

## AGENDA



Thursday, November 19, 2009

**Item(s) to Set Public Hearing(s)**  
**RECOMMENDATION FOR COUNCIL ACTION****Item No. 77**

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**Subject:** Set a public hearing on an appeal by Huston-Tillotson University and Blackshear-Prospect Hill Neighborhood Association of the Building and Fire Code Board of Appeals' decision to deny an appeal on the issuance of a certificate of occupancy, electric and building permits, and site plan exemption for the project located at 1900 E. 7th St. (EZ Pawn). (Suggested date and time: December 17, 2009, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin TX).

**For More Information:** Leon Barba, 974-7254; Sylvia Arzola, 974-6448.

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On July 6, 2009, building permit 2009-072395-BP was issued for placing a prefabricated portable building at 1900 E. 7th St. The applicant stated that the structure was to be used as a temporary building for operation as a pawn shop while the permanent building was under construction. After receiving the required inspections, the project received a Certificate of Occupancy (CO) on July 15, 2009.

On July 20, 2009 a timely appeal was filed by Mr. Rudolph Williams who represented the Blackshear Prospect Hill Neighborhood Association. The appeal contested the issuance of the CO, the electric permit, the building permit and the approval of the site plan exemption request. A similar appeal was filed on July 22, 2009 by Mr. Larry Earvin who represented Huston-Tillotson University. The appeals alleged that the CO, the permits and the site plan exemption were all issued in error.

After staff review, a Suspension Order for the building permit and the CO was issued on July 24, 2009. Based on additional information provided by the applicant, the Suspension Order was rescinded on August 11, 2009.

In accordance with City Code Section 25-11-93, the appeal was presented to the Building and Fire Code Board of Appeals (Board). A hearing was conducted on September 3, 2009 and the Board voted to continue the hearing on September 9, 2009. At the September 9th hearing, the Board voted (4-2) to deny the appeal filed by Mr. Williams and Mr. Earvin.

In accordance with City Code Section 2-1-121(F), Mr. Williams and Mr. Earvin are appealing the decision by the Board to City Council.