

Late Backup

Appeal to City Council: Building Permit for 4605 Avenue B Short Summary of Issues and Chronology

1. Standing & Process of Appeal

The Fire and Building Code Board of Appeal refused to rule on this case because the City Attorney argued I do not have standing. I did not register as an interested party until a week after the permit has been approved. However, I fit the other requirements for standing as I filed the appeal within the 20-day limit and I live within the notification zone. I filed the appeal after having spoken with the owner, Mr. Kutner, and having been assured by him that he was following all the rules and that the Neighborhood knew about his plans. This was not the case and after this became clear, I moved forward with my appeals.

I request that in this case you waive the "interested party" portion of standing on the grounds that the rules regarding standing make it unreasonably difficult for the average citizen to access the remedy of appeal. In this case the house had been vacant for almost a year. In residential permits, there is no notification. In order for me to know that a permit had been filed, I would have had to check AMANDA everyday. If I had done that, I would have seen a permit had been filed, but would not have seen the plans, which were not posted until after the permit was approved (at our request). As an average citizen I had no way to know that the permit violated the North Hyde Park NCCD until after it had been approved by residential review. This is an unreasonable burden on neighbors and the code needs to be changed.

Request: Please waive the "interested party" portion of standing for this case and rule on the permit appeal.

The following is a short summary of the chronology of this case. You will see that we have tried every avenue of appeal and have had no choice but to return to City Council.

Appeal to Board of Adjustment, Friday, May 28

Appeal rejected because they declined to hear a case involving a NCCD. They stated that they were not the proper group to determine interpretation of an NCCD. Appeal rejected, June 3.

Appearance at Citizen's Communications to City Council, June 10

Appeal to Fire and Building Code Board of Appeals, June 11

Our appeal was heard on June 30. The Board, like the BOA, declined to hear my appeal because I did not have standing to bring the appeal forward. Furthermore, they did not believe that they could rule on the interpretation of NCCD's. They, and the City Attorney Brent Lloyd, advised us to file an appeal immediately with City Council.

Email from John McDonald that our last effort with city staff was rejected over differences in interpretation of the NCCD, mentioned above, July 19.

allow pedestrian oriented uses. The staff must withdraw the permit and demand a redesign that conforms to the zoning put forth in the North Hyde Park NCCD.

3. Larger Issues

A. Standing

The process for neighbor appeals needs to be repaired. As it stands now, neighbors have no way to file an appeal unless they check the AMANDA system daily to determine whether an application for permit has been submitted. Once an application is filed, only then can a neighbor file as an interested party. As I discussed above, one would have to check every address in the neighborhood daily to see what applications have been received, file as an interested party on each, check daily for issued permits and check plans posted online to determine whether there are any errors that require an appeal. At this point it is impossible to know what kind of permit has been filed and whether staff is reviewing it correctly and if an appeal will be necessary! Plans are only posted after a permit is released and in this case many days afterwards. **This process is currently impossible to use even though neighbors have a right to an appeal.**

B. NCCD

At this point there is no clear body to hear appeals based upon interpretation of the NCCD. If our appeal to Council fails, the NCCD is essentially useless in protecting the neighborhood from inappropriate development.

Request: Please find a way to correct this situation so that neighborhoods may be sure that their Plans and NCCD's are being enforced and then have access to an appropriate body in situations where they are not.

#152

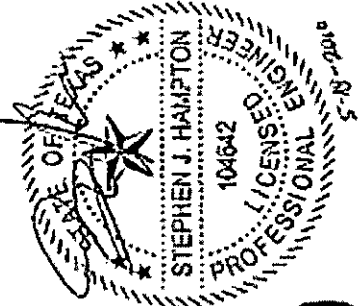
4605 Avenue B
Austin, TX

N-VIZION

Project Number: 100406.0
Drawn By: VHM
Checked By: SMH
Austin, TX 78748, P: 512.307.9350, F: 512.326.8098

Rev	Description	Date
05.18.10		

CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guernsey
Planning and Development Review Department
By: [Signature] Date: 5.19.10
The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for or an approval of, any violation of any of the provisions of the current code of the City of Austin or any other ordinance of the City of Austin.



AREA CALCULATIONS

TOTAL LOT SIZE	7800sf
BUILDING COVERAGE	
1st FLOOR CONDITIONED AREA -	968sf
2nd FLOOR CONDITIONED AREA -	616sf
COVERED PORCHES -	214sf
COVERED PATIOS -	190sf
CARPORT -	150sf
TOTAL BUILDING AREA PER UNIT -	1424sf
TOTAL BUILDING AREA FOR DUPLEX -	3194sf
TOTAL BUILDING COVERAGE ON LOT -	2494sf = 31%
MAXIMUM BUILDING COVERAGE ALLOWABLE ON LOT - 40%	

IMPERVIOUS COVERAGE

TOTAL BUILDING COVER -	2347sf
DRIVEWAYS -	607sf
UNCOVERED PATIOS -	25sf
CONCRETE SLABS & WALLS -	26sf
TOTAL IMPERV. COVER -	2945sf = 38%
MAXIMUM IMPERV. COVER ALLOWABLE ON LOT -	40%

GROSS FLOOR AREA	UNIT 1	UNIT 2
1st FLOOR AREA	968sf	935sf
1st FLOOR AREA W/ CEILING HEIGHT OVER 15'	0sf	0sf
2nd FLOOR AREA	616sf	575sf
2nd FLOOR AREA W/ CEILING HEIGHT OVER 15'	0sf	0sf
CARPORT - 150sf	0sf	0sf
GROSS FLOOR AREA PER UNIT -	1604sf	1514sf
TOTAL GROSS AREA FOR DUPLEX -	3118sf	
FLOOR AREA RATIO	0.40	
ALLOWABLE FLOOR AREA RATIO	0.40	

HEIGHT LIMITATIONS

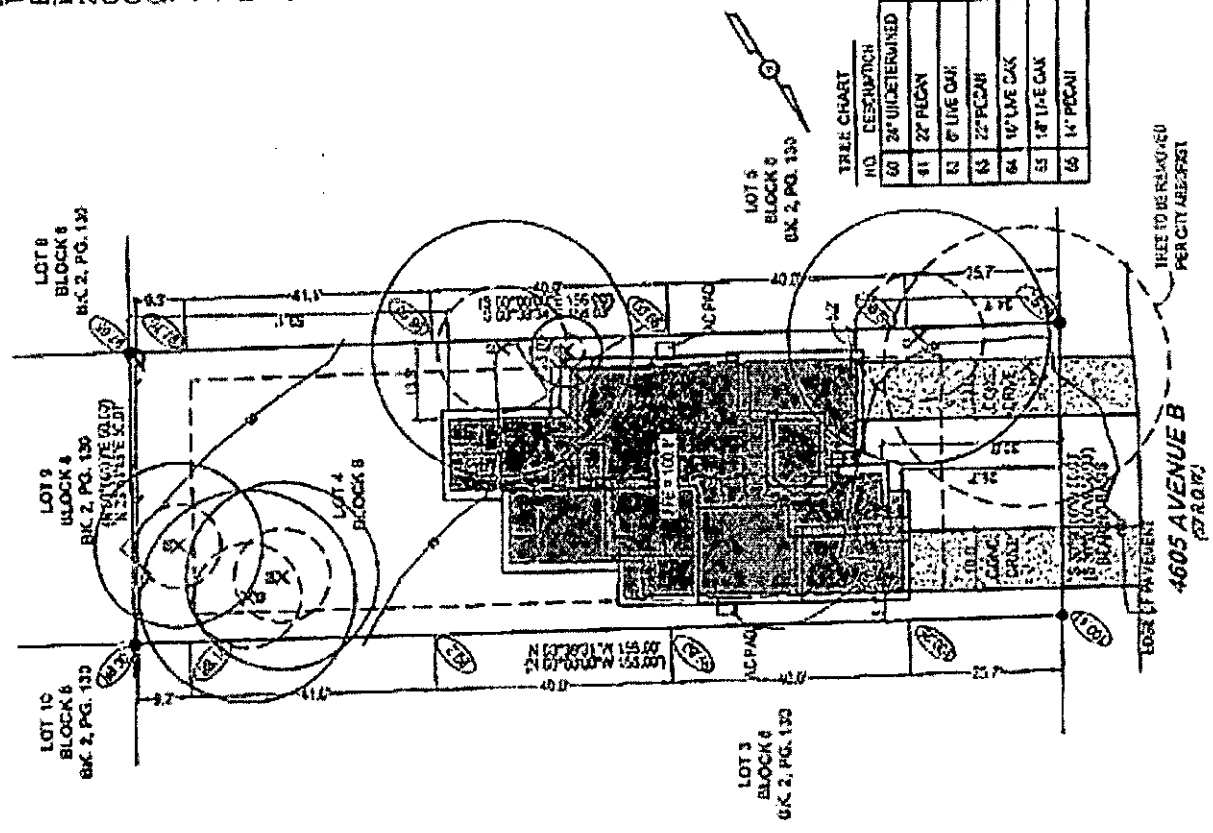
AVERAGE ELEVATION OF GRADE	99'-4"
FIN. FLOOR ELEVATION @ MAIN LEVEL	100'-0"
MAXIMUM ALLOWABLE ELEVATION	151'-4"

LEGEND

SYMBOLS	DESCRIPTION
---	BOUNDARY LINES
---	EASEMENT LINE
---	BUILDING LINE
---	POWER POLE
---	OVERHEAD UTILITIES
---	CONTROL WILDMAN
---	TREE TO BE REMOVED
---	TREE TO REMAIN

110 Site Plan
Scale: 1"=30'-0"

4605 Avenue B



4605 AVENUE B
(FOR R.O.P.)

