

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-7**

DATE: Monday May 10, 2021

CASE NUMBER: C15-2021-0041

- Thomas Ates
- Y Brooke Bailey
- Y Jessica Cohen
- Y Melissa Hawthorne
- Y Don Leighton-Burwell
- Y Rahm McDaniel
- Y Darryl Pruet
- Agustina Rodriguez
- Y Michael Von Ohlen
- Y Nicholl Wade
- Vacant
- Kelly Blume (Alternate)
- Carrie Waller (Alternate)
- Vacant (Alternate)

APPLICANT: Suzanne Schuwerk

OWNER: Mary Schuwerk and Nick Paglia

ADDRESS: 5314 AVENUE G Bldg A

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code:

- a) Section 25-2-492 (Site Development Regulations) in order to increase the impervious cover from 45% (maximum allowed) to 47.7% (requested) and
- b) Section 25-2-963 (Modification and Maintenance of Non-complying Structures) (B) (2) to increase the finished floor elevation from 12 inches to 19 inches (requested) above the "average elevation" in order to remodel a Single Family Residence in a SF-3-NP", Single-Family-Neighborhood Plan zoning district (North Loop Neighborhood Plan).

Note: Per LDC 25-2-963 (Modification and Maintenance of Non-complying Structures) (B) (2) Replacement or alteration of an original foundation may not change the finished floor elevation by more than one foot vertically, in either direction

BOARD'S DECISION: BOA MEETING -May 10, 2021 POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES

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:


Elaine Ramirez
Executive Liaison

Diana Ramirez for

Don Leighton-Burwell
Chairman

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0041

BOA DATE: May 10th, 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

	ZONING	LAND USES
<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



May 3, 2021

Suzanne Schuwerk
5314 Avenue G Bldg A
Austin TX, 78751

Property Description: E 64FT OF LOT 15-16 & N 16FT OF E 64FT LOT 14 BLK 43 HIGHLANDS THE

Re: C15-2021-0041

Dear Suzanne,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the following sections of the Land Development Code;

Section 25-2-492; (Site Development Regulations) in order to increase the impervious cover from 45% (maximum allowed) to 47.7% (requested) and;

Section 25-2-963; (Modification and Maintenance of Non-complying Structures) (B) (2) to increase the finished floor elevation from 12 inches to 19 inches (requested) above the "average elevation" in order to remodel a Single-Family Residence in a SF-3-NP", Single-Family-Neighborhood Plan zoning district (North Loop Neighborhood Plan).

Austin Energy **does not oppose** the above variance requests, for impervious cover and height change to your finished floor, for your remodel, provided any proposed and existing improvements follow Austin Energy's clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners /applicants' expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action: <https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>

If you have any questions about the following comments, please contact my office.

Thank you,

Eben Kellogg, Property Agent

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050



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

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

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: 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): [Redacted]

Section 5: Agent Information

Agent Name: Suzanne Schuwerk

Agent Mailing Address: 207 Bonnieview Street

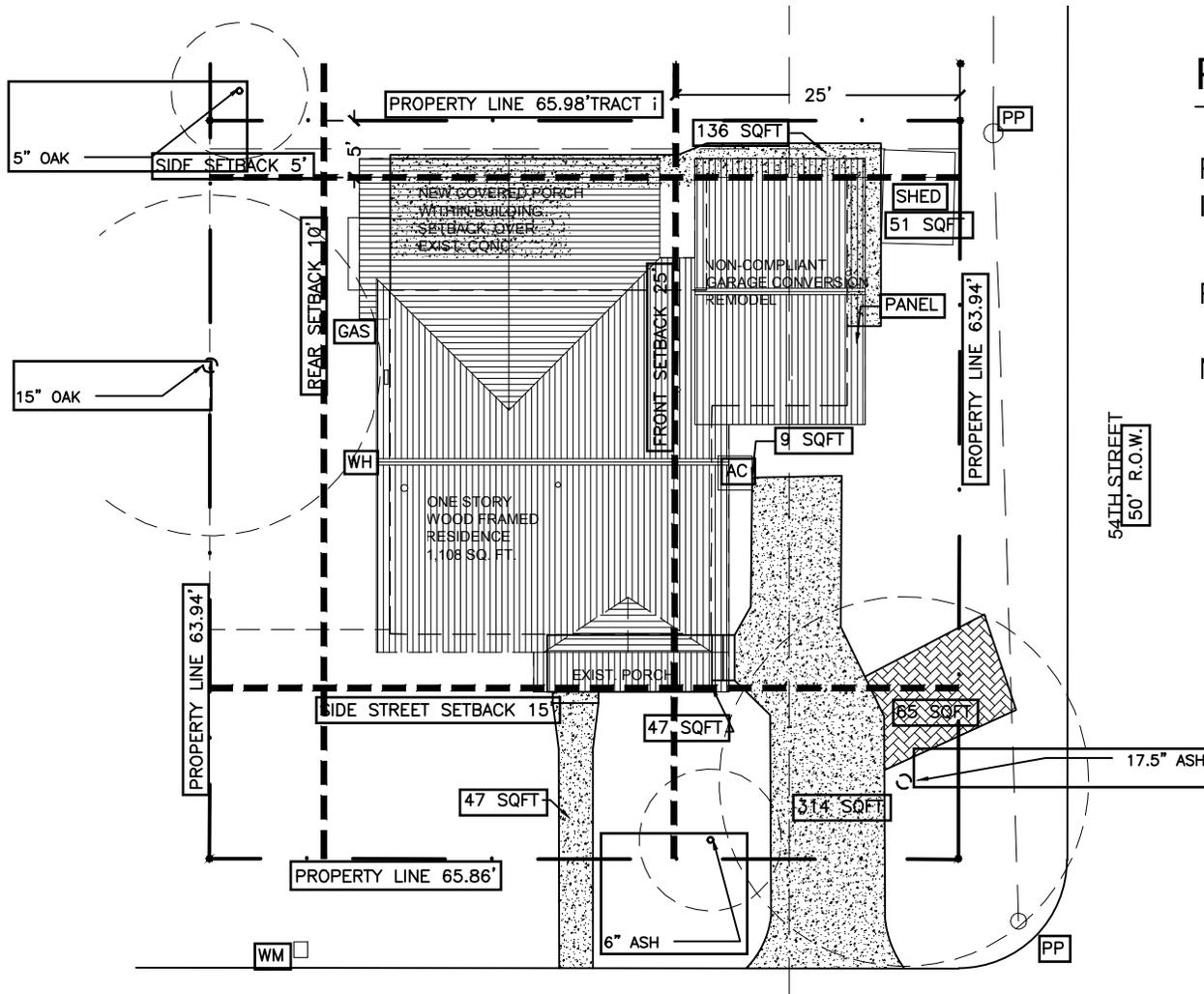
City: Austin State: Texas Zip: 78704

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

Email (optional – will be public information): [Redacted]

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).

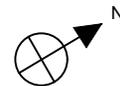
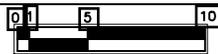


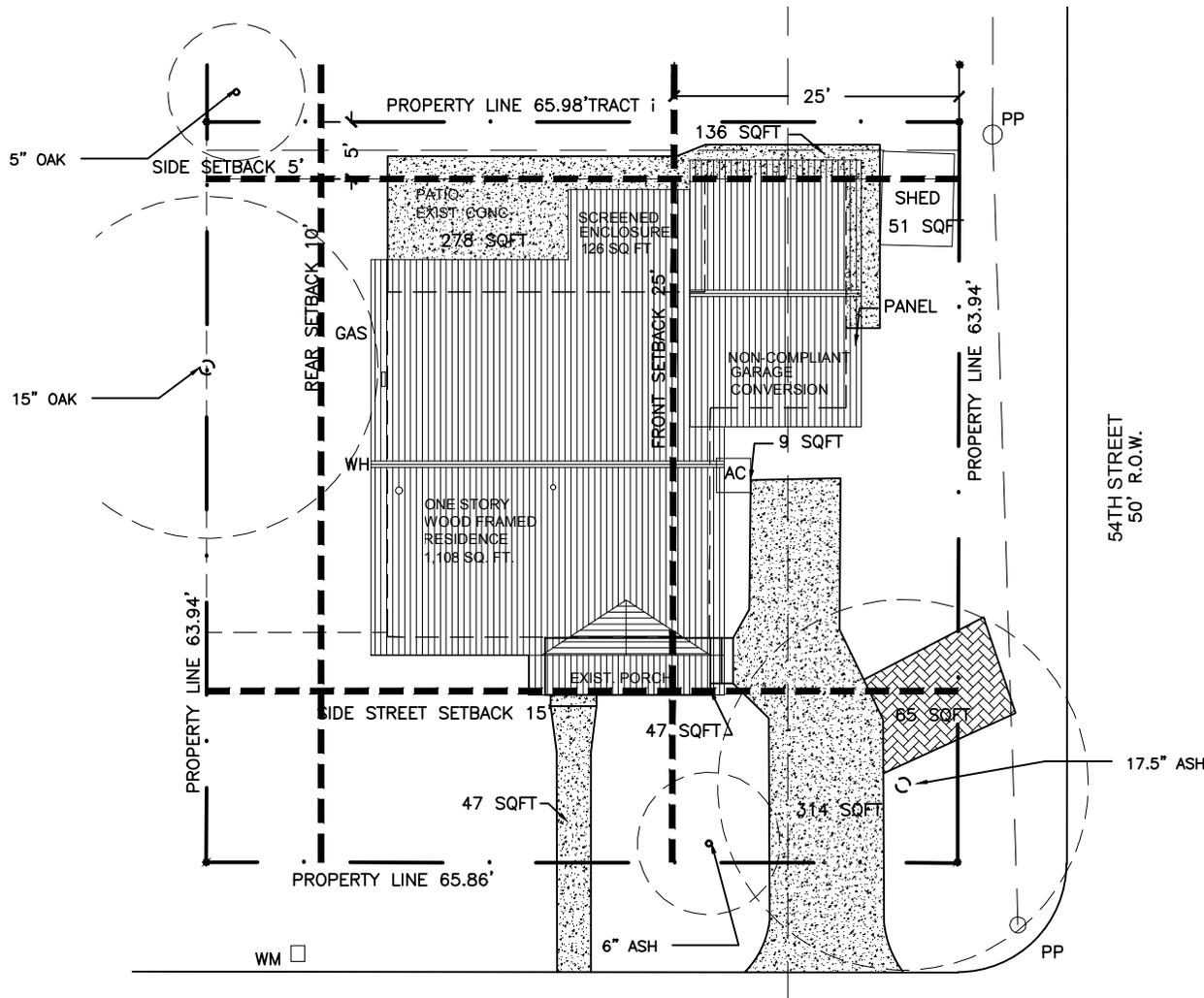
PROPOSED MODIFICATIONS

- REMODEL OF NON-COMPLIANT GARAGE INTERIOR FOR SAFETY AND ACCESSIBILITY
- REPLACEMENT OF EXISTING PORCH
- NO NEW IMPERVIOUS COVER WILL BE ADDED

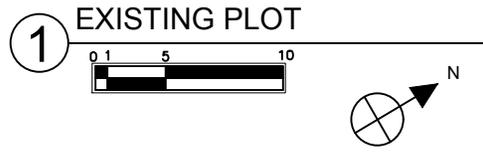
AVENUE G
50' R.O.W.

1 EXISTING PLOT





AVENUE G
50' R.O.W.



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

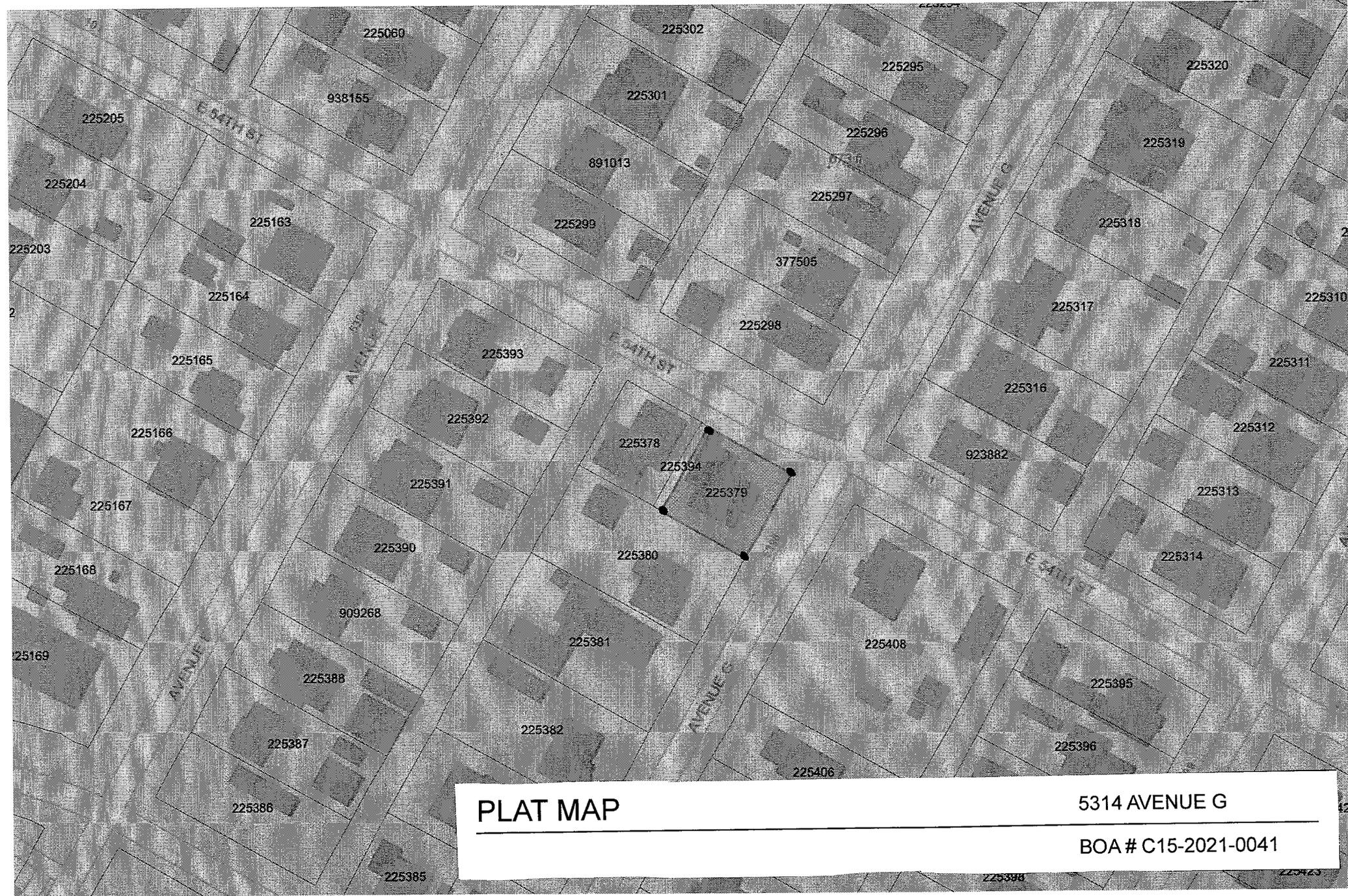
D-8/14



RESIDENCE

5314 AVENUE G

BOA # C15-2021-0041



PLAT MAP

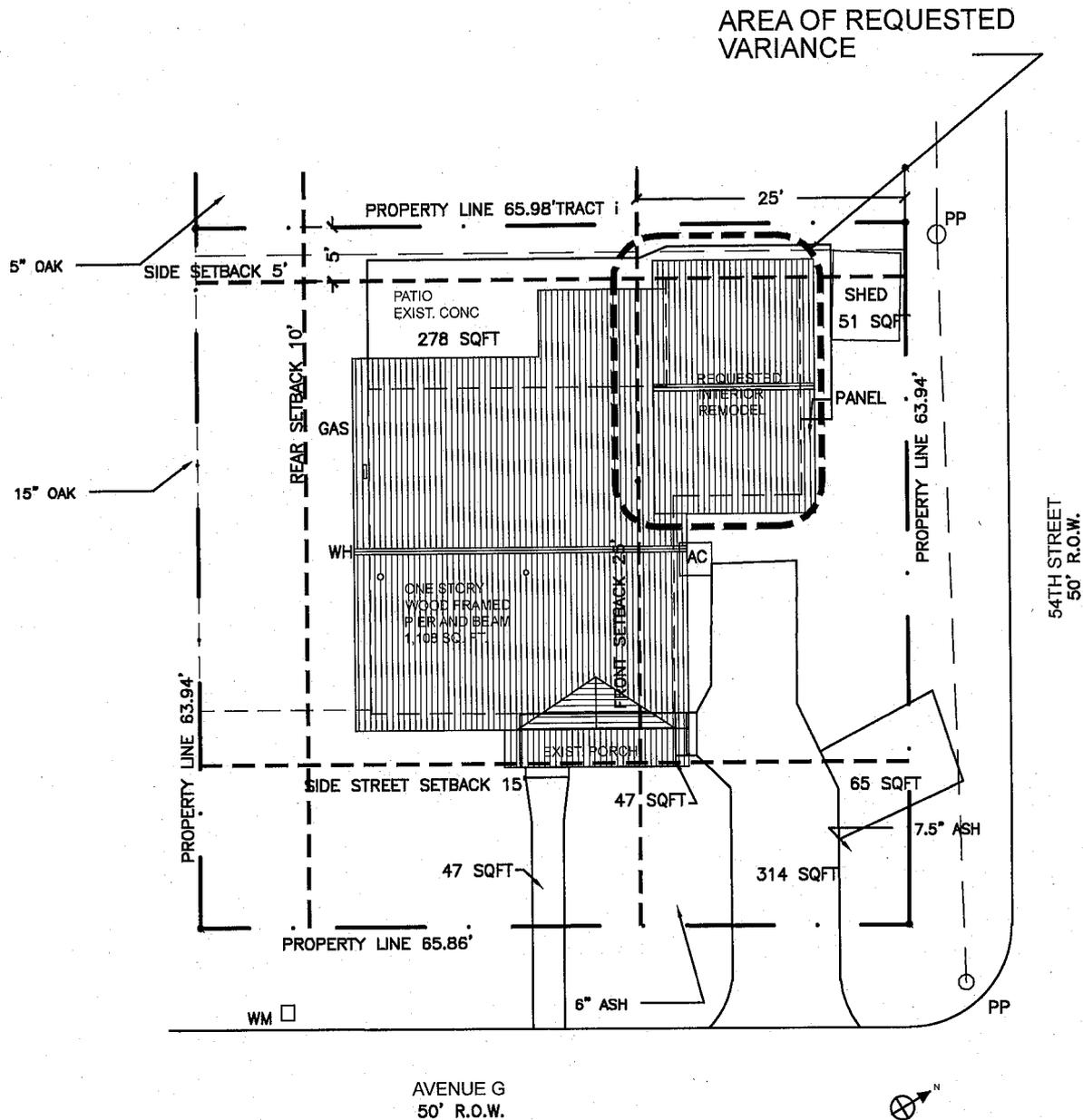
5314 AVENUE G

BOA # C15-2021-0041

EXISTING SITE
VARIANCE REQUEST

5314 AVENUE G **D-8/16**

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%