

NOTICE OF APPEAL INFORMATION

Austin City Code ARTICLE 7. APPEALS, VARIANCES, SPECIAL EXCEPTIONS, AND ADJUSTMENTS.
 Division 1. Appeals
 (see page 2 of 2 for appeal process)



Planning and Development Review Department

Address of Property in Question 1917 DAVID ST AUSTIN TX 78705	Permit Number 2012-084972-BP
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Appellant Filing Appeal NURIA ZARAGOZA FOR OWNERS	Relationship to Property INTERESTED PARTY
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Appellant's status as Interested Party
 PRESIDENT OF N/A & PROXIMITY TO PROPERTY

Appellant Contact Information	Permit Holder Contact Information
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Name NURIA ZARAGOZA	Name MICHAEL SAID / MIKE Mc HONE
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Street 1908 CLIFF ST	Street 2459 WESTLAKE DR
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City State Zip AUSTIN TX 78705	City State Zip AUSTIN TX 78746
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Telephone 512 320 0351	Telephone
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E-Mail TEDANDNURIA@HOTMAIL.COM	E-Mail
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Date of Decision Being Appealed: 8-28-2012	Date Appeal is Filed:
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Decision being appealed: (use additional paper as required)
 PROJECT IS EFFECTIVELY A "ROOMING HOUSE" AS DEFINED BY THE LDC AND BY PREVIOUS DECISION OF THIS BOARD (SEE ATTACHED DECISION SHEET) THEREFORE THIS PERMIT ~~SHOULD~~ SHOULD HAVE BEEN REVIEWED UNDER THE COMMERCIAL CODE.

Reason the appellant believes the decision does not comply with the requirements of the Land Development Code (Title 25)
 THE LDC DEFINES "ROOMING HOUSE" AS A BUILDING OTHER THAN A HOTEL WHERE LODGING WITHOUT MEALS FOR MORE THAN SIX PERSONS (UNRELATED) IS PROVIDED.

BELOW FOR CITY USE ONLY

Hearing Date:	Board or Commission:
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Action on Appeal:	Date of Action: <div style="text-align: center;"> </div>
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Form Bldg 101 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 by following the following Land Development Code requirements. You must complete the form with all information required as listed below.

ARTICLE 7. APPEALS, VARIANCES, SPECIAL EXCEPTIONS, AND ADJUSTMENTS.

Division 1. Appeals.

§ 25-1-181 STANDING TO APPEAL.

- (A) A person has standing to appeal a decision if:
- (1) the person is an interested party; and
 - (2) a provision of this title identifies the decision as one that may be appealed by that person.
- (B) A body holding a public hearing on an appeal shall determine whether a person has standing to appeal the decision.

Source: Section 13-1-250; Ord. 990225-70; Ord. 030828-65; Ord. 031211-11.

§ 25-1-182 INITIATING AN APPEAL.

An interested party may initiate an appeal by filing a notice of appeal with the responsible director or building official, as applicable, not later than:

- (1) the 14th day after the date of the decision of a board or commission; or
- (2) the 20th day after an administrative decision.

Source: Section 13-1-251(a); Ord. 990225-70; Ord. 031211-11.

§ 25-1-183 INFORMATION REQUIRED IN NOTICE OF APPEAL.

The notice of appeal must be on a form prescribed by the responsible director or building official and must include:

- (1) the name, address, and telephone number of the appellant;
- (2) the name of the applicant, if the appellant is not the applicant;
- (3) the decision being appealed;
- (4) the date of the decision;
- (5) a description of the appellant's status as an interested party; and
- (6) the reasons the appellant believes the decision does not comply with the requirements of this title.

Source: Section 13-1-251(a); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

By signing this document, I attest to having read and understand my rights as granted by the Land Development Code.

9-11-12 Nuria Zaragoza NURIA ZARAGOZA
Date: Printed Name: Signature:



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.

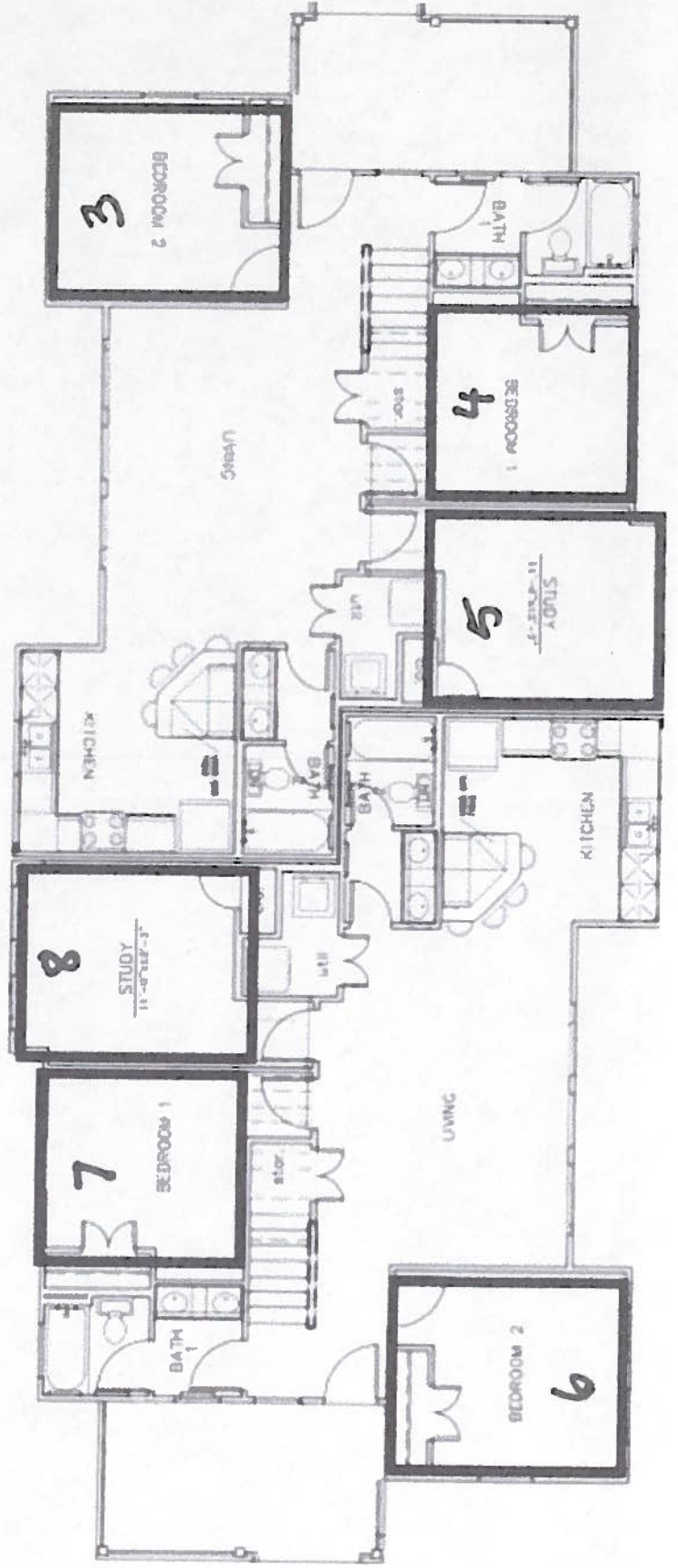
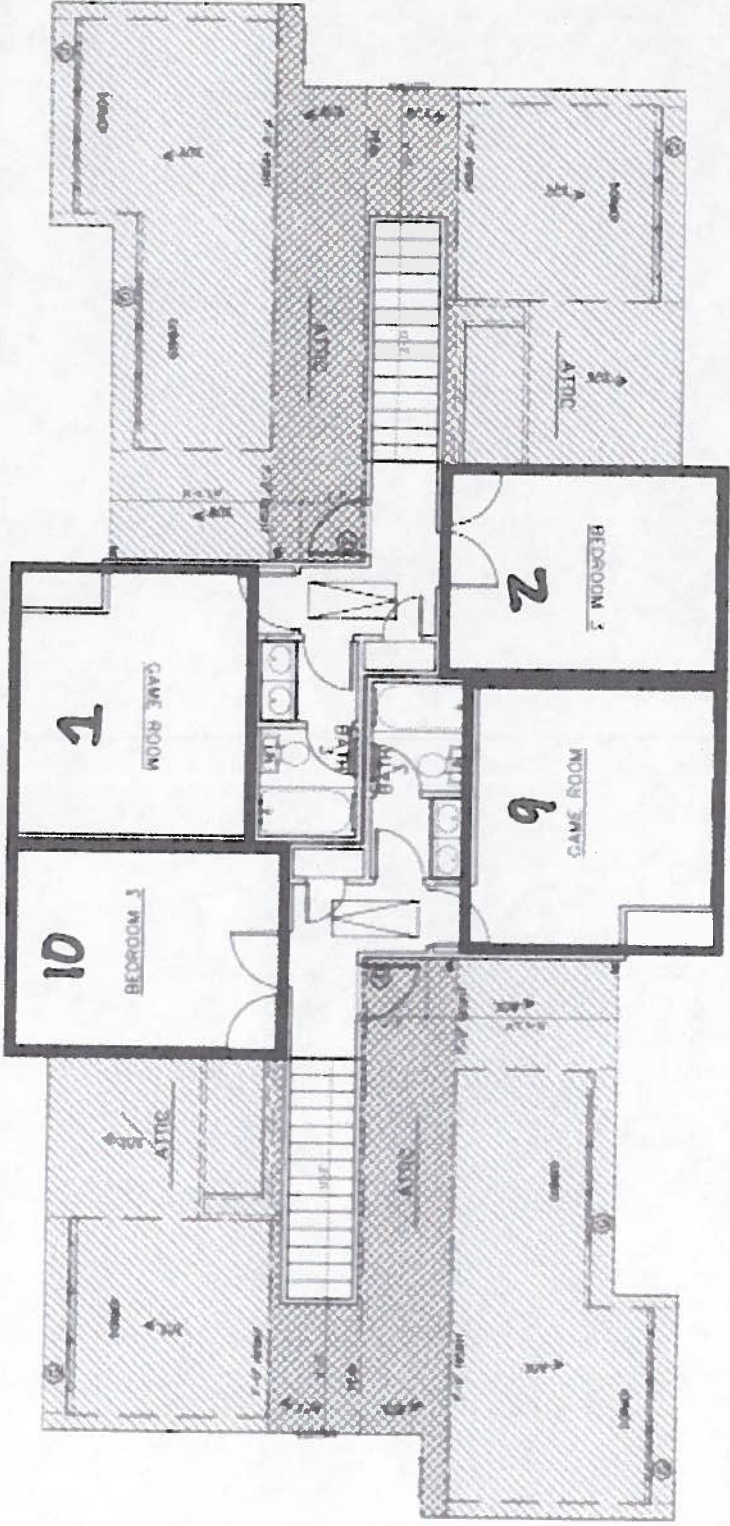
The Board voted unanimously to uphold the appeal of the issuance of the building permit. Based on the evidence presented, the Board found that that the development exceeded the limits of a remodel and therefore constituted new construction. Additionally, the Board found that development was effectively 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



§ 25-12-213 LOCAL AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

202.1 Supplemental and replacement definitions. The definitions in this subsection apply throughout this code and supplement the definitions in Section 202 (*General Definitions*) of the 2009 International Fire Code, as published, unless the term is defined in both places, in which case the definition in this subsection replaces and supersedes the definition in Section 202 of the 2009 International Property Maintenance Code.

BOARDING HOUSE. A building, other than a hotel, where lodging with meals for more than six (6) unrelated persons is provided for compensation.

ROOMING HOUSE. A building, other than a hotel, where lodging without meals for more than six (6) unrelated persons is provided for compensation.