

C15-2010-0077
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CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

Amended

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 / Ben Heimsath 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

Increase the total site impervious coverage from 61% to 62.8% with the construction of a 290 s.f. building addition on the rear of the existing church building for accessible restrooms, and 34 s.f. of additional sidewalks.

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 impervious coverage limit of 45% was imposed on the existing church facility when the City adopted its zoning ordinances. At the time, these improvements already exceeded the limit, thereby prohibiting any additions to the property, even those triggered by code compliance issues, such as the Americans With Disabilities Act.

HARDSHIP:

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

The requested variance is unique to the property in that the church was built in 1955 and still has only the original two undersized restrooms. These bathrooms were built to serve a worship space seating over 225, but now must be replaced to provide adequate facilities and to achieve ADA compliance. There are no nearby properties that have historically been the location of a continuous church use. The property is surrounded by single family uses on single family zoned lots and would therefore not have the option to rezone to a commercial designation to achieve the increase limits of impervious cover.

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

The area is generally single family and there are no other churches in the immediate area. The church was built over 50 years ago and pre-dates much of the surrounding neighborhood. The addition is prompted by the mandated requirement to bring the restrooms into compliance with the ADA.

AREA CHARACTER:

The variance will not alter the character of the area adjacent to the property, will not

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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 addition will have no impact on the area character since it will not be visible from the street nor neighboring property due to the location of the existing church buildings and the existing privacy fences. The addition does not increase or add to any uses of the property, but is proposed only to serve existing functions. The nominal increase of impervious coverage will drain into the rear yard area of the church and therefore will not impact storm water runoff.

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:

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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.

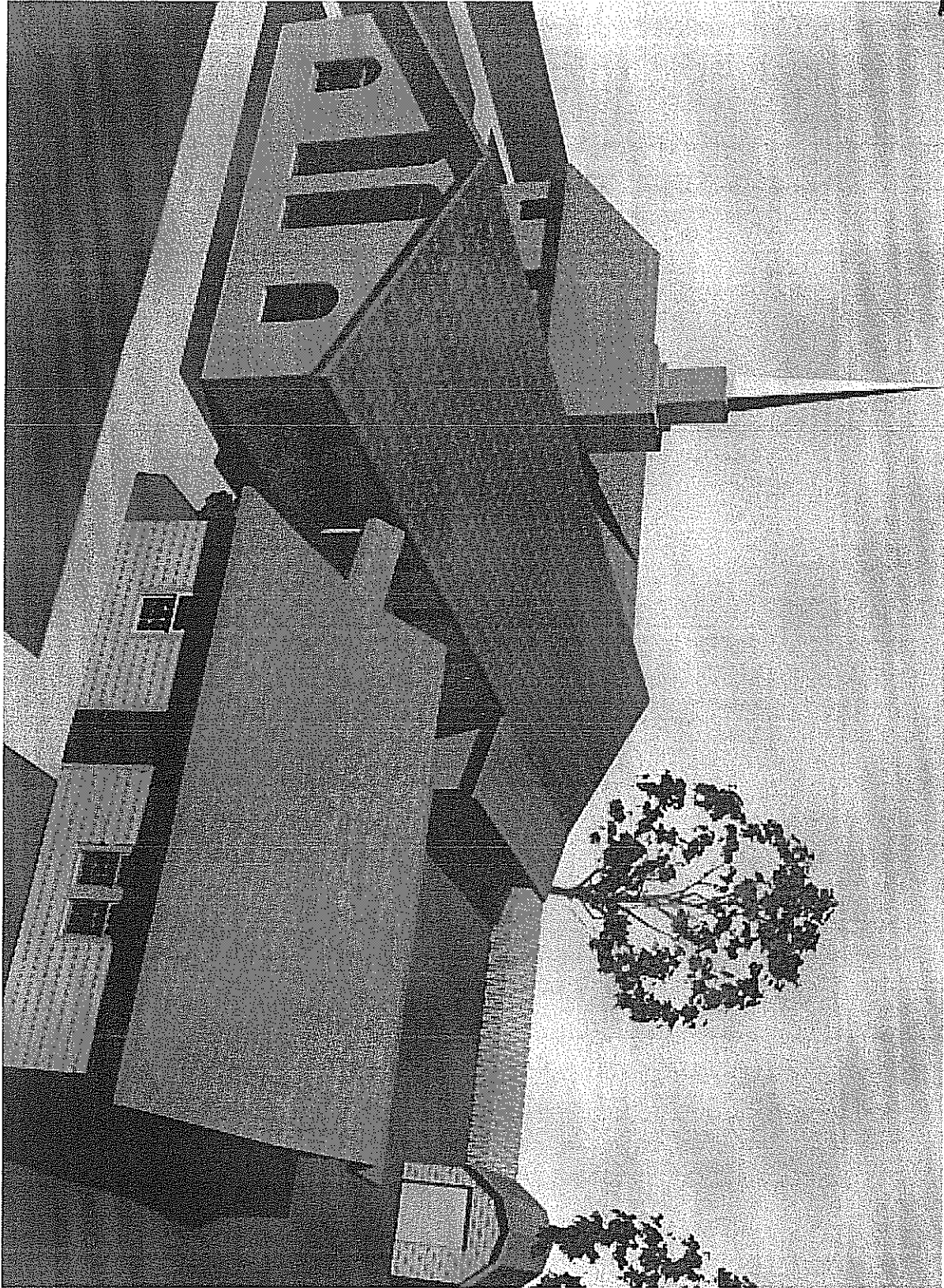
Signed _____ Mail Address_5500 Ave G _____

City, State & Zip 78751 _Austin, TX

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



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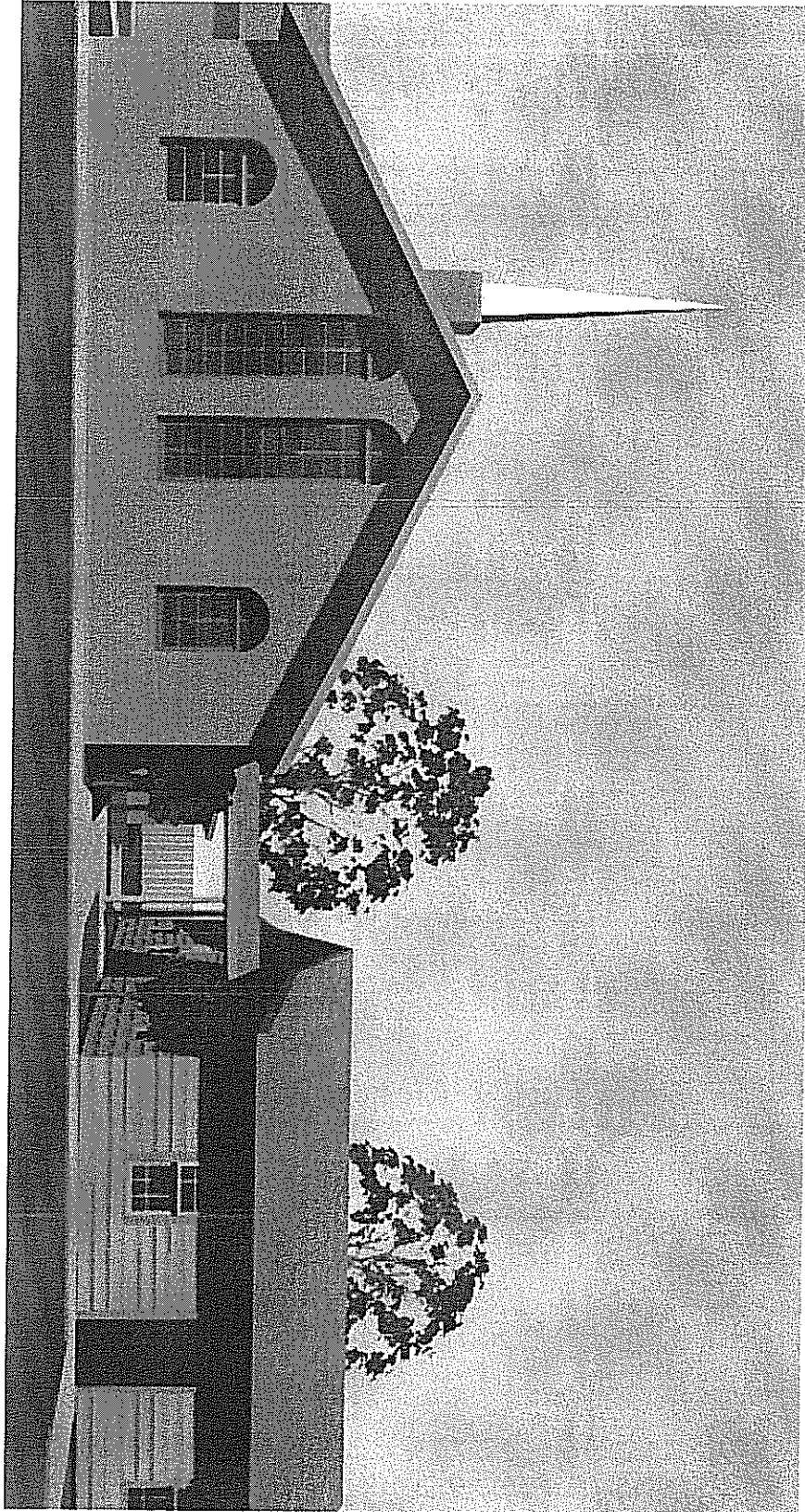


HEIMSATH ARCHITECTS

2108 E M Franklin, Austin, Texas 78723
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PROJECT:	Restroom Addition 5504 Avenue G, Austin TX	DATE:	08/01/09
DRAWING:	PERSPECTIVE	REFERENCE:	PROJ #: 2010-808
			SD1.4

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1100-0102-517

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PROJECT Restroom Addition
5504 Avenue G, Austin TX

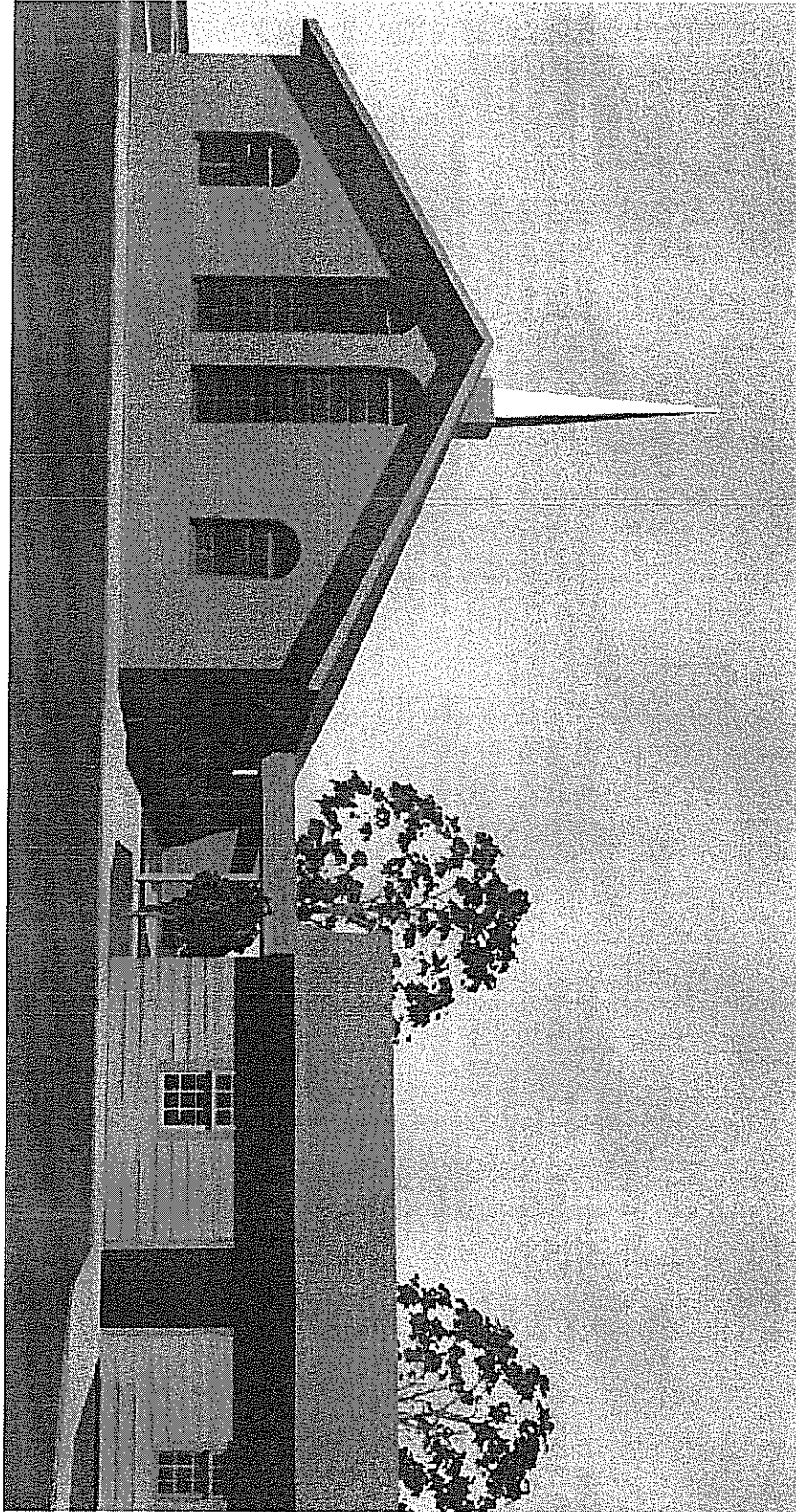
DRAWING: Street View Left

DATE:
08/01/09

PROJ #:
2010-808

SD1.6

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PROJECT:	Restroom Addition 5504 Avenue G, Austin TX	DATE:	08/01/09
DRAWING:	Street View Right	REFERENCE:	PROJ. # 2010-808
			SD1.5

HEIMSATH
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Restroom Addition
5504 Avenue G, Austin, TX 78751
2009

FLOOR PLAN/Layout

Date: 08/01/09

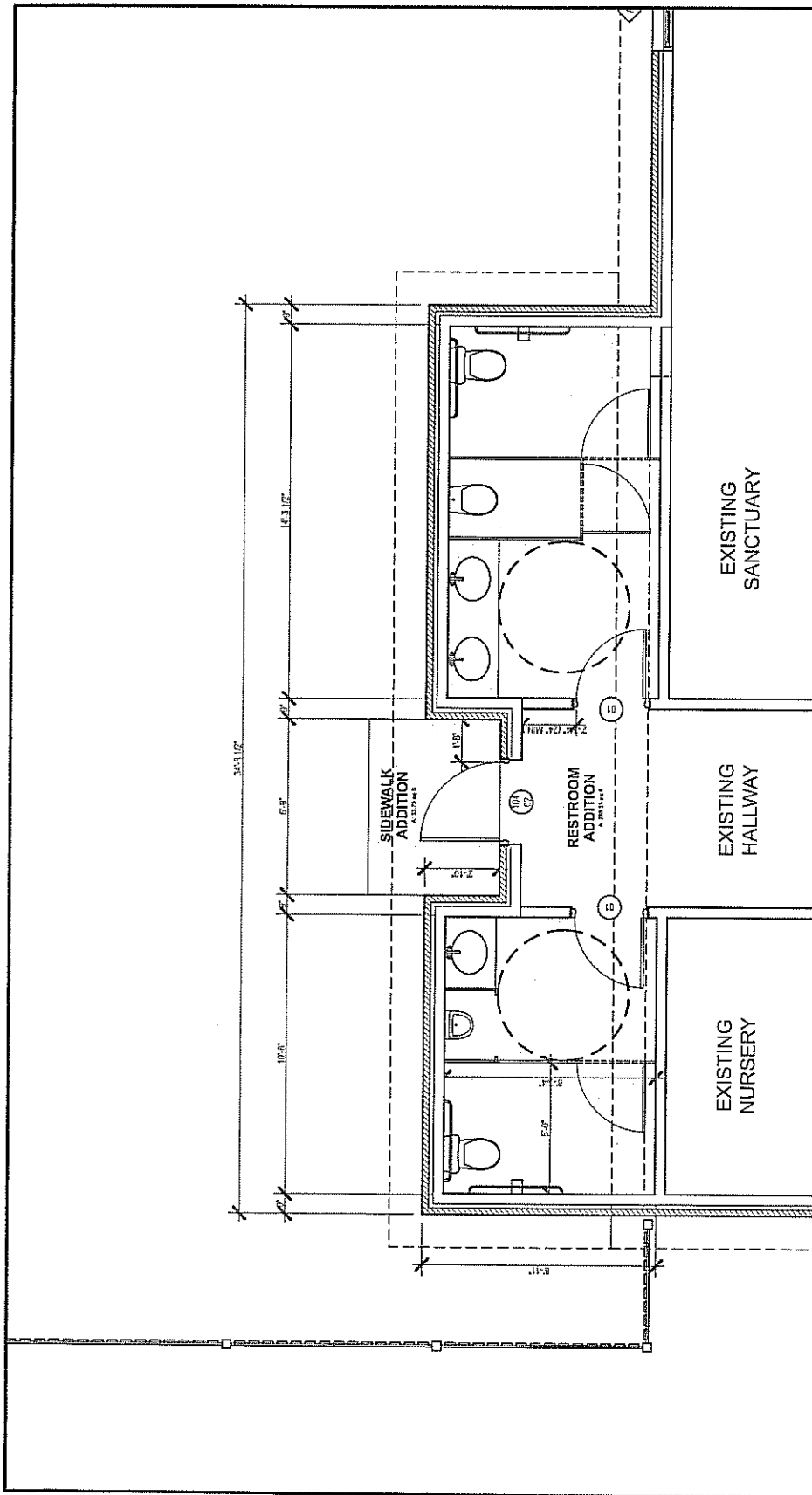
Drawn: JL

Job: 2010-808

Sheet Number:

SD1.2

Total sheet count: (##)
Chris Heimsath Architects



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