

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2024-0048

BOA DATE: February 10th, 2025

ADDRESS: 4013 Clawson Rd

COUNCIL DISTRICT: 5

OWNER: Shaun Vembutty

AGENT: G. Maximiliano Martinez, P.E.

ZONING: SF-3

LEGAL DESCRIPTION: S50 FT OF N 1/2 OF LOT 25-27 BANISTER HEIGHTS

VARIANCE REQUEST:

- decrease the front lot width from 50 feet (required) to 35 feet
- decrease the rear flag lot width from 50 feet (required) to 49.82 feet (requested)

SUMMARY: subdivide existing tract

ISSUES: narrow lot

	ZONING	LAND USES
<i>Site</i>	SF-3	Single-Family
<i>North</i>	SF-5	Single-Family
<i>South</i>	SF-3	Single-Family
<i>East</i>	SF-3	Single-Family
<i>West</i>	SF-3	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

- Austin Independent School
- Austin Neighborhoods Council
- Friends of Austin Neighborhoods
- Homeless Neighborhood Association
- Perry Grid 614
- Preservation Austin
- Save Our Springs Alliance
- South Central Coalition
- South Lamar Neighborhood Association
- TNR BCP – Travis County Natural Resources



January 27, 2025

Maximiliano Martinez
4013 Clawson Rd
Austin TX, 78704

Property Description: S50 FT OF N 1/2 OF LOT 25-27 BANISTER HEIGHTS

Re: C15-2024-0048

Dear Maximiliano,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance request from LDC Section 25-2-492 at 4013 Clawson Road.

Austin Energy does not oppose the request, provided that any proposed or existing improvements follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Rosemary Avila, Planning Officer
Infrastructure Services | Austin Energy
4815 Mueller Blvd
Austin, TX 78723
(512) 972-8488
Rosemary.avilla@austinenergy.com



CITY OF AUSTIN
Development Services Department
Permitting & Development Center
Phone: 512.978.4000
6310 Wilhelmina Delco Dr, Austin, Texas 78752

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 #	C15-2024-0048	ROW #	13437006	Tax #	0406090204
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Section 1: Applicant Statement

Street Address: 4013 Clawson Rd, Austin, Tx 78704

Subdivision Legal Description:

Being 0.45 of an acre of land out of lots 25, 26, and 27, Bannister Heights Subdivision according to the map or plat thereof recorded in Vol 3, Page 256 Travis County.

Lot(s): _____ Block(s): _____

Outlot: _____ Division: Bannister Heights

Zoning District: SF-3 **Council District: 5**

I/We G. Maximiliano Martinez, P.E. on behalf of myself/ourselves as authorized agent for 4013 Clawson Road LLC affirm that on Month August, Day 27, Year 2024, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

- Erect Attach Complete Remodel Maintain Other: Subdivide

Type of Structure: Ex SF-3 Lot

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

LDC 25-2-492 - Site Devopment Regulation Table. Specifically less than 50' of frontage for an SF-3 Lot. We are proposing to subdivde the existing tract into two SF-3 Lots. One lot will be a flag lot and the other will be a 35' SF-3 lot. We are asking for a variance to reduce the lot width from 50' to 35' for front lot and 50' to 49.82' for the rear flag lot.

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:

The existing SF-3 lot has 19,907 sqft of land area. There is enough land area to create 2 - SF-3 lots above 5,750sqft to provide more housing in the neighborhood however, the available frontage along Clawson Rd is 50ft, which is 15ft short of the required 65ft (15' flag lot & 50' standard lot).

Hardship

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

The subject tract is configured in such a way that it is large enough for two standard SF-3 lots, but not wide enough to provide the required 50' of frontage. There are recent examples (including the neighbor directly accross the street) where neighbors have subdivided their lots in order to provide more housing oppurtunities.

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

The subject site is narrower and larger than most sites within a 500' vicinity. Similarly sited properties across the street, in general, are 65' wide and can be, (or have recently been) subdivided into two lots.

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:

This area of Clawson road is primarily filled with single family style developments. There are 7 residential flag lots located across Clawson Rd within 500' of the subject site. The proposed subdivision will not impair COA's zoning intent or neighborhood's character for this area.

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:

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

Section 3: Applicant Certificate

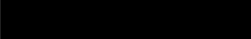
I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

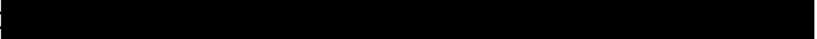
Applicant Signature:  Date: 05/07/2024

Applicant Name (typed or printed): G. Maximiliano Martinez, P.E.

Applicant Mailing Address: 501 N IH 35 #209C

City: Austin State: Tx Zip: 78702

Phone (will be public information): 

Email (optional – will be public information): 

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.

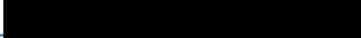
Owner Signature: 
SHAUN VEMBUTTY (Aug 27, 2024 12:20 CDT) Date: 08/27/2024

Owner Name (typed or printed): Shaun Vembutty

Owner Mailing Address: 101 Parklane Blvd.

City: Sugar Land State: Texas Zip: 77487

Phone (will be public information): 

Email (optional – will be public information): 

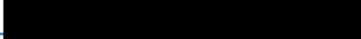
Section 5: Agent Information

Agent Name: G. Maximiliano Martinez, P.E.

Agent Mailing Address: 501 N IH 35 #209C

City: Austin State: Texas Zip: 78702

Phone (will be public information): 

Email (optional – will be public information): 

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).



Board of Adjustment staff
City of Austin - Permitting & Development Center
6310 Wilhelmina Delco Dr
Austin, Tx 78752

August 29, 2024

Re: **Board of Adjustment Variance Application**
4013 Clawson Rd

Dear BOA staff,

I would like to request a variance from LDC Title 25, § 25-2-492 – Site Development Regulation Table. Specifically, less than 50' of frontage for an SF-3 Lot.

Hardship

The existing SF-3 lot has 19,907 sqft of land area. There is enough land area to create 2 – SF-3 lots above 5,750 sqft and provide more housing opportunities to the neighborhood however, the available frontage along Clawson Road is 50 ft, which is 15 ft short of the required 65 ft (50' Lot & 15' Flag Lot). The subject tract is configured in such a way that it is large enough for two standard SF-3 lots, but not wide enough to provide the required 50' of frontage. There are recent examples (including the neighbor directly across the street) where neighbors have subdivided their lots to provide more housing opportunities.

The subject site is narrower and larger than most sites within a 500' vicinity. Similarly sized properties across the street, in general, are 65' wide and can be, (or have recently been) subdivided into two lots.

Area Character

The subject site is mostly surrounded by SF-3 lots but has an SF-5 lot north to it and an SF-6 across Clawson Dr. With this variance approved, the proposed lots would each be approximately 9,954 sf which meets the minimum lot area of SF-3 lots, and therefore, would not impair the use of adjacent conforming properties or purpose of the zoning regulations of the zoning district in which the property is located. Additionally, most of the SF-3 lots in the neighborhood exist between 6,500 and 10,000 square feet in land area. The proposed subdivision would match and meet COA's zoning intent for this road.

Reasonable Use

Council has been working on new code amendments that facilitate these types of development and create opportunities for *missing middle* housing. Without this variance, only 2 homes could be developed on a 19,907 sf lot. With this variance, 6 houses would be permitted.





I believe this request goes in line with Council's priorities, that this variance is consistent with the general purpose of zoning regulations, and that it meets the intent of the latest zoning regulations and HOME amendments.

Thank you for your consideration of this request; please call me at [REDACTED] if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerardo M. Martínez". The signature is stylized with a long horizontal flourish extending to the right.

Gerardo M. Martínez, P.E.
Property Owner



RESTRICTIONS

- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE, EASEMENTS AND/OR BOUNDARY LINE AGREEMENTS, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. ONLY THOSE SETBACK LINES, EASEMENTS, BOUNDARY LINES AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE PLOTTED ON THIS SURVEY, NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.

LEGAL DESCRIPTION

BEING 0.45 OF AN ACRE OF LAND OUT OF LOTS 25, 26 AND 27, BANISTER HEIGHTS SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3, PAGE 256, AND BEING ALL OF THAT CERTAIN CLAWSON ROAD, LLC. TRACT OF LAND RECORDED IN DOCUMENT NUMBE 2016071699, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

LEGEND

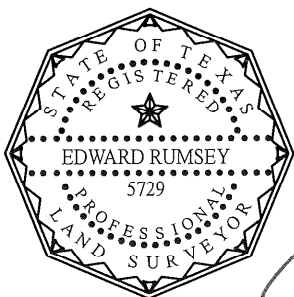
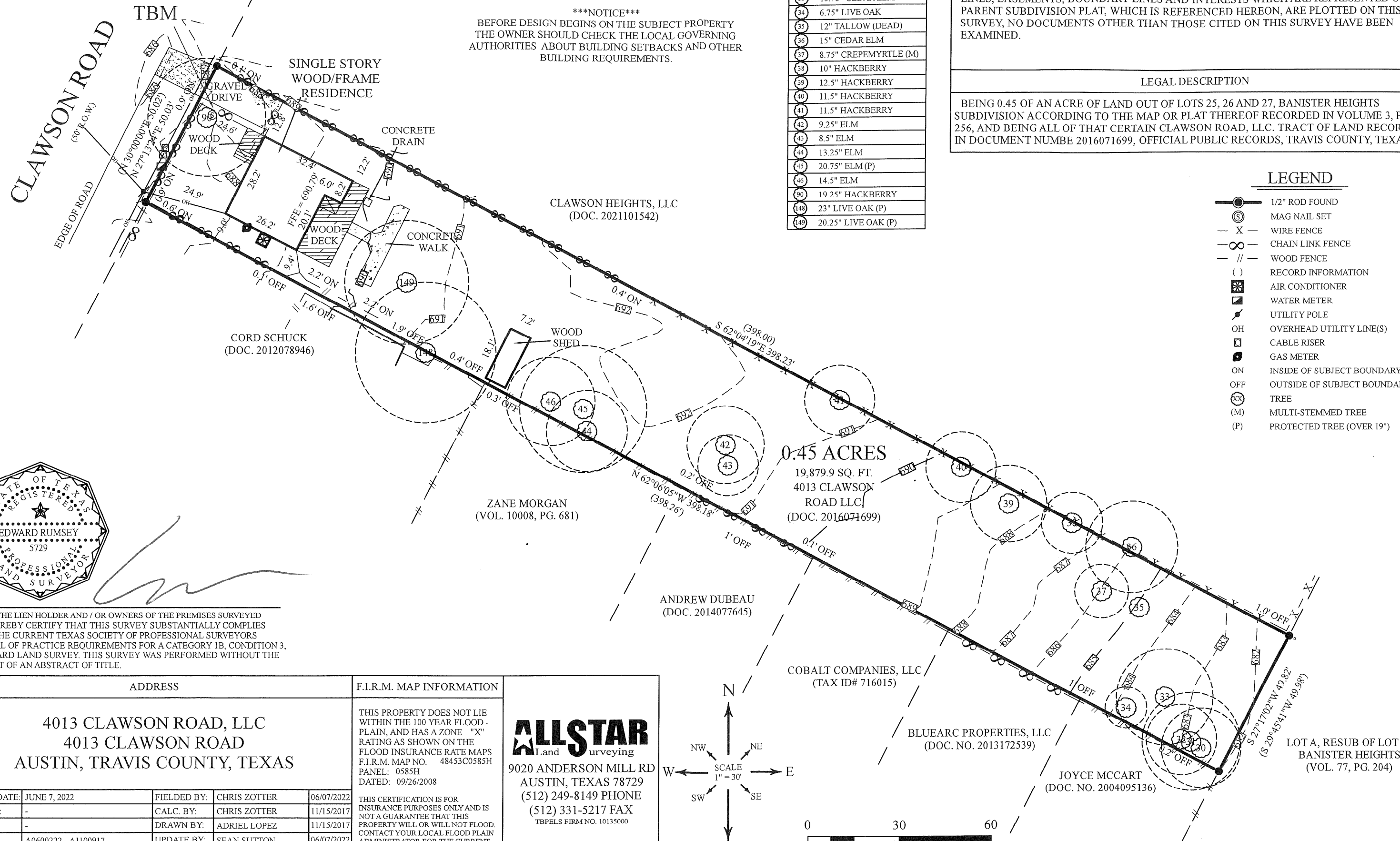
- 1/2" ROD FOUND
- ⊙ MAG NAIL SET
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- ⊠ AIR CONDITIONER
- ⊡ WATER METER
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- ON INSIDE OF SUBJECT BOUNDARY
- OFF OUTSIDE OF SUBJECT BOUNDARY
- ⊙ TREE
- (M) MULTI-STEMMED TREE
- (P) PROTECTED TREE (OVER 19")

TREE LIST	
30	12.5" LIVE OAK
31	16" LIVE OAK
32	11.5" LIVE OAK
33	15.75" CEDAR ELM
34	6.75" LIVE OAK
35	12" TALLOW (DEAD)
36	15" CEDAR ELM
37	8.75" CREPEMYRTLE (M)
38	10" HACKBERRY
39	12.5" HACKBERRY
40	11.5" HACKBERRY
41	11.5" HACKBERRY
42	9.25" ELM
43	8.5" ELM
44	13.25" ELM
45	20.75" ELM (P)
46	14.5" ELM
90	19.25" HACKBERRY
148	23" LIVE OAK (P)
149	20.25" LIVE OAK (P)

BEARING BASIS:
BEARINGS ARE GRID NORTH BASED ON THE TEXAS COORDINATE SYSTEM CENTRAL TEXAS ZONE (4203) NAD83 HARN HORIZONTAL CONTROL.

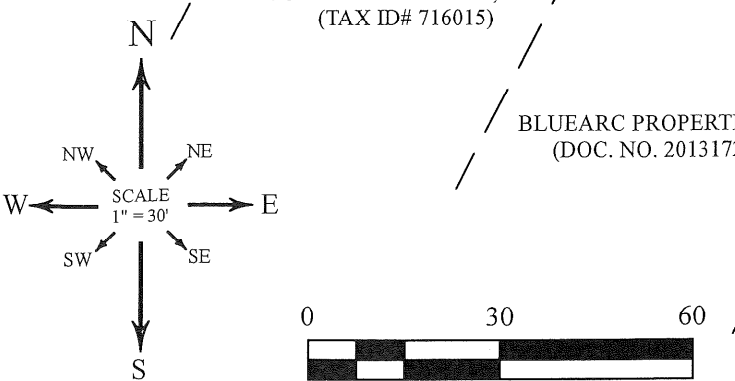
NOTICE
BEFORE DESIGN BEGINS ON THE SUBJECT PROPERTY THE OWNER SHOULD CHECK THE LOCAL GOVERNING AUTHORITIES ABOUT BUILDING SETBACKS AND OTHER BUILDING REQUIREMENTS.

TEMPORARY BENCHMARK (TBM)
IS TOP OF MAG NAIL SET ON TREE ROOT
ELEVATION = 688.35'



TO THE LIEN HOLDER AND / OR OWNERS OF THE PREMISES SURVEYED I DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1B, CONDITION 3, STANDARD LAND SURVEY. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

ADDRESS		F.I.R.M. MAP INFORMATION	
4013 CLAWSON ROAD, LLC 4013 CLAWSON ROAD AUSTIN, TRAVIS COUNTY, TEXAS		THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD-PLAIN, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS F.I.R.M. MAP NO. 48453C0585H PANEL: 0585H DATED: 09/26/2008	
		<p>9020 ANDERSON MILL RD AUSTIN, TEXAS 78729 (512) 249-8149 PHONE (512) 331-5217 FAX TBPELS FIRM NO. 10135000</p>	
<p>INSURANCE PURPOSES ONLY AND IS NOT A GUARANTEE THAT THIS PROPERTY WILL OR WILL NOT FLOOD. CONTACT YOUR LOCAL FLOOD PLAIN ADMINISTRATOR FOR THE CURRENT STATUS OF THIS TRACT.</p>			
SURVEY DATE:	JUNE 7, 2022	FIELD BY:	CHRIS ZOTTER
TITLE CO.:	-	CALC. BY:	CHRIS ZOTTER
G.F. NO.:	-	DRAWN BY:	ADRIEL LOPEZ
JOB NO.:	A0600222 - A1100917	UPDATE BY:	SEAN SUTTON
		RPLS CHECK:	EDWARD RUMSEY



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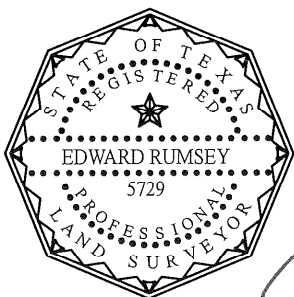
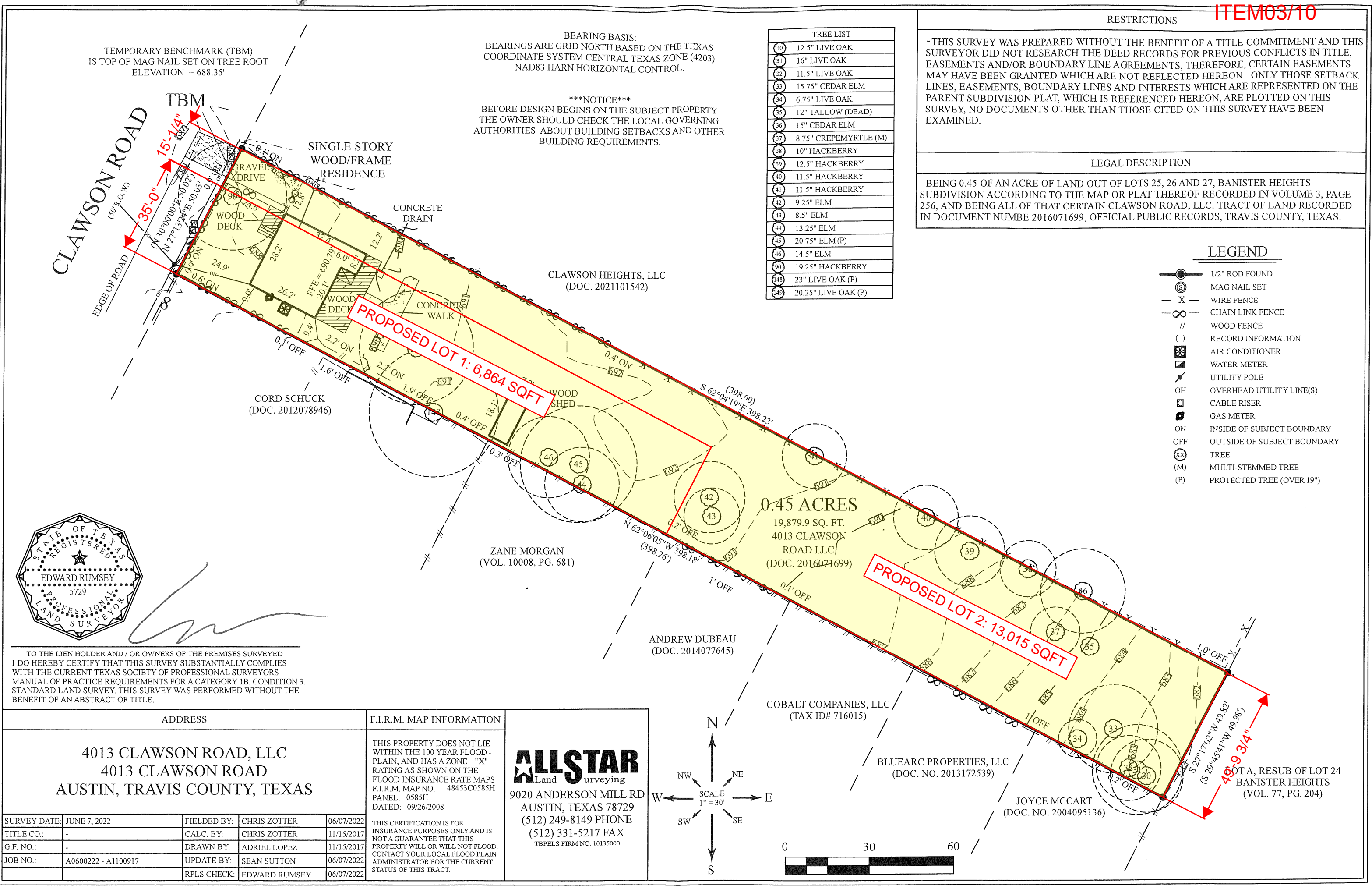
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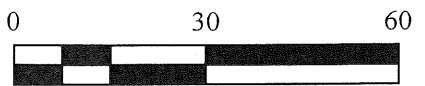
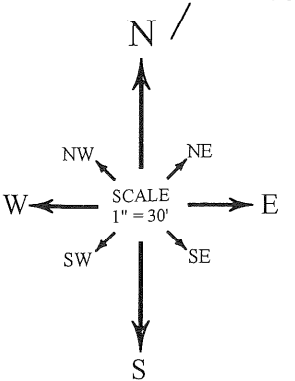
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G.F. NO.:	-	CALC. BY:	CHRIS ZOTTER 11/15/2017
JOB NO.:	A0600222 - A1100917	DRAWN BY:	ADRIEL LOPEZ 11/15/2017
		UPDATE BY:	SEAN SUTTON 06/07/2022
		RPLS CHECK:	EDWARD RUMSEY 06/07/2022

ALLSTAR Land Surveying
9020 ANDERSON MILL RD
AUSTIN, TEXAS 78729
(512) 249-8149 PHONE
(512) 331-5217 FAX
TBPELS FIRM NO. 10135000

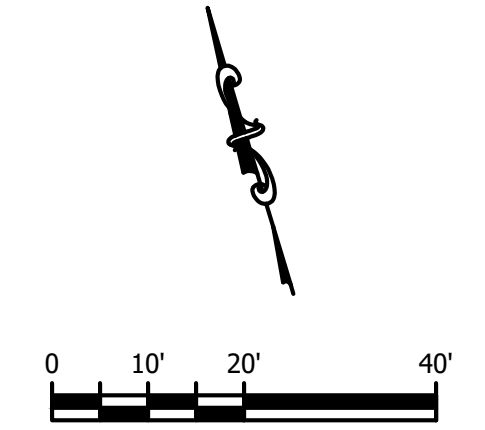


SF-6
FT

ZONING: SF-3
9,011 SQFT

ZONING: SF-5
8,314 SQFT

ZONING: SF-5
34,908 SQFT



ZONING: SF-3
31,881 SQFT

PR - LOT 1
6,864 SQFT

4013 CLAWSON RD
19,879 SQFT

PR - LOT 2
13,015 SQFT

ZONING: SF-3
6,701 SQFT

ZONING: SF-3
7,142 SQFT

ZONING: SF-3
6,721 SQFT

ZONING: SF-3
10,719 SQFT

ZONING: SF-3
8,178 SQFT

ZONING: SF-3
8,167 SQFT

ZONING: SF-3
8,162 SQFT

ZONING: SF-3
8,100 SQFT

ZONING: SF-3
11,398 SQFT

CLAWSON RD

MORGAN LN

F-3
FT

DESCRIPTION

DATE

NO.



MAX@MILIANENGINEERING.COM
FIRM REG# F-22686
956.251.5146

PR. SUBDIVISION EXHIBIT
4013 CLAWSON RD
AUSTIN, TRAVIS COUNTY, TEXAS 78704