



**BOARD OF ADJUSTMENT
MEETING MINUTES
(October 27, 2014)**

The Board of Adjustment convened in a special called meeting on October 27, 2014, One Texas Center, 505 Barton Springs Road, 5th Floor, Room 500, Austin, Texas.

Chair Jeff Jack called the Board Meeting to order at 6:30 p.m.

Board Members in Attendance: Jeff Jack (Chair), Melissa Hawthorne (Vice Chair), Sallie Burchett, Ricardo De Camps, Vincent Harding, Bryan King, Will Schnier (Alternate), Stuart Hampton (Alternate),

Board Members absent: Michael Von Ohlen

Staff in Attendance: Leane Heldenfels and Cindy Crosby (COA Attorney)

Staff Absent: Diana Ramirez

25-1-191 - CONDUCT OF PUBLIC HEARING and RULES 4,4

A public hearing on an appeal shall proceed in the following order:

- (1) a report from City staff (10 minutes);**
- (2) a presentation by the appellant (10 minutes);**
- (3) comment by persons supporting the appeal (must be part of above 10 minutes unless additional time is granted by the Chair/Board);**
- (4) comment by persons opposing the appeal (10 minutes); and**
- (5) a rebuttal by the appellant (4 minutes).**

Source: Section 13-1-255; Ord. 990225-70; Ord. 031211-11.

A. INTERPRETATION

A-1 C15-2014-0144 Mat Gorman for Katie Van Dyk

The appellant has filed an appeal challenging the Planning & Development Review Department's decision that the Land Use Determination for Group Home, Class 1 is more appropriate than Residential Treatment for the use proposed which includes greater than 15 residents.

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to November 10, 2014 to decide on meeting date, Board Member Sallie Burchett second on a 5-2 vote (Board member Jeff Jack, Bryan King nay); POSTPONED TO November 10, 2014 TO DECIDE ON MEETING DATE TO HEAR THE APPLICATION.

**A-2 C15-2014-0145 Mo Harry and Stephanie Garrett for Crossfit Central
6205 A Burnet Road**

The appellant has filed an appeal challenging the Planning and Development review Department's decision that the Land Use Determination for Personal Improvement Services is more appropriate than Outdoor Sports and Recreation for the use at this site.

The public hearing was closed on Board Member Bryan King motion to Deny the Staff Interpretation and Grant approval of the application, as stated below, Board Member Stuart Hampton second on a 6-1 vote (Board member Will Schnier nay); GRANTED AS STATED BELOW WITH THE FOLLOWING FINDINGS:

- **Described use is an outdoor recreation use based on the testimony and pictures provided, move to reverse staff's decision that this is an outdoor recreation use and is not a personal fitness use.**
 - (1) There is reasonable doubt or difference of interpretation as to the specific intent of the regulations.**
 - (2) The resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.**
 - (3) When use provisions are being appealed, granting the appeal would clearly permit a use in character with the uses enumerated for the various districts and with the objective of the district in question.**

**A-3 C15-2014-0146 Mo Harry and Stephanie Garrett for BVM Crossfit
6711 Burnet Lane**

The appellant has filed an appeal challenging the Planning and Development review Department's decision that the Land Use Determination for Personal Improvement Services is more appropriate than Outdoor Sports and Recreation for the use at this site.

The public hearing was closed on Board Member Bryan King motion to Deny the Staff Interpretation and Grant approval of the application, as stated below, Board Member Stuart Hampton second on a 6-1 vote (Board member Will Schnier nay); GRANTED AS STATED BELOW WITH THE FOLLOWING FINDINGS:

- **Described use is an outdoor recreation use based on the testimony and pictures provided, move to reverse staff's decision that this is an outdoor recreation use and is not a personal fitness use.**
 - (1) There is reasonable doubt or difference of interpretation as to the specific intent of the regulations.**

- (2) The resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.**
- (3) When use provisions are being appealed, granting the appeal would clearly permit a use in character with the uses enumerated for the various districts and with the objective of the district in question.**

B. DISCUSSION OF PROCEDURAL ISSUES, BOARD RULES AND CITIZEN GUIDE

ADJOURNMENT 8:30 pm

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 4 days before the meeting date. Please call Susan Walker at Planning & Development Review Department, at 974-2202 or Diana Ramirez at Planning & Development Review Department at 974-2241, for additional information; TTY users route through Relay Texas at 711.