City of Austin Watershed Protection and Development Review Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

SITE PLAN APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Watershed Protection and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Land Use Commission (ZAP or PC), or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. SP-2007-0321C

PROJECT NAME: Hyde Park Baptist Church, Tract 6, Religious Assembly/ Education Building

PROJECT ADDRESS 3901 Speedway

APPLICANT'S NAME Hyde Park Baptist Church

CITY CONTACT Donna Galati

DATE APPEAL FILED May 19, 2008

YOUR NAME Helen & Charles Heard, Niyanta & Bill Spelman, John Mayfield

SIGNATURE _____

YOUR ADDRESS Heard: 3804 Avenue F, Spelman: 3802 Avenue F, Mayfield: 3824 Avenue F

YOUR PHONE NO. (512) 499-6254 **WORK**
(512) 633-7024 **HOME**

INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- ☐ I am the record property owner of the subject property
- ☐ I am the applicant or agent representing the applicant
- ☐ I communicated my interest by speaking at the Land Use Commission public hearing on (date) _____.
- ☑ **I communicated my interest in writing to the Director or Land Use Commission prior to the decision (attach copy of dated correspondence).** – Please see attached e-mail dated August 1, 2007

In addition to the above criteria, I qualify as an interested party by one of the following criteria: (Check one)

- ☑ **I occupy as my primary residence a dwelling located within 500 feet of the subject site.**
- ☐ I am the record owner of property within 500 feet of the subject site.
- ☐ I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

DECISION TO BE APPEALED*: (Check one)

- ☐ Administrative Disapproval/Interpretation of a Site Plan — Date of Decision: _____
- ☐ Replacement site plan — Date of Decision: _____
- ☐ Land Use Commission Approval/Disapproval of a Site Plan — Date of Decision: _____
- ☐ Waiver or Extension — Date of Decision: _____
- ☐ Planned Unit Development (PUD) Revision — Date of Decision: _____
- ☑ **Other: Administrative Approval of Site Plan, which is appealable by interested parties under the 1990 NCCD on this tract.** — Date of Decision: **May 9, 2008**

*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

Please see attached letter dated May 19, 2008.

Applicable Code Section: Exhibit C-1 of the 1990 Hyde Park Civic NCCD (COA Ordinance 900830-Q); 2002 Hyde Park NCCD (COA Ordinance 020131-20)

Heard, Helen

From: Cerkan, Donna [Donna.Cerkan@ci.austin.tx.us]
Sent: Wednesday, August 01, 2007 5:22 PM
To: Heard, Helen
Subject: RE: Hyde Park Baptist Church, Tract 6, Religious Assembly, Education Building: SP-2007-0321C

Thank you. You've been added as an interested party.

Donna

From: Heard, Helen [mailto:hheard@akingump.com]
Sent: Wednesday, August 01, 2007 12:28 PM
To: Cerkan, Donna
Cc: Chase Heard
Subject: Hyde Park Baptist Church, Tract 6, Religious Assembly, Education Building: SP-2007-0321C

Donna,

Thank you to you and your team for meeting with the Spelmans and me today. We really appreciate your assistance on this matter. I would like to request that my husband and I, Charles and Helen Heard, be registered as an interested party for the site plan approval process related to Hyde Park Baptist Church, Tract 6, Religious Assembly, Education Building, case no. SP-2007-0321C . Our contact information is as follows:

Charles and Helen Heard
3804 Avenue F
Austin, TX 78751
(512) 633-7024 or (512) 826-5129.

We are concerned about the site plan for the following reasons:

1. The zoning governing this site is the only place in the City's Land Development Code (1990 Hyde Park NCCD incorporated into the larger Hyde Park NCCD) where a picture dictates what can be built on this property. Further, this picture is not to scale and hence subject to interpretation. Our concern at this time is still with the interpretation of what can be built on this site.

2. The current site plans reflect, in writing, that a 3-story building is proposed, but the site plans visually depict a 2-story building. This further adds to the ambiguity problem, and we want to ensure that the church's plans are strictly within all applicable law. We also believe that the Speedway District, where the tract in question is located, requires a total building height of 30 feet or less, whereas the current site plan calls for approximately 39.5 feet.

2. This property, developed into a parking lot as a first phase, has diverted water runoff to the Avenue F properties since about 1990, and still continues to do so although to a lesser extent following a drainage redesign in 2001; prior to 1990, there was no runoff from this property to any Avenue F properties. The original drainage plan for the parking lot which is an interim use allowed by the 1990 NCCD although approved by the city, failed to work. Our backyard is swamped with water and we are concerned that this site plan may exacerbate that problem.

Thank you again for your time and assistance, and please do not hesitate to contact me should you need

anything further.

Sincerely,
Helen Heard

Helen V. Heard
Akin Gump Strauss Hauer & Feld LLP
300 West Sixth Street, Suite 2100
Austin, Texas 78701
(512) 499-6254
(512) 499-6290 (fax)
hheard@akingump.com
www.akingump.com

IRS Circular 230 Notice Requirement: This communication is not given in the form of

The information contained in this e-mail message is intended only for the personal a

Heard, Helen

From: Heard, Helen
Sent: Monday, May 19, 2008 9:29 AM
To: 'victoria.li@ci.austin.tx.us'; 'donna.galati@ci.austin.tx.us'
Subject: SP-2007-0321C Appeal Notice

May 19, 2008

Donna Galati

City of Austin Watershed Protection & Development Review
505 Barton Springs Rd.
P.O. Box 1088
Austin, TX 78767-8835

To Whom It May Concern,

As registered interested parties in case SP-2007-0321C, we jointly appeal the approval of this site plan on grounds that the proposed project does not conform with Exhibit C-1 of the 1990 Hyde Park Civic NCCD (COA Ordinance 900830-Q) and violates the 30' height limitation imposed by the 2002 Hyde Park NCCD (COA Ordinance 020131-20, attached).

This plan was apparently approved on May 9, 2008. We received notice of the decision by mail on May 15, 2008 (the letter was post-marked May 13).

The 2002 Hyde Park NCCD, Part 5, states that its provisions apply to property owned by Hyde Park Baptist Church, including the site in question, if they do not conflict with Ordinance 900830-Q. The 2002 Hyde Park NCCD, Part 8, further limits the height of all structures to a 30' maximum. City code defines the maximum allowable height as the average height between the eave and the ridge.

On the tract in question, Exhibit C-1 of the 1990 Hyde Park Civic NCCD (COA Ordinance 900830-Q) mandates a two-story townhouse-style structure with a steeply pitched roof and underground parking. An independent evaluation of the drawing conducted by Madison Graham of MRGA Architecture on a pro bono basis has identified the following height and setback measurements: 30' front setbacks from the Speedway property line; 30' setbacks from the rear property line, with 15' setbacks from the rear property line for the lower height building elements represented on the drawing; **28' height for the lower roofline; and 34' for the upper roofline.**

The recently approved site plan appears to be at least 6 feet out of compliance with these specifications, if not more.

We look forward to your timely response to this appeal. A hard copy of this email will follow by U.S. Mail.

Sincerely,

Helen & Charles Heard

Niyanta & Bill Spelman

John Mayfield