

CITY OF AUSTIN
Board of Adjustment/Interpretation
Decision Sheet
Interpretation

DATE: Wednesday, June 13, 2011

CASE NUMBER: C15-2011-0038

<input checked="" type="checkbox"/>	Y	Jeff Jack
<input checked="" type="checkbox"/>	Y	Michael Von Ohlen
<input checked="" type="checkbox"/>	Y	Nora Salinas
<input checked="" type="checkbox"/>	Y	Bryan King
<input type="checkbox"/>	N	Leane Heldenfels, Chairman
<input type="checkbox"/>	-	Clarke Hammond, Vice Chairman (RECUSED)
<input checked="" type="checkbox"/>	Y	Heidi Goebel
<input checked="" type="checkbox"/>	Y	Melissa Hawthorne

OWNER/APPLICANT: Leslie Rosenstein

ADDRESS: 6621 ARGENTIA RD

INTERPRETATION REQUESTED: The applicant has filed an administrative appeal, requesting an interpretation of whether the Planning and Development Review Department Director's determination that a residential structure rented for a short period of time is classified as single family residential use in correct.

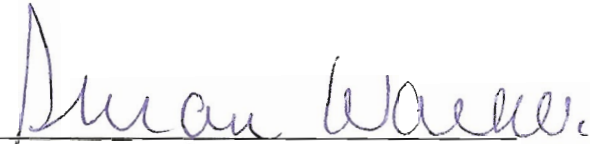
BOARD'S DECISION: April 27, 2011 The public hearing was closed on Board Member Jeff Jack motion to Grant appeal, Board Member Bryan King second on a 4-3 vote (Michael Von Ohlen, Leane Heldenfels, Heidi Goebel nay); Motion failed, DENIED.

BOARD'S DECISION: June 13, 2011. Board Member Jeff Jack's motion to reconsider; Board Member Michael Von Ohlen's 2nd, on a vote of 7-0, GRANT TO RECONSIDER. The public hearing was closed on Board Member Bryan King's motion to Uphold the interpretation that a residential structure rented for a short period of time is not a hotel/motel land use and Overturn the interpretation that it is classified as a single-family use; with the further ruling that, based on Section 25-2-3(A), the code does not provide for a transient residential use, which is determined to be any occupation for a period of less than 10 days. Board Member Michael Von Ohlen 2nd on a 6-1 vote (Board Member Leane Heldenfels nay; Board Member Clarke Hammond recused).


FINDINGS:

1. There is reasonable doubt or difference of interpretation as to the specific intent of the regulations related to Section 25-2-3(A) on transient use of a residential property.

2. PDRD's decision is contrary to the land use classifications of Chapter 25-2 of City Code and hereby reversed or modified to require that the rental of a residential unit must be for a period of greater than 10 days.



Susan Walker
Executive Liaison



Leane Heldenfels
Chairman