



**Building and Fire Code Board of Appeals
Final MINUTES**

**REGULAR MEETING
October 9, 2012**

The Building and Fire Code Board of Appeals convened in a regular meeting on October 9, 2012 at One Texas Center, 505 Barton Springs Road, 3rd Floor, Room 325, Austin, Texas.

Board Chair Frank Haught called the meeting to order at 10:02 a.m.

Board Members in Attendance: Frank Haught, Alan Schumann, Michael Thorn-Leeson, Jake Sullivan, and Michael Cannatti.

Staff in Attendance: Dan McNabb, Jose Roig, Leon Barba, Julie Kirby, John McDonald, Kathy Haught, and Don Birkner.

Board Members not in Attendance: Scott Stookey resigned from the Board, and Steven King's holdover provision expired.

1. CITIZEN COMMUNICATIONS: None

2. APPROVAL OF MINUTES: The minutes from the meeting held on September 25, 2012 was approved on Board Member Thorn-Leeson's motion and second by Board Chair Haught for a vote of 5-0.

4. Conduct a Public Hearing:

a. Appeal of Administrative Decision for 1917 David Street, Austin TX 78705 for issuance of Permit Number 2012-084972-BP

The public hearing was opened at 10:11 am. Chair Haught discussed the Boards' Rules of Procedure and time limits for the presenters.

City staff report - Dan McNabb presented an overview of the case. Staff recommended the appeal be denied because the property is zoned SF-3-NP and the project was reviewed and permitted by City staff correctly as a duplex structure in accordance with the 2006 International Residential Code (IRC). The Board and staff discussed the requirements of the IRC for new construction.

Appellant - Nuria Zaragosa, President of OWUNA, presented the appellants case and that the project should be reviewed as a commercial property under the International Building Code (IBC) because the plans show 10 rooms/bedrooms which can be considered a rooming house per the Land Development Code.

Property Owner - Mark Hart, project architect, designed the structure, presented the current approved plans, and explained that the project was designed as a family occupied duplex. Egress windows in every room provides flexibility on the use of each room. Michael Said, property owner designed the property with flexibility to possibly sell as separate condos. Alan Hill, attorney for the owner, stated that the intent was to build a structure per the approved plans, which was reviewed, approved, and permitted by City staff. Mike McHone, consultant for the owner, stated that the plans were approved by Plan Review as a SF3 property. The May 2010 appeal to the Board for 1915 David Street involved different circumstances, and that appeal was upheld

because the development exceeded the square footage limits of a remodel which constituted new construction.

Appellant rebuttal – Ms. Zaragosa stated that the revised plans have not significantly changed, so the issues and concerns still stand.

Public Hearing was closed at 11:25am. The Board took a recess and reconvened at 11:37 am.

Board members discussed the property. Board Member Cannatti made a motion to uphold the appeal second by Board Member Schumann, but Schumann withdrew his second so the motion failed. Board Member Schumann made a motion to deny the appeal and was second by Board Member Sullivan for a 3-2 vote with Board Members Schumann and Cannatti opposing. Without a majority vote of four by the Board the motion failed, so the permit stands.

3. FUTURE AGENDA ITEMS:

- Election of Officers, and Annual Board Schedule-Postponed to next meeting.
- 2012 IECC Code Adoption draft ordinance (Energy Conservation).
- 2012 IFC Code Adoption draft ordinance (Fire).

4. ADJOURN – Motion to adjourn the meeting was made by Michael Thorn-Leeson and was second by Alan Schumann. Frank Haught adjourned the meeting at 11:50 a.m.