39%)

VINCENT GERARD & ASSOCIATES

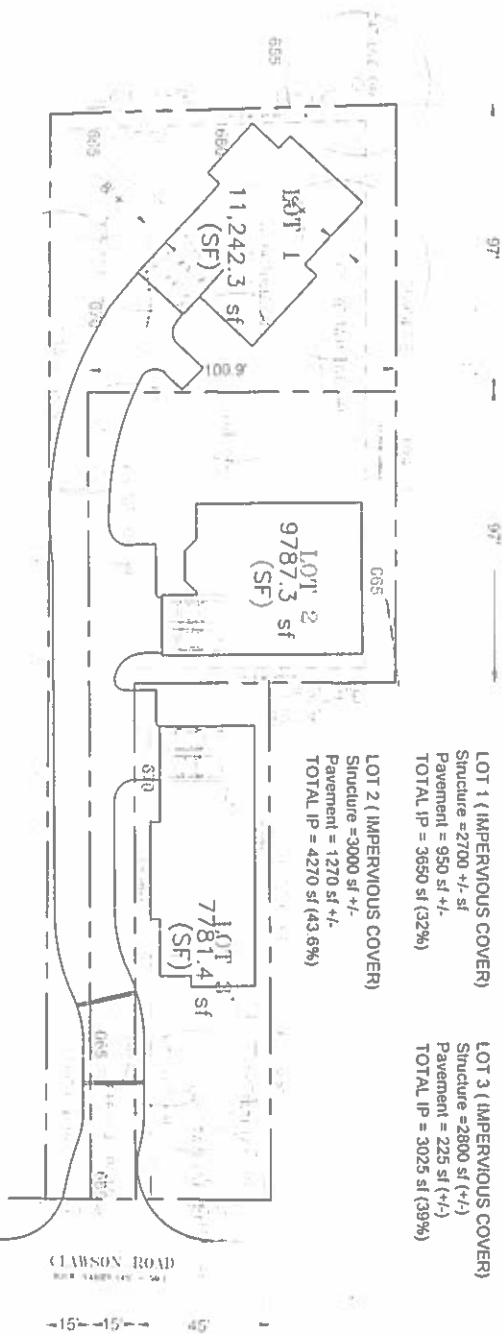
LAND PLANNING & DESIGN CONSULTANTS  
10000 N. MICHIGAN AVE., SUITE 200  
DALLAS, TEXAS 75243  
(214) 343-1234



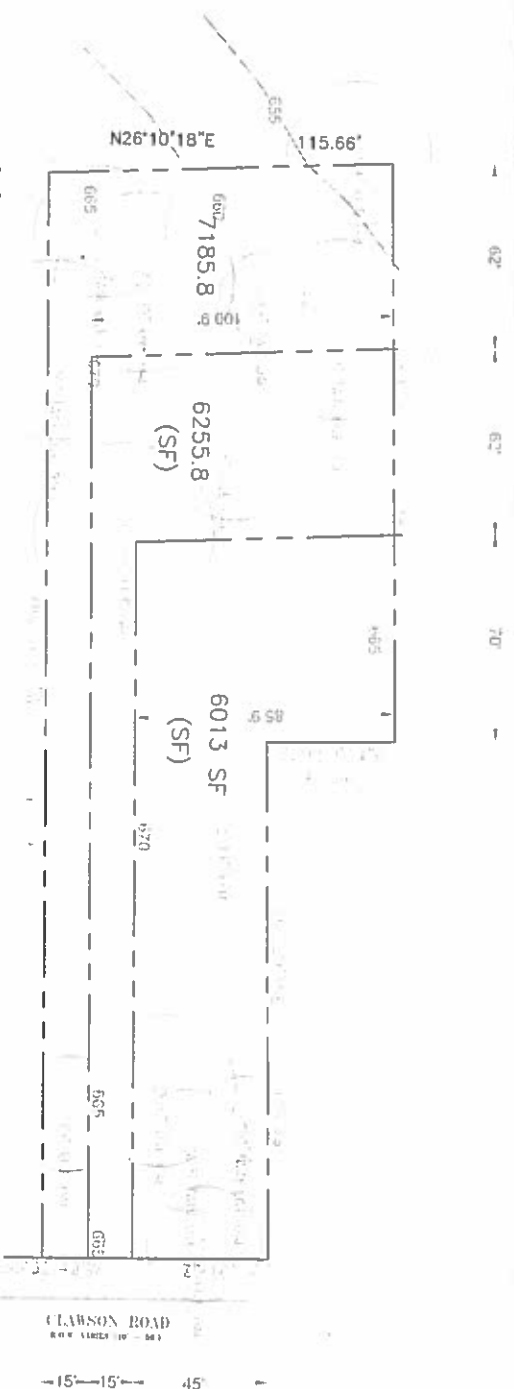
CONCEPTUAL PLAN  
LOT 5 RESUB OF PT OF  
LOT 22 LOW THEODORE HEIGHTS  
3200 CLAWSON ROAD  
AUSTIN, TX 78704

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# SCENARIO #1 (3 lots) - VARIANCE TO BOA - 45' LOT



# SCENARIO #2 - 3 LOTS - NO VARIANCE



SCALE 1" = 40'

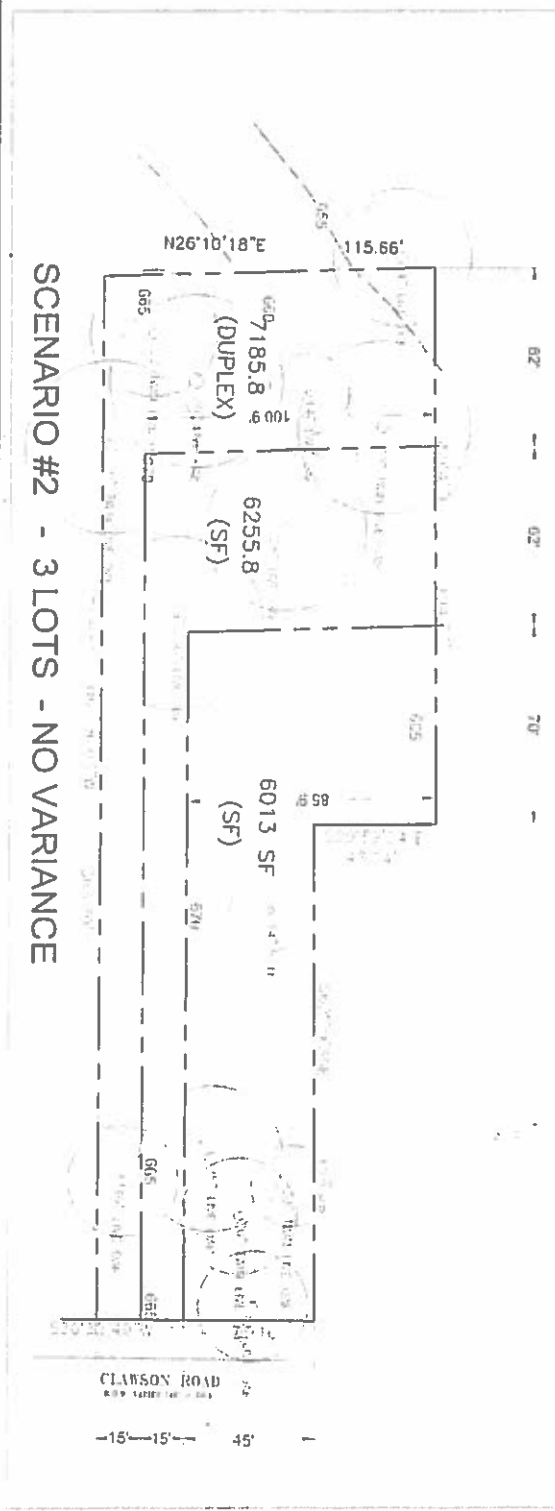
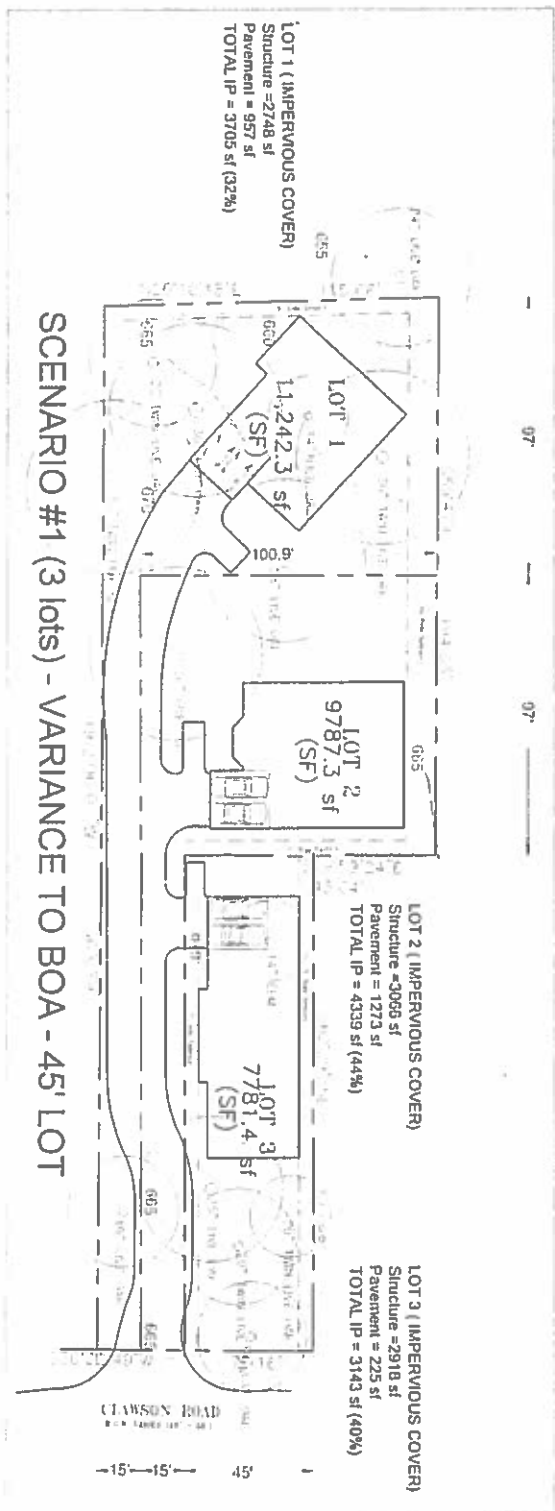
VINCENT GERARD & ASSOCIATES

LAND PLANNING & ZONING CONSULTING  
 1715 CAPITAL OF TEXAS BOULEVARD, SUITE 200  
 AUSTIN, TEXAS 78704  
 (512) 252-2577 • vgerard@aigra.com



CONCEPTUAL PLAN  
 LOT 5 RESUB OF PT OF  
 LOT 22 LOW THEODORE HEIGHTS  
 3200 CLAWSON ROAD  
 AUSTIN, TX 78704

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SCALE 1" = 40'

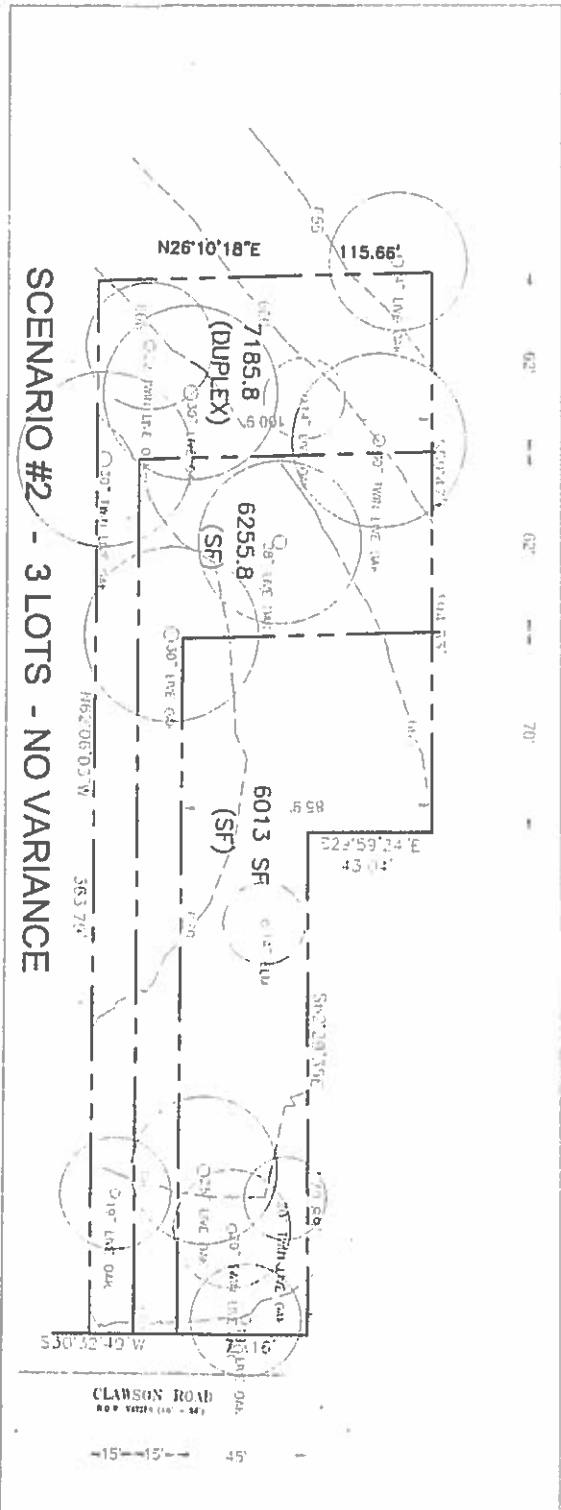
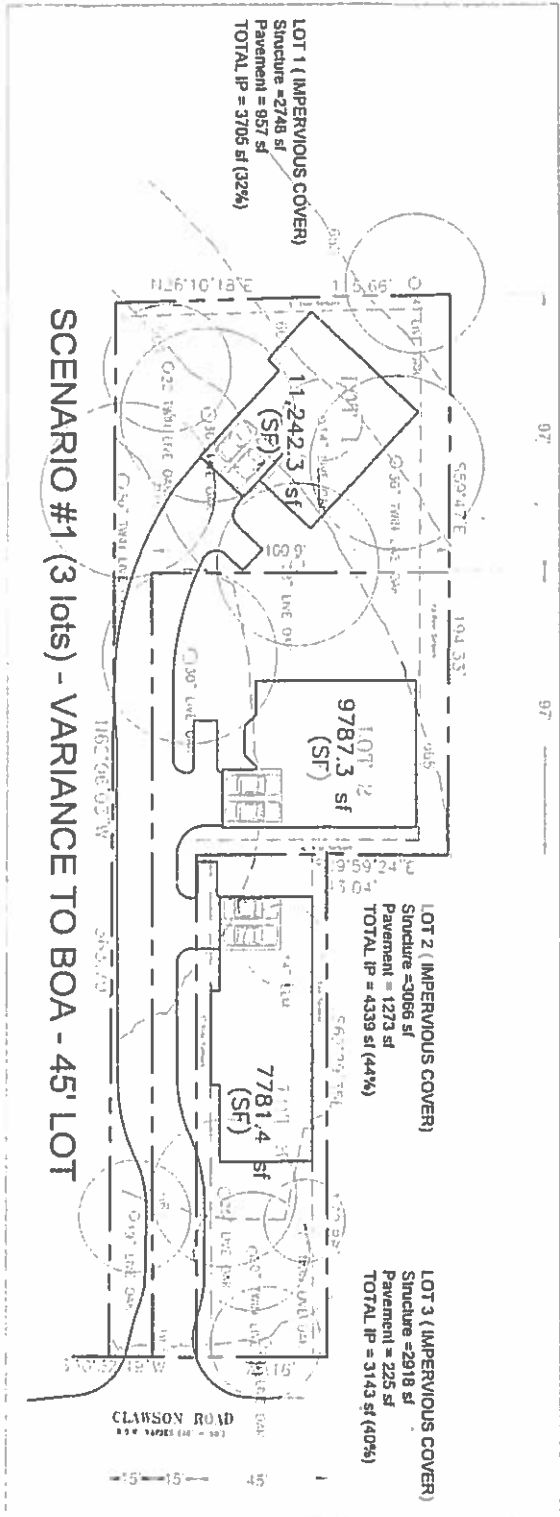
VINCENT GERARD & ASSOCIATES

LANDSCAPE ARCHITECTS  
 10000 N. MICHIGAN AVE. SUITE 100  
 DALLAS, TEXAS 75218-1000  
 (214) 343-7640  
 www.vga.com



FEASIBILITY STUDY  
 LOT 5 RESUB OF PT OF  
 LOT 22 LOW THEODORE HEIGHTS  
 3200 CLAWSON ROAD  
 AUSTIN, TX 78704

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SCALE 1" = 40'

VINCENT GERARD & ASSOCIATES

LAND PLANNING & ZONING CONSULTANTS  
 1715 CAPITAL OF TEXAS BLVD. SUITE 201  
 AUSTIN, TEXAS 78704  
 (512) 253-2631 • FAX (512) 253-2632



FEASIBILITY STUDY  
 LOT 5 RESUB OF PT OF  
 LOT 22 LOW THEODORE HEIGHTS  
 3200 CLAWSON ROAD  
 AUSTIN, TX 78704

Heldenfels, Leane

CF-2016-0041

**From:** Dave Blevins [REDACTED]  
**Sent:** Tuesday, April 12, 2016 1:14 PM  
**To:** Heldenfels, Leane  
**Subject:** 3200 Clawson Road

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To the Zoning Board of Adjustments, C/O Leane Heldenfels

Board members. I own property adjacent to this tract of land at 1801 Lightsey. I was notified of the variance through the City of Austin notification procedures. I have spoken with the applicants on 3200 Clawson Road, reviewed their proposal and am in full support of their requested variance to allow a 45' lot width. This request is clearly a better option for development than following the code requirements. It also allows the development plan more flexibility in preserving trees and provides a better overall design. The current size, configuration and tree locations within the parent tract creates the hardship. The proposed size of the variance lot is larger than most typical residential lots currently or recently subdivided within the Clawson Road area. With the current zoning at SF-3 throughout the neighborhood, I feel that the density should not be questioned or limited by the neighborhood. It would have above adequate size with the variance to accommodate a standard size residential product type as shown on their exhibit.

Dave Blevins

325 251 6643

