

1915 A David Street Conclusion:

When the current owner purchased the property (as a partner) in 1993 it had two structures. The front was divided into two units, an efficiency apartment, and a two bedroom apartment. The occupancy has ranged from 3 to 5 people, usually unrelated students. The rear was a two story, four unit apartment. The occupancy has ranged from 4 to 6 people. Each unit had a separate electric meter, individual mailing box, and legal address (COA addressing).

In 2001, the City issued a Certificate of Compliance for repairs made in accordance with a building permit for repairs to unit one of a four-plex. Given these facts and documentation, the owner believed this demonstrated a grandfathered legal non-complying use of the property.

The owner did not choose to make any changes to this situation; however, in 2007 Code Enforcement issued a Code Violation Notice that compelled the owner to re-examine this situation.

At a 245 hearing, staff presented two previously unknown 1950 building permits for this address which clearly prove the legal use of the property as a two-family residential use. Given this "new" information, the owner dropped his legal non complying use argument and agreed to modify the structures to comply with the City's directives.

The owner has worked with and complied with the City of Austin's requirements, and has relied upon their approvals and directives.

The City of Austin uses the Site Plan Exemption as the process required to obtain amnesty certificates of occupancy and repair to minimum standards. The owner obtained a site plan exemption and building permit to convert the two structures to single units and bring to minimum standards. The owner's representatives met on site with the City's inspectors prior to any work to make sure the requirements of the City were understood and followed.

After the project was underway, the City filed a Stop Work Order stating that the original permit had been issued in error. Once again the owner modified his plans to comply with these modified requirements. The original permit was modified and a new permit issued for the front building.

The occupancy allowed by current ordinance is six unrelated persons over 18 per dwelling unit. The rear building (which has the original modified permit, has no "interested parties") is in the exact foot print with the same square footage as the un-remodeled building from 1950.

The front building (which has "interested parties") complies with the requirements of the City's remodel criteria and does not increase the number of bedrooms.

Finally, the modifications to the lot have resulted in a reduction of the impervious cover from over 60% to less than 45%. The lot also complies with the McMansion requirements (FAR and tent).

This project is grandfathered and under the law should be allowed to be constructed as permitted. The owner requests that the decisions of the staff and Building Official be upheld.