

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

DATE: Monday, July 12, 2010

CASE NUMBER: C15-2010-0077

☒ Y **Jeff Jack 2nd the Motion**
☐ - Melissa Hawthorne (left early)
☒ Y Nora Salinas
☒ Y Bryan King **Motion to PP to Aug 9, 2010**
☒ Y Leane Heldenfels, Chairman
☒ Y Clarke Hammond, Vice Chairman
☒ Y Heidi Goebel

APPLICANT: Cheryl Silverman

OWNER: Jackson Boyett

ADDRESS: 5500 AVENUE G

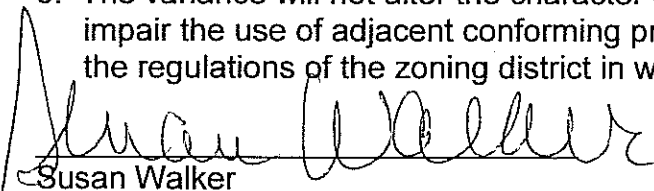
VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% (60.77% existing) to 65.57% in order to erect an addition (850 square feet) to an existing Religious Assembly use in an "SF-NP", Family Residence – Neighborhood Plan zoning district. (North Loop Neighborhood Plan)

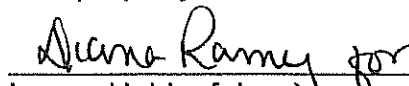
BOARD'S DECISION: The public hearing was closed on Board Member Jeff Jack motion to Postpone to August 9, 2010 for additional information, plan of existing building, Board Member Bryan King second on a 6-0 vote (Board member Melissa Hawthorne left early); **POSTPONED** to August 9, 2010.

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:


Susan Walker
Executive Liaison


Leane Heldenfels
Chairman

Walker, Susan

From: Paige Caras [paige.caras@saplinglearning.com]
Sent: Saturday, July 10, 2010 9:53 PM
To: Walker, Susan
Cc: James Caras
Subject: Case C15-2010-0077

Hello Susan,

I oppose the Dayspring Fellowship variance request (case C15-2010-0077). Unfortunately, due to work constraints, I will not be able to attend the hearing of the Board of Adjustment on 7-12. Please advise if my opposition as stated via email will be heard and counted.

Thank you very much,

Paige Caras
5410 Ave G
Austin, TX 78751

PUBLIC HEARING INFORMATION

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- 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.

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Written comments must be submitted to the board or commission (or 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.

Case Number: C15-2010-0077 - 5500 Avenue G
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, July 12, 2010

JOE H THRESH

Your Name (please print)

☐ I am in favor
☒ I object

5512-Avenue G (owner)

Your address(es) affected by this application

[Signature]

Signature

7/12/10

Date

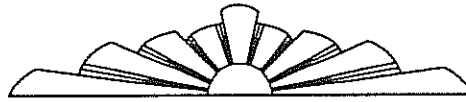
Daytime Telephone: 512 795-0346

Comments: I OBJECT TO THE ADDITIONAL

IMPERVIOUS COVER AND POSSIBLE IMPACT
ON RUNOFF AND FLOODING. IN ADDITIONAL
EXPANSION OF THIS FACILITY WILL RESULT
IN MORE STREET PARKING AND CONGESTION
FROM NON-RESIDENTS OF THE AREA.

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

City of Austin-Planning & Development Review Department/ 2nd Floor
C/O Susan Walker
P. O. Box 1088
Austin, TX 78767-8810



Dayspring Fellowship

A Reformed Baptist Church

Dayspring Chapel 5500 Avenue G Austin, Texas 78751 (512) 451-0116

Jackson Boyett
Pastor

April 21, 2010

To: Neighbors within 500' of Dayspring Chapel
From: Jackson Boyett, Pastor, Dayspring Fellowship
Re: Dayspring Chapel addition, 5500 Avenue G

Dear Neighbor,

Dayspring Fellowship, which meets at Dayspring Chapel, 5500 Avenue G, is beginning the process of building an addition onto our chapel to expand our restroom facilities to meet occupancy and accessibility requirements of the City of Austin and the State of Texas. This is important to us because we currently have no handicapped accessible restrooms in our main building. The addition we propose would be on the north/rear side of the building and would be enclosed on two sides by our existing privacy fence.

The first step for us is to apply for a variance for our addition with the City of Austin Board of Adjustments because we currently exceed and would continue to exceed the impervious cover requirements of the City of Austin with our addition.

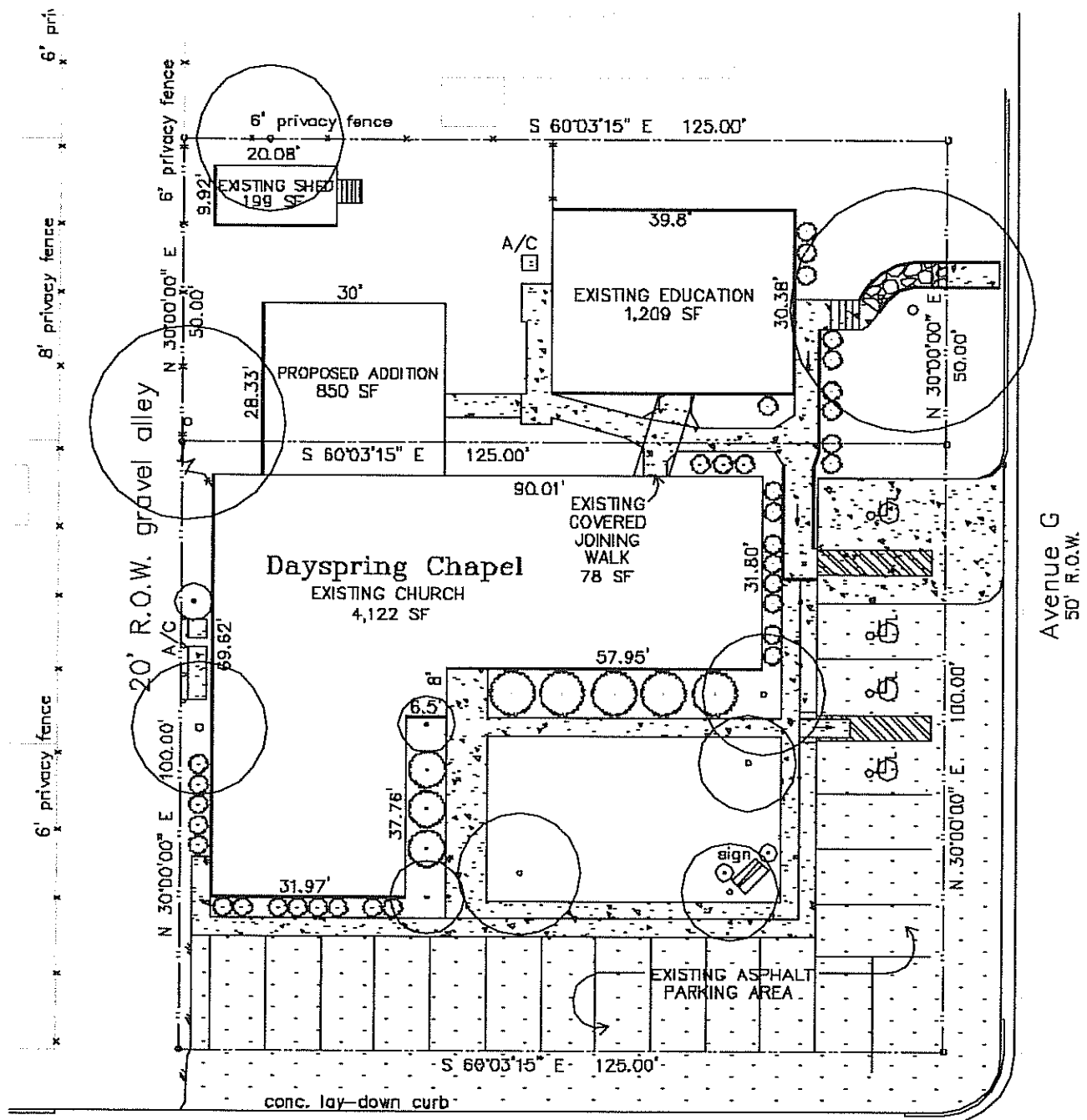
It is our understanding that the City will take into consideration the opinions of the Northfield Neighborhood Association and all property owners within 500' of our property.

As a part of this process, we would like to share with you our general plans at the next Northfield Neighborhood Association meeting on May 3, 2010 at Dayspring Chapel, 5500 Avenue G. The meeting begins at 7:00 PM.

I look forward to seeing you at the meeting.

Respectfully,

Jackson Boyett
Pastor, Dayspring Fellowship



SCALE 1" = 20'

Dayspring Chapel
5500 Avenue G
Austin, Texas 78751

Being Lots 1-6, Block 37

The HIGHLANDS Addition to Austin, Texas, a subdivision of record in Vol. 3, Pg. 55 of the Plat Records of Travis County, Texas.

Limited Purpose Survey performed by the undersigned to determine the amount of impervious cover on subject property.

Prepared June 13, 2010 by Cheryl L. Silverman

IMPERVIOUS COVER CALCULATIONS: (SITE AREA = 18,750 SF)					
	EXISTING	% SITE	ADDITION	PROPOSED	% SITE
CHAPEL BUILDING	4,122 SF	21.98%	850 SF	4,972 SF	26.52%
EDUCATION BUILDING	1,209 SF	6.45%		1,209 SF	6.45%
PORTABLE STORAGE SHED	199 SF	1.06%		199 SF	1.06%
COVERED/JOINING WALK	78 SF	0.42%		78 SF	0.42%
CONCRETE WALK/PAVING	2,321 SF	12.38%	49 SF	2,370 SF	12.64%
STONE PAVERS	53 SF	0.28%		53 SF	0.28%
ASPHALT PAVEMENT	3,413 SF	18.20%		3,413 SF	18.20%
TOTAL	11,395 SF	60.77%	899 SF	12,294 SF	65.57%

**CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE**

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

STREET ADDRESS: 5500 Avenue G., Austin, TX 78751

LEGAL DESCRIPTION: Subdivision – Highlands Addition

Lot(s) 1-6 Block 37 Outlot _____
Division _____

I/We Cheryl Silverman on behalf of
myself/ourselves as authorized agent for

Dayspring Fellowship
_____ affirm that on June, 2010,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

___ ERECT x ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

an 850 s.f. addition onto the rear of the existing church building for accessible restrooms.

in a SF-3-NP district.
(zoning district)

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is

based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

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

the Single Family zoning does not allow impervious cover to exceed 45%.

HARDSHIP:

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

as a church facility with an occupancy load of 229, there is a need for (and code requirement for) accessible restrooms, and for more water closets than currently exist. Because the church was built in 1955 with two restrooms that were unusually small, there is not only this need, but also the difficulty of remodeling the present restrooms. The need exists because A) Each restroom contains only one water closet in a facility designed for an occupancy of 229, and B) wheelchairs cannot fit in the existing restrooms, which measure only 23 inches from the front of the lavatory to the opposite wall, and 13 inches from the front of the commode bowl to the opposite wall. One elderly handicapped lady was injured in this tiny space and underwent months of physical therapy due to her injury. The difficulty in remodeling the restrooms arises because meeting the ADA requirements and city code requirements would cause the church to lose much of its essential classroom space, child-care space, and even hallway and exit space. We must go beyond the present building footprint to both achieve ADA standards and provide the minimum number of water closets for an occupancy load of 229. If not, this problem will persist for years to come for future occupants of this building. Existing impervious cover is occupied by our parking lot and an additional classroom building, and therefore cannot be taken up for this project.

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

unlike the surrounding residential area, this property is being used as a church, as it has for over 50 years. The requirements for the church, as a commercial building, are completely different from the requirements of residences surrounding us.

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 rear addition will not be visible from any street nor neighboring property due to the existing 8' and 6' privacy fences on this property and on the neighboring properties. This rear addition will drain onto the rear yard and therefore will not significantly increase the rain water runoff to the area storm sewer system.

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:

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:

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:

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

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

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 _____ Mail Address_6212 Speyside Dr._____

City, State & Zip _Austin, Tx 78754 _____

Printed _Cheryl Silverman_____ Phone _512-799-6955_____ Date _____

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

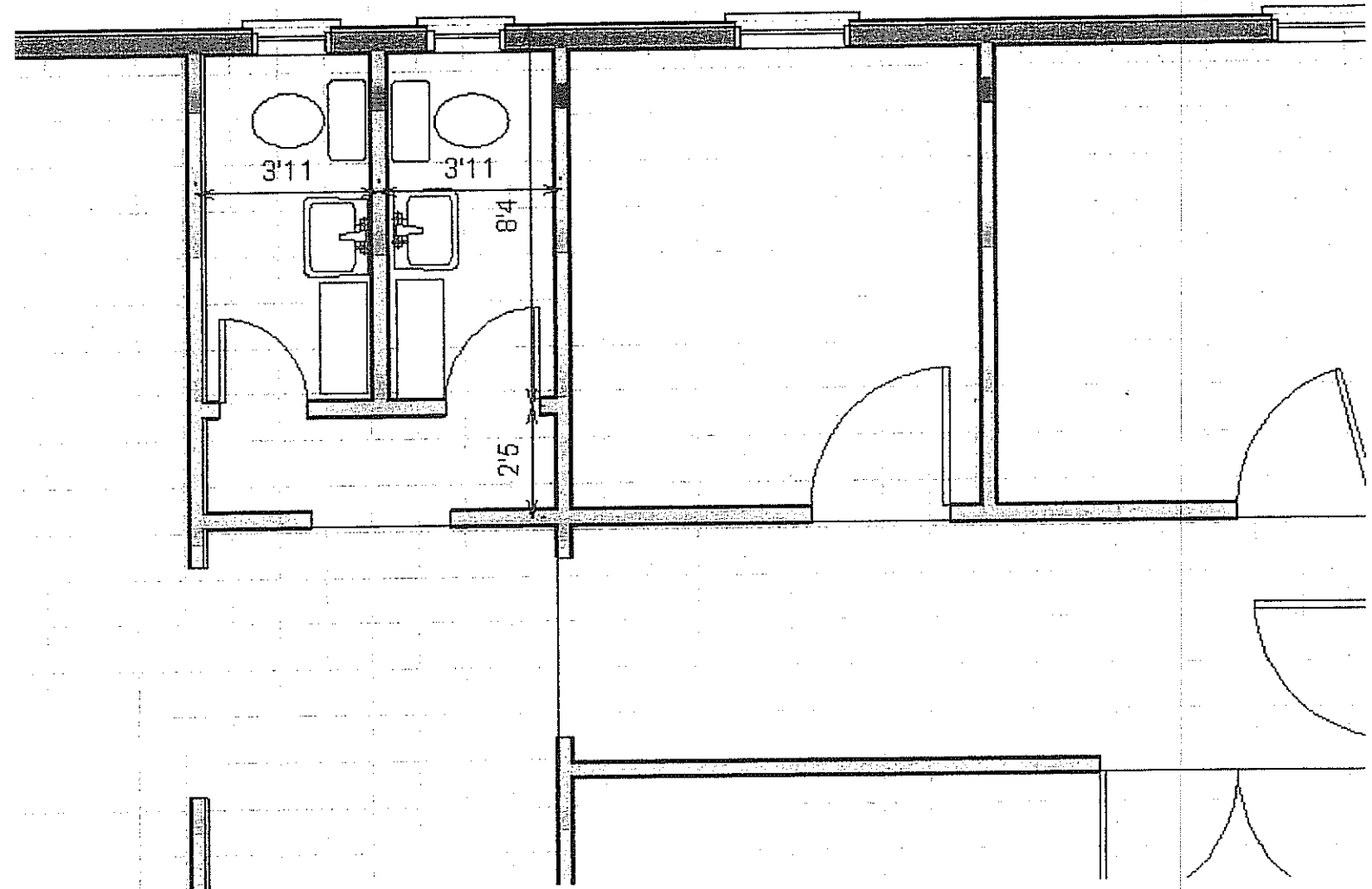
Signed _____ Mail Address_5500 Ave G _____

City, State & Zip _Austin, TX 78751 _____

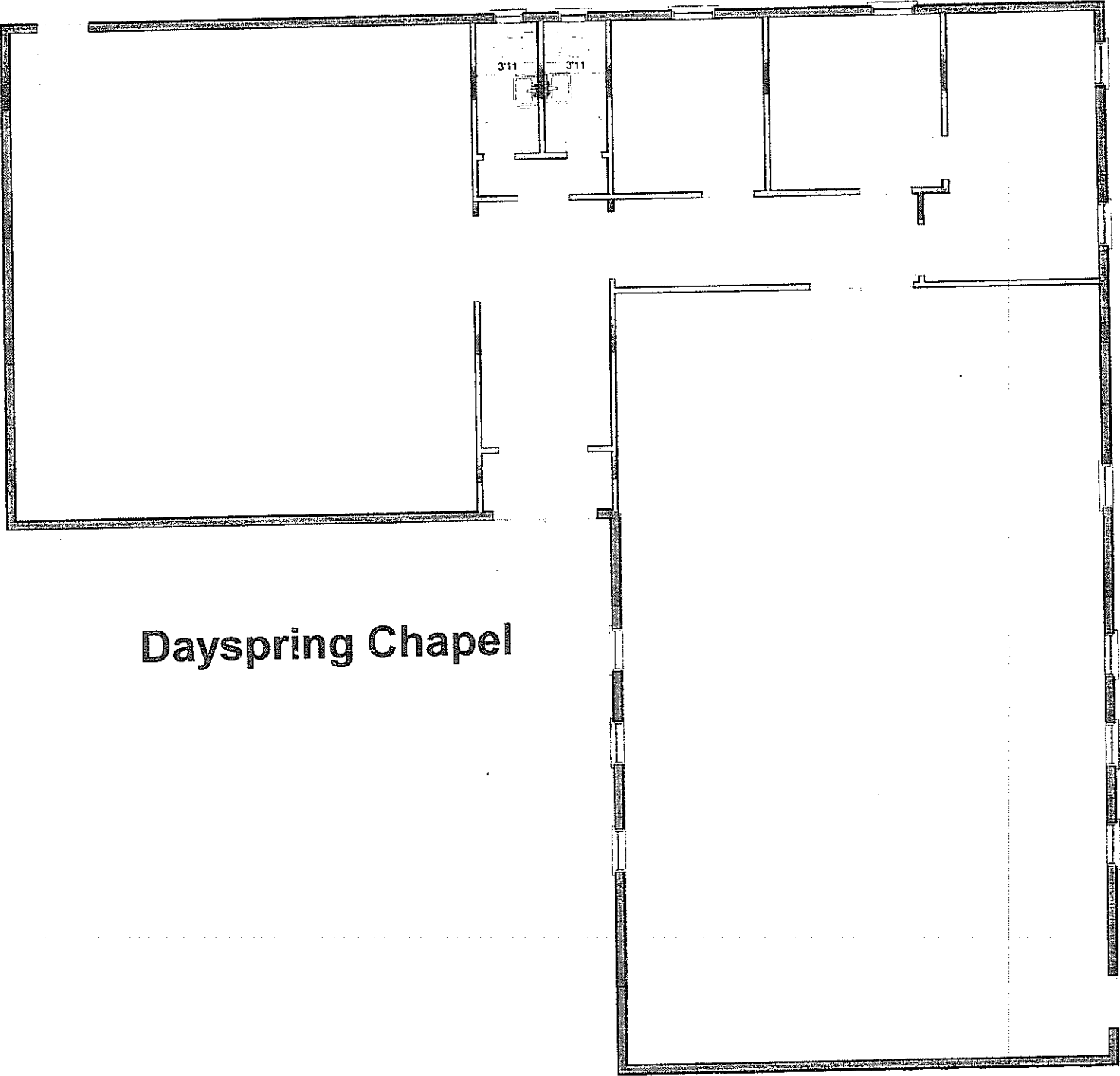
Printed _Jackson Boyett, Pastor of Dayspring Fellowship_ Phone _451-0116_ Date _____

Dayspring Chapel

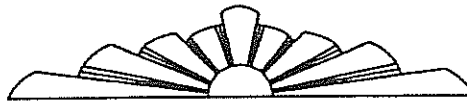
Exsisting Restrooms



Existing Restrooms



Dayspring Chapel



Dayspring Fellowship

A Reformed Baptist Church

Dayspring Chapel 5500 Avenue G Austin, Texas 78751 (512) 451-0116

Jackson Boyett
Pastor

June 17, 2010

Board of Adjustment
City of Austin
P.O. Box 1088
Austin, TX 78767-1088

Gentlemen:

Our church is requesting a variance from the impervious cover requirement in order to construct a new addition, which will provide much-needed handicapped accessible restrooms. Enclosed is the application for such a variance, along with the site plan showing the present and proposed structures.

In addition, there are two letters. One was sent out in April by our church to all the neighbors within 500 feet of our property. The other one, which you may have already received, is from the Northfield Neighborhood Association in support of our variance application. A check for the application fee in the amount of \$360.00 is also enclosed.

Please inform us at the above address and phone number as to when our request will be considered at a Board of Adjustment meeting.

Sincerely,

Jackson Boyett
Pastor, Dayspring Fellowship



Northfield Neighborhood Association

May 18, 2010

Pastor Jackson Boyett
Dayspring Chapel
5504 Avenue G
Austin, TX 78751

Subject: Dayspring Chapel Variance Request

Dear Mr. Boyett:

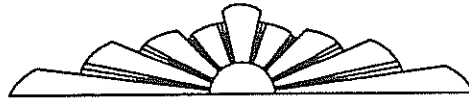
Thank you for your presentation of your variance request to the Northfield Neighborhood Association. As always, we encourage proactive communication with the community.

As I understand from the Chapel's presentation, the Dayspring Chapel has applied for a variance with the City of Austin to accommodate the construction of ADA compliant restrooms. From the discussion with the members in attendance, no significant issues were identified. And as you witnessed, the association members in attendance voted overwhelmingly in favor (without any nay votes) of supporting your variance application.

Therefore, I would like to express on behalf of the Association, that your variance request has the consensus support of our community. Please feel free to contact me should you have any questions or comments. I will also be happy to serve as the contact for the association should others need additional information.

Warmest Regards,

Michael Wong, CPSM, LEED AP
President, Northfield Neighborhood Association
(512) 345-7793 (office)
(512) 944-6370 (cel)



Dayspring Fellowship

A Reformed Baptist Church

Dayspring Chapel 5500 Avenue G Austin, Texas 78751 (512) 451-0116

Jackson Boyett
Pastor

April 21, 2010

To: Neighbors within 500' of Dayspring Chapel
From: Jackson Boyett, Pastor, Dayspring Fellowship
Re: Dayspring Chapel addition, 5500 Avenue G

Dear Neighbor,

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Case Number: C15-2010-0077 – 5500 Avenue G

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, July 12, 2010

Michael WALKER

Your Name (please print)

☐ I am in favor
☒ I object

5414 AVENUE G

Your address(es) reflected by this application

[Signature]

Signature

7/12/2010

Date

Daytime Telephone: 417.573.2878

Comments:

I feel this variance will negatively affect the neighborhood by reducing the amount of green space increasing the parking needs on the narrow streets that are not designed for continuous both side parking. The neighborhood is not suited well for large multi-block construction or the infrastructure problems that will likely result from over exposure. If more occupancy is needed an alternate location should be selected.

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

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C/O Susan Walker

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C15-2010-0077 - 5500 Avenue G
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, July 12, 2010

CELESTE ROUS
Your Name (please print)

☐ I am in favor
☒ I object

5414 Avenue G Austin TX 78751
Your address(es) affected by this application

[Signature] 07-12-10
Signature Date

Daytime Telephone: (512) 203-6157

Comments: Comments: 5414 Ave G with a 800+ sq ft add. for church occupancy. ^{is it} rise. There is already a shortage of parking, more people = more cars. The neighborhood CANNOT accommodate more vehicles at this time. Church already has lots of property developed. Enough is enough! They have already asked for a received variance. Why grant more? If variance is approved whatever they build will directly affect our home value. We have the say. If you use this form to comment, it may be returned to:
City of Austin-Planning & Development Review Department/ 2nd Floor
C/O Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

VOTE on neighborhood design as it will be something we have to look at for however long

Amended Application

C15-2010-0077
ROW-10455290
TR0225100107

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

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

STREET ADDRESS: 5500 Avenue G., Austin, TX 78751

LEGAL DESCRIPTION: Subdivision – Highlands Addition

Lot(s) 1-6 Block 37 Outlot
Division

I/We Cheryl Silverman on behalf of
myself/ourselves as authorized agent for

Dayspring Fellowship
affirm that on June, 2010,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

 ERECT x ATTACH COMPLETE REMODEL MAINTAIN

an 850 s.f. addition onto the rear of the existing church building for accessible restrooms.

65.57% imp. coverage

in a SF-3-NP district.
(zoning district)

*North Loop
Neighborhood
Plan*

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is

based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

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

the Single Family zoning does not allow impervious cover to exceed 45%.

HARDSHIP:

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

as a church facility with an occupancy load of 229, there is a need for (and code requirement for) accessible restrooms, and for more water closets than currently exist. Because the church was built in 1955 with two restrooms that were unusually small, there is not only this need, but also the difficulty of remodeling the present restrooms. The need exists because A) Each restroom contains only one water closet in a facility designed for an occupancy of 229, and B) wheelchairs cannot fit in the existing restrooms, which measure only 23 inches from the front of the lavatory to the opposite wall, and 13 inches from the front of the commode bowl to the opposite wall. One elderly handicapped lady was injured in this tiny space and underwent months of physical therapy due to her injury. The difficulty in remodeling the restrooms arises because meeting the ADA requirements and city code requirements would cause the church to lose much of its essential classroom space, child-care space, and even hallway and exit space. We must go beyond the present building footprint to both achieve ADA standards and provide the minimum number of water closets for an occupancy load of 229. If not, this problem will persist for years to come for future occupants of this building. Existing impervious cover is occupied by our parking lot and an additional classroom building, and therefore cannot be taken up for this project.

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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:

this rear addition will not be visible from any street nor neighboring property due to the existing 8' and 6' privacy fences on this property and on the neighboring properties. This rear addition will drain onto the rear yard and therefore will not significantly increase the rain water runoff to the area storm sewer system.

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:

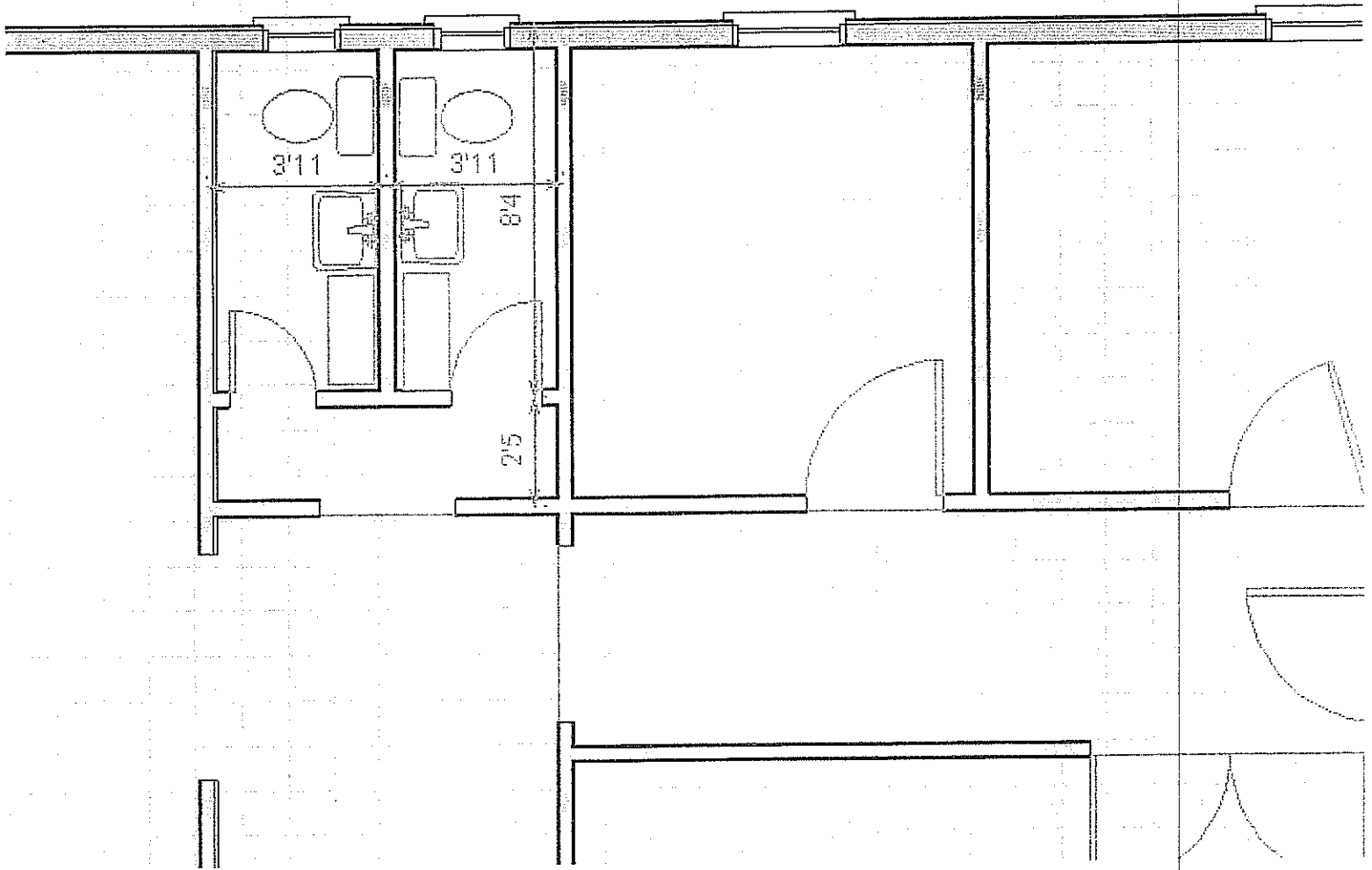
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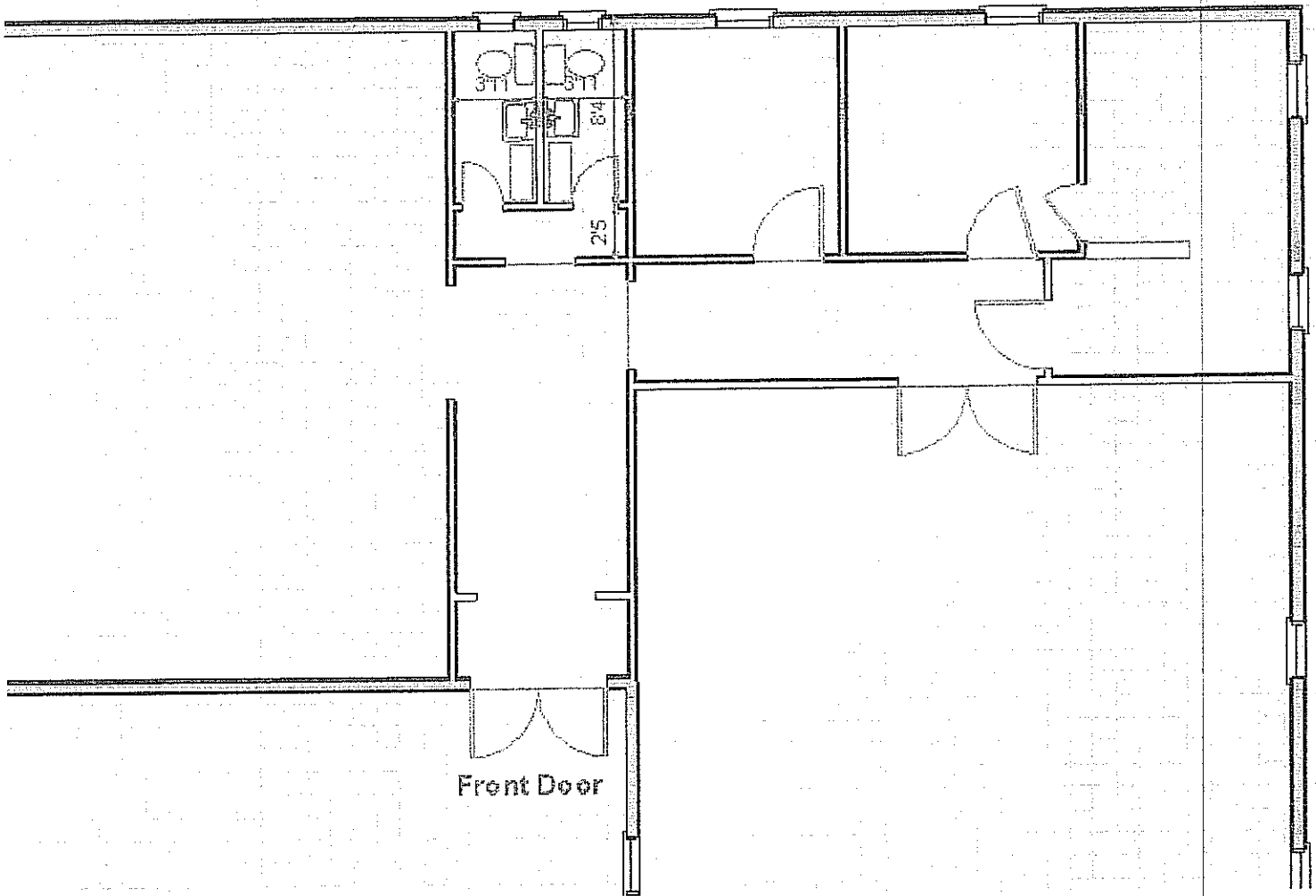
Dayspring Chapel

Existing Restrooms

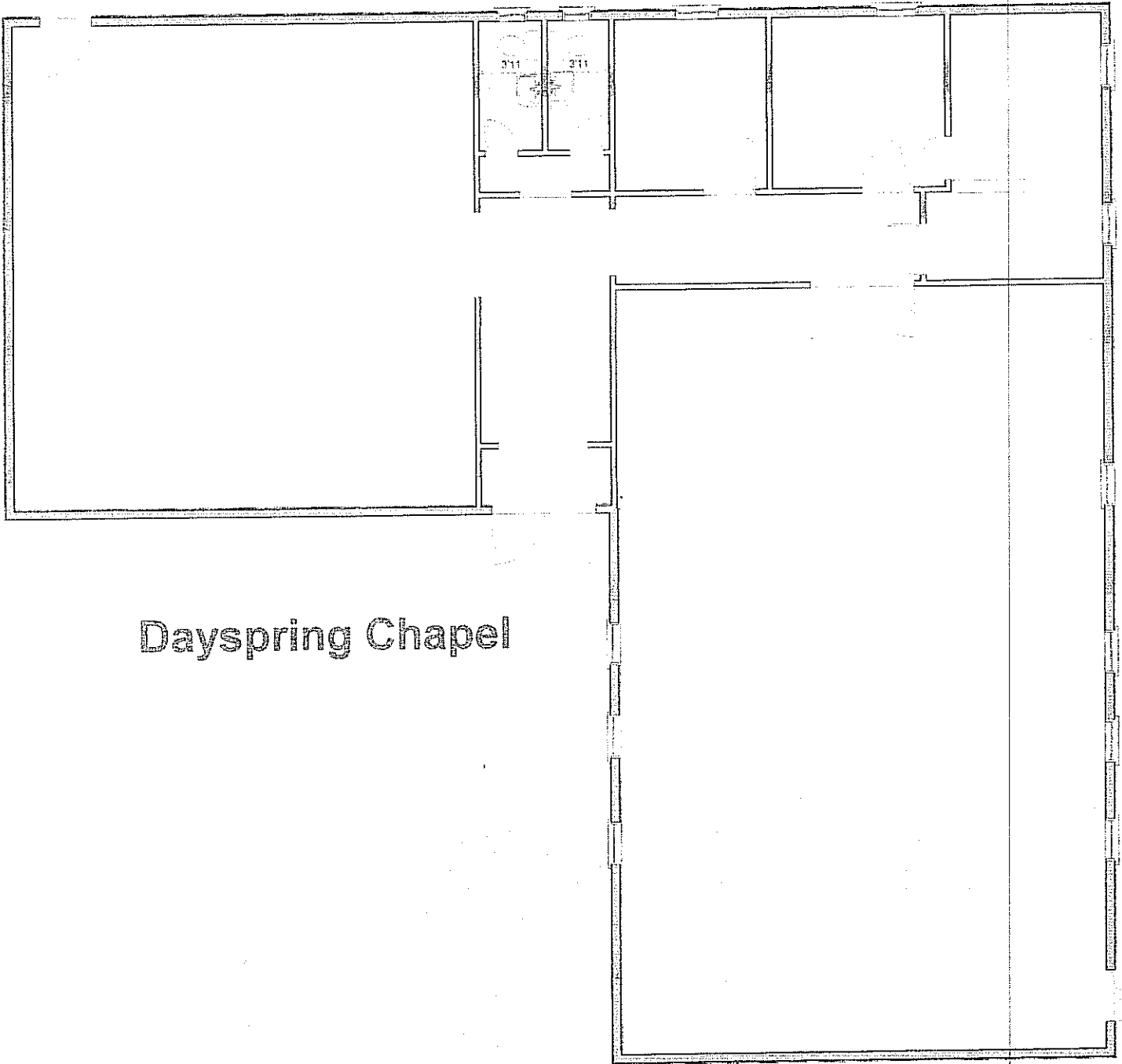


Dayspring Chapel

Existing Restrooms

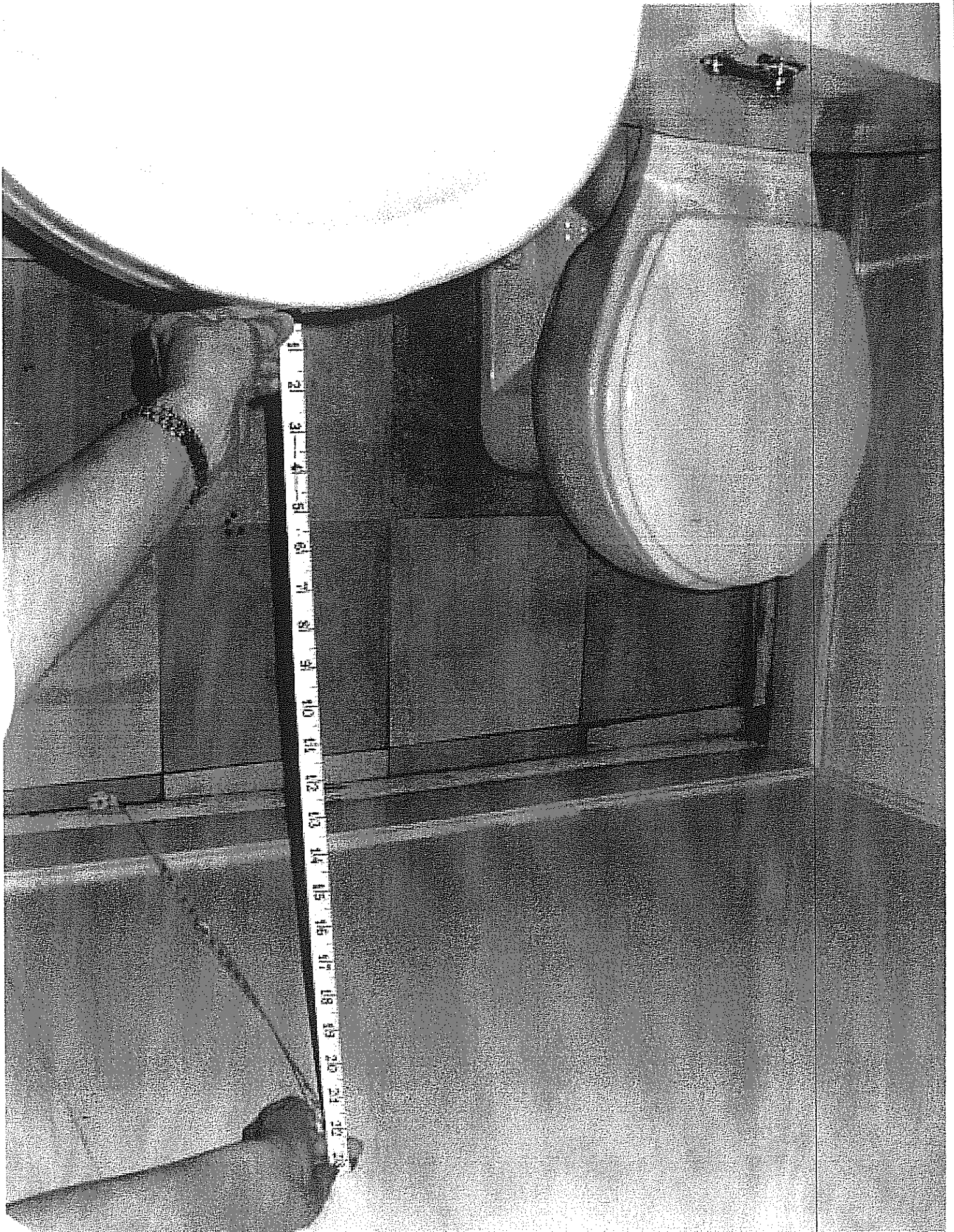


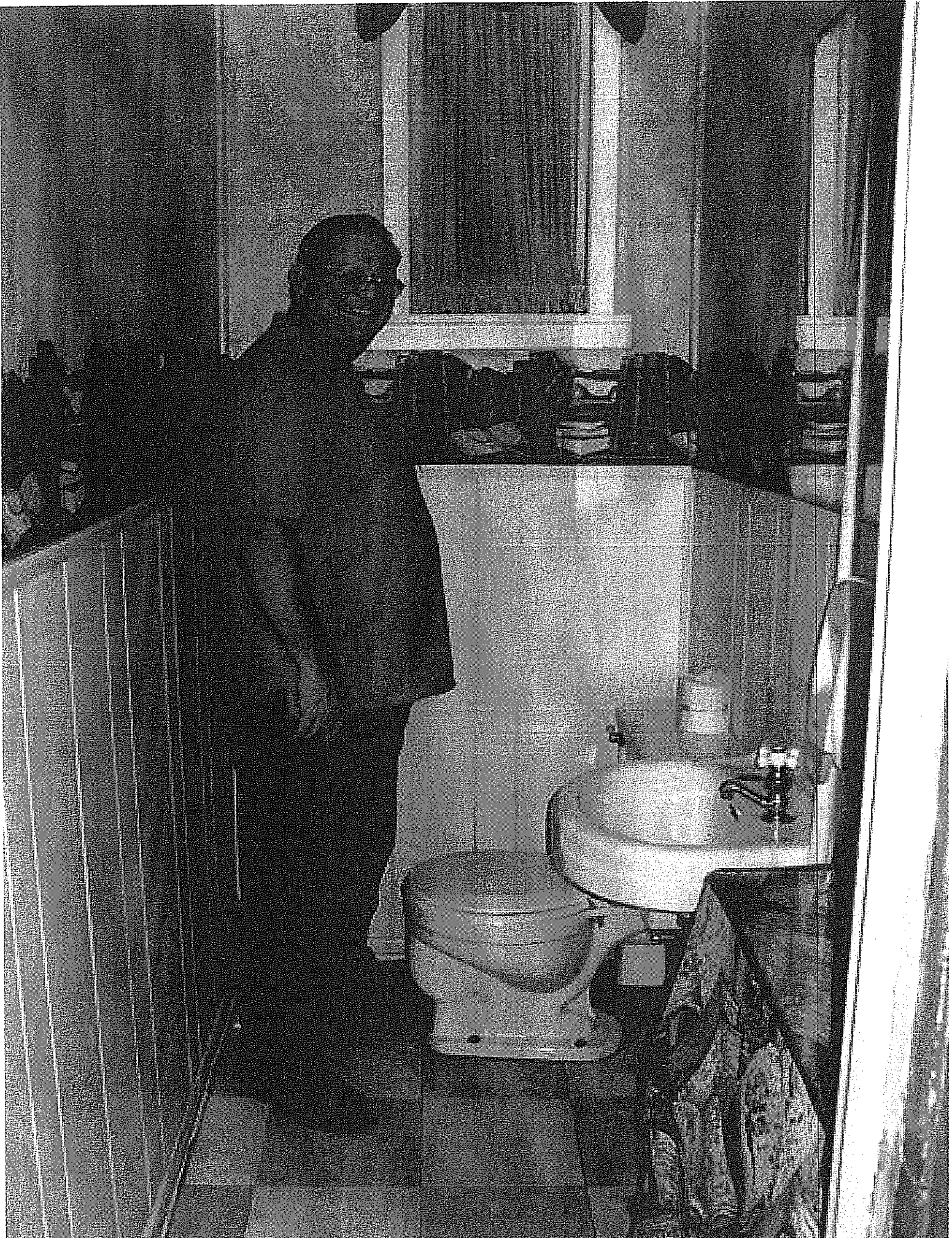
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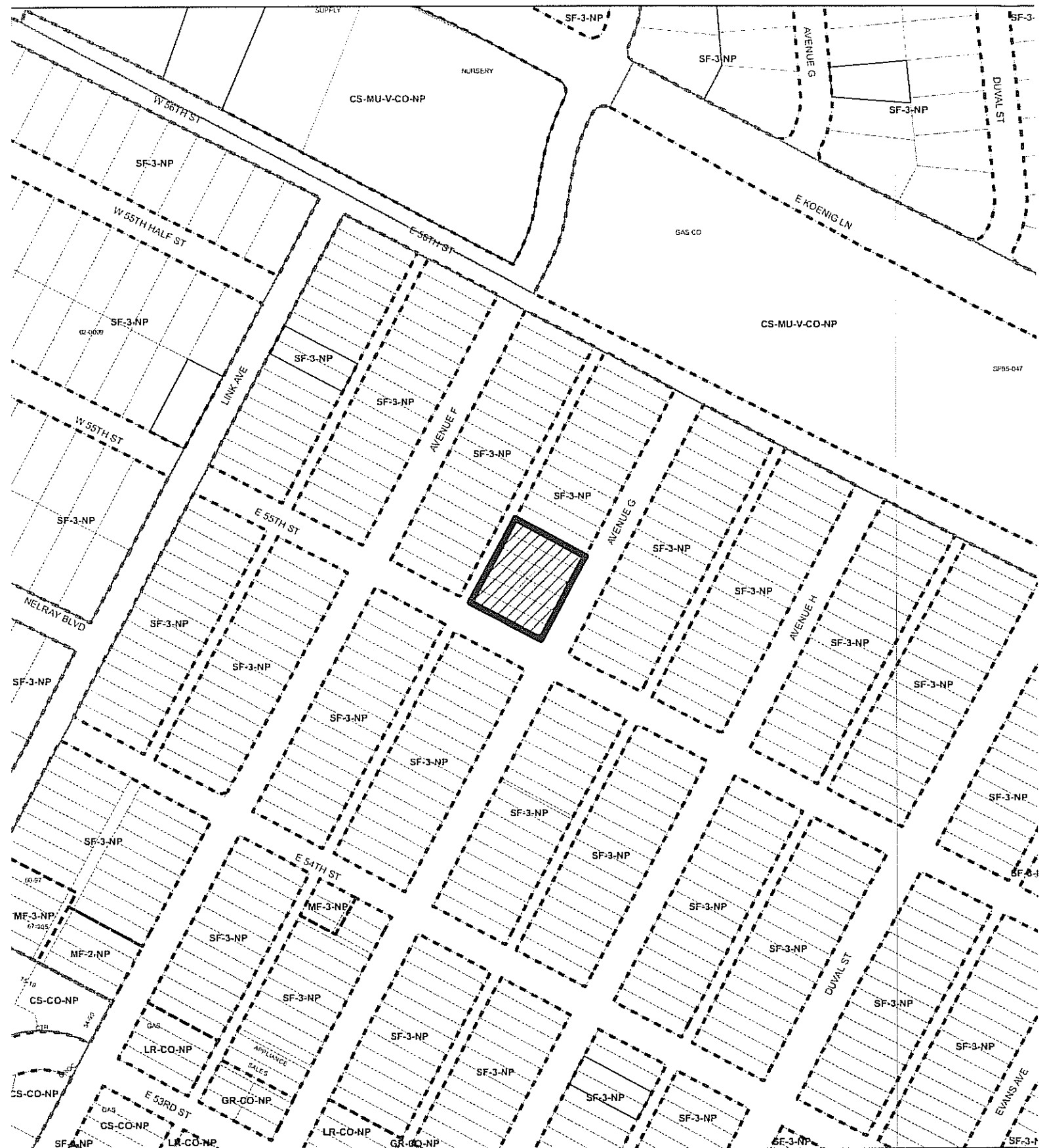


Dayspring Chapel









BOARD OF ADJUSTMENTS

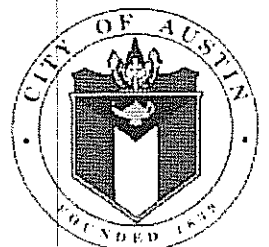
CASE#: C15-2010-0077
 LOCATION: 5500 AVENUE G
 GRID: K 26
 MANAGER: SUSAN WALKER



SUBJECT TRACT



ZONING BOUNDARY



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Northfield Neighborhood Association

May 18, 2010

Pastor Jackson Boyett
Dayspring Chapel
5504 Avenue G
Austin, TX 78751

Subject: Dayspring Chapel Variance Request

Dear Mr. Boyett:

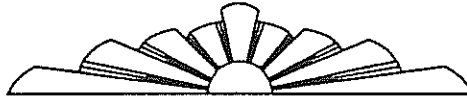
Thank you for your presentation of your variance request to the Northfield Neighborhood Association. As always, we encourage proactive communication with the community.

As I understand from the Chapel's presentation, the Dayspring Chapel has applied for a variance with the City of Austin to accommodate the construction of ADA compliant restrooms. From the discussion with the members in attendance, no significant issues were identified. And as you witnessed, the association members in attendance voted overwhelmingly in favor (without any nay votes) of supporting your variance application.

Therefore, I would like to express on behalf of the Association, that your variance request has the consensus support of our community. Please feel free to contact me should you have any questions or comments. I will also be happy to serve as the contact for the association should others need additional information.

Warmest Regards,

Michael Wong, CPSM, LEED AP
President, Northfield Neighborhood Association
(512) 345-7793 (office)
(512) 944-6370 (cel)



Dayspring Fellowship

A Reformed Baptist Church

Dayspring Chapel 5500 Avenue G Austin, Texas 78751 (512) 451-0116

Jackson Boyett
Pastor

April 21, 2010

To: Neighbors within 500' of Dayspring Chapel
From: Jackson Boyett, Pastor, Dayspring Fellowship
Re: Dayspring Chapel addition, 5500 Avenue G

Dear Neighbor,

Dayspring Fellowship, which meets at Dayspring Chapel, 5500 Avenue G, is beginning the process of building an addition onto our chapel to expand our restroom facilities to meet occupancy and accessibility requirements of the City of Austin and the State of Texas. This is important to us because we currently have no handicapped accessible restrooms in our main building. The addition we propose would be on the north/rear side of the building and would be enclosed on two sides by our existing privacy fence.

The first step for us is to apply for a variance for our addition with the City of Austin Board of Adjustments because we currently exceed and would continue to exceed the impervious cover requirements of the City of Austin with our addition.

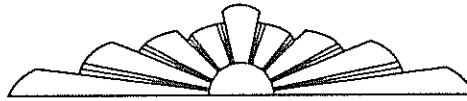
It is our understanding that the City will take into consideration the opinions of the Northfield Neighborhood Association and all property owners within 500' of our property.

As a part of this process, we would like to share with you our general plans at the next Northfield Neighborhood Association meeting on May 3, 2010 at Dayspring Chapel, 5500 Avenue G. The meeting begins at 7:00 PM.

I look forward to seeing you at the meeting.

Respectfully,

Jackson Boyett
Pastor, Dayspring Fellowship



Dayspring Fellowship

A Reformed Baptist Church

Dayspring Chapel 5500 Avenue G Austin, Texas 78751 (512) 451-0116

Jackson Boyett
Pastor

June 17, 2010

Board of Adjustment
City of Austin
P.O. Box 1088
Austin, TX 78767-1088

Gentlemen:

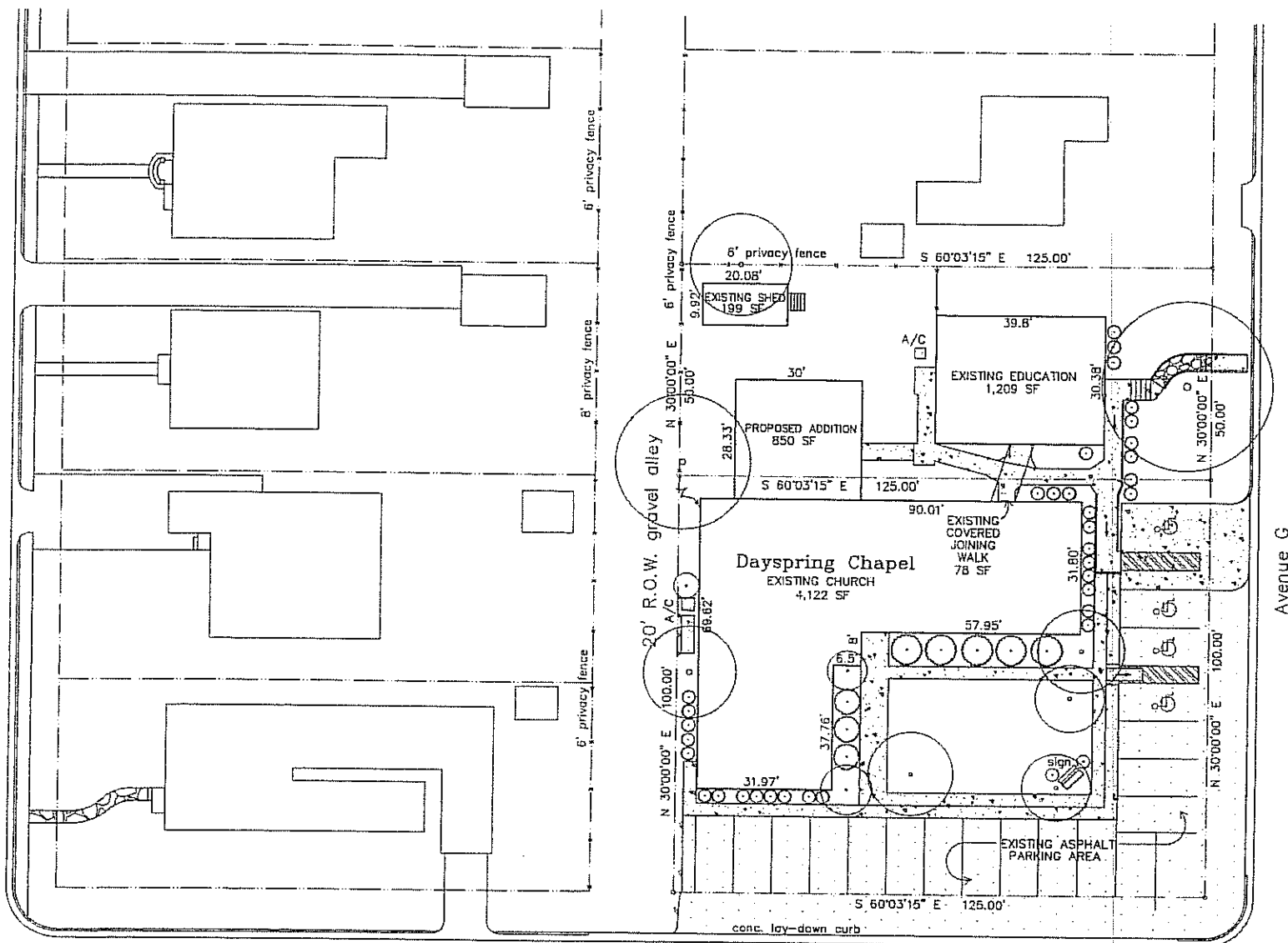
Our church is requesting a variance from the impervious cover requirement in order to construct a new addition, which will provide much-needed handicapped accessible restrooms. Enclosed is the application for such a variance, along with the site plan showing the present and proposed structures.

In addition, there are two letters. One was sent out in April by our church to all the neighbors within 500 feet of our property. The other one, which you may have already received, is from the Northfield Neighborhood Association in support of our variance application. A check for the application fee in the amount of \$360.00 is also enclosed.

Please inform us at the above address and phone number as to when our request will be considered at a Board of Adjustment meeting.

Sincerely,

Jackson Boyett
Pastor, Dayspring Fellowship



SCALE 1" = 20'

Dayspring Chapel
5500 Avenue G
Austin, Texas 78751

Being Lots 1-5, Block 37

The HIGHLANDS Addition to Austin, Texas, a subdivision of record in Vol. 3, Pg. 55 of the Plat Records of Travis County, Texas.

Limited Purpose Survey performed by the undersigned to determine the amount of impervious cover on subject property.

Prepared June 13, 2010 by Cheryl L. Silverman

55th Street
50' R.O.W.

IMPERVIOUS COVER CALCULATIONS: (SITE AREA = 18,750 SF)					
	EXISTING	% SITE	ADDITION	PROPOSED	% SITE
CHapel BUILDING	4,122 SF	21.98%	850 SF	4,972 SF	26.52%
EDUCATION BUILDING	1,209 SF	6.45%		1,209 SF	6.45%
PORTABLE STORAGE SHED	199 SF	1.06%		199 SF	1.06%
COVERED/JOINING WALK	78 SF	0.42%		78 SF	0.42%
CONCRETE WALK/PAVING	2,321 SF	12.38%	40 SF	2,370 SF	12.64%
STONE PAVERS	53 SF	0.28%		53 SF	0.28%
ASPHALT PAVEMENT	3,413 SF	18.20%		3,413 SF	18.20%
TOTAL	11,395 SF	60.77%	890 SF	12,284 SF	65.57%

CS-2010-0077
5500 Ave G.