

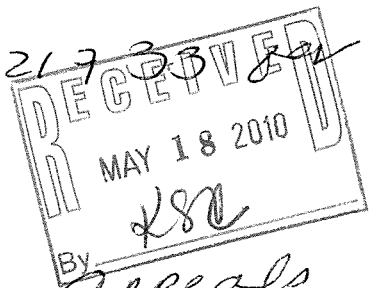
5-18-10

AUSTIN CITY CLERK
POSTING: DATE/TIME

2010 MAY 18 PM 3:37

to whom it may concern;

My name is Nuria Zarazaga. This letter is to appeal the decision of the Building and Fire Code Board of Appeals rendered on May 5th 2010 regarding building permit # 2010-021733 for 1915 A David Street.



Although the BFCB of Appeals unanimously upheld our appeal, we are forced to appeal to our City Council to clarify the reasons why the site cannot be developed as a remodel with BP 2010-021733, or any other permit.

City staff ~~clear~~ have informed us that the ruling by BFCB deemed the project not a remodel because of the size of the proposed structure. Therefore, the applicant still can submit plans for a different remodel on the same

site.

If that was the case, and BFCB of Appeals indeed ruled on the proposed structure and not the site condition and degree of demolition being inconsistent with a remodel, we believe the appropriate and consistent ruling would be:

The project proposed in BP 2010-021733 is not a remodel because it did not meet the minimum criteria consistently used by the City over the last years - that one COMPLETE, original wall must remain and the original foundation.

The attached graphic shows in orange the portions of the "complete original walls" not present. The portion of orange wall in the front structure is illegal, as it did not meet code when it was built and does not meet code today.

Instead of applying to the B.O.A
for a variance, the wall is proposed to
be demolished.

This application will be supplemen
ted. In the interest of filing before
the deadline, this hand written letter will
serve as our notice of appeal.

Thank you,

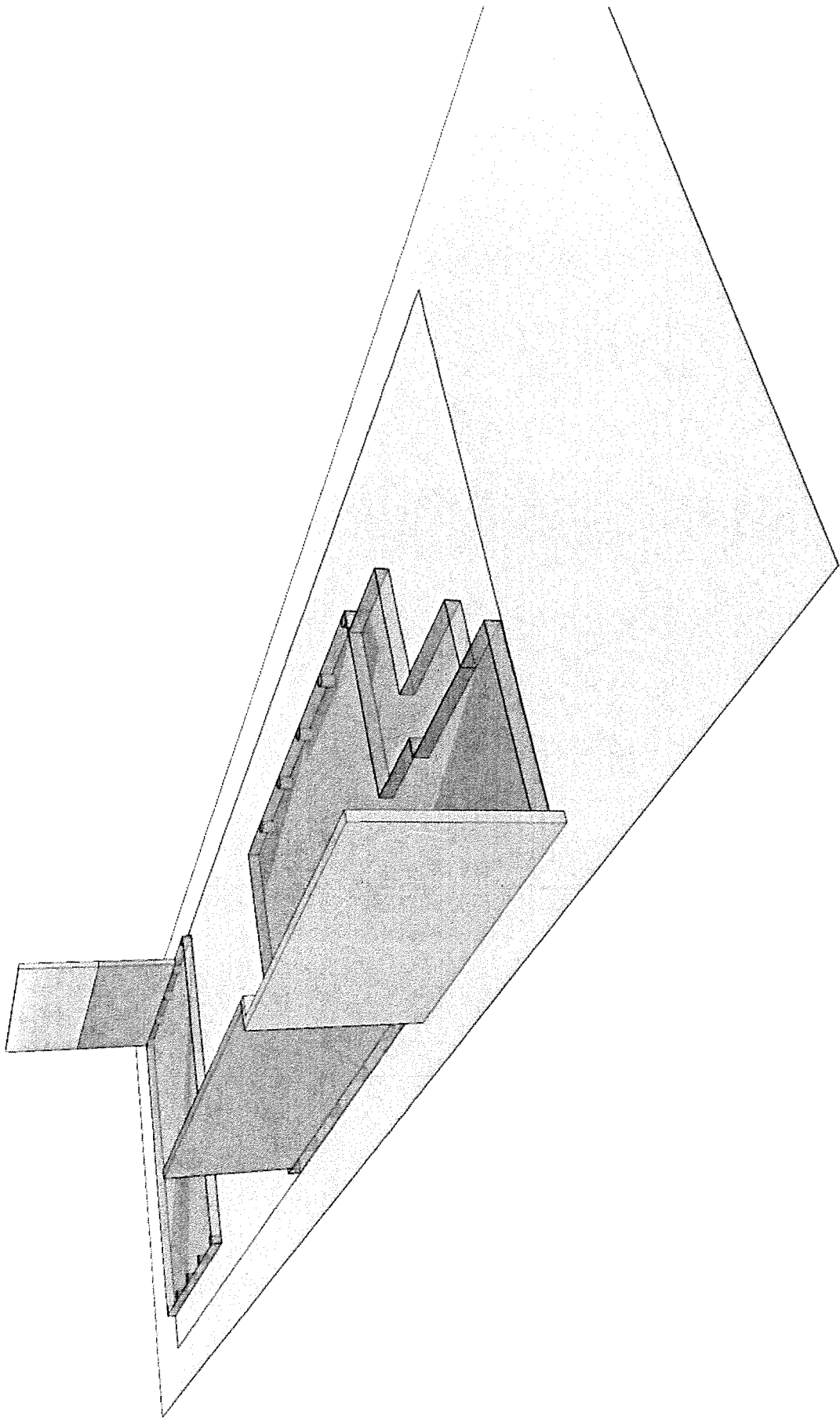
Nuria Zaragoza

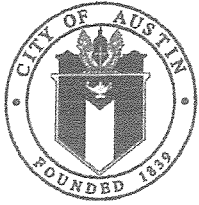
1908 Cliff ST

Austin TX

78705

512-791-9674





City of Austin

Founded by Congress, Republic of Texas, 1839
Planning and Development Review Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767

May 10, 2010

Nuria Zaragoza
1908 Cliff Street
Austin, TX 78705

RE: 1915A David Street
Building Permit# 2010-021733 BP / Plan Review # 2010-002721PR

Dear Ms. Zaragoza,

Per the direction of the Building & Fire Code Board of Appeals (Board) at the public hearing on May 5, 2010, this letter memorializes the Board's decision regarding the appeal you filed on the issuance of Building Permit No. 2010-021733 BP for development at 1915A David Street.

The Board voted unanimously to uphold the appeal of the issuance of the building permit. Based on the evidence presented, the Board found that that the development exceeded the limits of a remodel and therefore constituted new construction. Additionally, the Board found that development was effectively a "rooming house" and therefore should have been reviewed as a commercial project under the International Building Code, not as a residential use under the International Residential Code.

The Board's decision reverses the building permit issued for 1915A David Street. Further development of the property may only occur if a new building permit is issued.

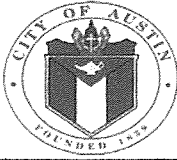
Sincerely,

Leon, Barba, P.E., Building Official
Planning and Development Review

cc: Building and Fire Code Board of Appeal Members
Dan McNabb, Building Inspection Division Manager
Mitch Ely, Owner
Mike McHone, Owner's Agent

NOTICE OF APPEAL INFORMATION

Austin City Code 25-1-461 (see page 2 of 2 for appeal process)



Planning and Development Review Department

Address of Property in Question

1915 A DAVID STREET

Permit Number

2010-021733-BP

Appellant Filing Appeal

NURIA ZARAGOZA

Relationship to Property

Appellant's status as Interested Party

WITHIN 300 FT AND OFFICER OF ASSOCIATION

Appellant Contact Information

Permit Holder Contact Information

Name

NURIA ZARAGOZA

Name

Street

1908 CLIFF ST

Street

City

AUSTIN

State

TX

Zip

78705

City

State

Zip

Telephone

512-320-0351

Telephone

E-Mail

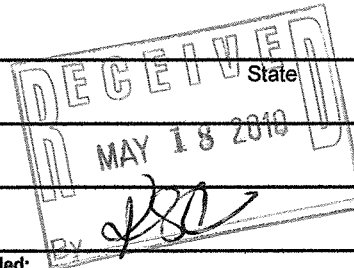
TEDANDNURIA@HOTMAIL.COM

E-Mail

Date of Decision Being Appealed:

5-5-10

Date Appeal is Filed:



Decision being appealed: (use additional paper as required)

REMODEL STATUS OF PROPERTY. SITE
CONDITION AND DEGREE OF DEMOLITION
CONSISTENT WITH A REMODEL

Reason the appellant believes the decision does not comply with the requirements of the Land Development Code (Title 25)

SITE CONDITION AND DEGREE OF DEMOLITION
NOT CONSISTENT WITH A REMODEL.

BELOW FOR CITY USE ONLY

Hearing Date:

Board or Commission:

Action on Appeal:

Date of Action

Form Bldg 100 Page 1 of 2

The applicant must complete page 2 of 2 and sign before this application of appeal is complete. The application will not be processed unless the applicant reads and signs page 2 of 2.

Appeal Process

You may appeal this "STOP WORK ORDER", "REMOVE OR RESTORE", "REVOCATION" or "SUSPENSION OF PERMIT" in accordance with Land Development Code section 25-1-461 by following these requirements:

§ 25-1-461 APPEAL.

- (A) A person may appeal a stop work order, remove or restore order, revocation, or suspension issued under this division by giving written notice to the accountable official not later than the third day after:
 - (1) the stop work order or remove or restore order is posted; or
 - (2) the person receives notice of the revocation or suspension.
- (B) The notice of appeal must contain:
 - (1) the name and address of the appellant;
 - (2) a statement of facts;
 - (3) the decision being appealed; and
 - (4) the reasons the decision should be set aside.
- (C) The accountable official shall hear the appeal not later than the third working day after the appeal is filed. The appellant, the appellant's expert, and the department may offer testimony to the accountable official.
- (D) The accountable official shall affirm or reverse the department's decision not later than the second working day after the hearing. The official shall give written notice of the decision and a statement of the reasons for the decision to the appellant.
- (E) The appellant may appeal the accountable official's decision to the Land Use Commission or appropriate technical board by giving written notice to the accountable official and the presiding officer of the Land Use Commission or appropriate technical board not later than the third working day after receiving notice of the decision. The notice of appeal must contain the information described in Subsection (B).
- (F) The Land Use Commission or appropriate technical board shall hear the appeal at the next regularly scheduled meeting following receipt of the notice of appeal. An appeal is automatically granted if the Land Use Commission or appropriate technical board does not hear the appeal before the 21st day following receipt of the notice of appeal.
- (G) A stop work order, remove or restore order, suspension, or revocation remains in effect during the pendency of an appeal under this section.

Source: Section 13-1-69; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

By signing this document, I attest to having read and understand my rights as granted by the Land Development Code for the process for appealing a stop work order, remove or restore order, revocation, or suspension.

5-18-10 NURIA ZARAGOZA 
Date: Printed Name: Signature: