

**Heldenfels, Leane**

---

**From:** Robert Kleeman [REDACTED]  
**Sent:** Wednesday, January 20, 2016 3:32 PM  
**To:** Heldenfels, Leane; Steve Metcalfe (SMetcalfe@mwswtexas.com);  
[REDACTED]  
**Subject:** BOA Appeals of Life Austin Outdoor Amphitheater, C15-2015-0147; and Dog Park and  
Disc Golf Course C15-2015-0168

Leane:

The appellants in the above referenced interpretation appeals and Life Austin have agreed to make a joint request to postpone the Board of Adjustment's consideration and further consideration of the above referenced appeals to the April 2016 regularly scheduled meeting of the Board of Adjustment.

Please see the email string below for confirmation that Life Austin has agreed to this joint request.

Please let me know if you have any questions.

Thanks.

\*  
Robert Kleeman  
Sneed, Vine & Perry, P.C.  
900 Congress Avenue, Suite 300  
Austin, Texas 78701  
(512) 476-6955 – main  
(512) 494-3135 - direct  
(512) 476-1825 – fax

\*\*\*\*\*  
This communication may be protected by the attorney/client privilege and may contain confidential information intended only for the person to whom it is addressed. If it has been sent to you in error, please reply to the sender that you have received the message in error and delete this message. If you are not the intended recipient, any dissemination, distribution, copying or other reproduction of this message is strictly prohibited.  
\*\*\*\*\*

---

**From:** Michele Rogerson Lynch [mailto:MLynch@mwswtexas.com]  
**Sent:** Wednesday, January 20, 2016 3:22 PM  
**To:** Robert Kleeman

**Heldenfels, Leane**

---

**From:** Charlsa gmail [REDACTED]  
**Sent:** Thursday, January 14, 2016 8:34 AM  
**To:** Heldenfels, Leane  
**Subject:** Re: Case C15-2015-0147 (amphitheater at 8901 SH 71 West)

Hello, Ms. Heldenfels. I was present at the BOA December 9 meeting, the end result of which was the BOA's postponing until February and also requesting the neighborhoods and LifeAustin to work together to find a compromise solution. I would like to use my own comments and story points to emphasize that "finding a compromise" is exactly what the neighborhoods have been diligently trying to do—and thwarted in these efforts, by both the City and LifeAustin--since 2007.

- In April 2007 I was a Board member in Hill Country Estates Homeowners Association. At my initiation and invitation, Randy Phillips stood in my living room the evening of April 21, 2007 for his first meeting with a small group of residents from Hill Country Estates, Covered Bridge, and Westview Estates. Phillips had no idea of the City's ongoing Oak Hill Neighborhood Planning process, and he told us of his plans for the nearby tract of land to encompass a very large sanctuary and a very large outdoor amphitheater (as well as walking trails, sports facilities, and counseling centers, to name just a few). The neighbors were welcoming of Phillips and his church but expressed concern about issues of sound, lighting, and traffic. At that very first meeting, we suggested that Phillips consider enclosing the amphitheater. Many subsequent meetings were held among the neighborhoods and LifeAustin representatives through 2007, 2008, and 2009. I am quite certain that at every single one of those meetings, compromises were proposed and discussed.
- On August 7, 2008 John Donisi (attorney at that time for LifeAustin) sent an email to me giving us his "personal commitment that if and/or when this or any other filing at the City of this nature is contemplated by [LifeAustin], we would certainly let the group know." (This concerned LifeAustin's withdrawal of their request for a height variance.) This commitment was not upheld by Mr. Donisi, nor was it ever honored or given by any subsequent attorneys or representatives for LifeAustin.
- On January 12, 2009, at a meeting in my living room between representatives of the 3 neighborhoods and LifeAustin, the message expressed to the neighborhoods was that, while LifeAustin would like to have the neighborhoods' approval and acceptance of their entire project (including the outdoor amphitheater), our approval wasn't in fact needed because of the religious nature of the project. [Note: these are my own words expressing the message imparted to us by their representatives at that meeting.]
- On April 10, 2010, I was told by LifeAustin legal representative(s) that we had not heard from them because there was nothing new to report.

- On January 27, 2011 I received via US Mail a City of Austin “Notice of Filing of Application for Administrative Approval of a Site Plan” for the proposed LifeAustin development. Not one of the neighborhood representatives received any communication from any LifeAustin representative regarding the filing of this Application.

As you and the Board members recognize, over the past 5 years this has become a very complex situation, made all the more so by City staff actions. I cannot stress strongly enough to your BOA members that, from the outset, the neighborhoods have taken the initiative for meetings, have been open and accessible, and have sought to work with Randy Phillips and LifeAustin representatives to find reasonable solutions. And the neighborhoods continue to do so, even today.

Thank you.

Charlsa Bentley, Austin (78704)  
cell phone 512-965-6416

On Nov 4, 2015, at 9:32 AM, Heldenfels, Leane <[Leane.Heldenfels@austintexas.gov](mailto:Leane.Heldenfels@austintexas.gov)> wrote:

Thanks for sending in your comments, I will include them in the Board’s late back up packet that they receive on the dais at Monday’s hearing. Note that this case will most likely be postponed to a special called meeting of Wed 12/9 and your comments will also be printed in the advance meeting packet for that hearing.

Take care,

Leane Heldenfels

Board of Adjustment Liaison

City of Austin

---

**From:** Charlsa gmail [~~mailto:charlsa.bentley@gmail.com~~]  
**Sent:** Wednesday, November 04, 2015 7:04 AM  
**To:** Heldenfels, Leane  
**Subject:** Case C15-2015-0147 (amphitheater at 8901 SH 71 West)

This message concerns various pending matters regarding the LifeAustin amphitheater located at 8901 SH 71 West (your case number C15-2015-0147). Although I now live in the Zilker neighborhood, I owned a home and lived in Hill Country Estates from 1994 to 2011. The issues surrounding the amphitheater began when I was an officer in Hill Country Estates Homeowners Association (“HCEHOA”); and as a result of the City’s inappropriate handling of filings through these past years, these same issues can now have a huge negative impact on residential properties throughout the greater Austin area.

Accordingly, I am respectfully asking the Board of Adjustment to take several actions:

- Agree to the neighborhoods’ request for postponement (from November 9 to December 9);
- Grant the site plan and building permit appeals filed by HCEHOA and Covered Bridge POA (“CBPOA”); and

- Instruct City staff to forward the Temporary Use Permit appeal filed by HCEHOA and CBPOA to the Board of Adjustment.

Thank you.

Charlsa Bentley (78704)

\*\*\*If not for the dark of night,  
there would be no stars. \*\*\*

## Heldenfels, Leane

---

**From:** Jim Buck [REDACTED]  
**Sent:** Wednesday, December 09, 2015 4:38 PM  
**To:** Heldenfels, Leane  
**Subject:** Late Support Life Austin Board of Adjustment #C15-2015-0147 [REDACTED]

Ms. Heldenfels –

I understand this is extremely late as the hearing is in a few hours. However, I thought it was important to ensure that the Board understands the positioning of the Covered Bridge Board on this matter.

They will likely state that have no ill will against Life Austin “the entity” itself and that their issue is solely with the amphitheater. Well I want the Board of Adjustments to know this is not the case.

I was actually a member of the Board of Directors for the Covered Bridge Property Owners Association and when I joined I did not disclosed where I worshiped as it was not relevant to my ability to serve my community.

It had several disagreements with my colleagues on issues that dealt with the amphitheater, primarily on the approach and tone/tactic being taken. Most of these conversations were done via email so that we could try to maintain a proper decorum in our meetings. Part of what makes our country great is the democratic process and that Boards can discuss matters and agree to disagree.

It became clear that the Covered Bridge Board wanted a unanimous “anti-Life Austin thought process”. I tried explaining that I was only one vote in the process.

When I disclosed that I was a member of Life Austin, things deteriorated quickly, I was confronted, ridiculed, and asked “who sent me to spy on them”. The Covered Bridge Board began to meet without me and then removed me from the Board.

If the legal battle is with the city, and not with the church there would be no “conflict” to have a resident who worships at Life Austin on the Board...

I certainly can’t speak for the other neighborhoods, but I can absolutely speak for the Board of Directors for Covered Bridge, they have hatred in their hearts.

## Heldenfels, Leane

---

**From:** trudie w <[REDACTED]@gmail.com>  
**Sent:** Wednesday, December 09, 2015 2:22 PM  
**To:** Heldenfels, Leane  
**Subject:** case number: C15-2015-0147 and amphitheater address: 8901 SH 71 West, Austin, Texas 78736.

I urge the Board of Adjustment to grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA.

I urge the Board of Adjustment to direct staff to forward the Temporary Use Permit appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA. Staff's decisions in this matter affect parcels of land all over Austin. There has been no public input or awareness.

Trudie Weatherford  
Austin, TX

C15-2015-0147

**Heldenfels, Leane**

---

**From:** justen aranda [REDACTED]  
**Sent:** Wednesday, December 09, 2015 12:19 PM  
**To:** Heldenfels, Leane  
**Subject:** Quick Question <http://www.coveredbridgeaustin.org/board-of-adjustment-hearing-life-austin-outdoor-amphitheater/>

Hi Leane-

I plan to attend this evening in favor of the Life Austin church ample theatre. I feel that anything in the community of Austin that promotes music, arts & gathering areas for special events that benefit non-profits & charity's should be allowed to do so no matter what religion.

I wanted to make you aware in the hyper link above a few folks of this opposing HOA have sued this church that runs off donations & they have clearly pointed the finger at the city of Austin for making numerous mistakes yet this venue has appeared to have blessed so many lives already? How Ironical the City of Austin is at fault for doing good.

We love you guys!

**Justen E. Aranda**

*Managing Member*

*Executive Real estate group LLC*



**Executive**  
**REAL ESTATE GROUP**

Mobile : 512-750-5690

# Covered Bridge

Property Owners Association

## Board of Adjustment HEARING: LIFE AUSTIN OUTDOOR AMPHITHEATER

Residents who live in neighborhoods surrounding the LifeAustin outdoor amphitheater have expressed their concerns and opposition to the outdoor amphitheater for more than seven years. Two neighborhoods filed appeals regarding some of the unprecedented determinations made by city staff that allowed the outdoor amphitheater to be built.

It's important to note that under City code, *if a building permit or certificate of occupancy is determined to have been issued in error, it can be suspended and reversed by the City of **Austin Board of Adjustment (BOA)** regardless of the stage of building that has occurred.* LifeAustin and its pastor, Randy Phillips, were personally informed and in writing about this possibility well before they broke ground on building the outdoor amphitheater. Instead, they built the amphitheater and assumed the risk that they might not be able to use it in the future.

A hearing before the BOA is set for **November 9, 2015**; however, the neighborhoods have asked for a **postponement to December 9, 2015**. Please take a minute to share your personal experiences, opinions and/or areas of concern in an email to the BOA. Your email should go to **Leane Heldenfelds**, the staff liaison for the BOA. Ms. Heldenfelds' email address is [Leane.Heldenfelds@austintexas.gov](mailto:Leane.Heldenfelds@austintexas.gov)

Please reference: 1) the case number: **C15-2015-0147**, and  
2) the address for LifeAustin: **8901 SH 71 West**

If you can, please send your email before November 8, 2015 so the BOA members will know on November 9th how many people are interested in the appeal. Please do not attempt to communicate directly with any member of the BOA. All communications must be sent to Ms. Heldenfelds.

### Background Facts



- In May 2015, Court of Appeals overturned trial court decision as to HCE HOA. Court of Appeals' opinion said that trial court cannot decide standing to sue until BOA first decides standing issue.

#### City's Approval of Outdoor Amphitheater Building Permit

- HCE HOA and CB POA filed appeal of City's and Guernsey's "interpretation" approving a building permit for LifeAustin's outdoor amphitheater.
- Staff refused to forward building permit appeal to BOA.
- In late 2012, staff sought an amendment to City Code Section 25-2-921(C) to authorize the building official to issue temporary use permits (TUP) in all residential zoning districts for outdoor benefits and festivals held on property used for education and religious assembly purposes.
- In November 2013, staff issued a new interpretation of Section 25-2-921(C) in a memo that said, due to non-enforcement, this code section no longer prohibits outdoor benefits and festivals on church and school property.
- HCE HOA and CB POA filed appeal of City's and Guernsey's "interpretation" of the TUP in December 2013 ("TUP Appeal").
- Staff refused to forward TUP Appeal to BOA claiming the November 2013 interpretation did not contain any "appealable" decisions.
- Since November 2013, outdoor benefits and festivals held on property used for education and religious assembly purposes has been allowed as interpreted in the November 2013 memo.

#### Two of Three Appeals Now Allowed to Proceed

- Staff agrees to send site plan and building permit appeals to BOA but not TUP Appeal.

#### Primary Appeal Issues for Site Plan and Building Permit Appeals

- Director Guernsey approved the outdoor amphitheater as a religious assembly use. He said the zoning code did not make a distinction between indoor and outdoor religious assembly. This is incorrect. Section 25-2-921(C) of the zoning code prohibits all outdoor assembly (public, historic and religious), including benefits, festivals and other events likely to attract a mass gathering of people in the RR to SF-3 zoning districts. The LifeAustin property is zoned RR.

Email your comments to BOA staff liaison, Leane Heldenfelds, [Leane.Heldenfels@austintexas.gov](mailto:Leane.Heldenfels@austintexas.gov)


2. Please reference the case number: C15-2015-0147 and amphitheater address: 8901 SH 71 West.


3. Ask the Board of Adjustment to **grant** the appeals filed by Hill Country Estates HOA and the Covered Bridge POA.

4. Ask the Board of Adjustment to direct staff to forward the TUP appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA.

A hearing on the site plan and building permit appeals is on the BOA agenda for November 9, 2015 at 5:30 pm in City Council chambers. The neighborhoods have asked to postpone the hearing until December 9. We will update you later when the hearing date is set.

**Share this:**

 Email

 Facebook

 Twitter

 Google

 LinkedIn

This entry was posted in Announcements on November 4, 2015

[<http://www.coveredbridgeaustin.org/board-of-adjustment-hearing-life-austin-outdoor-amphitheater/>] by Eli.