

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2021-0041

**BOA DATE:** May 10<sup>th</sup>, 2021

**ADDRESS:** 5314 Avenue G

**COUNCIL DISTRICT:** 4

**OWNER:** Mary Schuwerk

**AGENT:** Suzanne Schuwerk

**ZONING:** SF-3-NP (North Loop NP)

**LEGAL DESCRIPTION:** E 64FT OF LOT 15-16 & N 16FT OF E 64FT LOT 14 BLK 43 HIGHLANDS THE

**VARIANCE REQUEST:** increase I.C from 45% to 47.7% and 25-2-963 (Modification and Maintenance of Non-complying Structures) (B) (2) to increase the finished floor elevation from 12 inches to 19 inches

**SUMMARY:** remodel a single-family residence

**ISSUES:** small lot that does not comply with standard zoning regulations

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

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Bike Austin  
 Central Austin Community Development Corporation  
 Central Austin Urbanists  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 North Austin Neighborhood Alliance  
 North Loop Neighborhood Association  
 North Loop Neighborhood Plan Contact Team  
 Preservation Austin  
 SELTexas  
 Sierra Club, Austin Regional Group

D-7/2 KOENIG KOENIG



## NOTIFICATIONS

CASE#: C15-2021-0041

LOCATION: 5314 AVENUE G



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

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.





# Board of Adjustment General/Parking Variance Application

**D-7/3**

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)  
For submittal and fee information, see [austintexas.gov/digitaldevelopment](http://austintexas.gov/digitaldevelopment)

**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 # \_\_\_\_\_ ROW # \_\_\_\_\_ Tax # \_\_\_\_\_

## Section 1: Applicant Statement

Street Address: 5314 Avenue G, Austin, TX 78751

Subdivision Legal Description:

East 64' of lots 15 and 16, and the North 16' of Lot 14, The Highlands

Lot(s): \_\_\_\_\_ Block(s): 43

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

Zoning District: SF-3NP

I/We Suzanne Schuwerk on behalf of myself/ourselves as  
authorized agent for Mary Schuwerk & Nick Paglia affirm that on  
Month March, Day 23, Year 2021, 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: single family residence



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

I am requesting a variance from Land Development Code: Section 25-2-963: an alteration of no more than 12" vertically to the finished floor. We request no more than 19" to the finished floor vertically. Section 25-2-492: As shown in the table, impervious cover for a SF-3 NP maximum allowed is 45%. I am requesting the allowance for this lot to be 47.7%

## 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 residence has been in this configuration for seventy years and is smaller than the majority of SF-3 NP lots in the neighborhood as the minimum lot for SF-3 is 5,750 sq ft., however, the lot has been given Land Status Determination under the 1995 rule. Required setbacks put portions of the building, an attached garage conversion, into noncompliance, obliging the owner to modify it under section 25-2-963 in order to correct safety and accessibility standards. Connecting waste lines to the house requires the height of fixtures to be higher than the allowed 12" vertical allowed.

### Hardship

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

The remodel, interior space, is needed to supply a safe and accessible route to an existing bathroom and to comply w/current building codes. No additional space or program elements will be added. An SF-4a corner lot (4,500 sq ft) is allowed 65% impervious cover. This lot (4,213 sq ft) is 93% of the area for a SF-4a corner lot, however, is only allowed 45% impervious cover under current SF-3 zoning.

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

This hardship is not general to the area in which the property is located. The plat map of the neighborhood shows that the resubdivision of the original lot is unique to the area in that there are few lots that are both small lots and corner lots. Moreover, the lot is unique in that it does not comply with any standard residential zoning criteria.



**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 remodel will only be to the interior and will not change the character of the residence in size or appearance.

**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: 3/23/2021

Applicant Name (typed or printed): Suzanne Schuwerk

Applicant Mailing Address: 207 Bonnieview

City: Austin State: Texas Zip: 78704

Phone (will be public information): 512-441-9178

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:  Date: 3/23/2021

Owner Name (typed or printed): Mary Schuwerk and Nick Paglia

Owner Mailing Address: 5314 Avenue G

City: Austin State: Texas Zip: 78751

Phone (will be public information): 713-213-3613

Email (optional – will be public information): 


**Section 5: Agent Information**

Agent Name: Suzanne Schuwerk

Agent Mailing Address: 207 Bonnieview Street

City: Austin State: Texas Zip: 78704

Phone (will be public information): 512-441-9178

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).

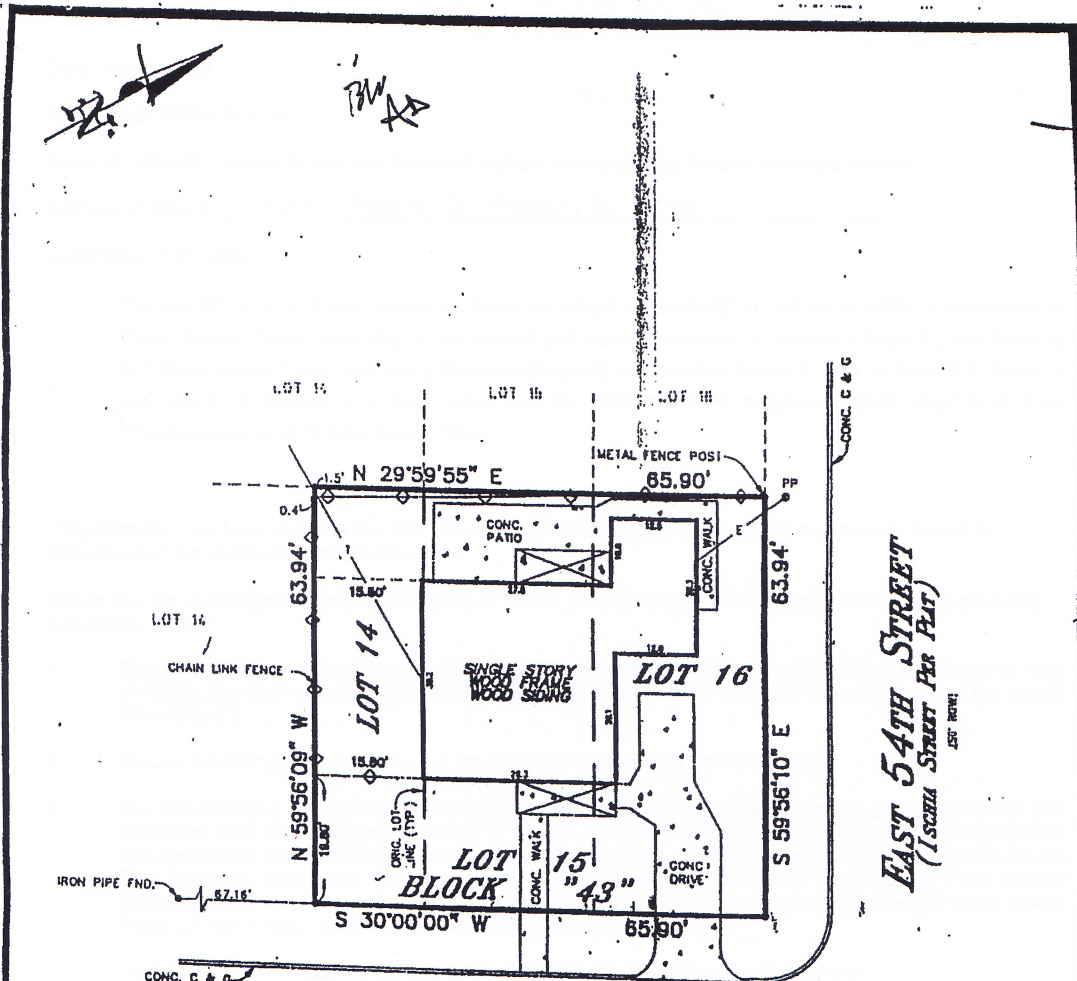
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AVENUE "G"  
(HEIGHT AVENUE PER PLAT)  
(150' R/W)

EAST 54TH STREET  
(150' R/W)

James Poulos by Natalie Poulos  
Natalie Poulos

PROPERTY SUBJECT TO RESTRICTIVE COVENANTS RECORDED IN VOL. 295, PG. 197, DEED RECORDS.  
\* THE EAST 64 FT. OF NORTH 16 FT. OF LOT 14 AND THE EAST 64 FT. OF LOTS 15 & 16

Survey No. 97598 PLAT OF SURVEY SCALE: 1" = 20' OF 13970085

Sold lot is/are not in a special flood hazard area as identified by the Federal Emergency Management Agency on Community Panel No. 48453C 0160E (ZONE X) Dated: JUNE 16, 1993

LOT NO. 14 BLOCK NO. 43

ADDITION OR SUBDIVISION THE HIGHLANDS, VOLUME 3, PAGE 55

STREET ADDRESS 5314 AVENUE "G" CITY AUSTIN COUNTY TRAVIS

SURVEY FOR LENDERS ADVANTAGE REFERENCE SMITH & ESPARZA

TO: FIRST AMERICAN TITLE COMPANY

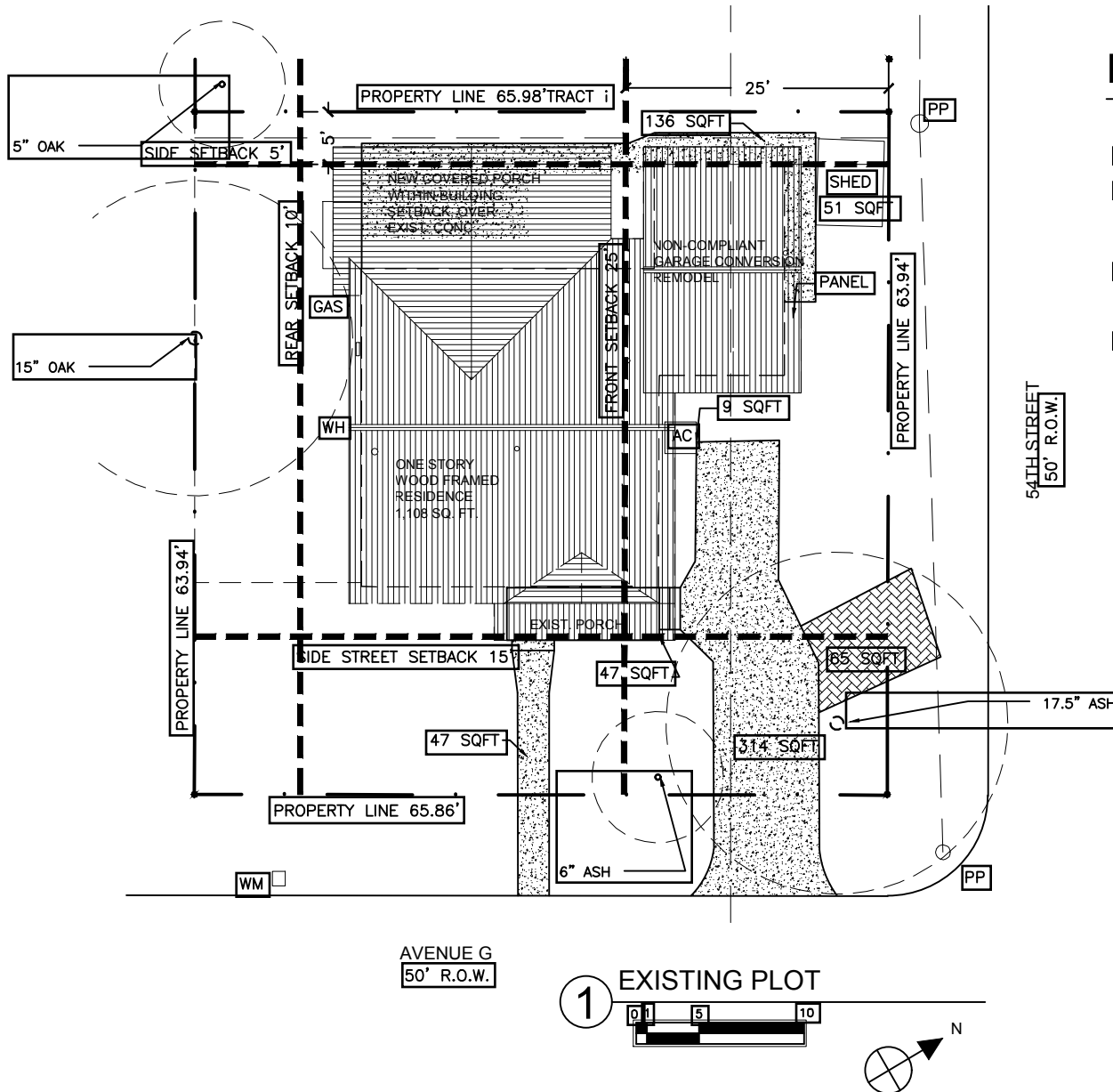
STATE OF TEXAS, COUNTY OF TRAVIS

I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS MADE THIS DAY ON THE GROUND AND IS TRUE AND CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, TYPICAL UTILITY LINES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCESS TO A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

SNS ENGINEERING, INC.  
12466 Los Indios Trail, Suite 101  
Austin, Texas 78729  
(512) 335-3944 \* (512) 250-8885 (Fax) A.E.W. 235/39

All corners are iron pipe found unless otherwise noted. To the lot holders and/or the owners of the premises surveyed.

STATE OF TEXAS  
COUNTY OF TRAVIS  
1413  
LESLIE WASTEN JACO  
Date: 05-27-97



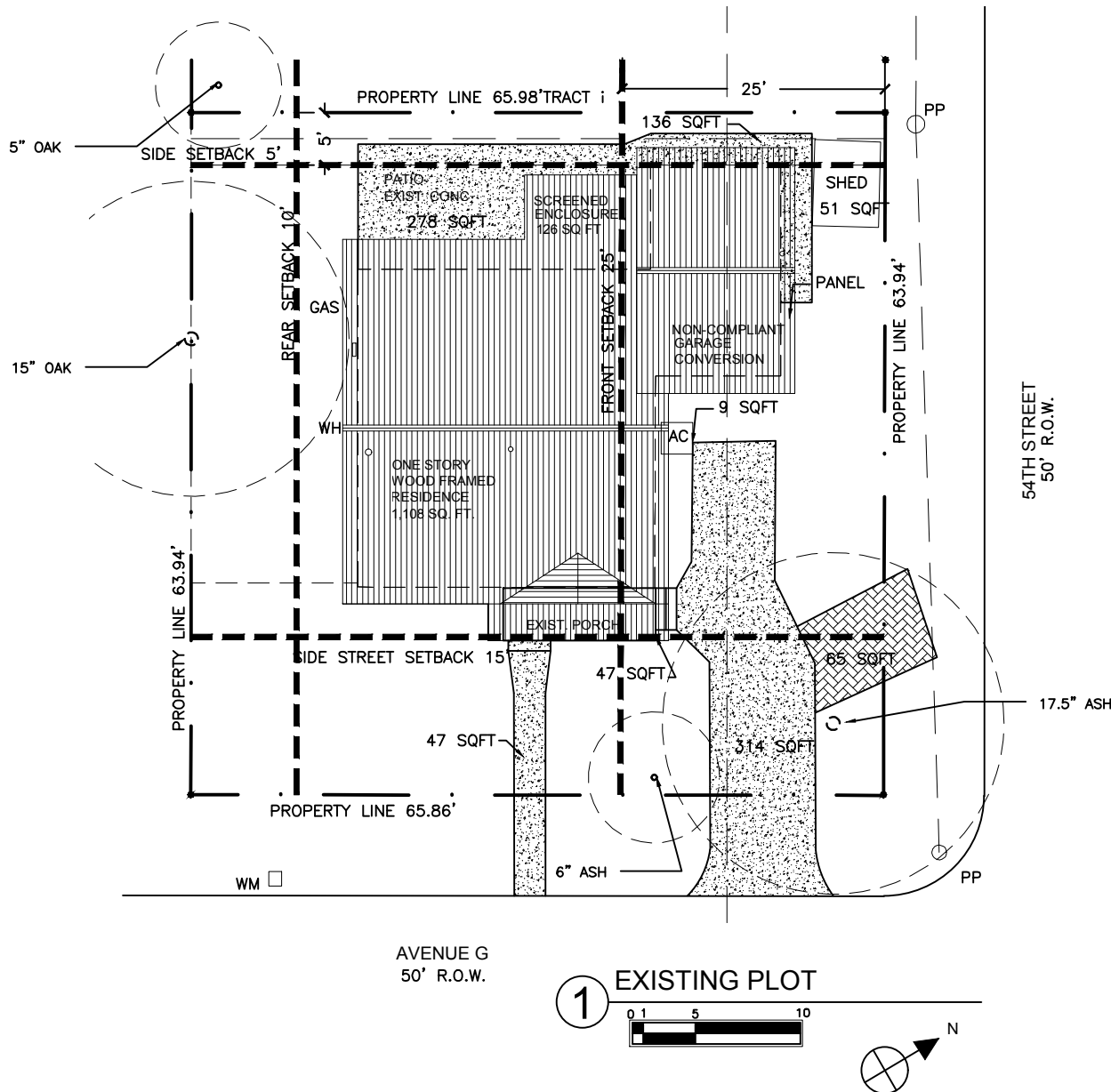
## PROPOSED MODIFICATIONS

REMODEL OF NON-COMPLIANT GARAGE  
INTERIOR FOR SAFETY AND ACCESSIBILITY

REPLACEMENT OF EXISTING PORCH

NO NEW IMPERVIOUS COVER WILL BE ADDED





## SF-3 SETBACKS

MIN. ALLOWED LOT SIZE: 5,700 SQ FT  
ACTUAL LOT SIZE: 4,213 SQ FT

FRONT SETBACK: 25 FT  
SIDE STREET SETBACK: 15 FT  
REAR SETBACK: 10 FT  
SIDE SETBACK: 5 FT

VARIANCE REQUIRED FOR  
GARAGE CONVERSION OF INTERIOR  
FINISHED FLOOR HEIGHT

## SF-3 IMPERVIOUS COVER

45% ALLOWED  
EXISTING: 48.7%

VARIANCE REQUIRED FOR  
EXISTING TO REMAIN

**{PHOTO OF HOUSE} / {PLAT MAP}**

Most of the houses in the North Loop sit on lots plated in the original 1917 subdivision and conform to the 5,750 sq. ft. minimum for SF-3, but 5314 Avenue G was subdivided in 1950 into three parcels, leaving this address with 4,213 sq. ft. Austin's neighborhood planners have recognized that the older neighborhoods have issues with conforming to current Land Development codes and have created ways to solve these issues. The small lot amnesty requires a maximum of 4,000 sq. ft., smaller than this lot. The SF-4a small corner lot requires a minimum of 4,500 sq. ft., larger than this lot. We have fallen in the "crack", between these two remedies. The smaller lot area in an SF-3 zone imposes two difficulties on this lot: noncompliance of existing original buildings with SF-3 setbacks and difficulty complying with impervious cover. Existing impervious cover on this lot is 48.7% and the allowable for the SF-3 lot is 45%. Small lots are allowed 65 % impervious cover and we are not asking for that. We would like for the existing 48.7% to be allowed to remain or be increased to 47.7%.

**{EXISTING SITE PLAN} / {EXISTING FLOOR PLAN}**

The house at 5314 Avenue G was built in 1950 at the corner of Avenue G and 54th Street. A two bedroom, one bath house on a pier and beam foundation, it has remained in basically the same configuration for seventy years. However, the original attached garage was converted to interior space at some time within the last thirty years, without a record of a building permit. In addition, a screened enclosure was added without a permit. The City has required that the conversions be retroactively permitted in order to make any otherwise appropriate changes to the property. Setbacks for an SF-3 lot, drawn on the site plan, put all of the attached garage into noncompliance. Section 25-2-963-B2 restricts changes in height of finished floor to 12" and this prohibits creating an accessible path, with plumbing beneath it, tied to the house,.

The existing configuration will not meet current building codes and our plans to make changes to comply with those codes require a variance to the Land Development code's section (25-2-963-B2) on noncomplying structures.

**{EXISTING SITE PLAN} / {PROPOSED FLOOR PLAN}**

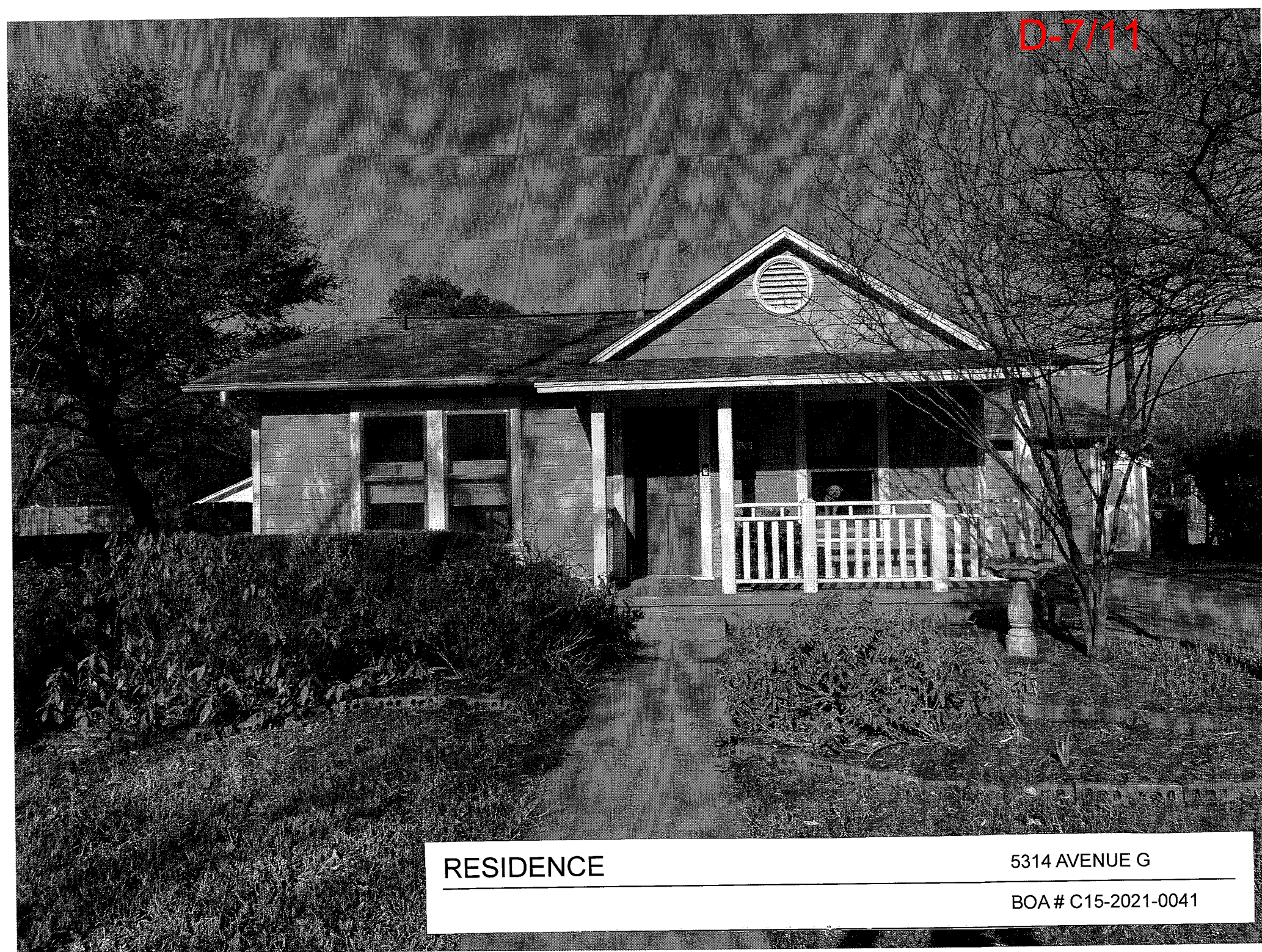
The proposed plan will be permitted in two phases. The first phase ( variance required) will correct the non permitted garage conversion and the second phase will correct the dangerous steps at the back porch. The porch addition, in the buildable area of the lot, does not require a variance but non-permitted work on the property, in the past, must be permitted in order to open a new permit.

**{ENLARGED FLOOR PLAN}**

The existing conversion, in order to accommodate plumbing, incorporated two steps with risers in excess of 9", removed an exit door and placed a dryer installation in front of an electrical panel. In conjunction with correcting these code issues, we request the ability to raise the allowable height of a portion of the finished floor to 19" rather than the 12" maximum provided for in section 25-2-963- B2 in order to make it level with the main structure and provide an accessible path to the relocated plumbing fixtures in that portion. The majority of the space will remain at the same level and so will be within the allowable height restriction



D-7/11

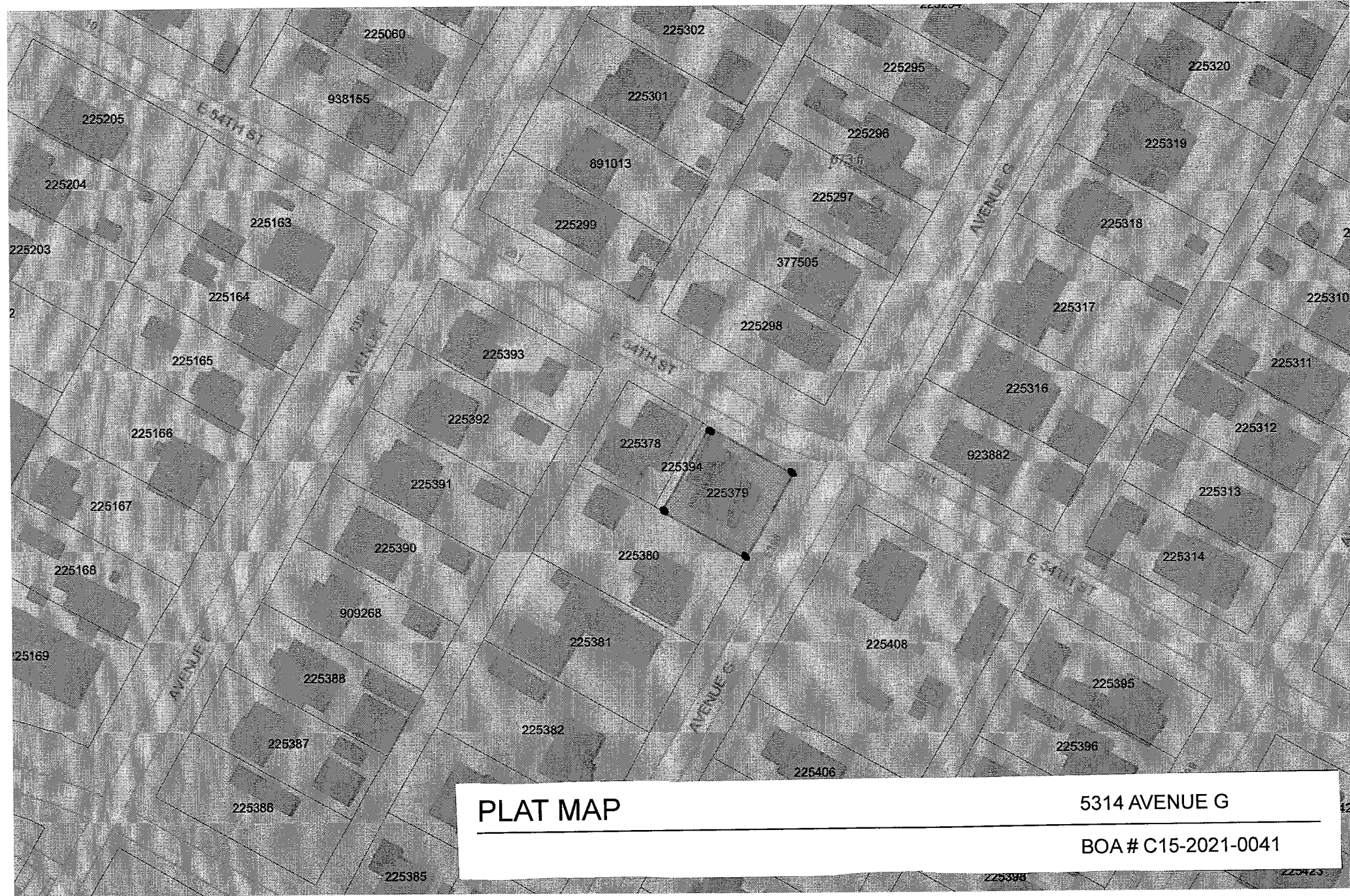


RESIDENCE

5314 AVENUE G

BOA # C15-2021-0041





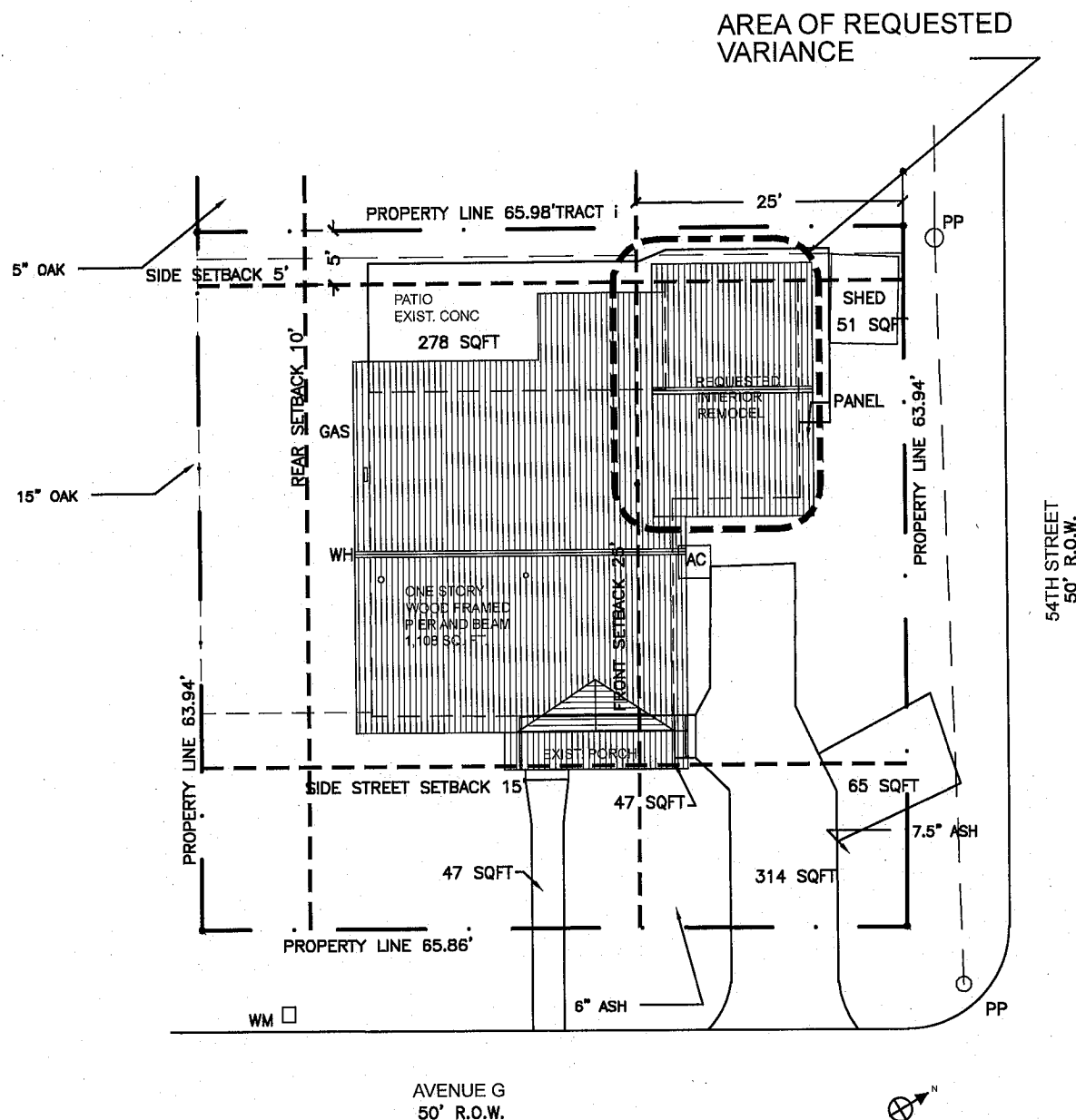
PLAT MAP	5314 AVENUE G
	BOA # C15-2021-0041



EXISTING SITE  
VARIANCE REQUEST

5314 AVENUE G **D-7/13**

BOA # C15-2021-0041



NON COMPLYING STRUCTURE INTERIOR REMODEL

LAND DEV. CODE 25-2-963-B2  
FINISHED FLOOR HEIGHT

IMPERVIOUS COVER

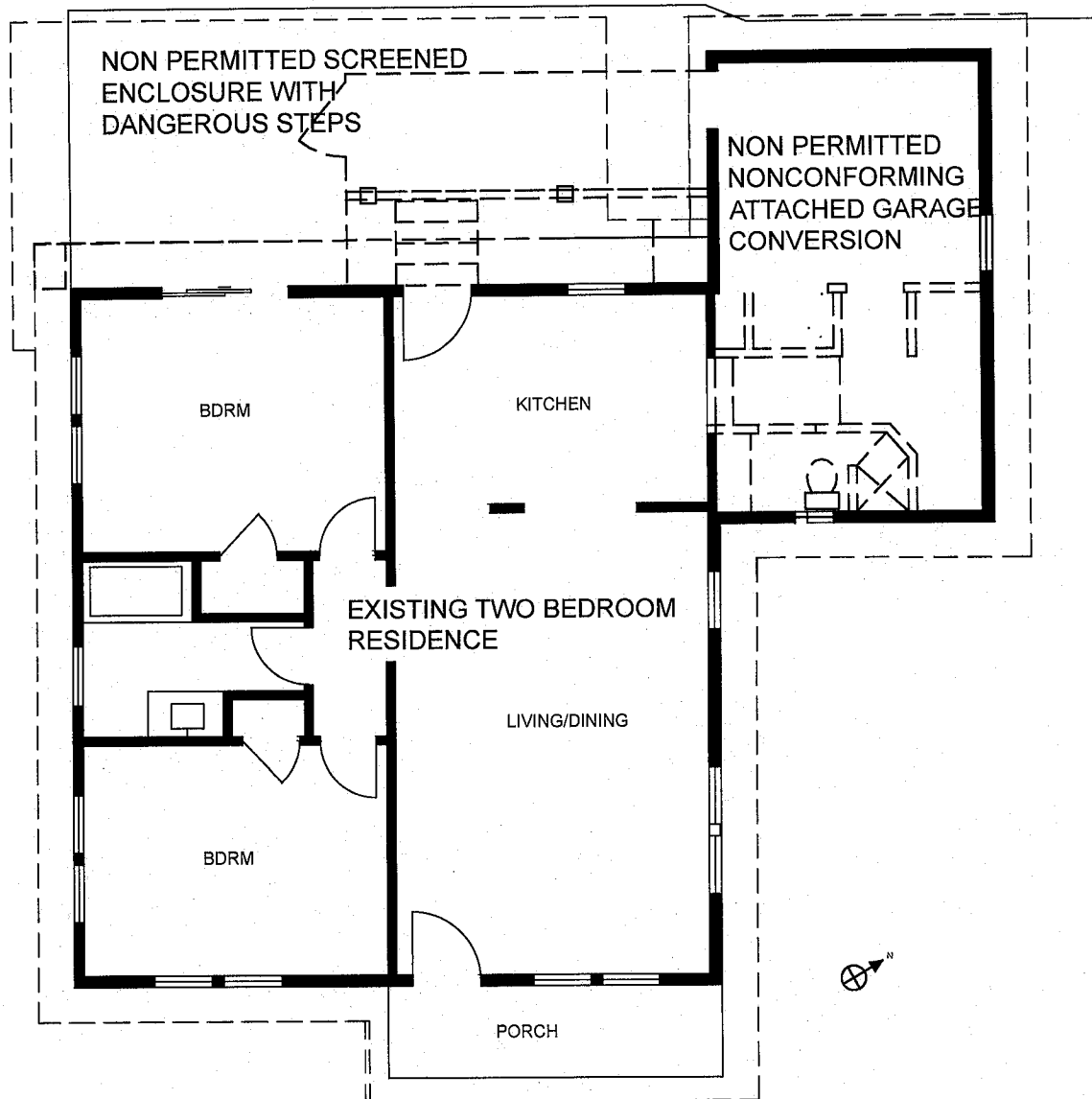
45% ALLOWED  
EXISTING: 48.7%  
REQUESTED ALLOWABLE OF 47.7%

# EXISTING FLOOR PLAN

## VARIANCE REQUEST

5314 AVENUE G **D-7/14**

BOA # C15-2021-0041

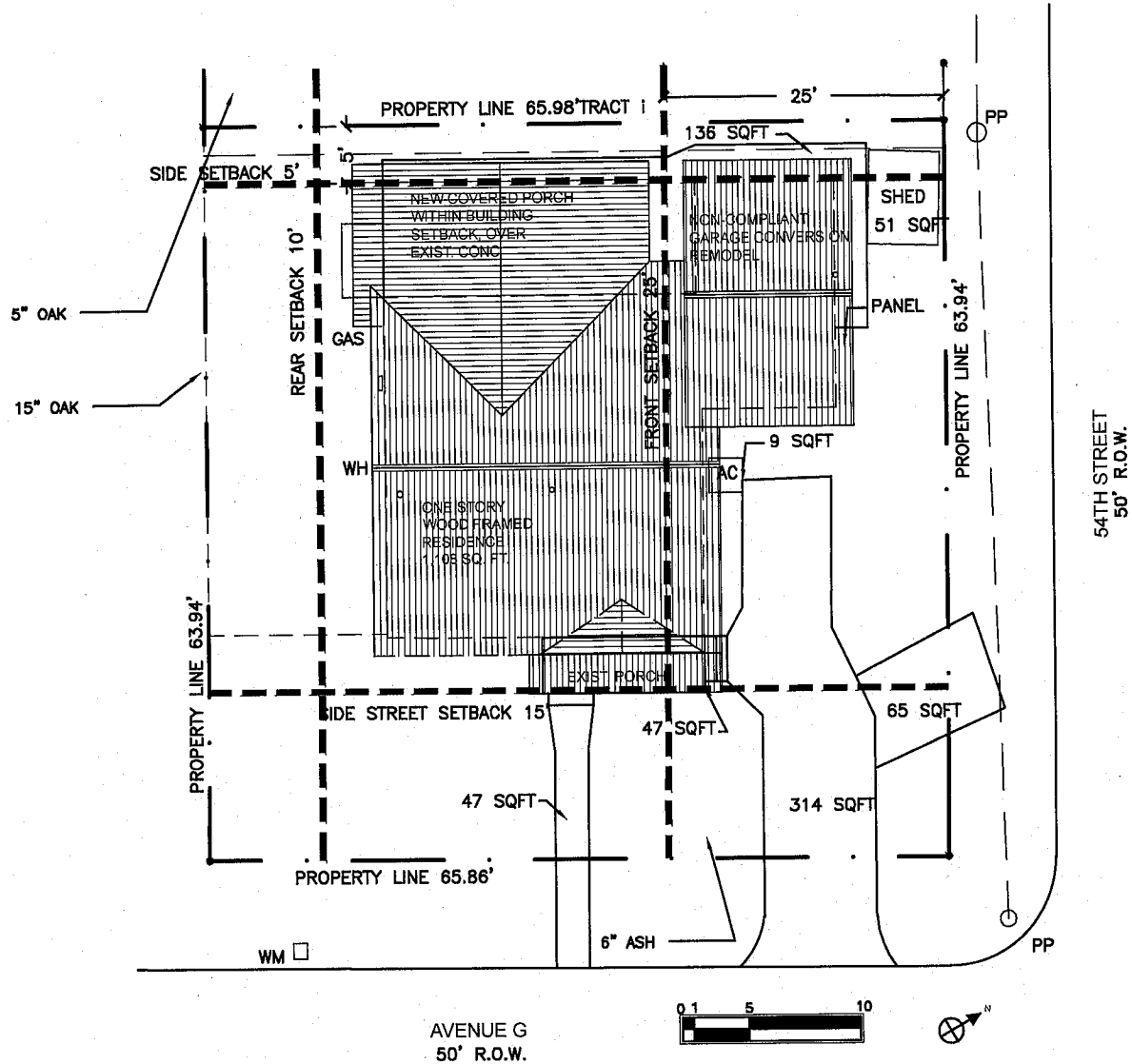




PROPOSED SITE PLAN  
VARIANCE REQUEST

D-7/15  
5314 AVENUE G

BOA # C15-2021-0041



PHASE 1

REMODEL OF NON-COMPLIANT GARAGE CONVERSION

PHASE 2

REPLACEMENT OF EXISTING PORCH  
AND DANGEROUS STEPS

PROPOSED FLOOR PLAN  
VARIANCE REQUEST

**D-7/16**  
5314 AVENUE G

BOA # C15-2021-0041

