



1908 Cliff St.  
Austin, Texas 78705  
September 11, 2012

Mr. Greg Guernsey  
Director  
Planning and Development Review Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767-8865

Re: Standing to appeal 1917 David St. 78705 BP 2012-084972

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 512-791-9674.

Sincerely yours,

Nuria Zaragoza  
President, OWUNA

FW: 2012-079335 PR,1917 David

John M. McDonald (john.mcdonald@austintexas.gov)

8/08/12

To: Darren Cain, [REDACTED]  
Cc: Nuria Zaragoza



John M. McDonaldjohn.mcdonald@austintexas.gov

Darren,  
Make sure Nuria Zaragoza is added as an interested party on the case number below at 1917 David Street.

JMM

----- Forwarded Message

From: Nuria Zaragoza <[REDACTED]>  
Date: Wed, 8 Aug 2012 07:16:23 -0600  
To: "john.mcdonald@austintexas.gov" <john.mcdonald@austintexas.gov>, Nuria zaragoza <[REDACTED]>  
Cc: "carol.gibbs@austintexas.gov" <carol.gibbs@austintexas.gov>, Ann Mowat <[REDACTED]>  
Subject: 2012-079335 PR,1917 David

Dear John,

Please list me as an interested party on the 1917 David permit : 2012-079335 PR  
<[https://www.austintexas.gov/devreview/d\\_showpropertyfolderlist.jsp?clicked=searchByOther](https://www.austintexas.gov/devreview/d_showpropertyfolderlist.jsp?clicked=searchByOther)>  
Thank you,

Nuria

Chairman Jeff Jack  
Board of Adjustments  
City of Austin  
P.O.Box 1088  
Austin, Texas 78767

January 22, 2013

Reconsideration of Case C15-2012-0216, 1917 David Street

Dear Chairman Jack,

Once again, thank you for the time you and your Board have devoted to this case over the last year, and most recently in the October 29<sup>th</sup> 2012 hearing.

I will be brief in my responses to arguments made for a reconsideration of this case:

1) Argument: I referenced the prior name of the Department, "Watershed protection and Review Department", instead of the "Planning Development and Review Department ". I did mistakenly use a prior version of the current appeal form. However, the department name does not have any substantive effect of the case, therefore the use of a prior version of a form should not disqualify the appeal.

The appeal process should not be one, which only those able to afford agents and attorneys can access.

2) Argument: I incorrectly referenced the prior permit number in my appeal of the present case. Although that statement is true, my incorrect reference was in a section of the application where the information is not required. In the letter of standing, attached, the correct permit number is referenced; therefore the application was considered complete by staff.

It should be noted that Mr. McHone's request for reconsideration, as stated in the request letter, is for case C15-2012-**0216**. The interpretation case number for 1917 David is actually C15-2012-**0126**.

3) Argument: The BOA prepared a "decision" prior to the case. The differences between the floorplans in 2011-016377PR, and 2012-079335PR are as follows:

- A) The closet was removed from bedroom 1. Since the space is already labeled bedroom on the plans, this does not appear to be of consequence. Furthermore, the number of closets was never presented as evidence of the number of bedrooms.
- B) The doors from the storage under the staircase were removed.
- C) The number of bathroom sinks in the duplex was reduced from 12 to 10. Our argument was that the house was a 10 bedroom house intended for ten occupants. The reduction of sinks from 12 to 10 is still in support of our argument. Architect Mark Hart pointed out this reduction in the number of sinks during the last hearing.

- D) Lastly Mr. McHone states that the study was mistakenly portrayed to have a closet. The study had a closet in the plans submitted under permit number 2011-016377PR, and still has a closet in the plans submitted under 2012-079335PR.

As the substance of the plans were by and large unchanged from 2011-016377PR, to 2012-079335PR, it is appropriate that the same reasoning was applied to both cases.

4) Argument: This case will have a negative effect on housing affordability. As stated during the hearing, much research was put into looking for floorplans similar to this one in low income neighborhoods. None were found. This type of floorplan, as evidenced by the examples submitted both by me and by Mr. McHone, have only been found to serve as rentals to large numbers of unrelated persons, bringing to the landlords rents that were shown to range from \$6,000 a month to \$10,000 a month. This is not new evidence and was discussed at length during the hearing.

5) Argument: A bathroom could be considered a bedroom. A bathroom, despite its size, could never be considered a bedroom according to the International Building Code. A bathroom is considered non-habitable space, and a bedroom has to be habitable space. They are mutually exclusive according to the IBC.

In Conclusion: We believe that there are no grounds for a reinterpretation. However, if the case is re-opened for reinterpretation, we request that you consider adopting the following bedroom definition.

1. Any private room that is not a kitchen, a bathroom, a garage, or a hall; and
2. which measures at least 70 sq. ft. of usable floor area, and no less than 7 feet in any dimension; and
3. has a clear ceiling height of no less than 7 feet; or if sloped, with a clear ceiling height of at least 7 feet over at least one-third of the required minimum floor area; and
4. does not constitute the only means of access or egress from other habitable spaces; and
5. has access to at least one water closet and one lavatory, in the same story or adjacent story, without passing through another bedroom.
6. For the purposes of this definition, a private room is one that is separated from all other habitable areas of the building by a door or doors, or by an entryway with an opening less than 7' wide.

The very thoughtful definition you provided is so specific to this case, that will likely lead to more appeals. For example, a common practice for this type of development is to have on each side of a duplex, six bedrooms straddling three bathrooms, in a jack and jill layout. Because the bathrooms are not accessed through common living areas, and the bedrooms have direct access to the bathrooms, that type of layout would still be allowed. Similarly, adding a small powder room to any project would also exempt it from this definition.

Again, thank you for your time and thoughtfulness, with not only this case, but the type of development it brings to light.

Nuria Zaragoza  
President- OWUNA