

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
INTERPRETATIONS
PART I: APPLICANT'S STATEMENT
(Please type)

RECEIVED

JAN 24 2012

CITY OF AUSTIN

TP-0113001220

STREET ADDRESS: 1917 David Street, Austin Texas 78705

LEGAL DESCRIPTION: Subdivision --

LOT 18 BLK 2 OLT 26-28 DIV D CARRINGTON SUBD

Lot (s) 18 Block 2 Outlot 26-28 Division Carrington
Subdivision

ZONING DISTRICT: SF-3

I/WE Nuria Zaragoza on behalf of myself/ourselves as
authorized

Agent for affirm that on 23rd

Day of January, 2012, hereby apply for an interpretation hearing before the Board of
Adjustment.

Watershed Protection and Development Review Department interpretation is:

Re: 2011-106377PR

- 1) The project does not exceed the LDC limitations placed on duplexes outlined on 25-2-555 D.
- 2) The attic space meets the exempt attic requirements outlined on 25-2, Subchapter F, Article 3, 3.3.3
- 3) The project meets the duplex requirements outlined on 25-2-773 (D).
- 4) The proposed project is compatible with SF-3 use.
- 5) The FAR of the project is .399, thus complies with the FAR limits for SF-3 zoning.
- 6) The project complies with 25-6-655 Apendix A
- 7) The project complies with 25-2-981, Subchapter C, Article 9

I feel the correct interpretation is:

- A) The project exceeds the LDC limitations placed on duplexes outlined on 25-2-555 D. It has 10 bedrooms, and with 4494 sq. ft. it exceeds the 4000 square foot limit.
- B) The attic space does not meet the exempt attic requirements outlined on 25-2, Subchapter F, Article 3, 3.3.3. The habitable space adds mass and is not fully contained within the roof structure.
- C) The project does not meet the duplex requirements outlined on 25-2-773 (D). It does not have a common roof, only share a section of a roof, and the common wall length does not meet the 50% criteria as measured from front to back.
- D) The project is not compatible with SF-3 use. It is clearly designed for group residential use as defined in the LDC 25-2-3 (5)
- E) At the time of the submittal of this appeal, the FAR was not calculated accurately. It is reported at .399. Properly calculated, it exceeds the .4 limit.
- F) With 10 bedrooms, the project required 8 parking spaces per 25-6-655 Appendix A. With 4 parking spaces, the project does not meet the requirements.
- G) With the 10 bedrooms, the project needs to comply with the landscaping requirements outlined in 25-2-981. It does not.

NOTE: The board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable findings statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

1. There is a reasonable doubt of difference of interpretation as to the specific intent of the regulations or map in that:

A) The project has 10 bedrooms, thus exceeds the number of bedrooms allowed under LDC 25-2-555 D

(D) This subsection applies to a duplex residential use.

(1) On a lot with a lot area of less than 10,000 square feet, a duplex structure may not exceed 4,000 square feet of gross floor area or contain more than six bedrooms.

The limit was placed in 2003 as a remedy for the "super duplex", and its devastating effects on neighborhoods. It was passed by Council with these words:

The Council finds that the regulations in this ordinance are necessary to ensure that a duplex residential use is not established unless it is compatible with other nearby land uses. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health, and safety

Although some of the bedrooms are not accurately labeled, this structure has a total of 10 bedrooms, plus 1292 sq. ft. of potentially habitable "storage space". This "storage space" will be created at great expense, through the extensive use of dormers, and two full sets of stairs.

The ten bedrooms will be served by 6 full bathrooms, with a total of 12 lavatory sinks.

The vast majority of projects are unaffected by bedroom counts. There are some instances, however, when the number of bedrooms needs to be calculated. This is the case with 25-2-555. If the City is going to regulate based on bedrooms counts, it is unreasonable for reviewers to refuse the authority to make that determination. At this point, reviewers simply read what is written on a plan. The process is based on the "honor system". Real Estate professionals, appraisers, habitually determine what is a bedroom and what is not a bedroom. Any of them would report that this project exceeds six bedrooms.

For the purposes of interpreting 25-5-555D, and not allowing this project to re-start the "super duplex" practice, a bedroom could reasonably be defined as any room that:

- meets the definition for habitable space under IRC 2006 Section R202 (space to be used for living, eating, cooking, and sleeping) AND
- meets the minimum area requirements per IRC 2006 section 304 (70 square feet, minimum 7" dimension) AND
- is a private space or can be made private by the addition of a door AND
- has outside door and or window which meets the minimum requirements for emergency escape

To reiterate, the vast majority of projects would be unaffected by a bedroom definition. For those projects where the number of bedrooms trigger a regulation, common sense design variations would ensure reasonable use, while preventing bad actors from exploiting the land Development Code and the neighborhoods that have to live with their projects.

For example, on this project the game rooms are fully enclosed private spaces. A game room, truly intended to be a game room, would likely meet all the above mentioned criteria except that of privacy. Offices could have windows that deviate from the egress requirements.

At this time, due to the inclusion of the potentially habitable attic as square footage, the project exceeds the 4,000 sq ft maximum square footage for a duplex on a lot less than 10,000sq. ft.

B) The attic space does not meet the exempt attic requirements outlined on 25-2, Subchapter F, Article 3, 3.3.3

The permit at this time states that "each unit has space at the highest floor which is exemptible under 25.2 subchapter F." We reserve the right to appeal this if not addressed by the time of the hearing. More information will be provided, if the exemption remains on the permit.

C) The project does not meet the duplex requirements outlined on 25-2-773 (D)

(D) The two dwelling units are subject to the following requirements:

(1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that:

(a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and

(b) maintains a straight line for a minimum of four foot intervals or segments.

(2) The two units must have a common roof.

The common wall in this project does not extend for 50 % of the maximum depth, as measured from the front to the rear of the lot.

The two units share not a roof, but a portion of a roof.

D) The project is not compatible with SF-3 use. It is clearly designed for group residential use as defined in the LDC 25-2-3 (5)

Group Residential use is the use of a site for occupancy by a group of more than six persons who are not a family, on a weekly or longer basis. This use includes fraternity and sorority houses, dormitories, residence halls, and boarding houses.

It is apparent in the plans that the intended use for this structure is group residential. It is unfathomable that there be 12 lavatory sinks for 6 residents, or almost 1300 sq. ft. of habitable storage space. This space will store humans, and many more than six.

It is not reasonable to approve a permit that will establish a structure intended for an illegal use.

This property owner has run an illegal four-plex on the site since he purchased the property in 2006. Although it has had an open Code Compliance Case since the purchase, it has continued to be rented and inhabited.

E) Besides the exemptible attic space, at the time this application was submitted, stair and walk-in closet square footage was not taken into account. With the accurate count, the project exceeds the .4 Floor to Area Ratio.

F) With 10 bedrooms, the project required 8 parking spaces per 25-6-655 Appendix A. With 4 parking spaces, the project does not meet the requirements.

Appendix A states that a duplex with more than 6 bedrooms must provide one parking space per bedroom. As this project is in the urban core, it would be reduced by 20% to 8 parking spaces. Although it is apparent that the parking plan for this project includes the decomposed parking area surrounding the legal parking spaces, they would not be legal parking spaces as they would significantly increase impervious cover beyond the allowable 45%.

G) With the 10 bedrooms, the project needs to comply with the landscaping requirements outlined in 25-2-981. It does not.

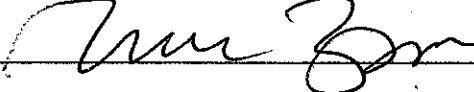
2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because:

In order for this lot to be developed in the manner in which this permit seeks to develop it, it would require MF-4 zoning. If that is the intention, the property owner should seek a zoning change. Otherwise, this property should be developed with the same regulations as SF-3 properties, with a structure intended to house a MAXIMUM of 6 unrelated persons.

3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that:

Granting this permit will result in a special privilege to this property owner by permitting a structure to be built which does not meet the requirements of the Land Development Code. This interpretation seeks to ensure that this property is developed consistently with other SF-3 properties.

APPLICANT/AGGRIEVED PARTY CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Printed NURIA ZARAGOZA

Mailing Address 1908 CLIFF ST

City, State & Zip AUSTIN TX 78705 Phone 512-320-0351

OWNER'S CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _____ Printed _____

Mailing Address _____

City, State & Zip _____ Phone _____

Owner: Michael David
3401 Guadalupe St
Austin, TX 78705
1321





January 23, 2012

Mr. Greg Guernsey
Director of Planning and Development Review Dept
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Standing to appeal 1917 David Street , permit 2011-106377PR, 2012-001658 BP

Dear Mr. Guernsey:

Please see attached electronic mail correspondence from John McDonald, confirming status as an Interested party. This development is within the boundaries of our neighborhood association, Original West University Neighborhood Association. I am an officer in the association.

As stated in the application, my address is 1908 Cliff St. Austin Texas 78705.

My contact number is 791-9674

Very truly yours,

Nuria Zaragoza

Windows Live™ Hotmail (611) Messenger SkyDrive | MSN

Nuria Z
pro

New | Reply Reply all Forward | Delete Junk Sweep ▾ Mark as ▾ Move to

FW: 2011-106377 PR.[Back to messages](#) |**1917 David St.**

To see messages related to this one, group messages by conversation.

Junk (3)

Drafts (27)

Sent

Deleted

POP (12514)

canpac agenda

code compliance

contractors

ebay (8)

izzy rsvp

juniper

Kathie Tovo

samamas

Search Results

New folder

Flagged (4)**Office docs (131)****Photos (454)****Shipping updates (...)**

New category

2 invitations

Sign in to Messenger

Home

Contacts

Calendar

**McDonald, John**

To Cain, Darren, N...

12/13/11

Reply ☐

Darren,

Add Nuria Zaragoza as an interested party to the interested party spreadsheet to 1917 David Street. Let me know if you have any questions.

JMM

-----Original Message-----

From: Nuria Zaragoza

[mailto:tedandnuria@hotmail.com]

Sent: Monday, December 12, 2011 1:53 PM

To: Nuria Zaragoza

Cc: McDonald, John

Subject: Re: 2011-106377 PR. 1917 David St.

Hi John,

I did not get your usual confirmation on this interested party request.
Did it go through?

Nuria

Sent from my iPhone

On Nov 24, 2011, at 8:58 AM, Nuria Zaragoza
<tedandnuria@hotmail.com>
wrote:

> Hi John,

>

> Please register me as an interested party for
the permit above.

> Thank you,

>

FILL HER
WITH C
UP TO
90%



Shop





Search

Find!

Options

[Directory](#) | [Departments](#) | [FAQ](#) | [Links](#) | [Site Map](#) | [Help](#) | [Contact Us](#)

PUBLIC INFORMATION

Public Search

Issued Permit Report

FOLDER DETAILS

Permit/Case	Reference File Name	Description	Sub Type	Work Type	Project Name	Status	Application Date	Issue Date	Expiration Date
2011-106377 PR	2011-106377 PR	new duplex - (2) two story 3/3s with covered porches an alley access (parking). each unit has space on the highest floor which is exemptable under 25.2 subchapter f	R- 103 Two Family Bldgs	New	1917 DAVID ST	Approved	Nov 23, 2011	Jan 6, 2012	May 21, 2012

Related Folders: [Yes](#)

REGISTERED USERS

FOLDER INFO

	Information Description	Value
New Registration	Is this over a Landfill ?	No
	Smart Housing	No
Update Registration	Is this property in MUD ?	No
	Current Zoning for Building	SF-3-CO-NP
My Permits/Cases	Name of Neighborhood Plan	na
My Licenses	Is Historical Review Required?	No
	Is this a Legal Lot ?	Yes
Request / Cancel / View Inspections	Is there a Cut & Fill in excess of 4 ft	No
	Parking Spaces Required	4
	Number of Bathrooms	6
My Escrow Accounts	Size of Water Meter	2 5/8
	Front Set Back	25
	Rear Set Back	10
	Side Set Back	5
Reports	Does property access a paved alley?	Yes
	Does property access a paved street?	Yes
Login	Current Use	vacant, recently demod
HELP	Proposed Use	duplex
Web Help	Square Footage of Lot	8018
	Trees greater than 19'	No
FEEDBACK	New/Addn 1st Flr Area Sq. Ft	2320
	New/Addn 2nd Flr Area Sq. Ft	882
	New/Addn 3rd Flr Area Sq. Ft	1292
Email Us	New/Addn Basement Sq. Ft	0
	New/Addn Attached Garage/Carport Sq. Ft	0
	New/Addn Detached Garage/Carport Sq. Ft	0
	New/Addn Wood Decks Sq. Ft	0
	New/Addn Breezeways Sq. Ft	0
	New/Addn Covered Patios Sq. Ft	0
	New/Addn Covered Porches Sq. Ft	278
	New/Addn Balconies Sq. Ft	0
	New/Addn Swimming Pool(s) Sq. Ft	0
	New/Addn Spa Sq. Ft	0
	New/Addn Other Bldg/Covered Areas Sq. Ft	0
	Total New/Addition Bldg Square Footage	4772
	Total Building Coverage on lot Sq. Ft.	2598
	Total Building Coverage Percent, of Lot	32.4
	Driveway area on Private Property	648
	Sidewalk/Walkways on Private Property	138
	Uncovered Patios	0
	Uncovered Wood Decks	0
	AC Pads	12
	Concrete Decks	0
	Other	0
	Total Impervious Coverage Square Footage	3396
	Total Impervious Coverage Percent of Lot	42.4
	Max. Bldg. Cov. Sq. Ft. Allowed	3207
	Max. Impervious Coverage Sq Ft Allowed	3608
	Building Inspection	Yes
	Electric Inspection	Yes
	Mechanical Inspection	Yes
	Plumbing Inspection	Yes
	Energy Inspection	No
	Driveway Inspection	Yes
	Sidewalks Inspection	Yes
	Environmental Inspection	No
	Landscaping Inspection	No
	Tree Inspection	No
	Water Tap Inspection	Yes
	Sewer Tap Inspection	Yes
	On Site Sewage Facility Inspection	No
	Fire Inspection	No

Fire Inspection	140
Health Inspection	No
Usage Category	103
Hazardous Pipeline Review Required	No
Electric Service Planning Application?	Yes
ESPA Application Number	rls 6-17
ESPA Approval Date	Jan 6, 2012
Site has Water availability?	Yes
Site has Waste Water availability?	Yes
Site has a septic system?	No
Subject to RD&C Requirements	RESIDENTIAL DESIGN STANDARDS
Maximum FAR allowed	.4
Existing 1 Fl Area	0
Existing 1 Fl Area-Ceiling Ht over 15'	0
Existing 1 Fl Area-Ceiling Ht 15' or less	0
Existing Total 1 Fl Gross Area	0
Existing 2 Fl Area	0
Existing 2 Fl Area-Ceiling Ht over 15'	0
Existing 2 Fl Area-Ceiling Ht 15' or less	0
Existing Total 2 Fl Gross Area	0
Existing 3rd Fl Area	0
Existing 3 Fl Area-Ceiling Ht over 15'	0
Existing 3 Fl Area-Ceiling Ht 15' or less	0
Existing Total 3rd Fl Gross Area	0
Existing Basement Gross Area	0
Existing Garage attached	0
Existing Garage detached	0
Existing Carport	0
Existing Total Sq Ft	0
New/Addn 1 Fl Area	2320
New/Addn 1 Fl Area-Ceiling Ht over 15'	0
New/Addn 1 Fl Area-Ceiling Ht 15' or less	2320
New/Addn Total 1 Fl Gross Area	2320
New/Addn 2 Fl Area	882
New/Addn 2 Fl Area-Ceiling Ht over 15'	0
New/Addn 2 Fl Area-Ceiling Ht 15' or less	882
New/Addn Total 2 Fl Gross Area	882
New/Addn 3 Fl Area	1292
New/Addn 3 Fl Area-Ceiling Ht over 15'	0
New/Addn 3 Fl Area-Ceiling Ht 15' or less	1292
New/Addn Total 3 Fl Gross Area	1292
New/Addition Basement Gross Area	0
New/Addition Garage attached	0
New/Addition Garage detached	0
New/Addition Carport	0
New/Addition Total Sq Ft	4494
Total Number of Driveways	00
Driveway Width 1	00
Total Number of Sidewalks	1
Certificate of Occupancy to be Issued	Yes
Code Year	2006
Code Type	International Residential Code

PROPERTY DETAILS

Number	Pre.	Street	Street Type	Dir	Suite Type	Suite Number	City	State	Zip	Legal Desc
1917		DAVID					AUSTIN	TX	78705	Lot: 18 Block: 2 Subdivision: CARRINGTON SUBDN OUTLOT 11 26 27 28 DIV D 1895
Lot: 18 Block: 2 Subdivision: CARRINGTON SUBDN OUTLOT 11 26 27 28 DIV D 1895										

PEOPLE DETAILS

Desc.	Organization Name	Address	City	State	Postal	Phone1
Applicant	Real Estate (Michael McHone)	PO BOX 8142	Austin	TX	78713	(512)481-9111

PROCESSES AND NOTES

Process Description	Status	Schedule Date	Start Date	End Date	Assigned Staff	# of Attempts
Residential Intake	Closed	Nov 23, 2011	Nov 23, 2011	Nov 23, 2011	Bryan Walker (974-2708)	1
Plan Review Administration	Open					0
Residential Zoning Review	Approved	Dec 28, 2011	Nov 29, 2011	Jan 6, 2012	Victor Villarreal (974-2947)	6
Tree Ordinance Review	Open				Michael Embesi (974-1876)	0
Residential Revision After Issuance	Open	Jan 6, 2012				0

FOLDER ATTACHMENT

Description	Detail
-------------	--------

[View Attachment](#)

RESIDENTIAL PERMIT APPLICATION ON "D" FOR AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 1917 DAVID STREET

Applicant's Signature

Michael R. Muffaw, President

Date 11/21/2011

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	A <u>Existing</u>		B <u>New / Addition</u>	
I. 1st Floor Gross Area				
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	1157	1160 sq. ft.	1160	sq. ft.
b. 1 st floor area with ceiling height over 15 feet.	-	sq. ft.	-	sq. ft.
c. TOTAL (add a and b above)	1157	1160 sq. ft.	1160	sq. ft.
II. 2nd Floor Gross Area See note ¹ below				
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	486	441 sq. ft.	441	sq. ft.
e. 2 nd floor area with ceiling height > 15 feet.	-	sq. ft.	-	sq. ft.
f. TOTAL (add d and e above)	486	441 sq. ft.	441	sq. ft.
III. 3rd Floor Gross Area See note ¹ below (ATTIC) (EXEMPTION)				
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	646	186 sq. ft.	646	186 sq. ft.
h. 3 rd floor area with ceiling height > 15 feet	-	sq. ft.	-	sq. ft.
i. TOTAL (add g and h above)	646	186 sq. ft.	646	186 sq. ft.
IV. Basement Gross Area				
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.		sq. ft.		sq. ft.
V. Garage				
k. attached (subtract 200 square feet if used to meet the minimum parking requirement)		sq. ft.		sq. ft.
l. detached (subtract 450 square feet if more than 10 feet from principal structure)		sq. ft.		sq. ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)				
	1601	sq. ft.	1601	sq. ft.
VII. TOTAL				
	1643	1757 sq. ft.	1757	sq. ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)

GROSS AREA OF LOT

FLOOR AREA RATIO (gross floor area / gross area of lot)

3,286

3202

8018

sq. ft.

sq. ft.

:399

sq. ft.

sq. ft.

sq. ft.

41%

7,999.815F

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

7,999.375F

JUSTIN PERMIT APPLICATION "C"

BUILDING COVERAGE

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	UNIT A	UNIT B
	Existing	New + Addition
a. 1 st floor conditioned area	1160 441 sq.ft.	1160 441 sq.ft.
b. 2 nd floor conditioned area	441 sq.ft.	441 sq.ft.
c. 3 rd floor conditioned area	646 sq.ft.	646 sq.ft.
d. Basement	sq.ft.	sq.ft.
e. Garage / Carport	sq.ft.	sq.ft.
attached	sq.ft.	sq.ft.
detached	sq.ft.	sq.ft.
f. Wood decks [must be counted at 100%]	sq.ft.	sq.ft.
g. Breezeways	sq.ft.	sq.ft.
h. Covered patios	sq.ft.	sq.ft.
i. Covered porches	139 sq.ft.	139 sq.ft.
j. Balconies	sq.ft.	sq.ft.
k. Swimming pool(s) [pool surface area(s)]	sq.ft.	sq.ft.
l. Other building or covered area(s)	sq.ft.	sq.ft.
Specify _____		

TOTAL BUILDING AREA (add a. through l.) 1740 sq.ft. 1740 sq.ft.

TOTAL BUILDING COVERAGE ON LOT (subtract, if applicable, b., c., d., k. and l. if uncovered)

LOT 8018 4

2598

3480
32.4 % of lot

IMPERVIOUS COVERAGE

1,999.

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	2598 sq.ft.
b. Driveway area on private property (PAVING)	648 sq.ft.
c. Sidewalk / walkways on private property	138 sq.ft.
d. Uncovered patios	sq.ft.
e. Uncovered wood decks [may be counted at 50%]	sq.ft.
f. Air conditioner pads	12 sq.ft.
g. Concrete decks	sq.ft.
h. Other (specify) _____	sq.ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.)

8018 4

3,409

3396

42.4 % of lot

42.4 ✓

**AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION**

**TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
STANDARDS ORDINANCE BOUNDARY AREA.**

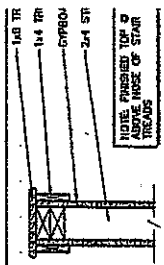
Service Address 1917 DAVID STREET
Applicant's Signature Michael R. McPherson, President Date 11/21/2011

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

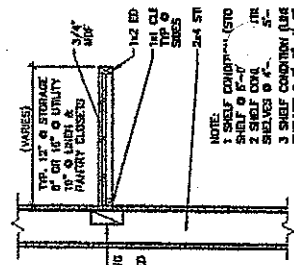
	<u>A</u> <u>Existing</u>	<u>B</u> <u>New / Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	<u>1160</u> sq.ft.	<u>1160</u> sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	<u> </u> sq.ft.	<u> </u> sq.ft.
c. TOTAL (add a and b above)	<u>1160</u> sq.ft.	<u>1160</u> sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	<u>441</u> sq.ft.	<u>441</u> sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	<u> </u> sq.ft.	<u> </u> sq.ft.
f. TOTAL (add d and e above)	<u>441</u> sq.ft.	<u>441</u> sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft). (ATTIC)	<u>646</u> sq.ft.	<u>646</u> sq.ft.
h. 3 rd floor area with ceiling height > 15 feet. (EXEMPTION)	<u> </u> sq.ft.	<u> </u> sq.ft.
i. TOTAL (add g and h above)	<u>646</u> sq.ft.	<u>646</u> sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	<u> </u> sq.ft.	<u> </u> sq.ft.
V. Garage		
k. <u> </u> attached (subtract 200 square feet if used to meet the minimum parking requirement)	<u> </u> sq.ft.	<u> </u> sq.ft.
l. <u> </u> detached (subtract 450 square feet if more than 10 feet from principal structure)	<u> </u> sq.ft.	<u> </u> sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)		
	<u>1601</u> sq.ft.	<u>1601</u> sq.ft.
VII. TOTAL	<u>1757</u> sq.ft.	<u>1757</u> sq.ft.
TOTAL GROSS FLOOR AREA (add existing and new from VII above)		
	<u>3202</u> sq.ft.	<u>3202</u> sq.ft.
GROSS AREA OF LOT		
	<u>8018</u> sq.ft.	<u>8018</u> sq.ft.
FLOOR AREA RATIO (gross floor area / gross area of lot)		
	<u>.399</u>	<u>.399</u> sq. ft.

- ¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.
- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
 - It only has one floor within the roof structure
 - It does not extend beyond the foot print of the floors below
 - It is the highest habitable portion of the building; and
 - Fifty percent or more of the area has a ceiling height of seven feet or less.

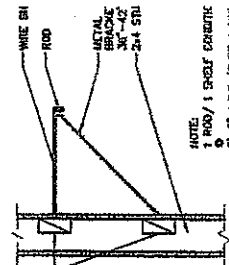
APPROVED
JAN 06 2012
RLS b-17



5 LOW WALL 1 1/2"



4 TYPICAL SHELVES 1 1/2"



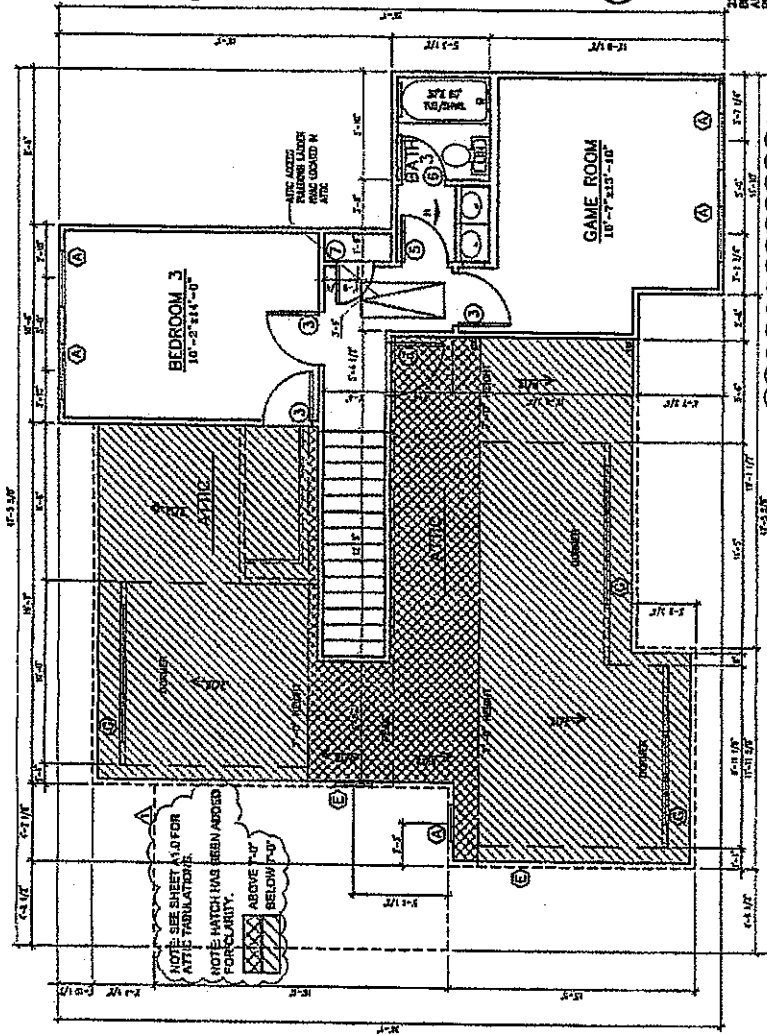
3 CLOSET SHELF 1 1/2"

WALL TYPES

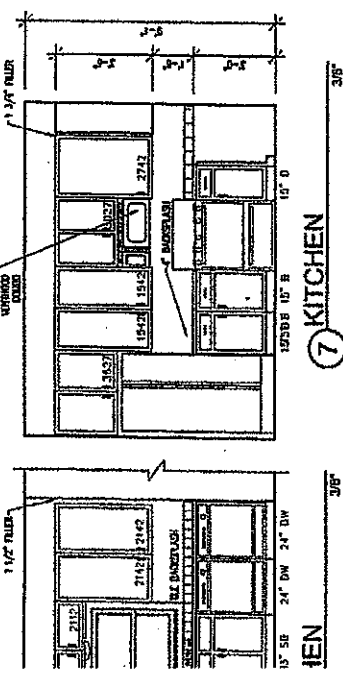
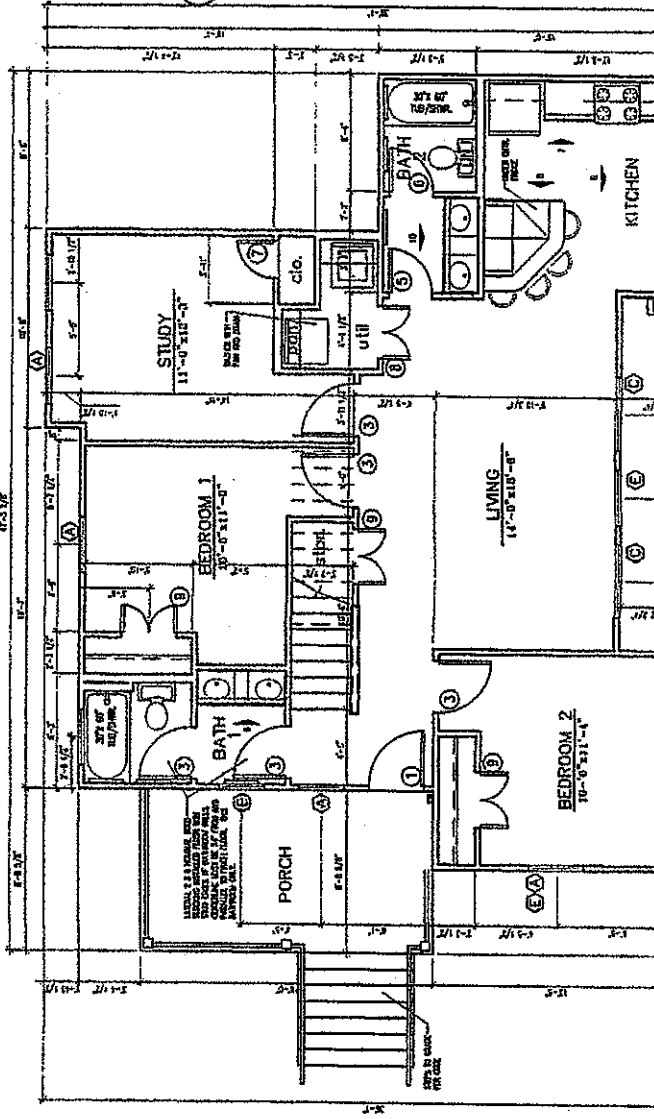
24\"/>	24\"/>
24\"/>	24\"/>
24\"/>	24\"/>

GENERAL NOTES TO FLOOR

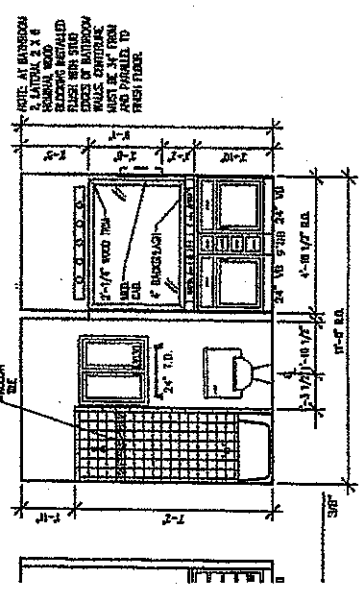
1. REPORT ANY AND ALL PREVIOUS DAMAGE TO CONSTRUCTION AT THE TIME OF INSPECTION.
2. ALL DIMENSIONS TO BE GIVEN IN FEET AND INCHES.
3. ALL DIMENSIONS TO BE GIVEN IN FEET AND INCHES.
4. ALL DIMENSIONS TO BE GIVEN IN FEET AND INCHES.
5. ALL DIMENSIONS TO BE GIVEN IN FEET AND INCHES.



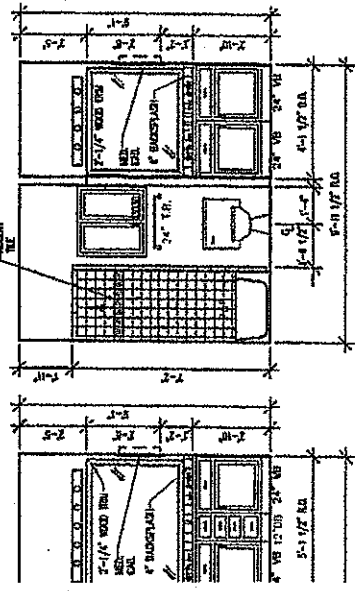
2 SECOND FLOOR PLAN (A & B) NOTE: UNITS A AND B ARE IDENTICAL



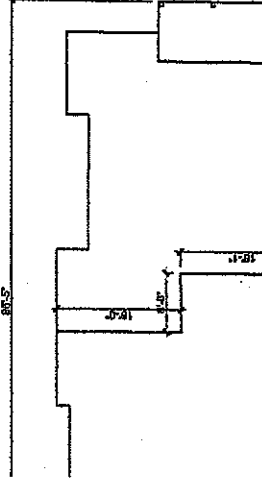
7 KITCHEN 3/8"



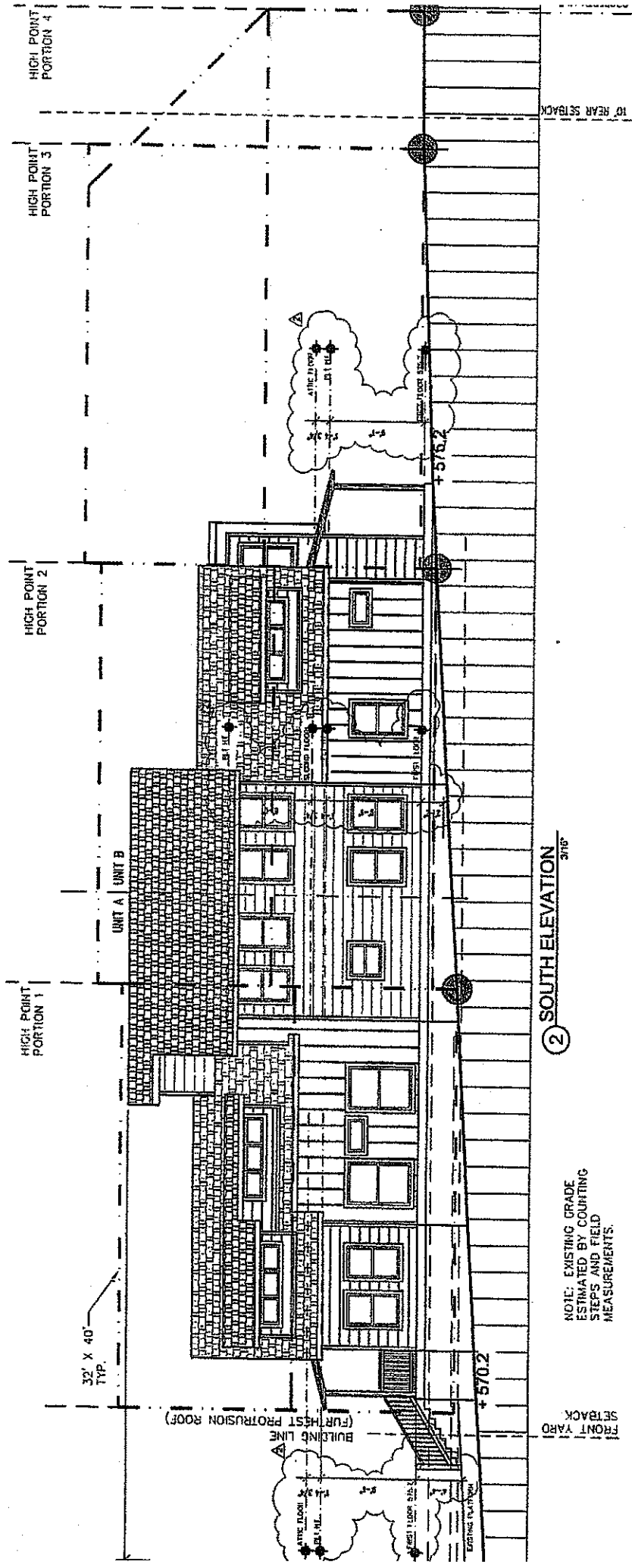
9 BATHROOM 2 3/8"



11 BATHROOM 1 3/8"

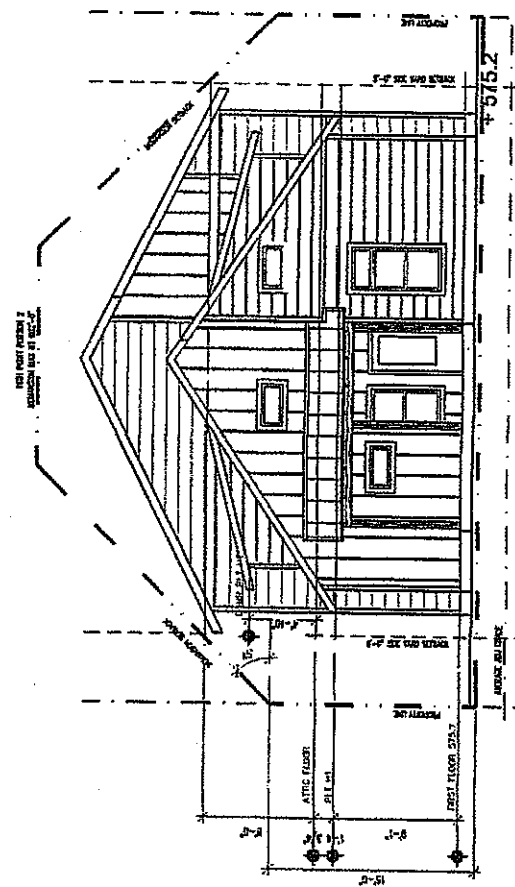


10 BATHROOM 3 3/8"

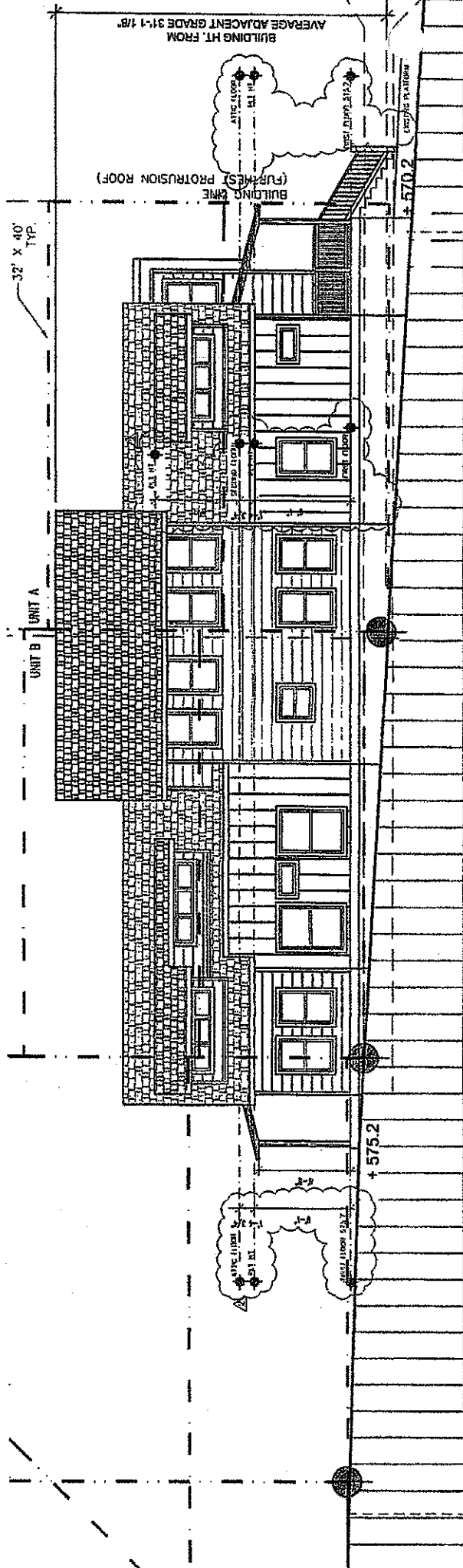


② SOUTH ELEVATION 3/16"

ALL ELEVATIONS ARE SHOWN FROM FRONT ELEVATION AND THE REVERSE ELEVATIONS ARE IDENTICAL. B ELEVATIONS ARE IDENTICAL. TO ALL ELEVATIONS FOR CLARITY OF ADDITIONAL INFORMATION SEE THE ARCHITECTURAL RECORD.



③ EAST ELEVATION 3/16"

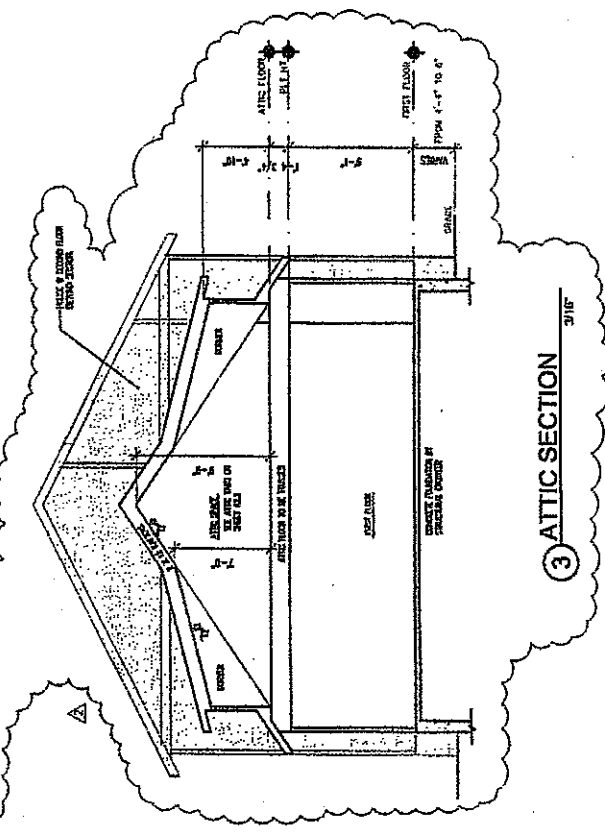


10' REAR SETBACK

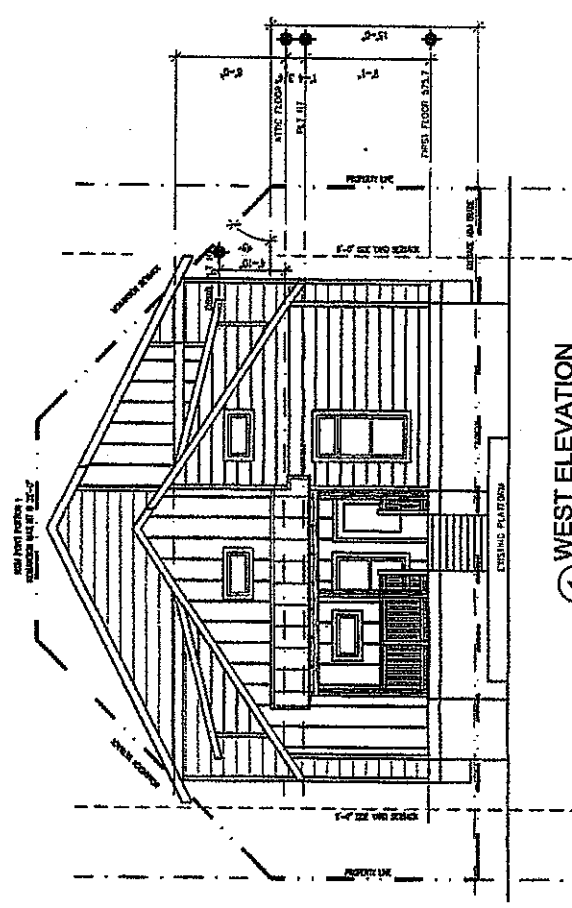
NOTE: EXISTING GRADE ESTIMATED BY COUNTING STEPS AND FIELD MEASUREMENTS.

② NORTH ELEVATION 31'6"

SECTION ADDED TO HELP WITH ATTIC SPACE CLARIFICATION, I.E. HTS, ATTIC HTS, ETC.



③ ATTIC SECTION 31'6"



① WEST ELEVATION 31'6"

ALL ELEVATIONS ARE SHOWN FROM THE FRONT ELEVATION AND THE SIDE ELEVATIONS ARE IDENTICAL TO THE FRONT ELEVATION. THE FRONT ELEVATION HAS BEEN DIMENSIONED TO ALL ELEVATIONS FOR CLARIFICATION OF THE FRONT ELEVATION. THE FRONT ELEVATION HAS BEEN DIMENSIONED TO ALL ELEVATIONS FOR CLARIFICATION OF THE FRONT ELEVATION.

MATERIAL LEG

1	2	3	4	5	6
BRICK	STONE	WOOD	GLASS	ROOFING	PAINT



MEMORANDUM

TO: American Institute of Architects- Austin

THRU: Residential Review Planners and Residential Inspectors

FROM: Daniel Word, Planner II, Residential Review Division
Watershed Protection and Development Review Department

DATE: July 29, 2008

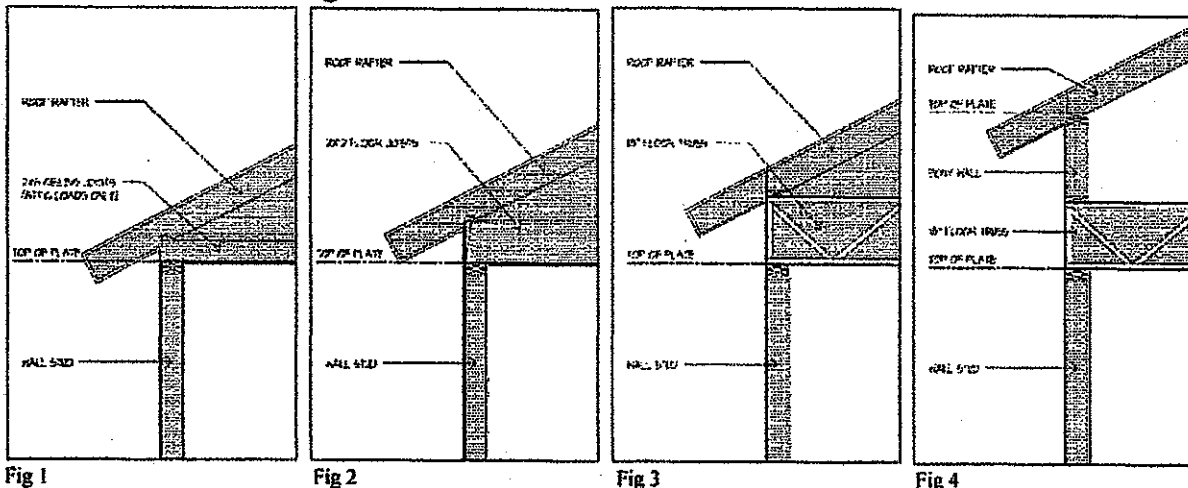
SUBJECT: Habitable Attics and Gross Floor Area

Section 3.3.3 (C) of Subchapter F, commonly referred to as the "McMansion" ordinance, allows for the exclusion of a habitable portion of an attic from the gross floor area measurement prescribed in the Land Development Code if:

1. The roof above is not a flat or mansard roof and has a slope of 3 to 12 or greater;
2. It is fully contained within the roof structure;
3. It has only one floor;
4. It does not extend beyond the footprint of the floors below;
5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and
6. Fifty percent or more of the area has a ceiling height of seven feet or less.

Under the second provision, the space must be "fully contained within the roof structure." For the purposes of implementing Subchapter F of the Land Development Code, this is interpreted to mean that the attic space is contained between the underside of the roof rafters and the top of the ceiling joists, floor joists, or floor truss, provided that the finished floor of the attic space does not drop below the height of the ceiling joists, floor joists, or floor truss at the intersection with the exterior walls. This is to prevent the floor surface within the attic space to be artificially lowered in order to gain additional ceiling height that would not otherwise be present.

Please refer to the following sketches for further clarification:



Figures 1, 2, and 3 are examples of acceptable construction methods that would qualify as being "fully contained within the roof structure." Figure 4 is a sketch of an unacceptable construction method for the purpose of qualifying as being "fully contained within the roof structure." This attic area would not qualify for exclusion from the calculation of gross floor area.

Please see Part 2. (D) and
Part 7

ORDINANCE NO. 030605-49

AN ORDINANCE AMENDING SECTIONS 25-2-511, 25-2-555, AND 25-2-981 OF THE CITY CODE AND REPEALING AND REPLACING SECTION 25-2-773 OF THE CITY CODE RELATING TO DUPLEX RESIDENTIAL USE; REPEALING ORDINANCE NUMBER 030227-28 AS AMENDED BY ORDINANCE NUMBER 030522-15; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-2-511(A) of the City Code is amended to read as follows:

(A) Notwithstanding any other provision of this code, except ~~[Except]~~ as provided in Subsection (B):^[5]

(1) not more than six unrelated persons may reside in a dwelling unit; and

(2) not more than three unrelated persons 18 years of age or older may reside in a dwelling unit of a duplex residential use, unless:

(a) before June 5, 2003:

(i) a building permit for the duplex structure was issued; or

(ii) the use was established; and

(b) after June 5, 2003 the gross floor area and the number of bedrooms in the duplex structure did not increase, except for the completion of construction authorized before that date.

PART 2. Section 25-2-555 of the City Code is amended to add a new Subsection (D) to read as follows:

◆ (D) This subsection applies to a duplex residential use.

(1) On a lot with a lot area of less than 10,000 square feet, a duplex structure may not exceed 4,000 square feet of gross floor area or contain more than six bedrooms.

(2) On a lot with a lot area of 10,000 square feet or more, a duplex structure may not exceed a floor-to-area ratio of 0.57 to 1.

PART 3. Section 25-2-773 of the City Code is repealed and replaced by a new Section 25-2-773 to read as follows:

§ 25-2-773 DUPLEX RESIDENTIAL USE.

- (A) For a duplex residential use, the base zoning district regulations are superseded by the requirements of this section.
- (B) For a duplex residential use:
 - (1) minimum lot area is 7,000 square feet;
 - (2) minimum lot width is 50 feet;
 - (3) maximum building cover is 40 percent;
 - (4) maximum impervious cover is 45 percent; and
 - (5) maximum building height is the lesser of:
 - (a) 30 feet; or
 - (b) two stories.
- (C) Except as provided in Subsection (D), four parking spaces are required for a duplex residential use.
- (D) For a duplex that exceeds 4,000 square feet of gross floor area or has more than six bedrooms, the number of parking spaces required is the greater of:
 - (1) four; or
 - (2) one space for each bedroom.
- (E) Not more than one required parking space may be located behind another required parking space.

PART 4. Section 25-2-981(B) of the City Code is amended to read as follows:

- (B) This article does not apply to:
 - (1) property zoned central business district or downtown mixed use district;
 - (2) a lot containing one single-family residence;

- (3) a lot containing one duplex residence, unless the residence exceeds 4,000 square feet of gross floor area or has more than six bedrooms [~~with fewer than six bedrooms~~];
- (4) a two-family residential use;
- (5) a secondary apartment special use;
- (6) substantial restoration of a building within one year after the building is damaged;
- (7) restoration of a building with a historic designation; or
- (8) interior or facade remodeling, if the front and side exterior walls of the building remain in the same location.

PART 5. Ordinance Number 030227-28 as amended by Ordinance Number 030522-15 is repealed.

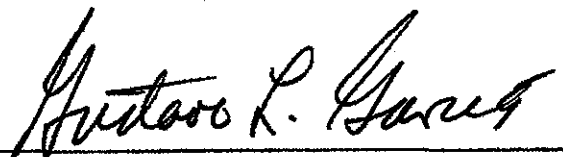
PART 6. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 7. The Council finds that the regulations in this ordinance are necessary to ensure that a duplex residential use is not established unless it is compatible with other nearby land uses. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health, and safety.

PASSED AND APPROVED

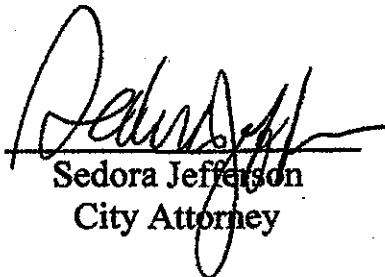
June 5, 2003

§
§
§



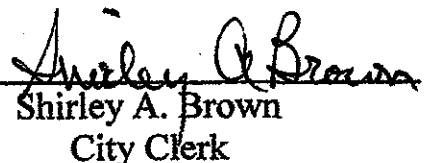
Gustavo L. Garcia
Mayor

APPROVED:



Sedora Jefferson
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

Walker, Susan

From: Melissa Hawthorne [mwh@austin.rr.com]
Sent: Wednesday, February 22, 2012 8:57 AM
To: Walker, Susan
Cc: Lloyd, Brent
Subject: FW: 1917 David Street

FYI

From: Megan Meisenbach [mailto:mmeisenbach@austin.rr.com]
Sent: Wednesday, February 22, 2012 7:44 AM
To: jjack2@austin.rr.com; heidigoebel@sbcglobal.net; shampton@hoovers.com; mwh@austin.rr.com; bryan@bkradio.net; smorrison@thefowlerlawfirm.com; nora_salinas@yahoo.com; will.schnier@gmail.com; pdi@grandecom.net
Subject: 1917 David Street

Regarding Stealth Dorm Duplexes and 1917 David Street
 February 22, 2012

Dear Board of Adjustment Members:

Along with Mr. Tassin I am concerned about 1917 David Street and "Stealth Dorms". I concur with Mr. Tassin's letter and suggestions below:

"I'm concerned that so-called Stealth Dorms are proliferating on single family lots in formerly quiet residential areas and thereby subverting the codes established to protect such areas. These duplexes are overcrowded and result in inadequacy in parking, garbage collection facilities and, most importantly, safety.

Ten or more students are herded into a structure limited by law to 6 unrelated parties. Code enforcement is understandably difficult (impossible?), but denying permits where obvious bedrooms are disguised as dens, offices, game rooms, etc. is an effective ounce of prevention. Currently city staff exercise no judgment about which rooms are bedrooms, instead blindly accepting the labels applied by the applicant or his/her design consultant. Said staff need a bedroom definition, otherwise occupancy limits are futile. The code limits the number of "bedrooms" but doesn't define them--it makes no sense.

Mislabeling rooms conceals efforts to maximize the number of bedrooms so they can be rented to students for \$1,000 monthly (check Uptown Realty listings). The incentive to create \$10,000 in monthly income from a cheaply constructed structure on an SF-3 lot is great, so neighborhoods need meaningful protection to cut off this end-run around the spirit of the code. And students need protection from non-code bedrooms that often lack the requisite smoke detectors and arc fault interrupters.

Please deny the permit application for 1917 David Street and institute the following change to address the "Stealth Dorm" problem:

Define a bedroom as any habitable room meeting both of the following conditions:

The minimum (IRC) code dimensions for a bedroom (minimum area 70 square feet with minimum width 7

4/11/2012

and proper egress--an interior doorway and exterior door or window no greater than 44" above finished floor and with sufficient opening area).

Privacy--a door or doorway separating it from adjacent room(s).

Thank you,
Jay Tassin"
Megan Meisenbach

Walker, Susan

From: Melissa Hawthorne [mwh@austin.rr.com]
Sent: Tuesday, February 21, 2012 10:49 PM
To: Walker, Susan
Cc: Lloyd, Brent
Subject: FW: Stealth Dorm Duplexes and 1917 David Street

FYI

From: Jay Tassin [mailto:jtassin@austin.rr.com]
Sent: Tuesday, February 21, 2012 9:54 PM
To: jjack2@austin.rr.com; heidigoebel@sbcglobal.net; shampton@hoovers.com; mwh@austin.rr.com; bryan@bkradio.net; smorrison@thefowlerlawfirm.com; nora_salinas@yahoo.com; will.schnier@gmail.com; pdl@grandecom.net
Subject: Stealth Dorm Duplexes and 1917 David Street

February 21, 2012

Dear Board of Adjustment Members:

I'm concerned that so-called Stealth Dorms are proliferating on single family lots in formerly quiet residential areas and thereby subverting the codes established to protect such areas. These duplexes are overcrowded and result in inadequacy in parking, garbage collection facilities and, most importantly, safety.

Ten or more students are herded into a structure limited by law to 6 unrelated parties. Code enforcement is understandably difficult (impossible?), but denying permits where obvious bedrooms are disguised as dens, offices, game rooms, etc. is an effective ounce of prevention. Currently city staff exercise no judgment about which rooms are bedrooms, instead blindly accepting the labels applied by the applicant or his/her design consultant. Said staff need a bedroom definition, otherwise occupancy limits are futile. The code limits the number of "bedrooms" but doesn't define them--it makes no sense.

Mislabeling rooms conceals efforts to maximize the number of bedrooms so they can be rented to students for \$1,000 monthly (check Uptown Realty listings). The incentive to create \$10,000 in monthly income from a cheaply constructed structure on an SF-3 lot is great, so neighborhoods need meaningful protection to cut off this end-run around the spirit of the code. And students need protection from non-code bedrooms that often lack the requisite smoke detectors and arc fault interrupters.

Please deny the permit application for 1917 David Street and institute the following change to address the "Stealth Dorm" problem:

Define a bedroom as any habitable room meeting both of the following conditions:

1. The minimum (IRC) code dimensions for a bedroom (minimum area 70 square feet with minimum width 7 feet and proper egress--an interior doorway and exterior door or window no greater than 44"

above finished floor and with sufficient opening area).

2. Privacy--a door or doorway separating it from adjacent room(s).

Thank you,

Jay Tassin