A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, July 29, 2010

Public Hearings and Possible Actions **Item No. 145**
RECOMMENDATION FOR COUNCIL ACTION

Subject: Conduct a public hearing and consider an appeal by Michael McHone on a decision by the Building and Fire Board of Appeals regarding the issuance of a building permit for 1915A David Street.

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

On March 16, 2010, a building permit (2010-021733 BP) was issued for a remodel/addition at 1915A David St. On March 29, 2010 an appeal was filed on the issuance of this building permit by Ms. Nuria Zaragoza (interested party). On May 5, 2010, the Building and Fire Code Board of Appeals (BFCBoA) voted unanimously to uphold the appeal of the issuance of the building permit. Based on the evidence presented, the BFCBoA found that the development exceeded the limits of a remodel and therefore constituted new construction. Additionally, the BFCBoA found the 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.

This decision reversed the issuance of the building permit issued for 1915A David St. Mr. McHone requests that the City Council reverse the decision of the BFCBoA and reinstate the building permit at 1915A David St. Mr. McHone’s appeal is summarized as follows:

1.) The BFCBoA was not consistent in the application of the remodel requirement as currently enforced by City staff. One legal wall and foundation and floor remain as specified in the attached memorandum dated June 4, 2008.

2.) The BFCBoA was in error in their determination that 1915A David St. constituted a “rooming house”. “Rooming house” is a zoning classification not a building code classification. The authority of the BFCoA extends only to the technical code.

Staff recommends that the building permit be reinstated. At the time the permit was issued, there were no code requirements for residential remodels. Additionally, the original wall of the principal structure was left in place as part of the remodel. This is consistent with the internal memorandum dated June 4, 2008 that requires the original foundation and one wall to remain intact.