

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

DATE: Monday, July 12, 2010

CASE NUMBER: C15-2010-0075

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

APPLICANT: Jim Bennett

OWNER: The Griffin School

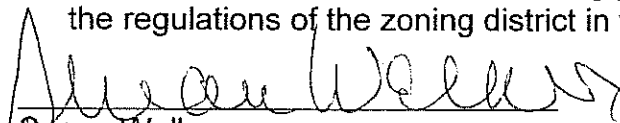
ADDRESS: 5000 MARTIN AVE

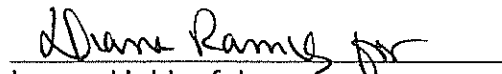
VARIANCE REQUESTED: The applicant has requested a variance from the minimum street paved width requirement of Section 25-2-832 (1) in order to remodel an existing Religious Assembly Use to create a Private Secondary Educational Facility in an "SF-3-NCCD-NP", Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North Hyde Park Neighborhood NCCD) The Land Development Code states that a private secondary school must be located on a street that has a paved width of at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet.

BOARD'S DECISION: The public hearing was closed on Board Member Leane Heldenfels motion to Postpone to August 9, 2010 for additional information, parking access, notify neighbor on 50th Street, Board Member Jeff Jack 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

COLUMN USES	A	B	C	D
	Residential District NO	Duval Commercial District CS/GR	Avenue A District GR	Avenue A District GO
Club or lodge	--	--	--	-
Day care services (limited)	P	P	P	P
Day care services (general)	P	P	P	P
Day care services (commercial)	--	C	P	C
Duplex residential	P	P	P	P
Family home	P	P	P	P
Financial services	--	P	P	P
Food Preparation	--	P	--	--
Food sales	-	P	P	-
General retail sales (convenience)	--	P	--	--
General retail sales (general)	-	P	P	-
Group home class I (limited)	P	P	P	P
Group home class I (general)	P	P	P	P
Group home class II	C	C	P	P
Guidance services	--	P	P	P
Hospital (limited) not to exceed 2500 s.f.	--	P	P	-
Indoor entertainment	--	C	--	--
Laundry services	--	C	--	-
Local utility services	--	P	P	P
Medical offices (not over 2500 s.f.)	--	P	P	P
Medical offices (over 5000 s.f.)	--	-	P	P
Multifamily residential	--	P	P	-
Off-site accessory parking	--	--	C	-
Personal improvement services	--	P	P	-
Personal Services	--	P	P	P
Private primary educational facilities	P	P	P	P
Private secondary educational facilities	P	P	P	P
Professional office	P	P	P	P
Public primary educational facilities	P	P	P	-
Public secondary educational facilities	P	P	P	-
Religious assembly	P	P	P	P
Restaurant (limited)	--	P	P	-
Restaurant (general)	--	P	P	-
Single-family residential	P	P	P	-

COLUMN	A	B	C	D
	Residential District	Duval Commercial District	Avenue A District	Avenue A District
USES	NO	CS/GR	GR	GO
Software development	C	P	P	P
Theater	-	P	C	-
Two-family residential	P	P	P	-
Veterinary services (not to exceed 2500 s.f.)	-	P	P	-

3. This section applies to the uses established in Section 2 of this part.

- a. The maximum size of a day care services (commercial) use permitted under Column A is 2500 square feet, under Column B is 5000 square feet, and under Column C and Column D is 5000 square feet.
- b. A financial service use or food sales use permitted under Column B or Column D may not include a drive-in service.
- c. The maximum size of a private primary educational facilities use permitted under Column A is 2500 square feet, under Column B is 5000 square feet, and under Column C is 5000 square feet.
- ~~d. The maximum size of a private secondary educational facilities use permitted under Column A is 2500 square feet, under Column B is 5000 square feet, and under Column C is 5000 square feet.~~
- e. The maximum size of a restaurant (limited) and restaurant (general) use permitted under Column B or Column C is 2500 square feet.
- f. The maximum size of a theater use permitted under Column B or Column C is 5000 square feet.
- g. The maximum size of a cultural services use permitted under Column D is 5000 square feet.

0075

Hyde Park Neighborhood AssociationP.O. Box 49427 • Austin, TX 78765 • www.austinhdepark.org

July 2, 2010

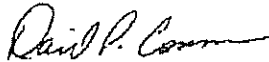
Dear Board of Adjustment Commission Members,

On June 30, 2010 the Hyde Park Neighborhood Association called a special meeting to consider the Griffin School's application for a variance from the City of Austin's Board of Adjustment Commission to operate a school at 600 E. 50th adjacent to streets which are 30 feet wide rather than the 40 foot wide required by city code. This is the current site of Trinity United Methodist Church which has a pending contract to sell its building to the Griffin School.

The Hyde Park Neighborhood Association voted to support the variance request contingent on the Griffin School being limited in enrollment to 125 students. All eligible voting members present were in favor of the variance request with the additional enrollment requirement.

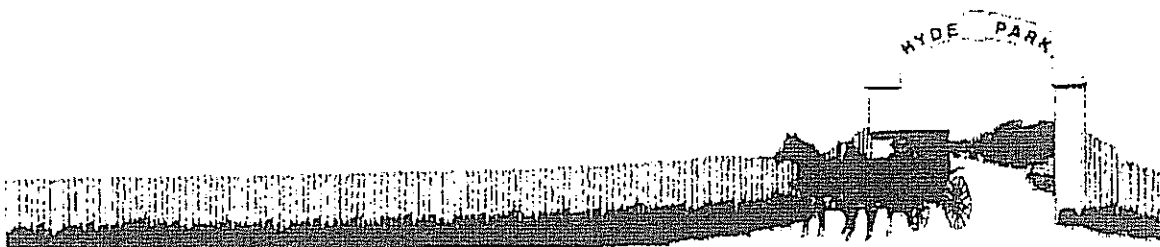
Thank you for your consideration.

Sincerely,



David P. Conner

President, Hyde Park Neighborhood Association



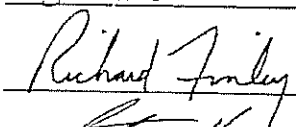
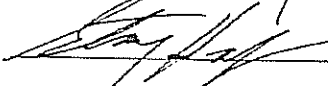
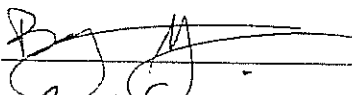
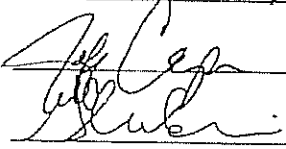
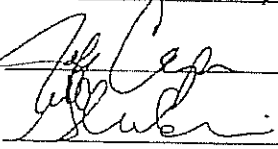
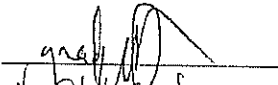


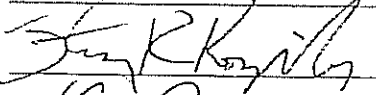

Statement of Support for The Griffin School

We, the undersigned, support the Griffin School's purchase, occupancy, and use of 600 East 50th Street, the property currently owned and occupied by the Trinity United Methodist Church. Current Austin planning code requires that schools exist on roads that are no less than 40 feet wide, yet the roads surrounding the property above – Evans and Martin Avenues and East 50th Street – are 30 feet wide. We support the allowance of a variance to allow The Griffin School to operate a private secondary school on this property.

Signature	Printed Name	Address
	Anna Graybeal	4514 Ave B, Austin TX
	John Walewski	4514 Ave B, Austin TX
	Danielle Wittner	4519 Ave B Austin TX
	Kyle Rosenblad	4518 Ave B Austin TX
	Isabel Garza	4518 Ave B Austin TX
	M. Susan Adams	4510 Ave B Austin TX
	Régis Marco	4510 Ave B Austin TX
	Janet Smith	4512 Ave B 78757
	Jessica Niemiec	4713 Ave G 78751
	Scott Myers	4707 Ave G 78751
	Gabriele H. Vasquez	4815 Avenue H 78751
	J. Eric Landry	4815 Ave H 78751
	Norman Johns	4701 Ave G 78751
	Breun Adair	4707 Ave H 78751
	Mitchell Berman	4517 Ave G 78751
	Ingrid M. Johansen	4517 Ave. G 78751
	Maria-Elena Cigarroa	4401 Ave H 78751

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Signature	Printed Name	Address
	Richard Finley	4529 Avenue G
	STACEY HALPER	4530 Ave. H
Bethany Goldberg		4530 Avenue H
Paul Smith	Paul Smith	4512 Avenue B
	Jeff Capra	4003 Avenue D
	Ginny Catania	5015 Evans Ave
	GRADY ATKINS	5015 EVANS AVE
	ROBIN SILBERLING	4211 Ave F
	Adam Wilson	4315 Ave G 78751
Caroline Wilson	CAROLINE WILSON	4315 AVE G 78751
Catherine Moore	Catherine Moore	3802 Avenue H 78751
Paula Rhodes	PAULA RHODES	4111 Ave. D 78751
David Conner	David Conner	4709 Duval St
	STANLEY K. KOZINSKY	4604 AVE. G
	Karen McGowan	4315 Ave C 78751

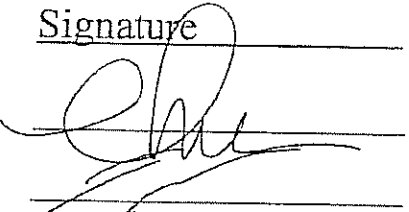
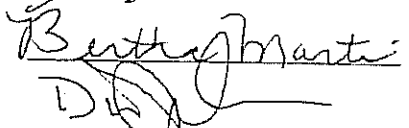
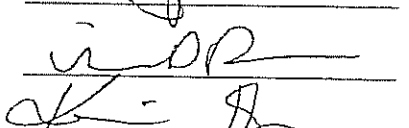
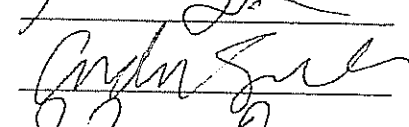
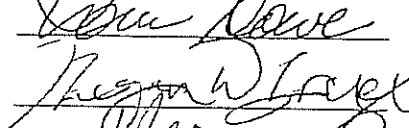

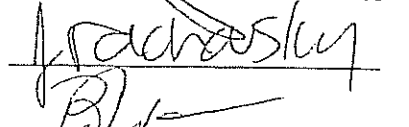
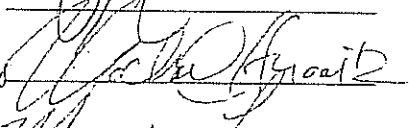
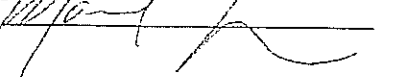


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Signature

Printed Name

Address

	Amanda Meckel	4515 Avenue G
	STEVE SANDERBERG	4103 AVE. F
Bertha Martin	Bertha Martin	5008 EVANS AVE
	DIRK JOHNSON	5009 MARTIN AVE
	Anne Dorman	5007 Martin Ave
	Kevin Dorman	5007 Martin Ave Unit A
	Andrea Seely	5005 Martin Ave
	TOM DOWE	602 E 49 th ST
	MEGAN TRUEX	602 E 49 th ST
	Holly Tachovsky	4521 Red River St.
	Austen Ward	4521 Red River St.
	J. A. Tachovsky	4521 Red River St.
	Betsy Clupine	4310 Ave F
	Michael Horowitz	" "
	Maurie Levin	4538 Duval St

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<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	DAVID GIL	4212 AVE D
	AMY DIEHL	4212 AVE D
	Jennifer Lobato	4002 AVE. D
	KATHERINE E GRAHAM	4006 AVE D
	Ron LOBATO	4002 AVE D
	KAREN C. KASPER	4004 AVENUE D
	MAUREEN KILPATRICK	4004 AVENUE D
	LAURA BRITT	4003 Ave D.
	Brendan Rogers	4001 Ave D.
	Doug Simmer	4007 AVE.D.
	ASHLEY BLUNT	4013 AVE D
	LYNN OSGOOD	4015 AVE D
	EILEEN GENEVIRO	4608 Caswell Ave.
	Jim Geneviro	4608 Caswell Ave.

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Signature _____

Printed Name

Address

John F. Houb

STEVE BRANTENG

4313 AVE G

Mary Helen George

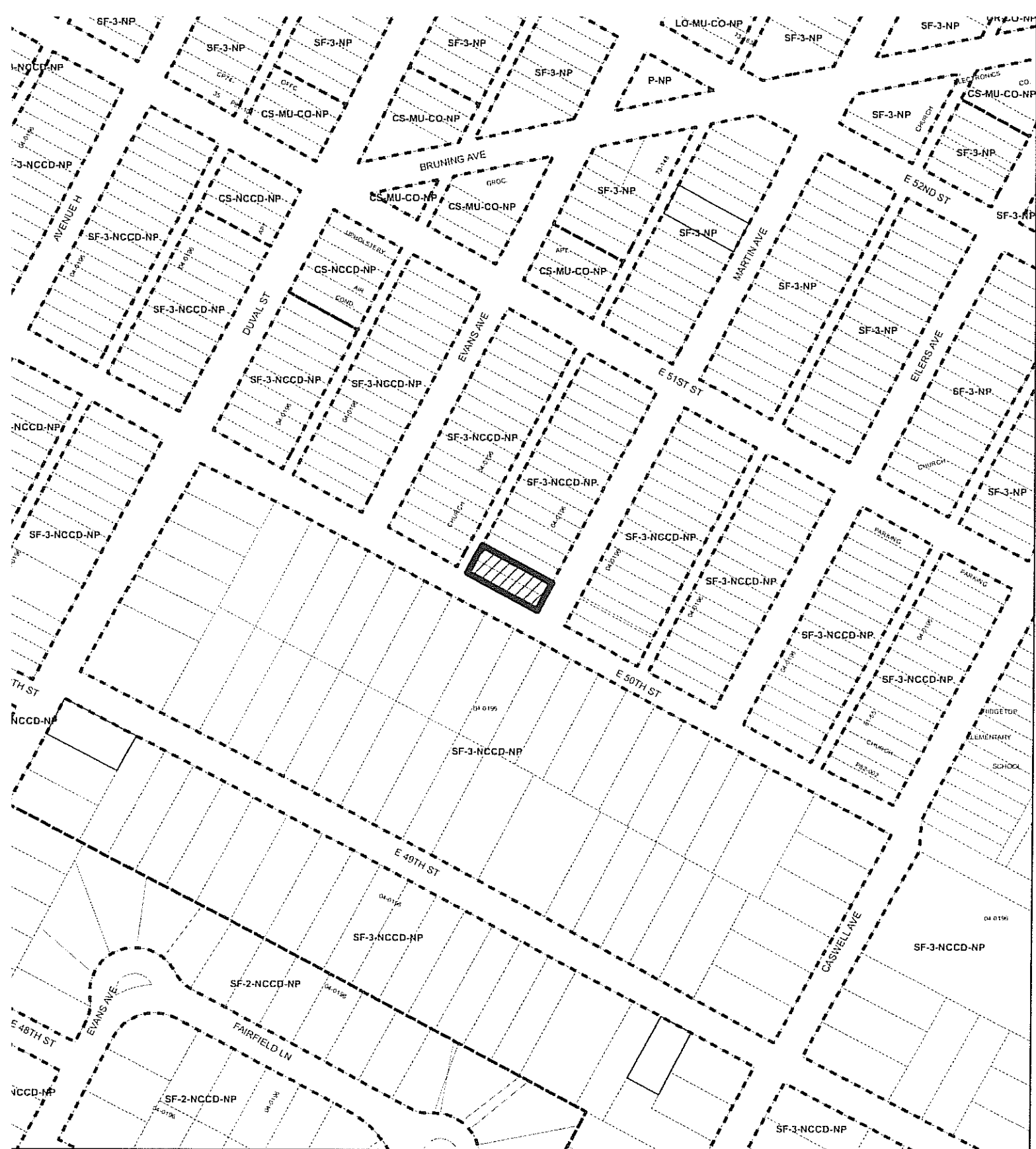
MARY HOLLERS GEORGE

4314 AVENUE G

Master Eugene George

Walter Eugene George

4314 Avenue G.



SUBJECT TRACT



ZONING BOUNDARY

BOARD OF ADJUSTMENTS

ZONING CASE#: C15-2010-0075
 LOCATION: 5000 MARTIN AVE
 GRID: K26
 MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- 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.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

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: C15-2010-0075 - 5000 Martin Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, July 12, 2010

Grace Ellen Johnson

Your Name (please print)

5012 Evans Avenue

Your address(es) affected by this application

Michael Ellen Johnson 7/5/10

Signature

Date

Daytime Telephone: 512 454-3318 (Wed-Sun)

Comments:

I strongly support the
Luther School describing the
parking location at Trinity United
Methodist Church. I see no problems
with the variance request to accomplish
this.

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

C15-2010-0075
C15 2010-0076

Fax

To: Susan Walker, Diana Ramirez
Board of Adjustment Staff
Fax #: 974-6536
Re: Griffin School BOA application for variance at 600 E. 50th St.,
5000-5002 Martin Ave.

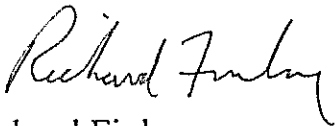
Susan and Diana,

Please add the following items to The Griffin School's Board of Adjustment application, previously submitted by Jim Bennett on our behalf:

- Letter of support from the Hyde Park Neighborhood Association (1 page)
- A statement of support signed by 69 Hyde Park residents (6 pages)

I would appreciate your acknowledging receipt of these items by emailing myself (rdfinley@yahoo.com) and Adam Wilson, School Director (adam@griffinschool.org).

Regards,



Richard Finley
Board Member, Griffin School
rdfinley@yahoo.com

CIS-2010-0075
0076

Hyde Park Neighborhood Association

P.O. Box 49427 • Austin, TX 78765 • www.austinhypark.org

July 2, 2010

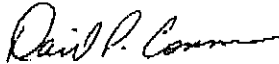
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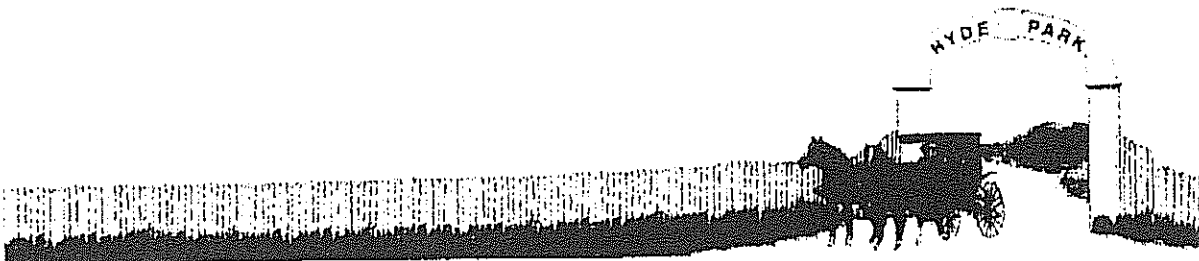
Thank you for your consideration.

Sincerely,



David P. Conner

President, Hyde Park Neighborhood Association



C15-2040-0075
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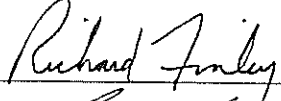
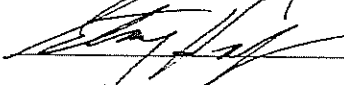
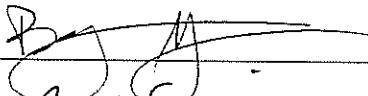
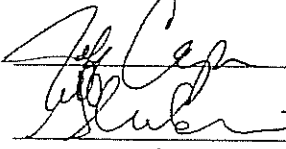
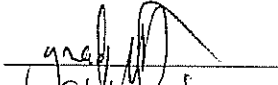
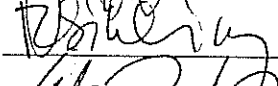
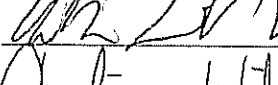
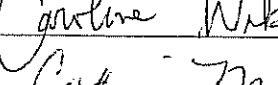
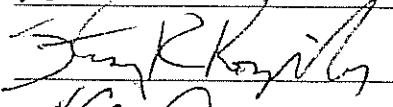
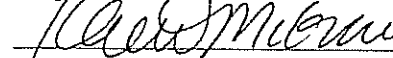
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	John Walewski	4514 Ave B, Austin TX
	Danielle Litcher	4519 Ave B Austin TX
	Kyle Rosenblad	4518 Ave B Austin TX
	Isabel Garza	4518 Ave B Austin TX
	M. Susan Adams	4510 Ave B Austin TX
	Régis Marco	4510 Ave B Austin TX
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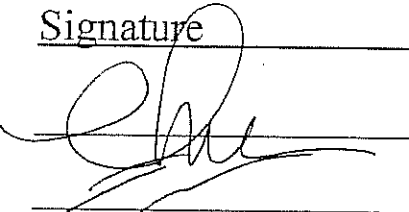
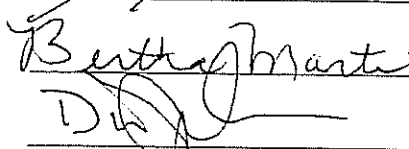
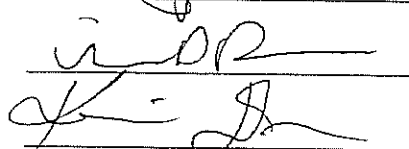
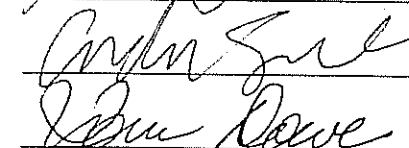
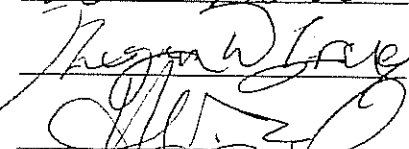
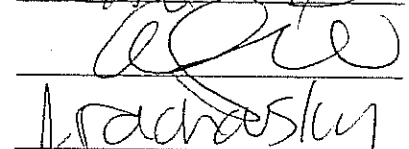
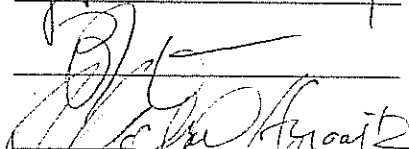
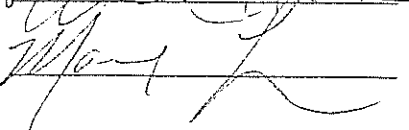

Statement of Support for The Griffin School

We, the undersigned, support the Griffin School's purchase, occupancy, and use of 600 East 50th Street, the property currently owed and occupied by the Trinity United Methodist Church. Current Austin planning code requires that schools exist on roads that are no less than 40 feet wide, yet the roads surrounding the property above – Evans and Martin Avenues and East 50th Street – are 30 feet wide. We support the allowance of a variance to allow The Griffin School to operate a private secondary school on this property.

Signature	Printed Name	Address
	Richard Finley	4529 Avenue G
	STACEY HALPER	4530 Ave. H
Bethany Goldberg		4530 Avenue H
Paul Smith	Paul Smith	4512 Avenue B
	Jeff Capra	4603 Avenue D
	Ginny Catania	5015 Evans Ave
	GRADY ATKINS	5015 EVANS AVE
	RUBIN SILBERLING	4211 Ave F
	Adam Wilson	4315 AVE G 78751
Caroline Wilson	CAROLINE WILSON	4315 AVE G 78751
Catherine Moore	Catherine Moore	3802 Avenue H 78751
Paula Rhodes	PAULA RHODES	4111 Ave. D 78751
David Conner	David Conner	4709 Duval St
	STANLEY K. KOZINSKY	4604 AVE. G
	Karen McGowan	4315 Ave C 78751

Statement of Support for The Griffin School


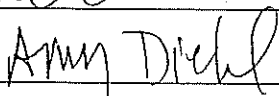
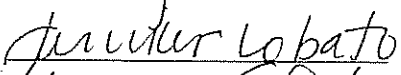

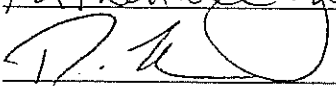
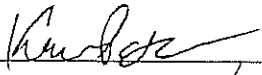
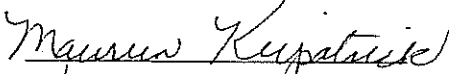
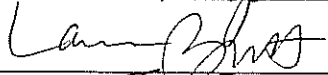

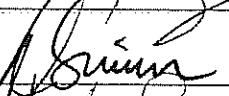


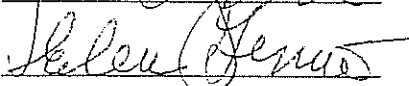
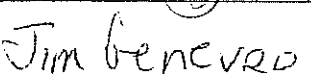
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Signature	Printed Name	Address
	Amanda Meckel	4515 Avenue G
	STEVE SANDERSON	4103 AVE. F
	Bertha Martin	5008 EVANS AVE
	DIRK JOHNSON	5009 MARTIN AVE
	Anne Dorman	5007 Martin Ave
	Kevin Dorman	5007 Martin Ave Unit A
	Andra Seely	5005 Martin Ave
	TOM DOWE	602 E 49 th ST
	MEGAN TRUEX	602 E 49 th ST
	Holly Tachovsky	4521 Red River St.
	Austen Ward	4521 Red River St.
	J. A. Tachovsky	4521 Red River St.
	Betsy Clupine	4310 Ave F
	Michael Horowitz	" "
	Maurice Levin	4538 Duval St

CE-2010-0075
0076

Statement of Support for The Griffin School

We, the undersigned, support the Griffin School's purchase, occupancy, and use of 600 East 50th Street, the property currently owed and occupied by the Trinity United Methodist Church. Current Austin planning code requires that schools exist on roads that are no less than 40 feet wide, yet the roads surrounding the property above – Evans and Martin Avenues and East 50th Street – are 30 feet wide. We support the allowance of a variance to allow The Griffin School to operate a private secondary school on this property.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	DAVID GILL	4212 Ave D
	AMY DIEHL	4212 AVE D
	Jennifer Lobato	4002 AVE. D
	KATHERINE E. GRAHAM	4006 AVE D
	RON LOBATO	4002 AVE D
	KAREN L. KINSLOW	4004 Avenue D
	MAUREEN KIPATRICK	4004 AVENUE D
	LAURA BRITT	4003 Ave D.
	Brendan Rogers	4001 Ave D.
	Doug Simmer	4007 AVE.D.
	ASHLEY BLUNT	4013 AVE D
	LYNN OSGOOD	4015 AVE D
	Eileen Genevra	4608 Caswell Ave.
	Jim Genevra	4608 Caswell Ave.

CASE # C15-2010-0075

ROW# 10455247

TP# 02-2309-1812

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

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

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 5000-5002 Martin Avenue

LEGAL DESCRIPTION: Subdivision – The Highlands

Lot(s) 27 thru 32 Block _____ Outlot _____ Division _____

I Jim Bennett as authorized agent for The Griffin School

_____ affirm that on 6/18, 2010, hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

An existing religious assembly use to create a private secondary education facility
in a SF-3-NCCD- NP district. North Hyde Park NCCD
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

NOTE: 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 support documents.

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:

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

The redevelopment of this existing civic use to create another civic use cannot occur without the variance. The ordinance when adopted did not considered a property with three street frontages.

HARDSHIP:

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

the property has frontage on three streets and an alley, none of which has 40ft of paving width. Additional R.O.W. nor paving can be provided when someone else owns the property that would be required to provide the 40 ft. of paving width for the entire block.

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

Private secondary schools are required to meet this requirement while the nearby public school is not required to meet this requirement. This is the only private school in close proximity.

AREA CHARACTER:

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:

The site is developed with a church use and the change of use will not be a detriment to the neighborhood. It will not impair the purpose the regulations because ample frontage, access, and traffic is being distributed onto three streets.

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:

1. 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:

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:

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

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

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.

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 11505 Ridge Drive.

City, State & Zip Austin, Texas 78748

Printed Jim Bennett Phone (512)282-3079 Date _____

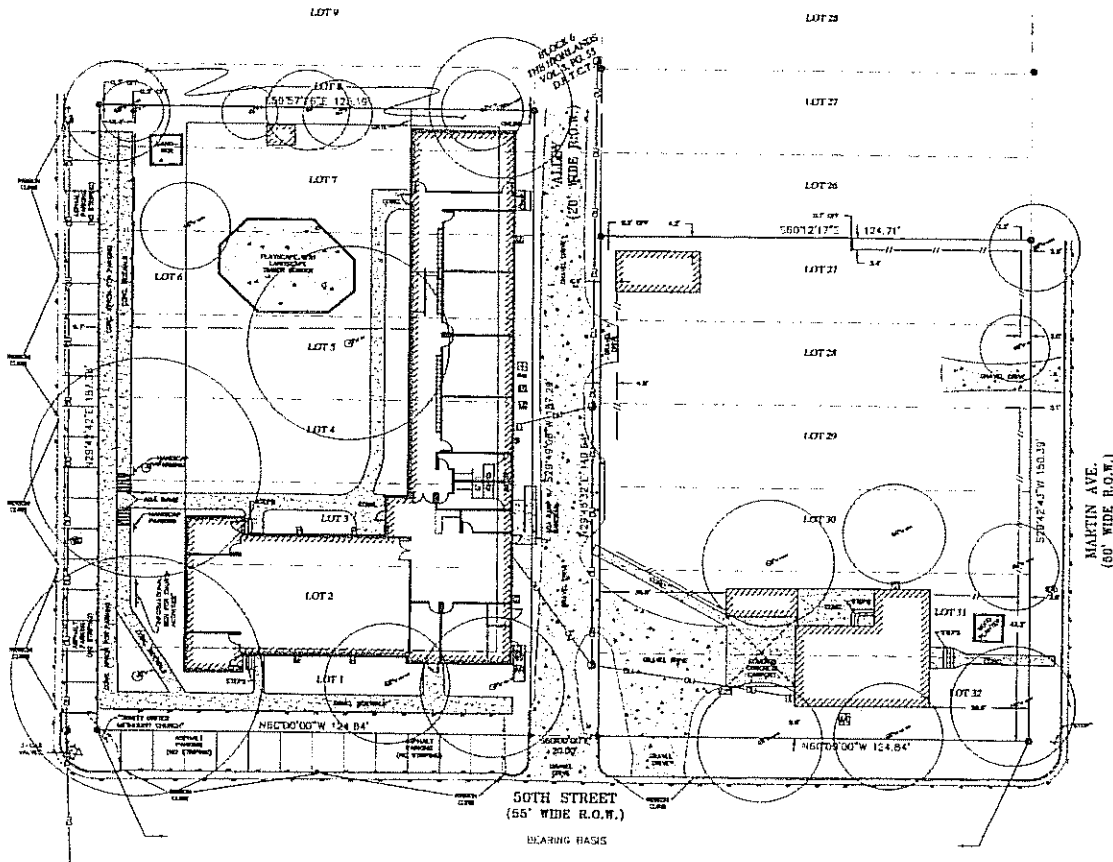
OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _____ Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ Date _____

EVANS AVE.
(60' WIDE R.O.W.)



C15-2010-0015

SITE PLAN
1:20 SCALE

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2010-0075
ROW # 10455247

CITY OF AUSTIN TP-0223091812
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

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

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 5001-5007 Martin Ave.

LEGAL DESCRIPTION: Subdivision - The Highlands

Lot(s) 27th 32 Block _____ Outlot _____ Division _____

I/We Jim Beckett on behalf of myself/ourselves as authorized agent for

The Griffin School affirm that on 6/18/2010,

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

(check appropriate items below)

___ ERECT ___ ATTACH ___ COMPLETE ☒ REMODEL ___ MAINTAIN

An Existing Religious Assembly use to create a

Private Secondary School not located on a street with

40% of private use

in a SE-3-NCD district.
(zoning district)

NOTE: 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 support documents.