

## AGENDA



Thursday, June 24, 2010

**Item(s) to Set Public Hearing(s)**  
**RECOMMENDATION FOR COUNCIL ACTION**

Item No. 93

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**Subject:** Set a public hearing to consider an appeal by Michael McHone of a decision by the Building and Fire Board of Appeals related to a Stop Work Order for 1915B David Street. (Suggested date and time: July 29, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

**For More Information:** Greg Guernsey, 974-2387; Leon Barba, 974-7254; Sylvia Arzola, 974-6448.

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On June 16, 2009, a building permit (2009-062621 BP) was issued for a remodel of the two units (A and B) at 1915 David St. On October 22, 2009 a Stop Work Order was issued on the project. A question was raised on the extent of the demolition that had occurred on site. After meeting with the applicant, it was decided that the existing permit would be modified and only one unit would be allowed to proceed as long as plans were revised to reduce the previously approved scope of work. Revised drawings were approved and the building permit was revised to accommodate the remodel of only one unit on the lot. This unit is identified as 1915B David St. and is located at the rear of the lot.

On March 16, 2010, a building permit (2010-021733 BP) was issued for a remodel/addition at 1915A David St. On April 2, 2010 an application was filed by Karen McGraw on behalf of Nuria Zaragoza (interested party) requesting an interpretation from the Board of Adjustment (BOA) on the issuance of the building permit. This unit is at the front of the lot. Several issues were raised and one argument was that the use of the site was improperly determined to be a two-family residential use, when it should have been treated as group residential use or a nonconforming use. This argument did lead to issues that affected development on the entire site. Under City Code Section 25-1-187, this triggered the prohibition on development for both 1915A and 1915B David St.

On April 8, 2010 residents reported work being done on the site on Unit 1915B David St. A Stop Work Order was issued and posted on site the same day.

Following the process identified under City Code Section 25-1-461, Mr. Mike McHone filed an appeal on April 16, 2010 requesting that the Building and Fire Code Board of Appeal (BFCBoA) reverse the Stop Work Order issued by the Building Official. On May 5, 2010 the BFCBoA unanimously denied the appeal. The Stop Work Order would remain in place.

On May 10, 2010 the BOA determined that the structure at 1915A David St. was not a remodel and was not developed as a two-family residence, it was essentially considered a rooming house. As a result, the building permit (2010-021733) for 1915A David St. was voided.

On June 14, 2010, the BOA reconsidered the stop work order, and postponed action to their August meeting.

Since appeals have been filed on the BFCBoA and the BOA decisions, the construction continues to be suspended on 1915B David St.