

015-2014-0146

ROW 11233867

ROL 0233050183

(6711 Burnet Lane)

015-2014-0145

ROW 11233020

ROL 0232040321

(6205-A Burnet Rd.)

CITY OF AUSTIN APPLICATION TO BOARD
OF ADJUSTMENT INTERPRETATIONS
PART I: APPLICANT'S STATEMENT

(Please type)

STREET ADDRESS: 6205-A Burnet Road and 6711 Burnet Lane

LEGAL DESCRIPTION: Subdivision -

West 1/2 of Block H, Burnet Heights, Lot B, Resub
3 of lots 6-9, Block 6,

Lot (s) _____ Block _____ Outlot _____ Division _____

ZONING DISTRICT: CS/MU/CO/NP (and V for 6205-A Burnet Road) Northridge
Terrace,
sect. 5

I/WE Mo Harry / Stephanie Garrett on behalf of myself/ourselves as
authorized

Agent for concerned neighbors / Brentwood NA affirm that on 22nd

Day of September, 20 14, hereby apply for an interpretation hearing before the Board of

Adjustment.

Planning and Development Review Department interpretation is:

That the two Crossfit facilities should remain under
Personal Improvement Services (see attached letter
from Jerry Rusthoven at PDRD).

I feel the correct interpretation is:

Brentwood Neighborhood thinks Crossfit facilities should
be categorized as Outdoor Sports and Recreation
(see attached letter from Mo Harry and Stephanie Garrett
to the Board).

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.

1. There is a reasonable doubt of difference of interpretation as to the specific intent of the regulations or map in that: _____

Outdoor activities occurring at both Brentwood Crossfits do not clearly fall within the definition of Personal Improvement Services, which clearly contemplates an enclosed structure or "studio" (see attached letter to the Board).

2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because: _____

Interpretation requested by neighborhood would allow a traditional gym with workout activities inside. Current use is not in keeping with purpose of zoning regulations (see attached letter to Board).

3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: _____

See # 2 above.

APPLICANT/AGGRIEVED PARTY CERTIFICATE — I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief. ~~_____~~

Signed Mo Harry Stephanie Garrett Printed Mo Harry Stephanie Garrett
Mo Harry - 6704 Modesto St, Austin, TX 78757

Mailing Address Stephanie Garrett - 6108 Laird Drive MO - 512-917-2317
City, State & Zip Austin, TX 78757 Phone Stephanie 512-650-5683

OWNER'S CERTIFICATE — I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _____ Printed _____

Mailing Address _____

City, State & Zip _____ Phone _____

Mo Harry

September 22, 2014

Leanne Heldenfels
Planning & Development Review Department
One Texas Center, 5th Floor
505 Barton Springs Road
Austin, TX 78704

Re: Appeal of Crossfit Use Determination (PDRD File No. UD-2014-0003)

Chairman Jack and Members of the Board:

I am submitting this brief in support of the above-referenced appeal, with the full support of the Brentwood Neighborhood Association. For reasons explained below, we ask the Board of Adjustment to overturn PDRD's determination, dated September 8, 2014, which incorrectly concluded that outdoor activities occurring at BVM Crossfit (6711 Burnet Lane) and Crossfit Central (6205 Burnet Road) are "Personal Improvement Services" within the meaning of City Code § 25-2-4(50).

SUMMARY OF NEIGHBORHOOD'S POSITION

Consistent with Crossfit's national business model, both of the Burnet Road facilities advertise themselves as "sports facilities" and include substantial outdoor activity as part of their regular operations. The constant and ongoing disturbance these activities cause to the adjacent residential neighborhoods, which are located immediately behind both facilities, is incalculable. A standard Crossfit workout occurs primarily outside, or in partially enclosed space, and includes shouting, music, weight dropping, and other high-intensity activities that flood the adjoining single-family neighborhoods with noise and cause adjacent residences to literally vibrate.

It is our contention that these outdoor activities, which are professionally supervised, are more in the nature of "Outdoor Sports and Recreation" than "Personal Improvement Services." The term "fitness studio," as used in the definition of "Personal Improvement Services," clearly contemplates a traditional gym located within an enclosed structure, rather than exercise activity occurring outdoors. When the City Council adopted the current definition in the Land Development Code, the style of high-intensity outdoor activity that Crossfit has popularized across the nation simply did not exist as part of a standard gym or "fitness studio."

In rejecting our position, PDRD case manager Jerry Rusthoven mistakenly argues that because "some larger health facilities" include outdoor pools, Crossfit's high-intensity outdoor workouts must be treated as falling within the definition of "Personal

Improvement Services.” This is a false comparison, however, because pools are an “accessory structure” that is “customary and incidental” to a traditional gym or fitness studio. High-intensity outdoor workouts like those supervised by Crossfit, on the other hand, are a relatively new development in the fitness industry and are not what one traditionally expects to find occurring on the outdoor portion of a gym or fitness studio. Therefore, the workouts that Crossfit conducts outside, or in partially enclosed spaces, fail to satisfy the “customary and incidental” test required by City Code § 25-2-891 (*Accessory Uses*) in order for an activity to be regarded as “accessory” to a principal use.¹

For these reasons, we ask the Board to overturn PDRD’s determination and issue an interpretation that the definition of “Personal Improvement Services” does not include conducting standard workout activities, such as weight lifting, outside of the enclosed structure. When conducted outside, such activities fit more clearly within the definition of “Outdoor Sports and Recreation.”

FACTUAL & LEGAL BACKGROUND

The attached letter from the Brentwood Neighborhood Association, dated August 7, 2014, describes efforts taken by the neighborhood to work with Crossfit and the continued disruptions that result from activities at both of the Burnet Road facilities. Because these efforts have failed to produce meaningful improvements, I requested a formal determination from PDRD as to whether Crossfit’s outdoor activities fall within the definition of “Personal Improvement Services” or “Outdoor Sports and Recreation.”

On September 8, 2014, PDRD case manager Jerry Rusthoven issued a determination that Crossfit’s activities constitute “Personal Improvement Services.” We are appealing PDRD’s determination. As explained below, the activities conducted by Crossfit outdoors and in partially enclosed spaces are more in the nature of “Outdoor Sports and Recreation.”

Activities Occurring at Crossfit Facilities

Both of the Crossfit facilities addressed in this letter, which back up to single-family residences, advertise themselves as “sports facilities” and include substantial outdoor activity as part of their regular operations. Whether due to lack of adequate interior space or for enhanced atmosphere, Crossfit clients conduct most of their workouts outside or in an area that is only partially enclosed. As a result, all of the accompanying noise floods the surrounding neighborhood. This noise includes music,

¹ A use or activity can only be regarded as “accessory” to a principal use if it is “incidental to and customarily associated with a principal use.”

shouts and grunts of encouragement and, perhaps most disconcertingly, weight dropping which causes nearby residences to literally vibrate.

The culture of Crossfit is unlike other fitness gyms. Clients are encouraged to lift more than they can safely handle and drop the weight from above their heads to the ground. The resulting impact sounds much like thunder and shakes the ground, causing adjacent houses' windows and walls to reverberate. These noises go on outdoors seven days a week, often as early as 5 am and, in the case of Crossfit Central, until 9 pm, even on holidays. This past Thanksgiving and Christmas, for instance, BVM, the Crossfit behind my house, had such workouts all day long, disrupting our family gatherings.

Applicable Land Use Definitions

The outdoor component of Crossfit's operations, which include activities occurring outside and in partially-enclosed areas, do not fall within the definition of "personal improvement services", which is defined under Chapter 25-2 as:

"Use of a site for the provision of informational, instructional, personal improvement, and similar services of a non-professional nature. This use includes photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, and handicraft or hobby instruction."

While most traditional gyms can fairly be described as "health or physical fitness studios", the Crossfit facilities addressed in this letter do not fit that definition for two primary reasons.

First, Webster's Dictionary defines "studio" as a "workroom" or "a room or building" for such activities as music or film production, artwork and so on. A health or fitness studio, therefore, would have to be located entirely within an enclosed structure in order to qualify as a "studio" under the common definition. Traditional "physical fitness studios" like Planet Fitness, Gold's Gym, or the YMCA, would seem to fall within this category of indoor "studio" instruction. However, because so many of Crossfit's activities occur outdoors, or in partially enclosed buildings, they simply are not health or fitness studios in the conventional sense.

Second, Crossfit employs certified professionals to conduct trainings for large groups of clients, rather than truly "personal improvement" activities geared more towards individual clients and conducted on a non-professional basis. This aspect of Crossfit's business model, coupled with its substantial outdoor component, distinguishes it from a traditional gym where individuals go to work out individually or with a personal trainer.

Mo Harry

For these reasons, it is clear that "Outdoor Sports and Recreation" is a much more accurate description of Crossfit's activities than "Personal Improvement Services." As defined under City Code Chapter 25-2, "Outdoor Sports and Recreation" is:

"A recreational use conducted in open, partially-enclosed, or screened facilities. This use includes driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and outdoor racquetball courts."

Crossfit's operations fit this definition because, in addition to occurring primarily outside or in partially-enclosed areas, the noise generated by their training sessions is more similar to that of an outdoor racquetball court than a traditional gym or fitness studio. As explained above, these activities include weight dropping and dragging large tires.

RELIEF REQUESTED

Where a use is not classified, or potentially falls into more than one category, City Code Section 25-2-2 (*Use Determinations*) authorizes PDRD to assign "the appropriate use classification based on the characteristics of the proposed use and the similarities, if any, of the use to other classified uses." When acting on an appeal, the Board of Adjustment sits in the shoes of PDRD and must apply the same standard in determining the appropriate use classification.

We request that the Board reverse PDRD's determination of September 8, 2014, and issue an interpretation that weight-lifting and other conventional workout activities must occur within an enclosed fitness studio in order to qualify as "Personal Improvement Services." To the extent such activities occur outside, or in partially enclosed spaces, we ask the Board to rule that such activities constitute "Outdoor Sports and Recreation."

If granted, we believe that our requested interpretation would better further the goal of ensuring compatibility between commercial and residential uses that is central to the *Imagine Austin Comprehensive Plan*. However, our interpretation would not have the effect of prohibiting outdoor swimming pools or accessory uses that are "customary and incidental" to a conventional gym.

Thank you for your time and consideration.

Sincerely,
Mo Harry

cc: Brentwood Neighborhood Association

Stephanie Garrett



NOTICE OF APPEAL INFORMATION

Austin City Code 25-1-461 (see page 2 of 2 for appeal process)



Planning and Development Review Department

Address of Property in Question

6205-A Burnet Road and 6711 Burnet Lane

Permit Number

PDRD city file # UD-2014-0003
(FYI # 2014-068533 BP)

Appellant Filing Appeal

Mo Harry - Stephanie Garrett

Relationship to Property

Interested Party

Appellant's status as Interested Party

Appellant Contact Information

Name

Mo Harry

Street

6704 Modesto St.

City

Austin

State

TX

Zip

78757

Telephone

512-917-2317

E-Mail

[REDACTED]

Permit Holder Contact Information

Name

BVM Crossfit and Crossfit Central

Street

6711 Burnet Lane and 6205-A Burnet Road

City

Austin

State

TX

Zip

78757

Telephone

BVM: 512-779-2113 / CC: 512-507-6450

E-Mail

[REDACTED]

Date of Decision Being Appealed:

09/08/14

Date Appeal is Filed:

09/22/14

Decision being appealed: (use additional paper as required)

September 8, 2014 Use Determination (see attached letter from Jerry Rusthoven)

Reason the appellant believes the decision does not comply with the requirements of the Land Development Code (Title 25)

Activities occurring at Crossfit locations do not fit within the definition of Personal Improvement Services (see attached letter to the Board).

BELOW FOR CITY USE ONLY

Hearing Date:

Board or Commission:

Action on Appeal:

Date of Action

Form Bldg 100 Page 1 of 2

The applicant must complete page 2 of 2 and sign before this application of appeal is complete. The application will not be processed unless the applicant reads and signs page 2 of 2.

Appeal Process

You may appeal this "STOP WORK ORDER", "REMOVE OR RESTORE", "REVOCATION" or "SUSPENSION OF PERMIT" in accordance with Land Development Code section 25-1-461 by following these requirements:

§ 25-1-461 APPEAL.

- (A) A person may appeal a stop work order, remove or restore order, revocation, or suspension issued under this division by giving written notice to the accountable official not later than the third day after:
 - (1) the stop work order or remove or restore order is posted; or
 - (2) the person receives notice of the revocation or suspension.
- (B) The notice of appeal must contain:
 - (1) the name and address of the appellant;
 - (2) a statement of facts;
 - (3) the decision being appealed; and
 - (4) the reasons the decision should be set aside.
- (C) The accountable official shall hear the appeal not later than the third working day after the appeal is filed. The appellant, the appellant's expert, and the department may offer testimony to the accountable official.
- (D) The accountable official shall affirm or reverse the department's decision not later than the second working day after the hearing. The official shall give written notice of the decision and a statement of the reasons for the decision to the appellant.
- (E) The appellant may appeal the accountable official's decision to the Land Use Commission or appropriate technical board by giving written notice to the accountable official and the presiding officer of the Land Use Commission or appropriate technical board not later than the third working day after receiving notice of the decision. The notice of appeal must contain the information described in Subsection (B).
- (F) The Land Use Commission or appropriate technical board shall hear the appeal at the next regularly scheduled meeting following receipt of the notice of appeal. An appeal is automatically granted if the Land Use Commission or appropriate technical board does not hear the appeal before the 21st day following receipt of the notice of appeal.
- (G) A stop work order, remove or restore order, suspension, or revocation remains in effect during the pendency of an appeal under this section.

Source: Section 13-1-69; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

By signing this document, I attest to having read and understand my rights as granted by the Land Development Code for the process for appealing a stop work order, remove or restore order, revocation, or suspension.

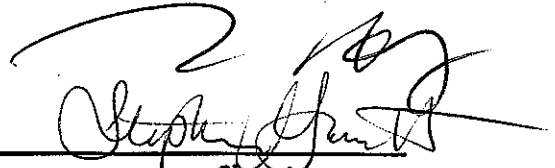
9/22/14

Mo Harry
Stephanie Garrett

Date:

Printed Name:

Signature:





BVM Crossfit's Photos in Mobile Uploads

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BVM
[2025.2.28]

15-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group and the experimental group. The control group was divided into two subgroups: the control group and the experimental group. The experimental group was divided into two subgroups: the control group and the experimental group. The control group was divided into two subgroups: the control group and the experimental group. The experimental group was divided into two subgroups: the control group and the experimental group.

JOHN EDGAR HOOVER, Director
U. S. DEPARTMENT OF JUSTICE

Patricia Marsh sang:

 Brent Hunt had to detach it from the shared fence—makes it an illegal fence addition. I'm setting it in concrete and portable like a piece of furniture. It's going back up in a couple of days...all legal like and compliant...
 Like Reply #32 10/10/2013 1:00pm

 Manette Bodnar Looks like a good wall for wall
off --
Tom Regier ed1@u.washington.edu

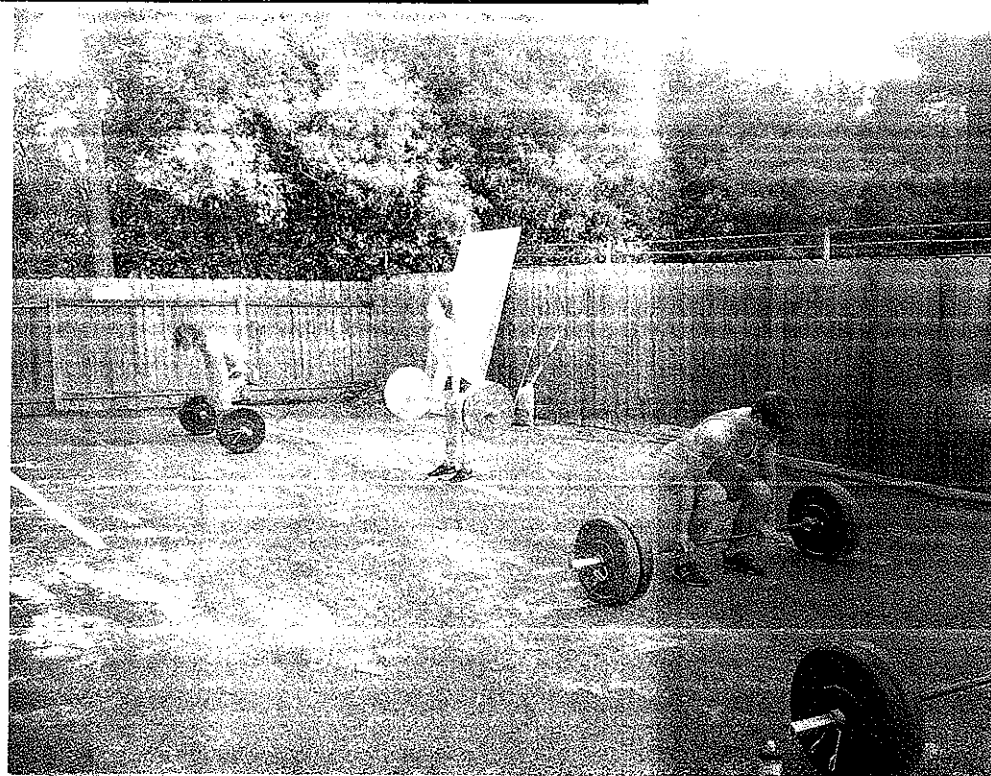
Kelli Middleton hey, it's sam mcneery!

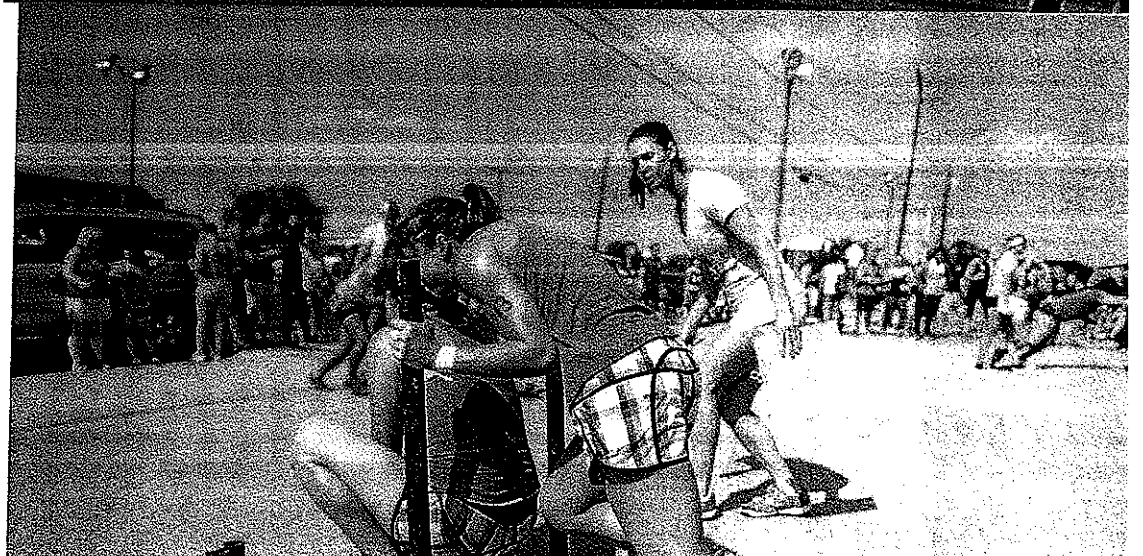
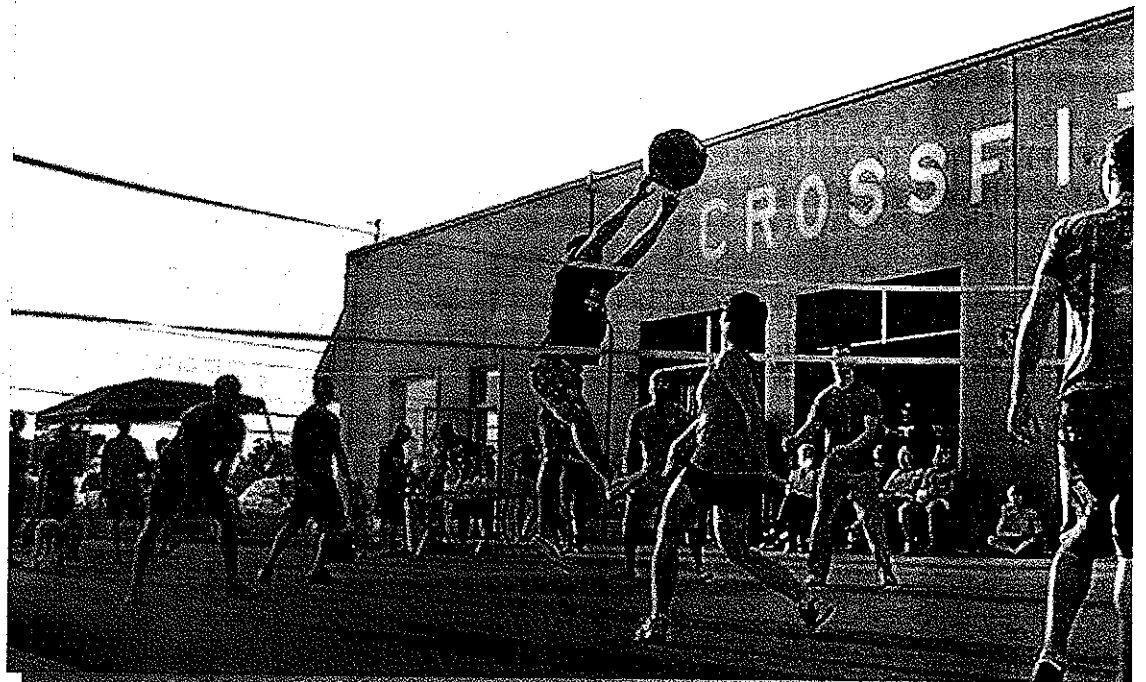
Meigs Shinneman Yay for new peeps visiting!
 As the lights blink make the laugh. Every time you hear "Belly" it's a little bit of a laugh.

$$x_{\alpha} = \frac{1}{n} \sum_{j=1}^n x_j$$


Salesforce: Platform App...

This 0-0004 will give you ideas from 90 apps arranged by industry, so you can do what...







City of Austin

Founded by Congress, Republic of Texas, 1839
Planning and Development Review Department
One Texas Center, 505 Barton Springs Road 5th Floor
P.O. Box 1088, Austin, Texas 78767
(512) 974-3207

September 8, 2014

Mo Harry
6704 Meadows Street
Austin, TX 78757

Dear Mr. Harry,

The City of Austin Planning and Development Review Department has reviewed the use determination submitted regarding the two Crossfit facilities on Burnet Road (City file # UD-2014-0003). Staff believes that the use as described would fall under the Personal Improvement Services land use classification.

The Austin City Code Section 25-2-4 includes definitions for the following commercial uses:

PERSONAL IMPROVEMENT SERVICES use is the use of a site for the provision of informational, instructional, personal improvement, and similar services of a non-professional nature. This use includes photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, and handicraft or hobby instruction.


OUTDOOR SPORTS AND RECREATION use is a recreational use conducted in open, partially enclosed, or screened facilities. This use includes driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and outdoor racquetball courts.

The activities at Crossfit are those one would find in any other health or fitness studio. The fact that a portion of those activities are occurring outdoors does not change the nature of the use. In the past the Planning Department has determined that outdoor activities such as a swimming pool are permitted under the Personal Improvement Services classification. Some larger health and fitness establishments and some YMCA's have an outdoor pool.

The Outdoor Sports and Recreation use includes softball complexes, outdoor swim centers, golf courses and tennis centers. These are different from a health or fitness club. In addition the staff does not believe that the group trainings held at Crossfit distinguish it from other health and fitness studios as they have similar types of sessions.

While the staff does not concur with you regarding the use determination, we understand the issues and concerns of you and your neighbors. On August 7th the City Council passed a resolution (no. 20140807-096) which directs the staff to evaluate options for better regulating non-amplified sound generated by outdoor recreation and fitness and other activities that result in spikes in noise levels. In addition we are directed to hold stakeholder meetings with the Planning Commission on those options before reporting the results to the City Council. We would appreciate you and your neighbors' involvement in this process as potential changes to the City Code are considered.

Sincerely,



Jerry Rusthoven, AICP
Manager
Current Planning Division

Cc: Gregory I. Guernsey, AICP, Director, PDRD
George Adams, Assistant Director, PDRD
Chris Johnson, Dev. Svcs. Mgr, DAC, PDRD



Brentwood Neighborhood Association

Serving Our Neighborhood from 45th St. to Justin Lane and North Lamar to Burnet Road

September 23, 2014

TO: City of Austin Board of Adjustment

RE: Appeal of City Staff Determination regarding "Personal Services" versus "Outdoor Recreation"; CrossFit Gyms at 6205-A Burnet Road and 6711 Burnet Lane.

The Steering Committee of the Brentwood Neighborhood Association concurs with the neighbors directly affected by the two CrossFit gyms noted above in challenging what we believe is a mis-interpretation of City Code. City Staff has historically treated traditional-style gyms (such as Gold's Gym or Planet Fitness) as "Personal Services" and we concur with that designation as the activities at those gyms (e.g. fitness classes, weights and aerobic equipment) exist entirely within a fully-enclosed facility.

However, in the case of the CrossFit businesses (and their model of "Boot Camp" type training), the activities often do NOT occur indoors and when they do occur "indoors" it is with the large garage doors open to the outside. CrossFit classes begin between 4:45 am to 5:30 am Monday thru Friday. Their facilities are immediately adjacent to single family residences. The noise generated by CrossFit's activities (especially those activities before 7am) disrupts adjacent neighbors' sleep and has adversely affected their quality of life.

CrossFit's "Boot Camp" models for fitness, with the attendant noise from outdoor exercise including grunting, yelling, and weight-dropping, are at their core disruptive. In addition, due to CrossFit's limited interior space, much of their activities occur outside. This further exacerbates the noise issues. When activities do occur inside, the large garage-style doors are left open adding no attenuation to the transference of sound.

Therefore, by definition, it is our belief that this tangible difference between traditional enclosed gyms and the models for CrossFit make this type of facility very specifically "Outdoor Recreation."

While City Council is considering possible changes to our municipal ordinances, we are asking the Board of Adjustment to make the determination that this type of facility is unique and does not qualify under the traditional gym designation of "Personal Services", but should be considered as "Outdoor Recreation."

We thank you for your consideration of our request regarding this appeal.

Respectfully,

Dale Henry, President BNA

Heldenfels, Leane

From: Carolyn Smith [REDACTED]
Sent: Friday, October 17, 2014 4:19 PM
To: Heldenfels, Leane
Subject: Crossfit designation # C15-2014-0146.

I am writing to express concern and respectfully request that when you consider the appeal about Crossfit designation you will consider how disturbing their operation is to peace in a central Austin neighborhood. I have sent an email to Mr. Ott asking his assistance in the matter as well.

Thank you.
Carolyn A Smith
1005 Arcadia Ave
ATX 78757

Begin forwarded message:

From: Carolyn Smith <[REDACTED]>
Subject: Crossfit designation
Date: October 17, 2014 at 4:14:22 PM CDT
To: marc.ott@austintexas.gov
Cc: [REDACTED]
Reply-To: [REDACTED]

This message is from Carolyn Smith. [REDACTED]

Mr. Ott, I am writing to let you know about concern regarding Crossfit Gym operations on Burnet Rd near my neighborhood, Brentwood/Crestview. While I am not immediately affected by their noise nuisance I share my neighbors concern that they are allowed to operate in a manner that disturbs the peace without legal consequences. I would like to ask you and your dept which oversees this issue to please reclassify them so that they operate more quietly and not disturb my neighbors. BOA is hearing an appeal in the next week or so on case # C15-2014-0146. Thank you.



City of Austin
P.O. Box 1088, Austin, Texas 78767

INVOICE

Invoice No.: 6056227

Invoice Date: 10/14/2014

Payer Information

Company/Facility Name:

Invoice To: Mo Harry
6704 MODESTO ST.
AUSTIN TX 78757

Phone No.: (512) 917-2317

Invoice Amount: (\$388.00)

Additional Information

Department Name: Planning and Development Review

Invoice Issued By: Leane Heldenfels

Invoice Details

FAO Codes	Fee Description	Internal Ref. No.	Address	Amount
1000 6800 9770 4120	BOA/SRB Fee	11233867	6711 BURNET LN	(\$388.00)
1000 6800 9770 4120	BOA/SRB Fee	11233867	6711 BURNET LN	(\$388.00)
1000 6800 9770 4120	BOA/SRB Fee	11233867	6711 BURNET LN	(\$388.00)
TOTAL:				(\$388.00)

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 request. 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 will be sent.

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.austintexas.gov/development.

Written comments must be submitted to 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. All comments received will become part of the public record of this case.

Case Number: C15-2014-0145, 6205-A Burnet Road

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, October 27th, 2014

TINA COLON

Your Name (please print)

9007 ROMERIA DR 78757

Your address(es) affected by this application

Leane Colon 10/22/14

Signature

Date

Daytime Telephone: 512-779-4993

Comments:

Note: any comments received will become part of the public record of this case

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

City of Austin-Planning & Development Review Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-2934

Or scan and email to leane.heldenfels@austintexas.gov