

**CITY OF AUSTIN**  
**Board of Adjustment - Interpretation**  
**Decision Sheet**

**DATE: Monday, April 9, 2018**

**CASE NUMBER: C15-2015-0147**

Y  Brooke Bailey  
 Y  William Burkhardt  
 Y  Christopher Covo  
 -  Eric Goff (LATE)  
 Y  Melissa Hawthorne  
 N  Bryan King  
 Y  Don Leighton-Burwell  
 -  Rahm McDaniel (OUT)  
 Y  Veronica Rivera  
 Y  James Valadez  
 Y  Michael Von Ohlen  
 Y  Kelly Blume (Alternate)  
 -  Martha Gonzalez (Alternate)  
 -  Pim Mayo (Alternate)

**APPELLANT: Robert Kleeman**  
**ADDRESS: 8901 SH 71**

**VARIANCE REQUESTED: The appellant has filed an appeal challenging a Land Use Determination and related development approvals made in connection with the approval of an outdoor amphitheater located at LifeAustin Church, 8901 West State Highway 71, including decisions to classify the use as "religious assembly" and to subsequently approve Site Plan No. SP-2011-0185C, an associated restrictive covenant, and a building permit. The appellant disagrees that, among other things, the Land Use Determination and related development approvals incorrectly treat various outdoor activities held at educational and religious assembly facilities as part of the principal use rather than as temporary activities subject to City Code Section 25-2-921(C) in an "RR-NP", Rural Residential – Neighborhood Plan zoning district. (West Oak Hill)**

**BOARD'S DECISION: November 9, 2015 POSTPONED TO A SPECIAL CALLED MEETING DECEMBER 9, 2015, CITY COUNCIL CHAMBERS AT 7:00PM BY BOARD MEMBER ERIC GOFF, MELISSA HAWTHORNE SECOND ON A 9-0 VOTE: PP TO DEC 9, 2015; Dec 9, 2015 the public hearing was closed on a motion to pp to Feb 8, 2016; FEB 8<sup>TH</sup>, 2016- REQUESTING POSTPONEMENT TO APRIL 11, 2016; APRIL 11, 2016 POSTPONED TO JUNE 13, 2016; JUNE 13, 2016 POSTPONED TO JULY 11, 2016 BY APPLICANT; July 11, 2016 POSTPONED TO AUGUST 8, 2016 BY APPLICANT; BOARD WILL NOT ENTERTAIN ADDITIONAL POSTPONEMENTS BEYOND AUGUST 8, 2016; AUG 8, 2016 POSTPONED TO SEPTEMBER 28, 2016 BY APPLICANT; Sept 28, 2016 POSTPONED TO November 14, 2016 BY APPLICANT; Sept 28, 2016 POSTPONED TO November 14, 2016 BY APPLICANT; Nov 14, 2016 POSTPONED TO DECEMBER 12, 2016 BY APPLICANT; Dec 12, 2016 The discussion was closed on Board Member Michael Von Ohlen motion to Postpone to August 14, 2017, Board Member Melissa Hawthorne second on an 11-0 vote; POSTPONED TO AUGUST 14, 2017. Aug 14, 2017 POSTPONED TO JANUARY 8, 2018 BY APPLICANT**

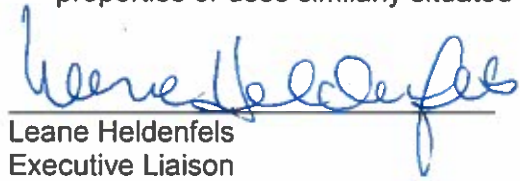
**Renotification: The appellant has filed an appeal challenging a Land Use Determination and**

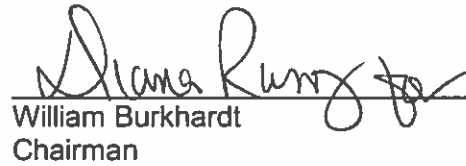
Related development approvals made in connection with the approval of an outdoor amphitheater located at LifeAustin Church, 8901 West State Highway 71, including decisions to classify the use as “religious assembly” and to subsequently approve Site Plan No. SP-2011-0185C, an associated restrictive covenant, and a building permit. The appellant disagrees that, among other things, the Land Use Determination and related development approvals incorrectly treat various outdoor activities held at educational and religious assembly facilities as part of the principal use rather than as temporary activities subject to City Code Section 25-2-921(C) in an “RR-NP”, Rural Residential – Neighborhood Plan zoning district. (West Oak Hill)

**Board’s Decision: Jan 8, 2018 POSTPONED TO APRIL 9, 2018; April 9, 2018 Board Member Melissa Hawthorne motion to Postpone to May 14, 2018, Board Member Michael Von Ohlen second on an 9-1 vote (Board member Bryan King nay, Board member Eric Goff late); POSTPONED TO May 14, 2018.**

**FINDING:**

1. There is a reasonable doubt of difference of interpretation as to the specific intent of the regulations or map in that:
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:
3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that:

  
Leane Heldenfels  
Executive Liaison

  
William Burkhardt  
Chairman