

General Information			
Owner	Michael Said	Applicant or Agent	Mike McKone Real Estate by: Mike McKone
Mailing Address	2401 GUADALUPE AUSTIN, TX 78705	Mailing Address	P.O. Box 8142 AUSTIN, TX 78713-8142
Phone	(512) 479-4933	Phone	(512) 481-9111
Email		Email	
Fax	(512) 479-4933	Fax	(512) 481-1002
General Contractor	TBD Brenner Construction	Design Professional	MARK HART ARCHITECTURE MARK HART
Mailing Address		Mailing Address	5801 MOSAQUE DR AUSTIN, TX 78745
Phone		Phone	(512) 680-7905
Email		Email	
Fax		Fax	

Is this site registered as the owner's homestead for the current tax year with the appraisal district? ☐ Y ☒ N

I understand that in accordance with Sections 25-1-11 and 25-1-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license.

I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property.

If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC. I understand that nothing may be built upon or over an easement.

I further understand that no portion of any roof structure may overhang in any public utility or drainage easement. I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required and compliance with current code may be required.

I hereby certify that to the best of my knowledge and ability, the information provided in this application is complete and accurate.

I further acknowledge that, should any information contained herein prove incorrect, the building official may suspend or revoke any resulting permit and/or license.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed. Tree protection is required per Section 25-8-603.

Erosion and Sedimentation Controls are required per Section 25-8-181.

I acknowledge that a sidewalk will be required on any new construction of a single family, two-family or duplex residential structure and any addition to an existing building that increases the building's gross floor area by 50 % or more.

I acknowledge if my plans are subject to a technical review it will not be construed to be a permit for, or an approval of any violation of any of the provisions of the current adopted building codes or another ordinance of the City of Austin.

Applicant's signature: Michael Said

Date: 6/29/12

Vigil, Edward

From: West, Samuel
Sent: Thursday, August 09, 2012 12:51 PM
To: Vigil, Edward
Subject: RE: 1917 David Street

Edward,
The alley behind 1917 David is paved with asphalt. The City of Austin Public Works Department maintains the right of way. Please let me know if you need any more information.
Thank you

Sam West Engineer Assoc. C
Public Works Street & Bridge Operations
Phone 974-8775

From: Vigil, Edward
Sent: Tuesday, August 07, 2012 1:21 PM
To: West, Samuel
Subject: 1917 David Street

Hi Sam,

I have another application for a duplex with 4 alley parking spaces. Can you verify who is responsible for maintaining the alley? Is it already paved?

Thanks,

Edward Drake Vigil
Senior Planner
City of Austin
Planning & Development Review
505 Barton Springs Road, 2nd Floor
Austin, Texas 78704
Phone: 512-974-2635
Edward.Vigil@austintexas.gov



Austin Water Utility
Water & Wastewater Service Plan Verification
(W&WW SPV)

PLEASE READ IMPORTANT INSTRUCTIONS ON PAGE 2

(Please Print or Type)

Customer Name: Mike M. Rose Phone: 554-8440 Alternate Phone: 481-9111

Service Address: 1917 DAVID STREET

Lot: 18 Block: 2 Subdivision/Land Status: CAMPINGTON ADD Tax Parcel ID No.: 01130012200000

Existing Use: vacant single-family res. duplex garage apartment other 4 Plex
(Circle one)

Proposed Use: vacant single-family res. duplex garage apartment other D.
(Circle one)

Number of existing bathrooms: 6 Number of proposed bathrooms: 6

Use of a pressurized auxiliary water system (i.e. rainwater harvesting, well water, lake/river water, etc.) Yes ☐ No ☐

City of Austin Office Use

Water Main size: 6" Service stub size: 3/4" Service stub upgrade required? Y New stub size: 1 1/2"

Existing Meter number: 185432 Existing Meter size: 5/8" Upgrade required? Y New size: 5/8" add

WW Service: Septic System/On-Site Sewage Facility (OSSF) ☐ or WW Collection System ☒ WW Main size:

If a pressurized auxiliary water system is or will be installed, please contact the Utility's Special Services Division (SSD) at 972-1060, 3907 South Industrial Blvd., Suite 100 for consultation and approval.

Auxiliary Water (if applicable) Approved by SSD (Signature & Print name) _____ Date _____ Phone _____

Approved: ☐ Yes (see attached approved documents) ☐ No

If the site has an OSSF, please contact Utility Development Services (UDS) at 972-0210 or 972-0211, Waller Creek Center, 625 E. 10th Street, Suite 715 for consultation and approval.

W&WWSPV Completed by (Signature & Print name) _____ Date _____ Phone _____

OSSF (if applicable) Approved by UDS (Signature & Print name) _____ Date 7/3/12 Phone 972-0000

AWU Representative _____ Date _____ Phone _____

Approved: ☐ Yes (see attached approved documents) ☐ No

NOTE: For residential plan review, this original stamped "approval" must be submitted with the stamped "original" floor plan.

Verification expires 180 days after date of Submittal

PLEASE READ IMPORTANT INSTRUCTIONS ON PAGE 2

REVIEWED

JUL 03 2012

AUSTIN WATER UTILITY
CONSUMER SERVICE DIVISION - TAPS

ONE STOP SHOP
505 Barton Springs
Austin, Texas 78701
(512) 974-2632 phone
(512) 974-9112 phone
(512) 974-9779 fax
(512) 974-9109 fax



Austin Energy
Electric Service Planning Application (ESPA)
For Residential and Commercial "SERVICE ONLY"
Under 350 amps 1 ϕ or 225 amps 3 ϕ

☐ Check this box if
this is for a
building permit
only.

(Please print or type. Fields left blank will be considered Not Applicable.)

Responsible Person for Service Request Mike McHone Phone 554-8440
Email _____ Fax 481-1002
Project Name 1917 DAVID ☒ New Construction ☐ Remodeling
Project Address 1917 DAVID STREET OR
Legal Description CRAWFORD ADDN. Lot 18 Block 2
Requested Service Duration: ☒ Permanent Service ☐ Construction Power/Temp Service
(Usually less than 24 months)
Who is your electrical service provider? ☒ AE ☐ Other _____

☒ Overhead or ☐ Underground Voltage _____ ☐ Single-phase (1 ϕ) or ☐ Three-phase (3 ϕ)
Service Main Size(s) _____ (amps) Number of Meters? _____
AE Service Length _____ (ft.) Conductor _____ (type & size)
SqFt Per Unit _____ #Units _____ ☐ All Electric ☐ Gas & Electric ☐ Other _____
Total AC Load _____ (Tons) Largest AC unit _____ (Tons)
LRA (Locked Rotor Amps) of Largest AC Unit _____ (Amps)
Electric Heating _____ (kW) Other _____ (kW)

Comments: New Duplex

ESPA Completed by (Signature & Print name) _____ Date _____ Phone _____

AE Representative _____ Approved: ☐ Yes ☐ No (Remarks on back) _____
Date _____ Phone _____

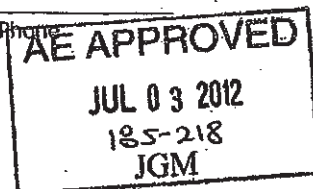
Application expires 180 days after date of Approval
(Any change to the above information requires a new ESPA)

Version 1.1.0.0

Operating-100735
top Form Ver:1.1.0.0 Eff.Date:03/02/10

All structures etc. must maintain 7'5"
clearance from AE energized power
lines. Enforced by AE & NESC codes.

This document when printed is
uncontrolled and for reference
purposes only



OWNER'S AUTHORIZATION LETTER

I/we hereby certify that I/we am/are the owner(s) of the property referenced below. I/we am/are respectfully requesting processing and approval of the below referenced permit(s) review. I/we hereby authorize the Applicant listed on this application to act on my/our behalf during the processing and presentation of this request. They shall be the principal contact with the City in processing this application.

Property Address: 1917 DAVID STREET

PR#: _____

Michael Said

6/29/12

Owner's Signature

Date

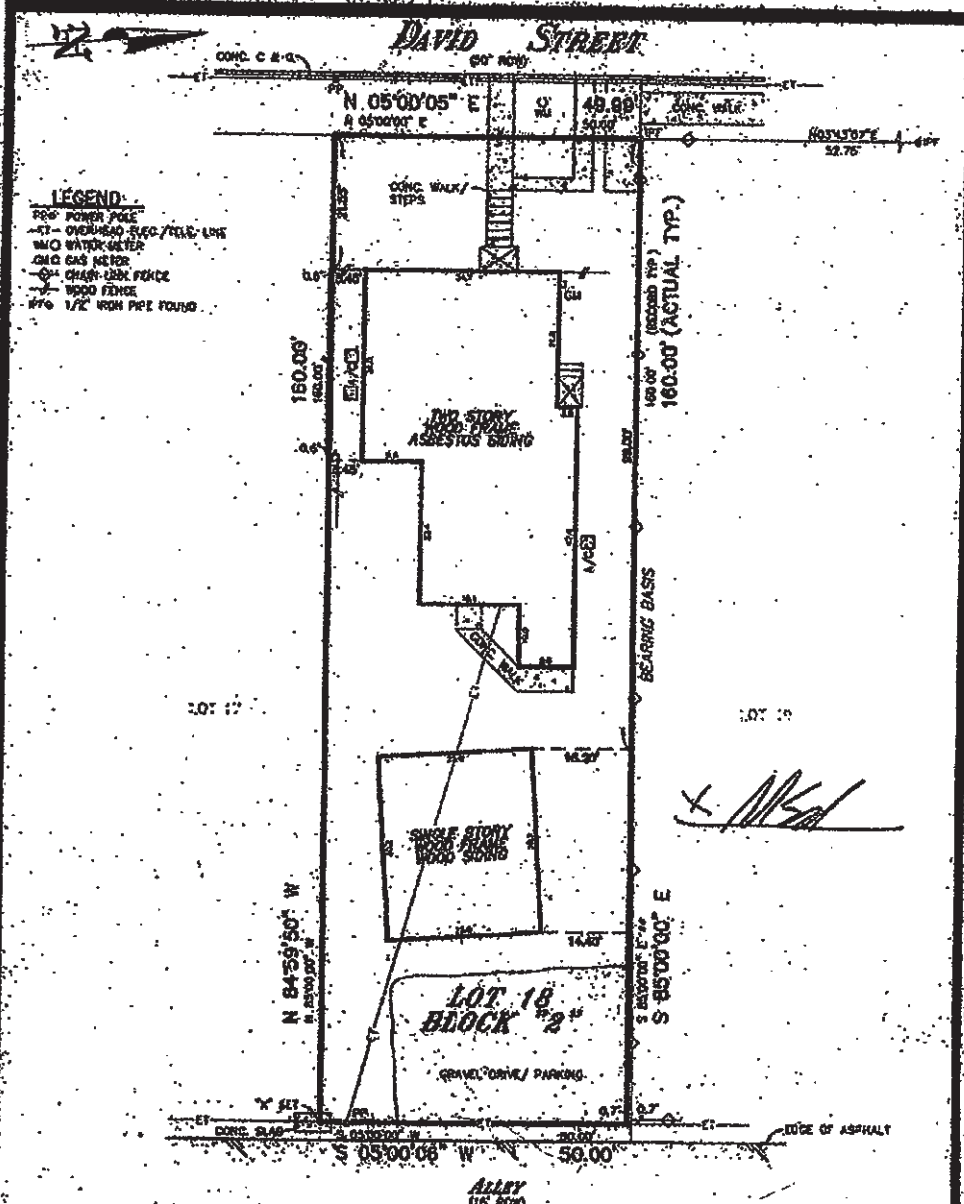
Owner's Signature

Date

1st Owner's Printed Name

2nd Owner's Printed Name

7999.2 #



** SCALED FROM TAX MAP
 DIVISION D, BOOK 1, PAGE 94, PLAT RECORDS

PLAT OF SURVEY

Survey No. 08537 SCALE: 1" = 20' OF 0608074-BOK

Sold to Lot 17, Block 2, as identified by the Federal Emergency Management Agency as Community District No. 48433C 0163E & 48433D 0205E Dated: JUNE 16, 1993

LOT NO. 18 BLOCK NO. 2

ADDITION OR SUBDIVISION OF CARRINGTON SUBDIVISION OF OUTLOTS NO. 26, 27, 28.
 STREET ADDRESS 1812 DAVID STREET CITY AUSTIN COUNTY TRAVIS
 SURVEY FOR INDEPENDENCE TITLE COMPANY REFERENCE MICHAEL SAID
 TO TRANSHARON TITLE INSURANCE COMPANY

STATE OF TEXAS, COUNTY OF TRAVIS
 I, MARY R. HAWKINS, a duly qualified and sworn surveyor, do hereby certify that the above survey was made and is true and correct, and that there are no encroachments, easements, or other interests in the land, except as shown on the plat, except as noted herein and as shown on the plat, except as shown on the plat, except as shown on the plat.

SBS ENGINEERING, INC.
 12468 Los Indios Trail, Suite 101
 Austin, Texas 78729
 (512) 335-8844 • (512) 250-8885 (Fax) TX 554/64
 Date: 06-01-2006

Mary R. Hawkins
 Date: 06-01-2006

TAX CERTIFICATE
Tina Morton
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

NO 1065237

ACCOUNT NUMBER: 01-1300-1220-0000

PROPERTY OWNER:

SAID MICHAEL
3401 GUADALUPE ST
AUSTIN, TX 78705-1321

PROPERTY DESCRIPTION:

LOT 18 BLK 2 OLT 26-28 DIV D CARRI
NGTON SUBD

ACRES .1841 MIN% .000000000000 TYPE

SITUS INFORMATION: 1917 DAVID ST

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2011	AUSTIN ISD	*ALL PAID*
	CITY OF AUSTIN (TRAV)	*ALL PAID*
	TRAVIS COUNTY	*ALL PAID*
	TRAVIS CENTRAL HEALTH	*ALL PAID*
	ACC (TRAVIS)	*ALL PAID*

TOTAL SEQUENCE 0

TOTAL TAX:
UNPAID FEES:
INTEREST ON FEES:
COMMISSION:
TOTAL DUE ==>

ALL PAID
ALL PAID
ALL PAID
ALL PAID
ALL PAID
ALL PAID
ALL PAID
ALL PAID
ALL PAID

TAXES PAID FOR YEAR 2011 \$8,294.47

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2011 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 06/14/2012

Fee Paid: \$10.00

Tina Morton
Tax Assessor-Collector

By: Valerie Morton

APPEAL OF BUILDING PERMIT 2012-084972 BP

OWNER/AGENT: Michael Said/Mike McHone
ADDRESS: 1917 David St.
PROPOSED USE: New Construction - Duplex Residential
APPELLANT: Nuria Zaragosa/OWUNA

** Staff
report to
Bldg & Fire
Code Board
10-9-12*

STAFF SUMMARY

On August 28, 2012, a building permit (2012-084972 BP) was issued for construction of a new duplex residential structure.

On September 17, 2012 an appeal of this building permit was filed by Nuria Zaragoza, president of the neighborhood association. Ms. Zaragosa is registered as an interested party and submitted the appeal in a timely manner.

No work has begun on the site.

REQUEST:

Ms. Zaragosa requests the Building and Fire Code Board of Appeals declare the proposed structure as a "rooming house" based on a previous decision by the Board on May 5, 2010 concerning 1915 David St. If this were the case, this project at 1917 David St. would need to be reviewed under the 2009 International Building Code (IBC) and not under the 2006 International Residential Code (IRC).

STAFF RECOMMENDATION:

The property is currently zoned as SF-3-NP, is under the Central Austin Combined Neighborhood Plan and also needs to comply with **SubChapter F: Residential Design Compatibility Standards** (McMansion) of the Land Development Code (LDC). Under this zoning, a duplex structure is allowed.

The IRC provides minimum requirements for room areas, sanitation, emergency escape and rescue openings, and means of egress. The proposed two-family dwelling clearly falls within the scope of the IRC and appears to comply. There are no definitions for bedrooms, game rooms, studies, etc., in the IRC. However, the IRC does require every sleeping room to have at least one operable emergency and rescue opening. On this particular project, the sleeping areas are limited under **Section 25-2-511 Dwelling Unit Occupancy Limit**. No more than 3 unrelated persons 18 years of age or older may reside in a dwelling unit of a duplex residential use.

The proposed construction plans demonstrate compliance with the zoning requirements of the LDC and technical code requirements as provided under the IRC and does not warrant a review under the IBC. Therefore, staff recommends denial of the appeal.

ATTACHMENT: Miscellaneous Sections from the IRC and LDC.

ATTACHMENT - CODE REFERENCES

§ 25-2-511 DWELLING UNIT OCCUPANCY LIMIT.

(A) Notwithstanding any other provision of this code, except as provided in Subsection (B):

- (1) not more than six unrelated persons may reside in a dwelling unit;
- (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 in the duplex structure does not increase more than 69 square feet, except for the completion of construction authorized before that date or to allow for compliance with the Americans with Disabilities Act; and
- (3) for a two-family residential use or a site with a secondary apartment special use, not more than four unrelated persons 18 years of age or older may reside in the principal structure, and not more than two unrelated persons 18 years of age or older may reside in the second dwelling unit, unless:

- (a) before November 18, 2004:
 - (i) a building permit for the second dwelling unit was issued; or
 - (ii) the use was established; and
- (b) after November 18, 2004, the gross floor area does not increase more than 69 square feet, except for the completion of construction authorized before that date or to allow for compliance with the Americans with Disabilities Act.

(B) A group of not more than ten unrelated persons may reside in a dwelling unit if:

- (1) a majority of the persons are 60 years of age or older;
- (2) the persons are self-caring and self-sufficient and participate in the daily operation of the dwelling unit; and
- (3) the persons live together as a single, non-profit housekeeping unit.

Source: Section 13-2-1; Ord. 990225-70; Ord. 030605-49; Ord. 031211-11; Ord. 0411118-59; Ord. 20100923-127.

2006 International Residential Code minimum requirements that is applicable to the Structure.

The following code language is provided from the 2006 International Residential Code to provide the Board a short overview of the minimum important criteria of the code as it relates to new construction or a one-and-two-family dwelling.

Chapter 1

R101.2 Scope.

The provisions of the International Residential Code for One- and Two-family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures.

R101.3 Purpose.

The purpose of this code is to provide minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

Chapter 2 Definitions

STRUCTURE. That which is built or constructed.

BUILDING. Building shall mean any one- and two-family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto.

DWELLING. Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Chapter 3 Building Planning

SECTION R304

MINIMUM ROOM AREAS

R304.1 Minimum area.

Every dwelling unit shall have at least one habitable room that shall have not less than 120 square feet (11 m²) of gross floor area.

R304.2 Other rooms.

Other habitable rooms shall have a floor area of not less than 70 square feet (6.5 m²).

Exception: Kitchens.

R304.3 Minimum dimensions.

Habitable rooms shall not be less than 7 feet (2134 mm) in any horizontal dimension.

Exception: Kitchens.

R304.4 Height effect on room area.

Portions of a room with a sloping ceiling measuring less than 5 feet (1524 mm) or a furred ceiling measuring less than 7 feet (2134 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room.

SECTION R306

SANITATION

R306.1 Toilet facilities.

Every dwelling unit shall be provided with a water closet, lavatory, and a bathtub or shower.

R306.2 Kitchen.

Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink.

R307 Toilet, Bath, Shower spaces

R310 Emergence Escape and Rescue openings

SECTION R310

EMERGENCY ESCAPE AND RESCUE OPENINGS

R310.1 Emergency escape and rescue required.

Basements and every sleeping room shall have at least one operable emergency and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

Exception: Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m²).

R310.1.1 Minimum opening area.

All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.530 m²).

Exception: Grade floor openings shall have a minimum net clear opening of 5 square feet (0.465 m²).

R310.1.2 Minimum opening height.

The minimum net clear opening height shall be 24 inches (610 mm).

R310.1.3 Minimum opening width.

The minimum net clear opening width shall be 20 inches (508 mm).

R310.1.4 Operational constraints.

Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge.

R310.2 Window wells.

The minimum horizontal area of the window well shall be 9 square feet (0.9 m²), with a minimum horizontal projection and width of 36 inches (914 mm). The area of the window well shall allow the emergency escape and rescue opening to be fully opened.

Exception: The ladder or steps required by Section R310.2.1 shall be permitted to encroach a maximum of 6 inches (152 mm) into the required dimensions of the window well.

R310.2.1 Ladder and steps.

Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Sections R311.5 and R311.6. Ladders or rungs shall have an inside width of at least 12 inches (305 mm), shall project at least 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height of the window well.

R310.3 Bulkhead enclosures.

Bulkhead enclosures shall provide direct access to the basement. The bulkhead enclosure with the door panels in the fully open position shall provide the minimum net clear opening required by Section R310.1.1. Bulkhead enclosures shall also comply with Section R311.5.8.2.

R310.4 Bars, grilles, covers and screens.

Bars, grilles, covers, screens or similar devices are permitted to be placed over emergency escape and rescue openings, bulkhead enclosures, or window wells that serve such openings, provided the minimum net clear opening size complies with Sections R310.1.1 to R310.1.3, and such devices shall be releasable or removable from the inside without the use of a key, tool, special knowledge or force greater than that which is required for normal operation of the escape and rescue opening.

R310.5 Emergency escape windows under decks and porches.

Emergency escape windows are allowed to be installed under decks and porches provided the location of the deck allows the emergency escape window to be fully opened and provides a path not less than 36 inches (914 mm) in height to a yard or court.

SECTION R311**MEANS OF EGRESS****R311.1 General.**

Stairways, ramps, exterior egress balconies, hallways and doors shall comply with this section.

R311.2 Construction.**R311.2.1 Attachment.**

Required exterior egress balconies, exterior exit stairways and similar means of egress components shall be positively anchored to the primary structure to resist both vertical and lateral forces. Such attachment shall not be accomplished by use of toenails or nails subject to withdrawal.

R311.2.2 Under stair protection. Enclosed accessible space under stairs shall have walls, under stair surface and any soffits protected on the enclosed side with ½-inch (13 mm) gypsum board.

R311.3 Hallways.

The minimum width of a hallway shall be not less than 3 feet (914 mm).

R311.4 Doors.

R311.4.1 Exit door required.

Not less than one exit door conforming to this section shall be provided for each dwelling unit. The required exit door shall provide for direct access from the habitable portions of the dwelling to the exterior without requiring travel through a garage. Access to habitable levels not having an exit in accordance with this section shall be by a ramp in accordance with Section R311.6 or a stairway in accordance with Section R311.5.

R311.4.2 Door type and size.

The required exit door shall be a side-hinged door not less than 3 feet (914 mm) in width and 6 feet 8 inches (2032 mm) in height. Other doors shall not be required to comply with these minimum dimensions.

R311.4.3 Landings at doors.

There shall be a floor or landing on each side of each exterior door. The floor or landing at the exterior door shall not be more than 1.5 inches (38 mm) lower than the top of the threshold. The landing shall be permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2-percent).

Exceptions:

1. Where a stairway of two or fewer risers is located on the exterior side of a door, other than the required exit door, a landing is not required for the exterior side of the door provided the door, other than an exterior storm or screen door does not swing over the stairway.
2. The exterior landing at an exterior doorway shall not be more than 7¾ inches (196 mm) below the top of the threshold, provided the door, other than an exterior storm or screen door does not swing over the landing.
3. The height of floors at exterior doors other than the exit door required by Section R311.4.1 shall not be more than 7¾ inches (186 mm) lower than the top of the threshold. The width of each landing shall not be less than the door served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.

R311.4.4 Type of lock or latch.

All egress doors shall be readily openable from the side from which egress is to be made without the use of a key or special knowledge or effort.

R311.5 Stairways.

R311.5.1 Width.

Stairways shall not be less than 36 inches (914 mm) in clear width at all points above the permitted handrail height and below the required headroom height. Handrails shall not project more than 4.5 inches (114 mm) on either side of the stairway and the minimum clear width of the stairway at and below the handrail height, including treads and landings, shall not be less than 31.5 inches (787 mm) where a handrail is installed on one side and 27 inches (698 mm) where handrails are provided on both sides.

Exception: The width of spiral stairways shall be in accordance with Section R311.5.8.

R311.5.2 Headroom.

The minimum headroom in all parts of the stairway shall not be less than 6 feet 8 inches (2036 mm) measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform.

R311.5.3 Stair treads and risers.

R311.5.3.1 Riser height.

The maximum riser height shall be $7\frac{3}{4}$ inches (196 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than $\frac{3}{8}$ inch (9.5 mm).

R311.5.3.2 Tread depth.

The minimum tread depth shall be 10 inches (254 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than $\frac{3}{8}$ inch (9.5 mm). Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the largest winder tread depth at the 12 inch (305 mm) walk line shall not exceed the smallest by more than $\frac{3}{8}$ inch (9.5 mm).

R311.5.3.3 Profile.

The radius of curvature at the leading edge of the tread shall be no greater than $\frac{9}{16}$ inch (14 mm). A nosing not less than $\frac{3}{4}$ inch (19 mm) but not more than $1\frac{1}{4}$ inch (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than $\frac{3}{8}$ inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed $\frac{1}{2}$ inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions:

1. A nosing is not required where the tread depth is a minimum of 11 inches (279 mm).
2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.

R311.5.4 Landings for stairways.

There shall be a floor or landing at the top and bottom of each stairway.

Exception: A floor or landing is not required at the top of an interior flight of stairs, including stairs in an enclosed garage, provided a door does not swing over the stairs.

A flight of stairs shall not have a vertical rise larger than 12 feet (3658 mm) between floor levels or landings.

The width of each landing shall not be less than the width of the stairway served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.

R311.5.5 Stairway walking surface.

The walking surface of treads and landings of stairways shall be sloped no steeper than one unit vertical in 48 inches horizontal (2-percent slope).

R311.5.6 Handrails.

Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers.

R311.5.6.1 Height.

Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm).

R311.5.6.2 Continuity.

Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1½ inch (38 mm) between the wall and the handrails.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at the turn.
2. The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.

R311.5.6.3 Handrail grip size.

All required handrails shall be of one of the following types or provide equivalent graspability.

1. Type I. Handrails with a circular cross section shall have an outside diameter of at least 1¼ inches (32 mm) and not greater than 2 inches (51 mm). If the handrail is not circular it shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6¼ inches (160 mm) with a maximum cross section of dimension of 2¼ inches (57 mm).
2. Type II. Handrails with a perimeter greater than 6¼ inches (160 mm) shall provide a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of ¾ inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8 mm) within 7/8 inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least 3/8 inch (10 mm) to a level that is not less than 1¼ inches (45 mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be 1¼ inches (32 mm) to a maximum of 2¼ inches (70 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

R311.5.7 Illumination.

All stairs shall be provided with illumination in accordance with Section R303.6.

R311.5.8 Special stairways.

Spiral stairways and bulkhead enclosure stairways shall comply with all requirements of Section R311.5 except as specified below.

R311.5.8.1 Spiral stairways.

Spiral stairways are permitted, provided the minimum width shall be 26 inches (660 mm) with each tread having a 7½-inches (190 mm) minimum tread depth at 12 inches from the narrower edge. All treads shall be identical, and the rise shall be no more than 9½ inches (241 mm). A minimum headroom of 6 feet 6 inches (1982 mm) shall be provided.

R311.5.8.2 Bulkhead enclosure stairways.

Stairways serving bulkhead enclosures, not part of the required building egress, providing access from the outside grade level to the basement shall be exempt from the requirements of Sections R311.4.3 and R311.5 where the maximum height from the basement finished floor level to grade adjacent to the stairway does not exceed 8 feet (2438 mm), and the grade level opening to the stairway is covered by a bulkhead enclosure with hinged doors or other approved means.

R311.6 Ramps.

R311.6.1 Maximum slope.

Ramps shall have a maximum slope of one unit vertical in twelve units horizontal (8.3-percent slope).

Exception: Where it is technically infeasible to comply because of site constraints, ramps may have a maximum slope of one unit vertical in eight horizontal (12.5 percent slope).

R311.6.2 Landings required.

A minimum 3-foot-by-3-foot (914 mm by 914 mm) landing shall be provided:

1. At the top and bottom of ramps.
2. Where doors open onto ramps.
3. Where ramps change direction.

R311.6.3 Handrails required.

Handrails shall be provided on at least one side of all ramps exceeding a slope of one unit vertical in 12 units horizontal (8.33-percent slope).

R311.6.3.1 Height.

Handrail height, measured above the finished surface of the ramp slope, shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm).

R311.6.3.2 Handrail grip size.

Handrails on ramps shall comply with Section R311.5.6.3.

R311.6.3.3 Continuity.

Handrails where required on ramps shall be continuous for the full length of the ramp.

Handrail ends shall be returned or shall terminate in newel posts or safety terminals.

Handrails adjacent to a wall shall have a space of not less than 1.5 inches (38 mm) between the wall and the handrails.

SECTION R312**GUARDS****R312.1 Guards.**

Porches, balconies, ramps or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 36 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads.

Porches and decks which are enclosed with insect screening shall be equipped with guards where the walking surface is located more than 30 inches (762 mm) above the floor or grade below.

R312.2 Guard opening limitations.

Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 inches (102mm) or more in diameter.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that a sphere 6 inches (152 mm) cannot pass through.
2. Openings for required guards on the sides of stair treads shall not allow a sphere 4 3/8 inches (107 mm) to pass through.

SECTION R313**SMOKE ALARMS****R313.1 Smoke detection and notification.**

All smoke alarms shall be listed in accordance with UL 217 and installed in accordance with the provisions of this code and the household fire warning equipment provisions of NFPA 72.

Household fire alarm systems installed in accordance with NFPA 72 that include smoke alarms, or a combination of smoke detector and audible notification device installed as required by this section for smoke alarms, shall be permitted. The household fire alarm system shall provide the same level of smoke detection and alarm as required by this section for smoke alarms in the event the fire alarm panel is removed or the system is not connected to a central station.

R313.2 Location.

Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

When more than one smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit.

SECTION R317

DWELLING UNIT SEPARATION

R317.1 Two-family dwellings.

Dwelling units in two-family dwellings shall be separated from each other by wall and/or floor assemblies having not less than a 1-hour fire-resistance rating when tested in accordance with ASTM E 119. Fire-resistance-rated floor-ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to the underside of the roof sheathing.

Exceptions:

1. A fire-resistance rating of ½ hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13.
2. Wall assemblies need not extend through attic spaces when the ceiling is protected by not less than 5/8-inch (15.9 mm) Type X gypsum board and an attic draft stop constructed as specified in Section R502.12.1 is provided above and along the wall assembly separating the dwellings. The structural framing supporting the ceiling shall also be protected by not less than 1/2 -inch (12.7 mm) gypsum board or equivalent.

R317.1.1 Supporting construction.

When floor assemblies are required to be fire-resistance-rated by Section R317.1, the supporting construction of such assemblies shall have an equal or greater fire-resistive rating.

LDC allows uses for SF3 zoning classification:

<u>Residential Uses include:</u>	<u>Civic Uses Include:</u>
<ul style="list-style-type: none">• Single Family attached• 2 Family Residential• Duplex Residential• Bed & Breakfast Group 1• Retirement Housing• Duplex Residential• Can have an art gallery or art workshop• Food preparation is allowed	<ul style="list-style-type: none">• Commercial facility• Club or Lodge• College or university facility <p>*Hotels are not allowed.</p>

SF3 Technical Code Requirement – Regulated by 2006 International Residential Code

§ 25-2-555 FAMILY RESIDENCE (SF-3) DISTRICT REGULATIONS.

- (A) This section applies in a family residence (SF-3) district.
- (B) The rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height.
- (C) For a retirement housing (small site) use:
 - (1) the minimum site area is 18,675 square feet;
 - (2) a site may be developed with not more than 122 dwelling units;
 - (3) at least 6,225 square feet of site area is required for each dwelling unit; and
 - (4) except for a parking space in a driveway, a parking space may not be located in a front street yard.
- (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.

** Appellant
handout to Bldg & Fire Code Board*

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
---	--

Appellant Filing Appeal NURIA ZARAGOZA FOR OWNERS	Relationship to Property INTERESTED PARTY
---	---

Appellant's status as Interested Party
PRESIDENT OF N/A & PROXIMITY TO PROPERTY

Appellant Contact Information	Permit Holder Contact Information
-------------------------------	-----------------------------------

Name NURIA ZARAGOZA	Name MICHAEL SAID / MIKE McHONE
-------------------------------	---

Street 1908 CLIFF ST	Street 2459 WESTLAKE DR
--------------------------------	-----------------------------------

City AUSTIN State TX Zip 78705	City AUSTIN State TX Zip 78746
--	--

Telephone 512 320 0351	Telephone
----------------------------------	-----------

E-Mail TEDANDNURIA@HOTMAIL.COM	E-Mail
--	--------

Date of Decision Being Appealed: 8-28-2012	Date Appeal is Filed:
--	-----------------------

Decision being appealed: (use additional paper as required)
PROJECT IS EFFECTUALLY A "ROOMING HOUSE" AS DEFINED BY THE LPC 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 LPC 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:
---------------	----------------------

Action on Appeal:	Date of Action: SEP 17 2012
-------------------	---------------------------------------

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.

Date:

Printed Name:

Signature:

9-11-12 Nuria Zaragoza NURIA ZARAGOZA

§ 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.



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

May 14, 2012 BOA Meeting

Case No. C 15-2012-0044 Nuria Zaragosa for Michael Said 1917 David Street

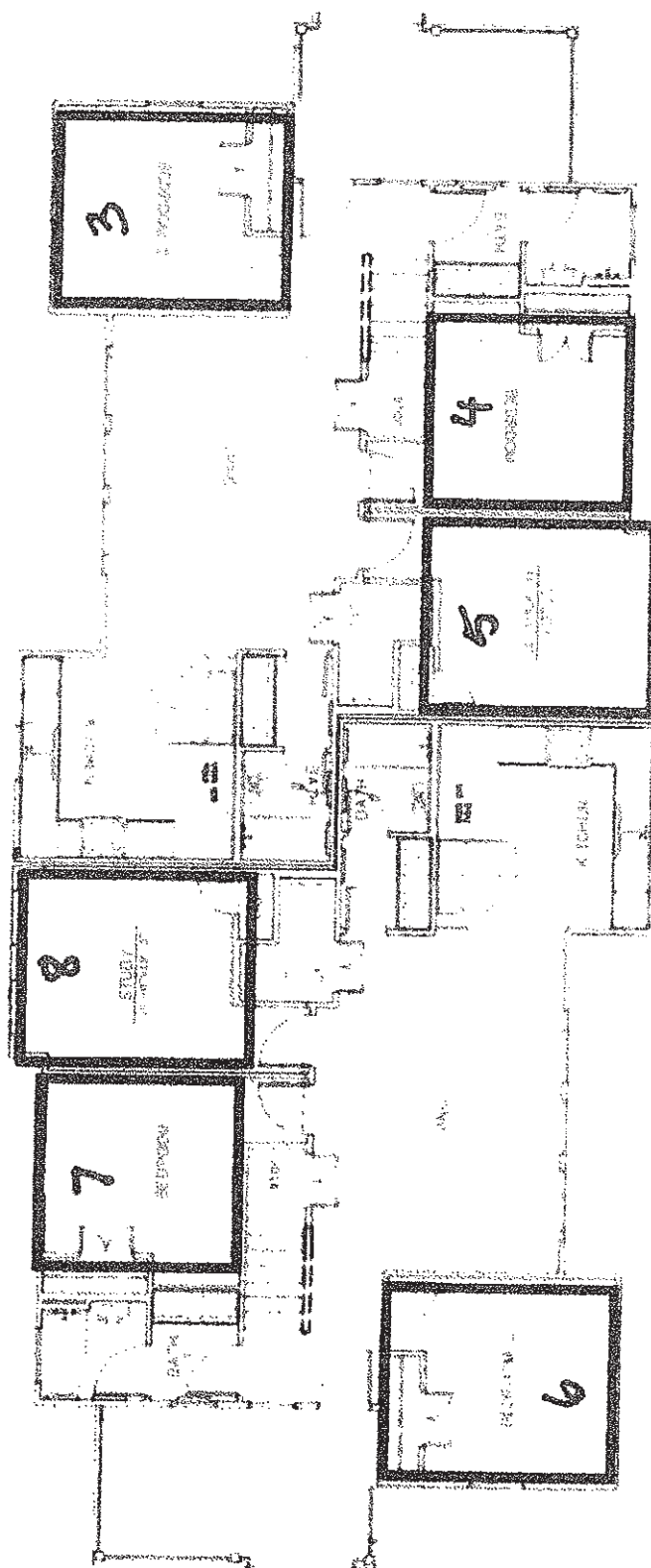
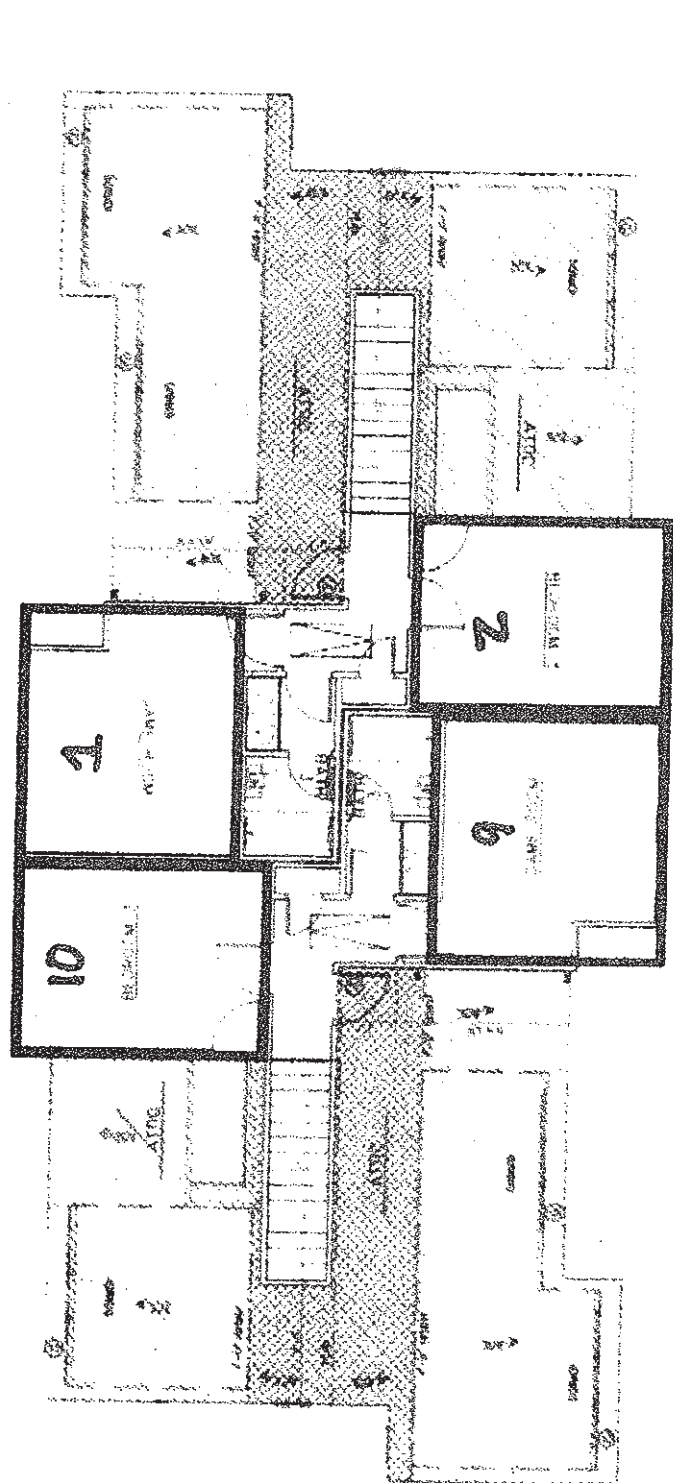
Boardmember's Motion:

"I move that the Board of Adjustment take no action on the appeal based on the fact that the original applicant in this case has withdrawn their request for a building permit and therefore there is no longer an active development approval by the Director for this location. However, I also find that the plans previously submitted for 1917 David Street were approved on an incorrect interpretation of Section 25-2-555 (D) of the Land Development Code with regard to what constitutes a "bedroom".

For this reason, my motion also includes the following recommendation for staff to consider when applying Section 25-2-555 in future cases.

Recommendation:

- (1) A room designated on the floor plan of a residential duplex project should be considered a "Bedroom" for the purposes of determining the number of bedrooms allowed under section 25-2-555(D) of the Land Development Code if :
 - (A) the room is a minimum of 70 square feet in area and is not a kitchen, bathroom, garage, utility room, common living area or common circulation space (halls or stairs),
 - (C) the room is configured so that it is or is capable of being a private space separated from all other areas of the building by a permanent door or doors, and
 - (D) if all designated "bedrooms" shown on the plans have access to bathrooms only through shared common living areas also accessible from these rooms and no shown bedroom has direct access to any of the bathrooms.
- (2) It is recognized that an interpretation relies on the specifics of a case. Because the original project permit application has been withdrawn, an interpretation at this time is not applicable. However it is my hope that this recommendation, will be used by the Director when considering what constitutes a bedroom with regard to future projects meeting the requirements of Section 25-2-555



The Lear Company
2108 W. Ben White Boulevard
P.O. Box 163662
Austin, TX 78716
(512)329-8290

4/17/2012

Board of Adjustment
Chairman Jeff Jack

RE: 1917 David St, Austin, TX

Chairman:

I have reviewed plans submitted to me in regard to the property to be built at 1917 David St., Austin, TX, Lot 18, Block 2, Carrington Subdivision. It was requested for me to observe the plans to offer my professional opinion as a real estate appraiser in regard to objectively observed bedrooms. I would conclude that the plans clearly indicate exceeding the three (3) bedroom per unit duplex limit.

Please find attached my qualifications, as well as a copy of my state certification.

Sincerely,



Ted Lear, SRA
TX-1321124-G

A RESUME OF THE QUALIFICATIONS OF TED N. LEAR

My name is Ted Lear and I am an independent real estate appraiser and owner of The Lear Company, a real estate appraisal and consulting firm with offices at 2108 W. Ben White Boulevard, Austin, Texas. I have been actively engaged in the appraisal of real estate since 1983, after receiving my degree from the University of Texas. I have had the privilege of developing experience in the appraisal and analysis of multiple types of properties. Before opening my own office, I managed the residential appraisal department of Sayers & Associates, Inc. I have spent 100% of my career time appraising during the past 28 years.

Designations

SRA designation – Appraisal Institute (Senior Residential Appraiser)

State Certification

General Real Estate Appraiser - Certificate Number: TX-1321121-G

Employment History

Sayers & Associates 7/83 - 1/95 The Lear Company 1/95 - Present

Education and Memberships

University of Texas; BBA, Petroleum Land Management, 1983
Appraisal Institute-SRA Member

I am up to date regarding all ongoing education requirements. □ to state licensing course requirements every two years, I am required to submit evidence of 100 hours of classwork every five years for the Appraisal Institute.

Experience, Types of Appraisal Work Performed

The bulk of my workload is appraisals performed for mortgage lending purposes (both resale and new construction). In addition to these type appraisals, I also have many years experience appraising properties for the purpose of litigation. My experience goes beyond the valuation process, but also into the process of court testimony. I also provide services to property owners, developers, and other prospective purchasers in a consultant role, as well as that of the appraiser. My experience also encompasses both proposed and developed properties.



City of Austin

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Planning and Development Review Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767

October 10, 2012

Nuria Zaragosa
Via Email:

Re: Appeal of issuance of building permit related to the structure known as 1917
David Street for Building Permit # 2012-084972-BP

Dear Ms. Zaragosa:

The Building and Fire Code Board of Appeals (Board) conducted a Public Hearing held on October 9, 2012 to hear your appeal of the issuance of a building permit issued on August 28, 2012. Your appeal declared that the proposed structure is a "rooming house" based on a previous Board decision on May 5, 2010 concerning 1915 David Street. Therefore the property should be reviewed as a commercial property under the 2009 International Building Code (IBC) and not as a residential property under the 2006 International Residential Code (IRC).

The Board found this building permit involves new construction, while the May 4, 2010 decision was a remodel and the appeal was denied due to the remodel exceeding the square footage maximum for remodels per the Land Development Code.

The Board required a majority vote of 4 members to take action. The Board's motion to deny the appeal resulted in a 3/2 vote, resulting in that staff's decision stands. Without an affirmative motion to grant an appeal, and/or overturn the decision, the permit remains valid.

Sincerely,

Dan McNabb, Executive Liaison
Building and Fire Code Board of Appeals

cc: Board Members, Building and Fire Code Board of Appeals
Mike McHone, Owner Agent for Mike Said
Leon Barba, Building Official, Planning & Development Review Dept.
Brent Lloyd, Assistant City Attorney

Mike McHone
Real Estate

Frank Haught, Chair
Building and Fire Code Board of Appeals
City of Austin
P. O. Box 1088
Austin, Texas 78767

Owner handouts
from Bldg &
Fire Code
Board

October 4, 2012

Re: Special Called Meeting of October 9th, 2012; 1917 David Street 2012-084972-BP

Dear Chairman Haught;

I am writing you on behalf of my client, Michael Said, the owner of 1917 David Street. I understand that you have been provided information from the appellant to which I will respond. In respect of your time, I will use a simple format and support my statements with the attached support documents:

- 1) Appeal should not be heard because it is/was not made within the time frame required by the City Code. 25-1-182 (Exhibit 1) requires an administrative appeal to be filed by the 20th day after the administrative decision. The administrative decision is an "approval". Approval and Approval Authority are defined terms in 25-1-21 (2 & 3 Exhibit 2). The Administrative Approval of this project was received by email on August 23rd (Exhibit 3). The 20th day from that date is September 12th, which is the date the appellant filed an appeal with the Board of Adjustments (Exhibit 3). The Appeal to the BFCBA was filed September 17th (Exhibit 4). The appellant had already registered as an interested party and was being informed of the decisions made by staff. In fact, the Planning and Development Review Department (PDR) has two full time employees whose job is to make sure neighborhoods and interested parties are kept fully and timely informed of all decisions. To say that the time for appeal starts when the owner "pays" for a permit is to put the "administrative decision" in the hands of the applicant. In a large project, the cost of first purchasing a permit and then waiting 20 days to have an appeal filed and go through the Boards and Commissions would be an unreasonable situation. I believe the code is clear on who makes the Administrative Decision and when it is made.
- 2) The basis of the Appellant's Appeal is that this structure is a "rooming house." The City Council adopted a special exception to the adopted international building codes for the definition of a "rooming house" (ordinance 20100408-052) which is contained in Chapter 13 of the Technical Code "Rooming House". A building, other than a hotel, where for lodging for more than six unrelated persons is provided without meals in return for compensation." (Exhibit 5) Lodging means that the persons residing there are "lodgers." A lodger is defined as a person living in another's house and paying for his accommodations. Our case is a permit to build a duplex. The occupants have a lease and pay their own utilities for each unit of the duplex.
- 3) A duplex consists of two dwelling units that are contained under one roof and must comply with the requirements of the Land Development Code and Technical Codes of the City of Austin for a permit to be issued. The Appellant offers a decision from May 10, 2010 in support of her claim.

That decision of the BFCBA was concerning a "two family" use not a "duplex." The decision concerned the rear structure the owner was attempting to "grandfather" which exceeded the current code requirements. The BFCBA found that the permitted work on this rear structure exceeded the limits of remodel and therefore constituted new construction. The BFCBA went on to say that if the permitted work (new construction) was allowed to proceed, it would have effectively been a "rooming house". The essential difference is that this permit at 1917 David is for a new duplex. The decision in 2010 is not relevant to this situation.

- 4) The appellant makes an assumption concerning the occupancy of this duplex prior to its being built. I have attached just 3 examples, and there are many more, of permitted and constructed duplexes in Austin which have rooms other than bedrooms (Exhibit 7).
- 5) The appellant has included an exhibit of a floor plan of a duplex which she offers as the permitted duplex. She then draws over the plans with a marker labeling rooms as bedrooms regardless of the actual label or walls of the structure. The exhibit is NOT of the permitted duplex. The appellant has submitted an appeal based on plans that are not the approved plans. I have attached a copy of the permitted plans. A side by side comparison will show numerous differences (attic, closets, doors, exterior walls) (Exhibit 8).
- 6) The appellant also includes a letter from a Licensed Real Estate Appraiser stating that in his "professional opinion" the duplex plans clearly exceed the three (3) bedrooms per unit duplex limit. There are several flaws with this letter, without going into whether an appraiser is qualified to judge a set of plans. The duplex ordinance does not limit the number of bedrooms; there are additional requirements if the 3 bedrooms per side are exceeded. The most critical fact is that the letter was written April 17th, 2012. The plans for this permitted duplex were submitted for review to the City Residential Plan Review on August 22, 2012, four (4) months after April 17th (Exhibit 9).
- 7) Most importantly, the appellant fails by defining a duplex as "a building"; under the technical code a "rooming house" is required to be a single building. The permitted duplex at 1917 David is a two story front and back duplex with a two hour firewall assembly between the two dwelling units. Under the technical codes adopted by the City of Austin, a duplex so constructed is "two buildings". (See approved plan pages A1.0, showing the site plan, page A 2.2 Floor Plans which shows the fire wall between the units on both floors, and page A 4.1, Details, which show the construction of the firewall.

This appeal is inaccurate and wrong. The City Review Staff has reviewed these plans for compliance with all Code requirements and found that these plans are compliant. The City's professional review staff has properly issued this permit and the appeal should be denied.

Sincerely,



Mike McHone

- (1) be prominently displayed at the original location of the hearing on the date and at the time of the original hearing;
- (2) identify the hearing being relocated;
- (3) state the time, date, and new location of the hearing; and
- (4) provided an explanation for relocation.

- (C) The hearing shall be postponed a sufficient period of time to provide a reasonable opportunity for interested parties to travel from the original location to the new location of the hearing.

Source: Section 13-1-203; Ord. 990225-70; Ord. 031211-11.

§ 25-1-154 RECORD OF PUBLIC HEARING.

- (A) The body conducting a public hearing shall record each public hearing on audio tape or video tape.
- (B) The official record of a public hearing includes:
- (1) the audio tape or video tape recording of the public hearing;
 - (2) written staff reports; and
 - (3) documentary evidence submitted during a public hearing.
- (C) A person may review the official record of a public hearing.
- (D) The custodian of the records of the body conducting the hearing may establish rules regarding the time and location for review of the record.

Source: Section 13-1-242; Ord. 990225-70; Ord. 031211-11.

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;

Austin - Land Development

- (2) **ACCOUNTABLE OFFICIAL** means the City officer or employee designated by this title or the city manager with a particular administrative or enforcement responsibility.
- (3) **ADVISORY BODY** means a City board, commission, or other appointed body that does not make a final decision and whose review is not required by state law.
- (4) **APPROVAL** means:
 - (a) a final decision granting or approving an application; or
 - (b) an approval granted subject to modifications or conditions.
- (5) **APPROVAL AUTHORITY** means the City officer, employee, or body charged with reviewing and determining whether to approve an application.
- (6) **ATTACHED**, when used with reference to two or more buildings, means having one or more common walls or being joined by a covered porch, loggia, or passageway.
- (7) **BASE DISTRICT** means a zoning district established by this chapter to prescribe basic regulations governing land use and site development.
- (8) **BLOCK** means one or more lots, tracts, or parcels of land bounded by streets, railroads, or subdivision boundary lines.
- (9) **BUFFER ZONE** means a strip of land used to separate one land use from another incompatible land use.
- (10) **BUILDING COVERAGE** means the area of a lot covered by buildings or roofed areas, but excludes ground level paving, landscaping, open recreational facilities, incidental projecting eaves, balconies, and similar features.
- (11) **BUILDING LINE** means a line beyond which a building must be set back from the street line.
- (12) **BUILDING SERVICE EQUIPMENT** means plumbing, mechanical, electrical, and elevator equipment necessary for the occupancy or use of a structure.
- (13) **CARPORT** means a roofed space used as shelter for a parked vehicle.
- (14) **CHANGE**, when used in reference to a land use, means the replacement of an existing use with a new use, or a change in the nature of an existing use. A change of ownership, tenancy, name, or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use.
- (15) **COLLECTOR STREET** means a street collecting traffic from other streets and serving as the most direct route to a thoroughfare.
- (16) **COMBINING DISTRICT** means a zoning district established by this title to prescribe regulations to be applied to a site in combination with regulations applicable to a base district.
- (17) **COMMON AREA** means an area held, designed, or designated for the common use of the owners or occupants of a townhouse project, planned unit development, apartment, condominium, mobile home park, or subdivision.
- (18) **COMMON SIDE LOT LINE** means a side lot line between two or more lots.
- (19) **COMPREHENSIVE PLAN** means the plan adopted by the city council in accordance with Article X, Section 5, of the City Charter.

Exhibit 3 (note DATE)

Mike Mchone

From: Vigil, Edward [Edward.Vigil@austintexas.gov]
Sent: Thursday, August 23, 2012 1:38 PM
To: mchone1234@sbcglobal.net
Cc: Vigil, Edward
Subject: 1917 David Street

The residential building permit application for a new two story duplex located at 1917 David Street, Austin, Texas has been reviewed by the Residential Plan Review Department at the City of Austin. **All reviews have been completed and approved for this application only.** You can pay and pick up building permits on the 2nd floor at 505 Barton Springs Road from the hours of 8 am and 3pm Monday thru Friday. Please sign in for the Permit Center. If you have any questions, please feel free to call or email me.

Respectfully,

Edward Drake Vigil
Senior Planner
City of Austin
Planning & Development Review
505 Barton Springs Road, 2nd Floor
Austin, Texas 78704
Phone: 512-974-2635
Edward.Vigil@austintexas.gov

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2197 / Virus Database: 2437/5219 - Release Date: 08/23/12

EXHIBIT 4 (DATE)

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

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 Original West University NA affirm
that on 11th

Day of September, 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 project complies with 25-6-655 Apendix A.
- 3) The project complies with 25-2-981, Subchapter C, Article 9.
- 4) The proposed project is compatible with SF-3 use.

RECEIVED
SEP 12 2012

EXHIBIT 5 (DATE)

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

Appellant Filing Appeal

NURIA ZARAGOZA FOR OWNERS

Relationship to Property

INTERESTED PARTY

Appellant's status as Interested Party

PRESIDENT OF N/A & PROXIMITY TO PROPERTY

Appellant Contact Information

Name

NURIA ZARAGOZA

Street

1908 CLIFF ST

City

AUSTIN

State

TX

Zip

78705

Telephone

512 320 0351

E-Mail

TEDANDNURIA@HOTMAIL.COM

Permit Holder Contact Information

Name

MICHAEL SAID / MIKE McHONE.

Street

2459 WESTLAKE DR

City

AUSTIN

State

TX

Zip

78746

Telephone

E-Mail

Date of Decision Being Appealed:

8-28-2012

Date Appeal is Filed:

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:

Action on Appeal:

Date of Action:

RECEIVED
SEP 17 2012
PLANNING & DEVELOPMENT REVIEW

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.

CHAPTER 13 HOTEL, BOARDING HOUSE, ROOMING HOUSE, AND BED AND BREAKFAST ESTABLISHMENT REGULATIONS

1301 DEFINITIONS

The following words and terms shall, for the purposes of this chapter, have the meanings shown herein.

BED AND BREAKFAST. The use of an owner-occupied single-family residential structure to provide rooms for temporary lodging for overnight guests in return for compensation.

BOARDING HOUSE. A building other than a hotel, where lodging and meals are provided for more than six unrelated persons in return for compensation. When used in this chapter, the term Boarding House includes a transient boarding house.

HOTEL/MOTEL. A building or a part of a building, in which there are guest rooms, rooming units, or apartments which may be rented on a daily basis and are used primarily for transient occupancy, and for which desk service is provided. In addition, one or more of the following services may be provided: maid, telephone, bellboy, or furnishing of linen. When used in this chapter, the term hotel includes a motel.

ROOMING HOUSE. A building, other than a hotel, where for* lodging for more than six unrelated persons is provided without meals in return for compensation.

* Editor's note:

As set forth in Ordinance 20100408-052. Intended text is probably "...where lodging for...." Future legislation will correct the text if needed.

1302 INSPECTIONS

The code official shall make inspections to determine the condition of boarding houses, hotels, rooming houses, and bed and breakfast establishments located within the City, to ensure compliance with this chapter

and other applicable laws. For the purpose of making inspections, the code official or the code official's representative may enter, examine, and survey, at all reasonable times, all buildings, dwelling units, guest rooms, and premises on presentation of the proper credentials. The owner or operator of a boarding house, hotel, rooming house, or bed and breakfast establishment, or the person in charge, shall give the code official free access to the building, dwelling unit, guest room and its premises, at all reasonable times, for the purpose of inspection, examination, and survey.

1303 LICENSES AND PERMITS REQUIRED

No person may operate a boarding house, hotel, rooming house, or bed and breakfast establishment unless a license for the operation, in the name of the operator and for the specific dwelling used, has been issued by the code official and is currently valid and in good standing. Unless specifically exempted by the provisions of Chapter 10-3 (*Food and Food Handlers*) of the City Code, each boarding house and bed and breakfast establishment is required to have a permit as a food service establishment issued by the Health Authority.

1304 LEASING OR RENTING ROOMS IN AN UNLICENSED HOTEL, BOARDING HOUSE, ROOMING HOUSE OR BED AND BREAKFAST ESTABLISHMENT IS AN OFFENSE

An owner, manager, or person in control of a hotel, boarding house, rooming house, or bed and breakfast establishment commits an offense if the owner or person leases, rents or otherwise induces occupancy of a room in a hotel, boarding house, rooming house, or bed and breakfast establishment which does not have a valid license issued and displayed as required by this chapter.

Each day that an owner, manager, or person in control of the property leases, rents or otherwise induces occupancy of a room in a hotel, boarding house, rooming house, or bed and breakfast establishment which does not have a valid license issued and

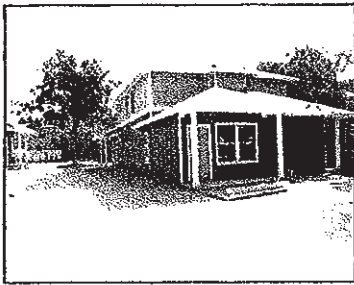
Airport
Lane

16

EXHIBIT C

TITLE 30
Travis County
Housing Regulations

Exhibit 7 (A)



ML# 9641134 Area #4 Region Austin - Central
 Address #704 W North Loop BLVD
 City #Austin St TX Zip #78751
 PID #02260707250000
 Subdivision #Northfield Addn
 Legal #Lot 9 *less S4.01ft Av Northfield Addn

Status A / MUL
 List Price \$ 750,000
 County #Travis
 Also Listed #6274318
 Mapsco #555# G

School #Austin ISD Elem A #Reilly
 Middle #Lamar
 9/Hs N/A
 Elem B Reilly
 JrHS N/A
 SrHS McCallum

General Information

Type Duplex Stories #1 Unit Mix 3/2, See Agent Disability
 Foundation Slab SQFT 2,723 / Builder \$/Sqft \$ 275.43
 Roof Asphalt Shingles YrBlt 2012 / Under Construction
 Construction Frame, Vertical Siding

LotDes Curbs, Interior Acres #0.172 Blks to UT Shuttle Gated View
 LotSize Land SQFT FEMA No Blks to Metro
 Trees Sparse, Medium (20 Ft - 40 Ft) Condition New Construction

Owner Pays All Bills

Agent Information

Directions one block east of Lamar Blvd.

Agent
 Remarks

Sign Y

Unit Information

UA	Ten No	Lse Exp	MtoM	Showing Instruct	Special Show Instruct	Access	Deposit	Pet/Deposit
UA	No			Call Agent for Code		Combo Lockbox	\$ 0	N
UB	No			Call Agent for Code		Combo Lockbox	\$ 0	N
UC								
UD								

UA	Unit	Leased	Liv	Din	Bed	FB	HB	G	C	FP	Rooms	Furnished	Actual
UA	A	N	1	0	3	2	0			N	Bedroom/Office, Kit/Din Combo, Porch	Unfurnished	\$ 0
UB	B	N	1	0	3	2	0			N	Bedroom/Office, Kit/Din Combo, Porch	Unfurnished	\$ 0
UC													
UD													

Tot. Actual Rent \$0

Utility Information

Utility Electricity on Property, Natural Gas on Property Water City Sewer City on Property

Financial Information

HOA Name HOA Trans Fee Est Tax # \$ 4,535 Tax Year #2012
 HOA Actual Tax # \$ 4,582 Tax Rate #2.382%

Office Information

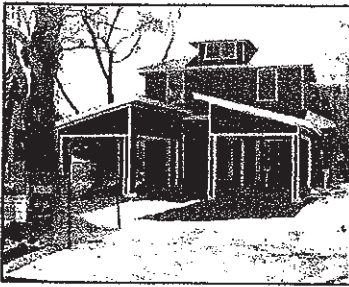
Listing Agent 305656 Jim Cotton	Agent Phone 512-472-2100 Fax	SubAgent 3.0 %
Listing Office 2503 McAllister And Associates	Office Phone 512-472-2100 Ext.	BuyerAgent 3.0 %
Listing Agent 2	LA2 Phone Intermediary	Bonus
Owner Name #Urban Investments Llp	Owner Phone 0000000000 ADOM 10	List Date 09/21/2012
Agent Email jimbo@matexas.com	Own Oth Ph CDOM 10	Exp Date
	VarCom	OLP \$ 750,000

Prepared by: Michael Sald 512-789-6543 M.Sald@RealtyAustin.com

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October 1, 2012 11:09 PM

Exhibit 7 (B)



ML# 3115012 Area #4 Region Austin - Central
 Address 609 Franklin Blvd
 City #Austin St Zip #78751
 PID #02260707090000
 Subdivision #Northfield Add
 Legal #Lot 24 Northfield Addn

Status S / MUL
 List Price \$ 670,000
 County #Travis
 Also Listed 2532159
 Mapsco #555# G

School #Austin ISD Elem A Rellly
 Middle Lamar
 9/Hs N/A
 Elem B Ridgetop
 JrHS N/A
 SrHS McCallum

General Information

Type Duplex Stories 2 Unit Mix See Agent Disability
 Foundation Slab SQFT 3,389 / Bullder \$/Sqt \$ 197.70
 Roof Composition Shingle YrBlt 2008 / New
 Construction HardiPlank Type
 LotDes Level
 LotSize 50 x 160 Acres #0.183 Blks to UT Shuttle 1 Gated View
 Land SQFT FEMA Unknown Blks to Metro 1
 Trees Large (Over 40 Ft) Condition New Construction

Owner Pays None

Agent Information

Directions At Franklin and Lamar go east or from Guadalupe and Franklin go west. Units on South side of Street

Agent Call Agent for Info. These units will be easy to rent and will rent between \$3000-3200 per month. 72k+ annual rental income. Buy
 Remarks one or both Condo?. Everything is covered 1st yr

Sign Y

Unit Information

Unit	Ten	Lse Exp	MtoM	Showing Instruct	Special Show Instruct	Access	Deposit	Pet/Deposit
UA	No			Appointment w/ Agent		See Remarks	\$ 0	N
UB	No			Appointment w/ Agent		See Remarks	\$ 0	N
UC								
UD								

Unit	Leased	Liv	Dln	Bed	FB	HB	G	C	FP	Rooms	Furnished	Actual
UA 609-	N	1	1	3	3	0	0	2	N	Breakfast Area, Porch, Storage, Office/Study		\$ 0
UB 609-	N	1	1	3	3	0	0	2	N	Storage, Porch, Breakfast Area	Unfurnished	\$ 0
UC												
UD												

Tot. Actual Rent \$0

Utility Information

Utility Natural Gas on Property, Electricity on Property Water City Sewer City at Street

Financial Information

HOA Name HOA Trans Fee Est Tax # \$ 4,942 Tax Year #2007
 HOA Actual Tax Tax Rate #2.525%

Office Information

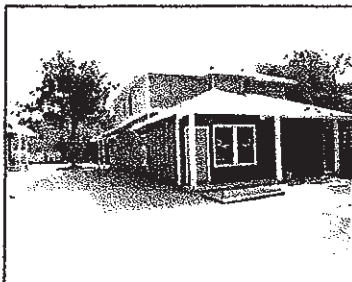
Listing Agent 511991 Chester Wilson Agent Phone 512-663-9096 Fax 512-218-1545 SubAgent 3.0 %
 Listing Office 099101 Keller Williams Realty Office Phone 512-346-3550 Ext. 8213 BuyerAgent 3.0 %
 Listing Agent 2 LA2 Phone Intermediary Y Bonus

Owner Name WISinger Builder, LLC Owner Phone ADOM 202 List Date 12/03/2007
 Agent Email myrealtor@austin.rr.com Own Oth Ph CDOM 202 Exp Date 06/03/2009
 VarCom OLP \$ 775,000

BA 511991 Chester Wilson Pend Date 08/22/08 Repairs \$ 0 Pend Date 06/22/2008
 BO 099101 Keller Williams Realty BCCST \$ 0 Sold Date 08/01/2008
 Terms Cash Sold Price \$ 630,000
 SSQFT \$ 185.90

Prepared by: Michael Said 512-789-6543 M.Said@RealtyAustin.com

Exhibit 7(2)



ML# 9641134

Area #4

Region Austin - Central

Status A / MUL

List Price \$ 750,000

County #Travis

Also Listed 6274318

Mapsco #555# G

Address #704 W North Loop BLVD

City #Austin

PID #02260707250000

Subdivision #Northfield Add

Legal #Lot 9 *less S4.01ft Av Northfield Addn

St TX Zip #78751

School #Austin ISD

Elem A #Reilly
Middle #Lamar
9/Hs N/A

Elem B Reilly
JrHS N/A
SrHS McCallum

General Information

Type Duplex	Stories #1	Unit Mix 3/2, See Agent	Disability
Foundation Slab		SQFT 2,723 / Bullder	\$/Sqft \$ 275.43
Roof Asphalt Shingles		YrBlt 2012 / Under Construction	
Construction Frame, Vertical Siding			

LotDes Curbs, Interior	Acres #0.172	Blks to UT Shuttle	Gated	View
LotSize	FEMA No	Blks to Metro		
Land SQFT				
Trees Sparse, Medium (20 Ft - 40 Ft)			Condition	New Construction

Owner Pays All Bills

Agent Information

Directions one block east of Lamar Blvd.

Agent
Remarks

Sign Y

Unit Information

UA	Ten No	Lse Exp	MtoM	Showing Instruct	Special Show Instruct	Access	Deposit	Pet/Deposit
UA	No			Call Agent for Code		Combo Lockbox	\$ 0	N
UB	No			Call Agent for Code		Combo Lockbox	\$ 0	N
UC								
UD								

UA	Unit	Leased	Liv	Din	Bed	FB	HB	G	C	FP	Rooms	Furnished	Actual
UA	A	N	1	0	3	2	0			N	Bedroom/Office, Kit/Din Combo, Porch	Unfurnished	\$ 0
UB	B	N	1	0	3	2	0			N	Bedroom/Office, Kit/Din Combo, Porch	Unfurnished	\$ 0
UC													
UD													

Tot. Actual Rent \$0

Utility Information

Utility Electricity on Property, Natural Gas on Property Water City Sewer City on Property

Financial Information

HOA Name	HOA Trans Fee	Est Tax # \$ 4,535	Tax Year #2012
HOA		Actual Tax # \$ 4,582	Tax Rate #2.382%

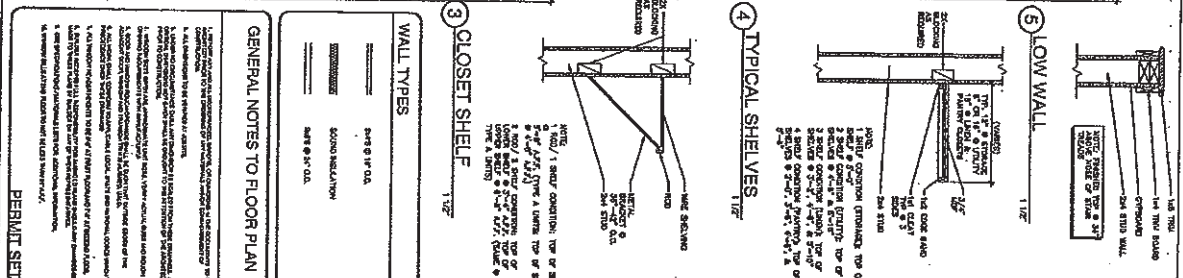
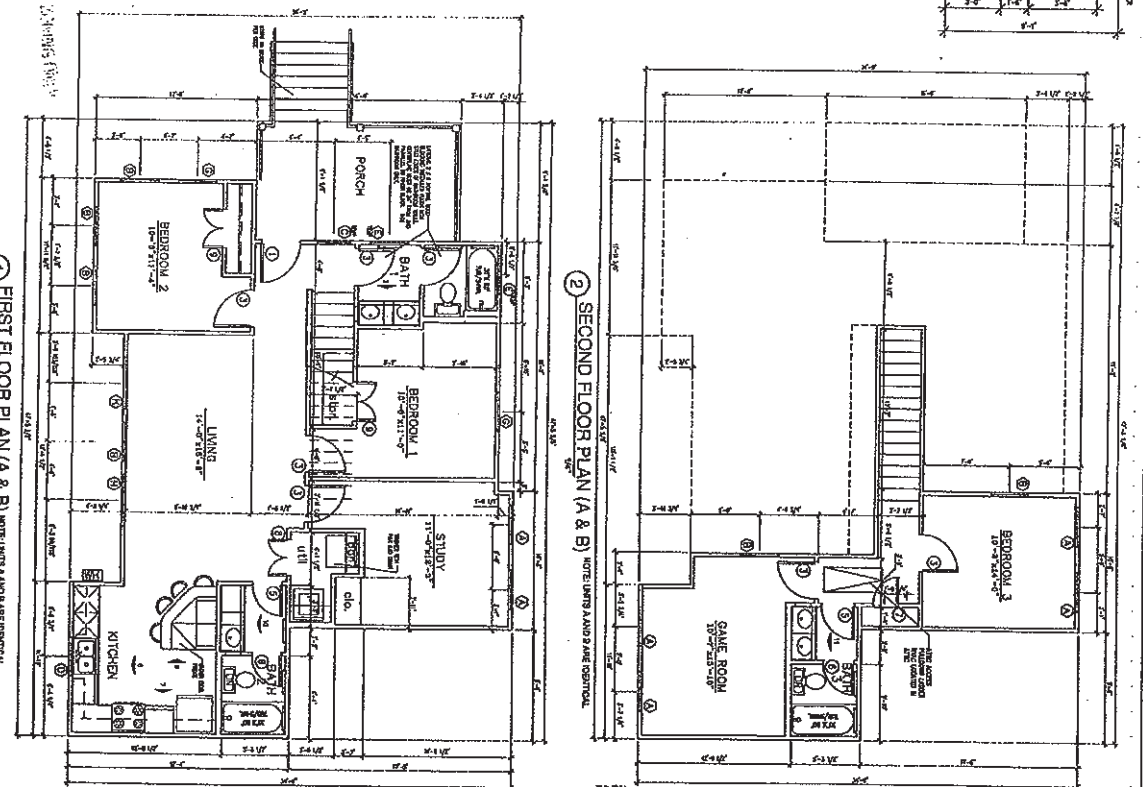
Office Information


Listing Agent 305656 Jim Cotton	Agent Phone 512-472-2100	Fax	SubAgent 3.0 %
Listing Office 2503 McAllister And Associates	Office Phone 512-472-2100	Ext.	BuyerAgent 3.0 %
Listing Agent 2	LA2 Phone	Intermediary	Bonus
Owner Name #Urban Investments Lip	Owner Phone 0000000000	ADOM 10	List Date 09/21/2012
Agent Email jimbo@matexas.com	Own Oth Ph	CDOM 10	Exp Date
		VarCom	OLP \$ 750,000

Prepared by: Michael Said 512-789-6543 M.Said@RealtyAustin.com

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October 1, 2012 11:09 PM



SHEET NUMBER: <div style="font-size: 2em; font-weight: bold; text-align: center;">A2.1</div>	PROJECT NO.: DRAWN BY: <small>AM</small> CHECKED BY: <small>AM</small> SET DATE: SCALE: <small>AS NOTED</small>	<div style="font-size: 2em; font-weight: bold;">1917 David Street</div>		Mark Hart Architecture Mark Hart, AIA. 512-880-7905
---	---	---	--	--

DOOR SCHEDULE ①

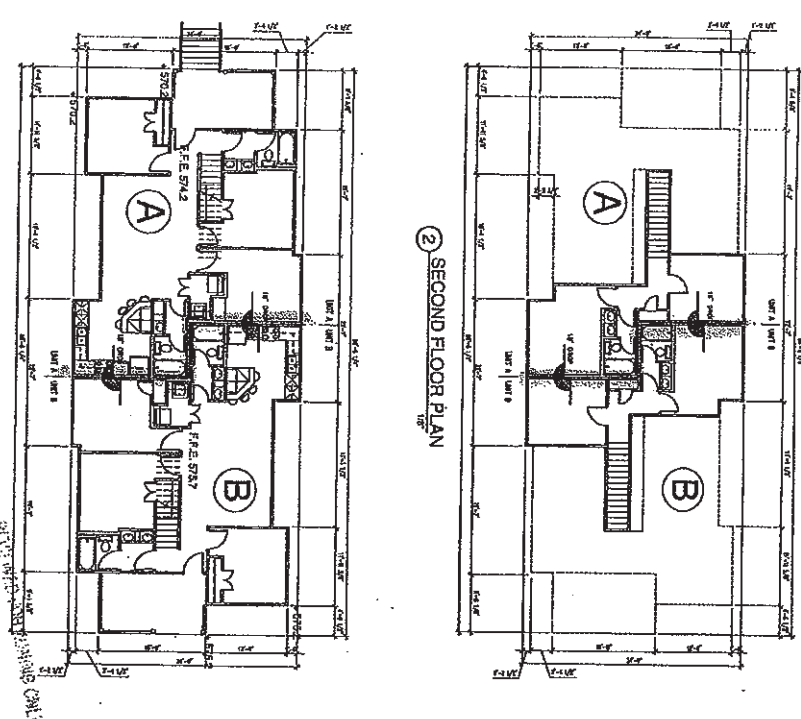
MARK	SIZE	TYPE	MATERIAL	REMARKS
1	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
2	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
3	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
4	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
5	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
6	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
7	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
8	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
9	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
10	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH

WINDOW SCHEDULE ①

MARK	SIZE	TYPE	MATERIAL	REMARKS
1	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
2	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
3	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
4	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
5	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
6	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
7	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
8	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
9	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH
10	3'0" x 7'0"	SLIDING	ALUMINUM	REAR PORCH

ROOM FINISH SCHEDULE

ROOM	FLOOR	BASE	WALLS	CROWN	CEILING	REMARKS
1	1ST	CONCRETE	CONCRETE	CONCRETE	CONCRETE	REAR PORCH
2	1ST	CONCRETE	CONCRETE	CONCRETE	CONCRETE	REAR PORCH
3	1ST	CONCRETE	CONCRETE	CONCRETE	CONCRETE	REAR PORCH
4	1ST	CONCRETE	CONCRETE	CONCRETE	CONCRETE	REAR PORCH
5	1ST	CONCRETE	CONCRETE	CONCRETE	CONCRETE	REAR PORCH
6	1ST	CONCRETE	CONCRETE	CONCRETE	CONCRETE	REAR PORCH
7	1ST	CONCRETE	CONCRETE	CONCRETE	CONCRETE	REAR PORCH
8	1ST	CONCRETE	CONCRETE	CONCRETE	CONCRETE	REAR PORCH
9	1ST	CONCRETE	CONCRETE	CONCRETE	CONCRETE	REAR PORCH
10	1ST	CONCRETE	CONCRETE	CONCRETE	CONCRETE	REAR PORCH



① FIRST FLOOR PLAN
1/2" SCALE
PERMIT SET

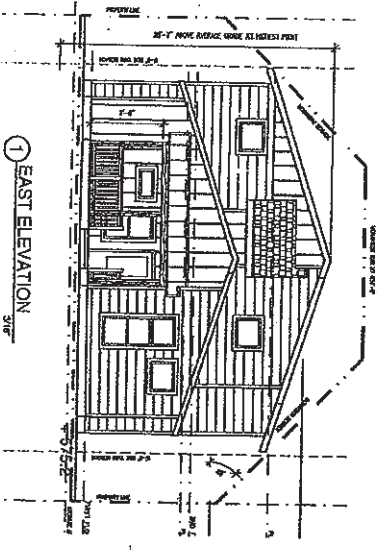
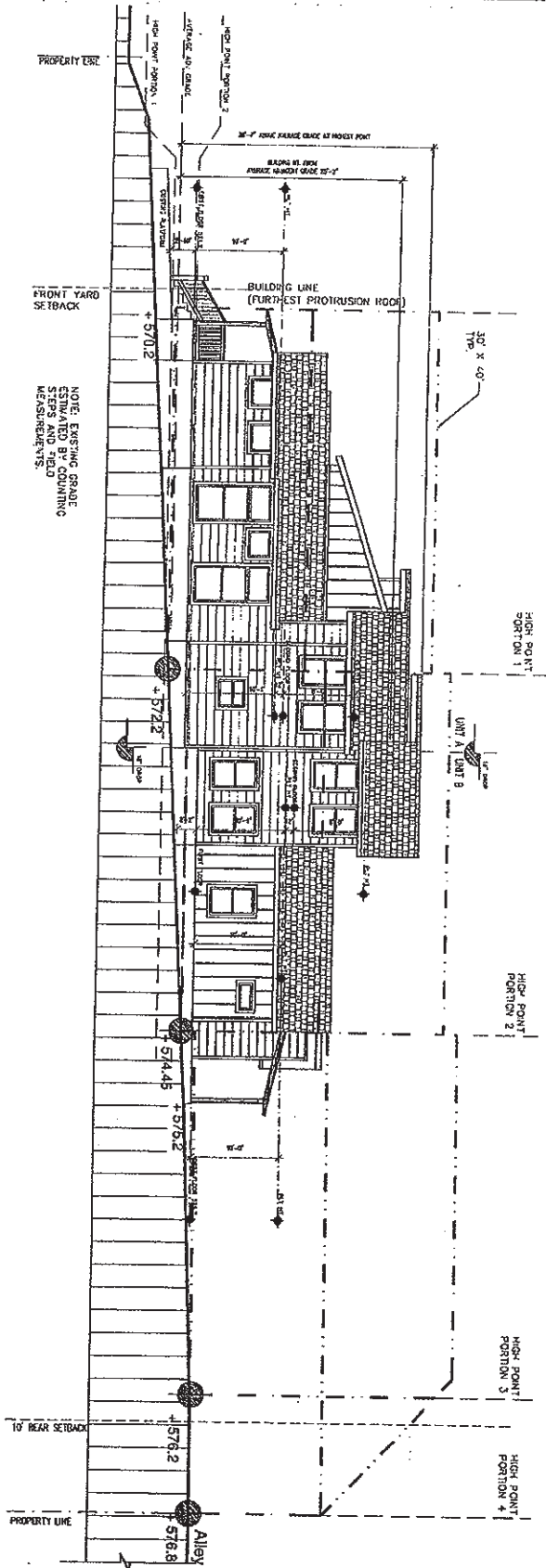
SHEET NUMBER:
A2.2

FLOOR PLANS

1917 David Street

1917 David St. Austin Texas

Mark Hart Architecture
Mark Hart, AIA.
512-680-7905
5801 Mojave Drive Austin Texas 78745



MATERIAL LEGEND

[Pattern]	COAR SAND
[Pattern]	METAL ROOF
[Pattern]	VERTICAL SLATS
[Pattern]	BRICK
[Pattern]	PERMIT SET

SHEET NUMBER: **A3.1A**

PROJECTING: _____

DRAWING NO: _____

DATE: _____

SCALE: _____

APPROVED: _____

EXTERIOR ELEVATIONS

1917 David Street

1917 David St. Austin Texas

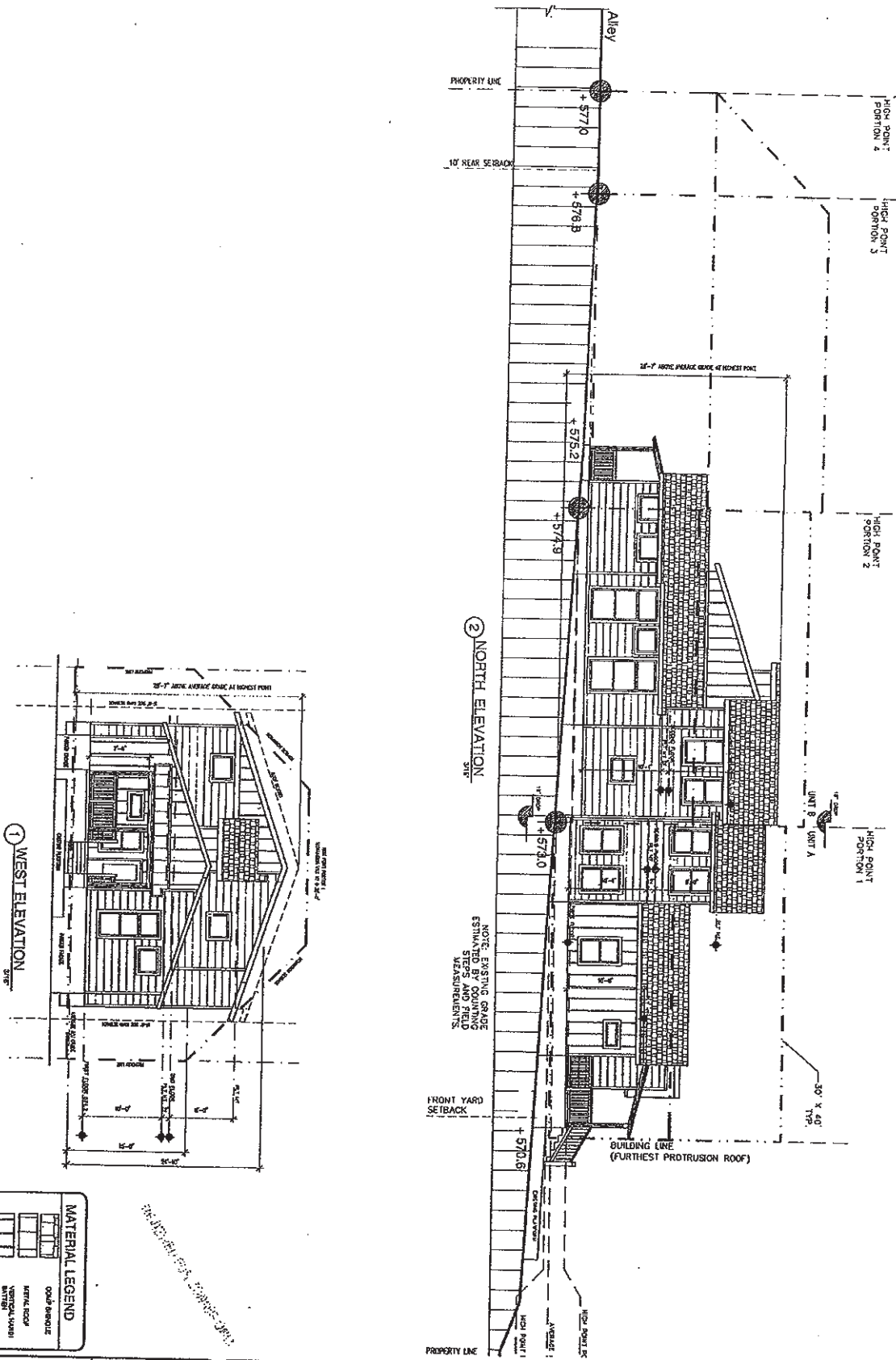


Mark Hart Architecture

Mark Hart, AIA.

512-680-7905

5801 Mojave Drive Austin Texas 78745



MATERIAL LEGEND

	WOOD SHINGLE
	METAL ROOF
	VERTICAL SIDING
	HORIZONTAL SIDING
	PERMIT SEAL

SHEET NUMBER:
A3.1B

EXTERIOR ELEVATIONS

PROJECTED:	DATE:
DRAWN BY:	SCALE:
CHECKED BY:	AS NOTED
SET DATE:	



1917 David Street

1917 David St. Austin Texas

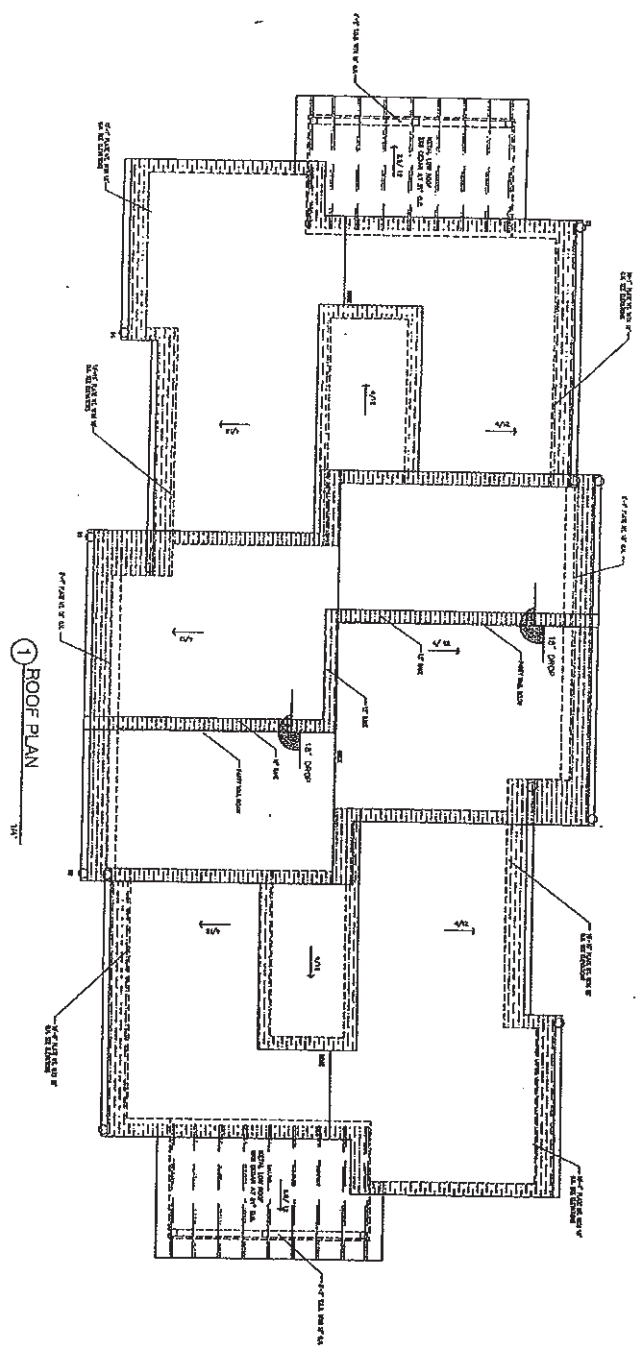


Mark Hart Architecture

Mark Hart, AIA.

512-680-7905

5801 Mojave Drive Austin Texas 78745



(1/2 scale)

GENERAL NOTES

1. SHOWN AT 1/2
2. 2. 1/2 INCHES AND SEPARATION WALL TO BE BUILT TO 1/2 INCHES
3. NO OPERATIONS WITHIN 8' OF 1/2 INCHES
4. PROVIDE 1/2 INCHES AND PERMIT SET

SHEET NUMBER:		PROJECT NO.:	
A3.2		1917 DAVID ST.	
ROOF PLAN		1917 DAVID ST.	

REVISION #	DATE
1	10/1/10
2	10/1/10
3	10/1/10
4	10/1/10
5	10/1/10

1917 David Street

1917 David St. Austin Texas

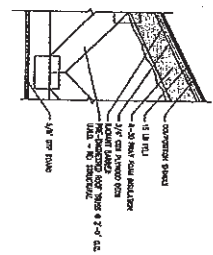


Mark Hart Architecture

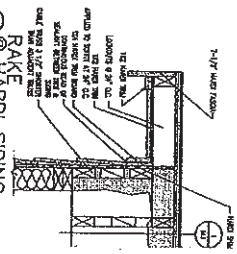
Mark Hart, AIA.

512-680-7905

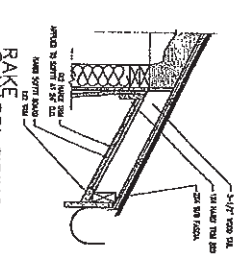
5801 Mojave Drive Austin Texas 78745



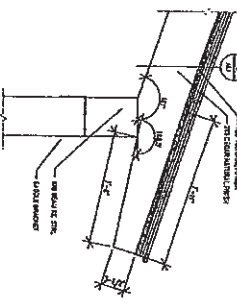
1 INTERIOR ROOF/CEILING ASSEMBLY 1 1/2"



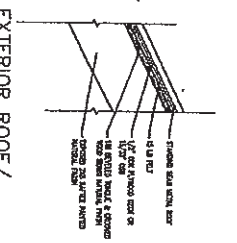
2 RAKE @ HARD SIDING 1 1/2"



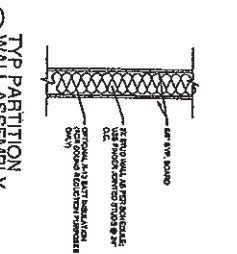
3 RAKE @ HARD SIDING 1 1/2"



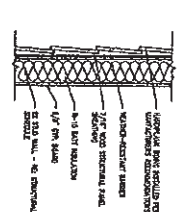
4 PORCH O.H. DETAIL 1 1/2"



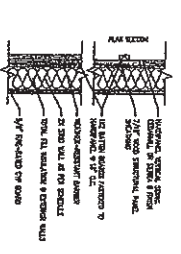
5 EXTERIOR ROOF/CEILING ASSEMBLY 1 1/2"



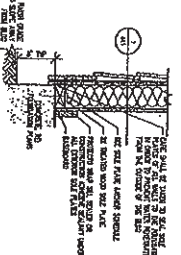
6 TYP PARTITION WALL ASSEMBLY 1 1/2"



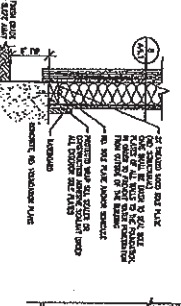
7 HARD PLANK SIDING WALL ASSEMBLY 1 1/2"



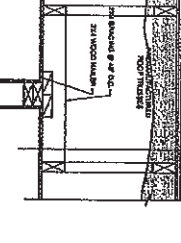
8 HARD W/ BATTENS WALL ASSEMBLY 1 1/2"



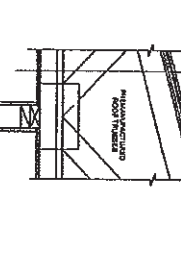
9 SOLE PLATE @ EXT. SIDING WALL 1 1/2"



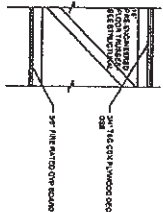
10 SOLE PLATE @ HARD-BATTEN WALL 1 1/2"



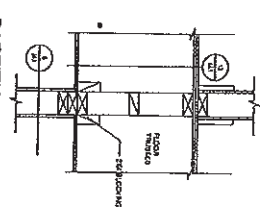
11 PARTITION WALL @ ROOF 1 1/2"



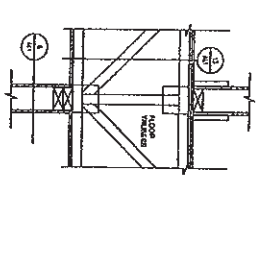
12 PARTITION WALL @ ROOF 1 1/2"



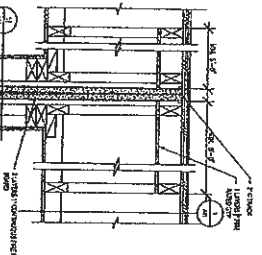
13 INTERIOR FLOOR/CEILING ASSEMBLY 1 1/2"



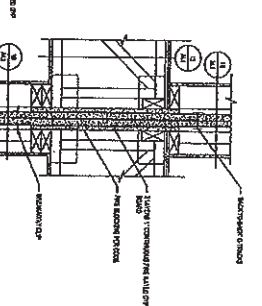
19 PARTITION WALL @ FLOOR 1 1/2"



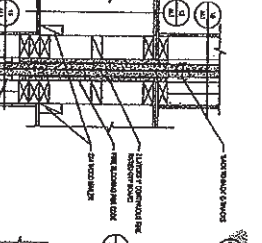
20 PARTITION WALL @ FLOOR 1 1/2"



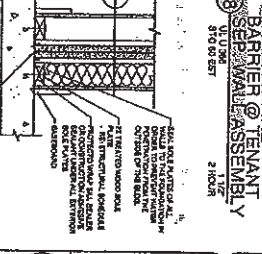
21 2-HR FIRE WALL @ TENANT SEP. 1 1/2"



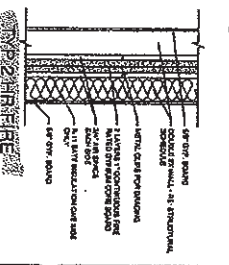
22 2-HR FIRE WALL @ TENANT SEP. 1 1/2"



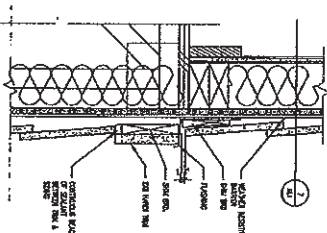
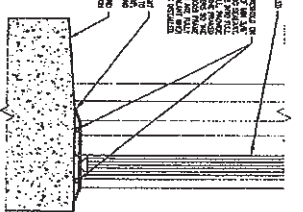
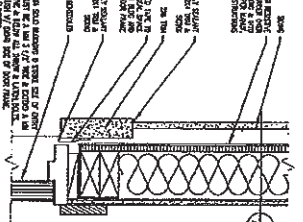
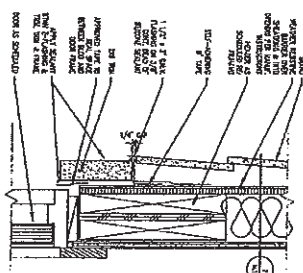
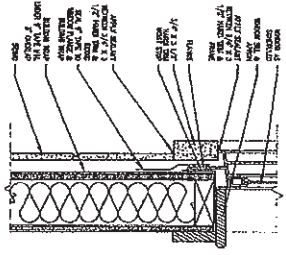
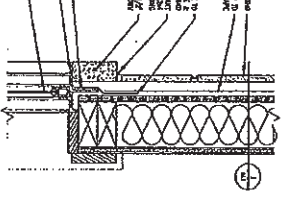
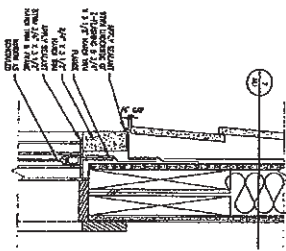
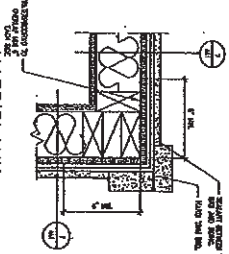
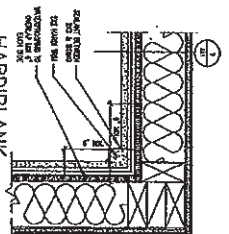
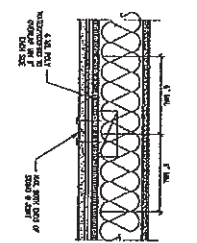
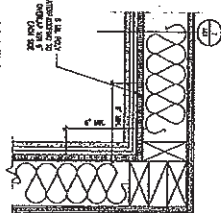
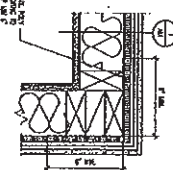
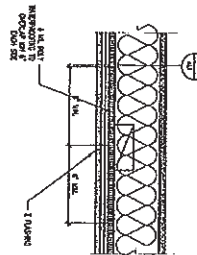
23 2-HR FIRE WALL @ TENANT SEP. 1 1/2"



24 SOLE PLATE @ 2-HR WALL 1 1/2"



25 2-HR FIRE WALL @ TENANT SEP. 1 1/2"



(1/2 seal)

[illegible][illegible]

1917 D
1917 Da

SHEET NUMBER: <div style="font-size: 2em; font-weight: bold; text-align: center;">A4.2</div>	PROJECT NO.:	
	DRAWN BY:	
	CHECKED BY:	
	SET DATE:	
	SCALE:	AS SHOWN

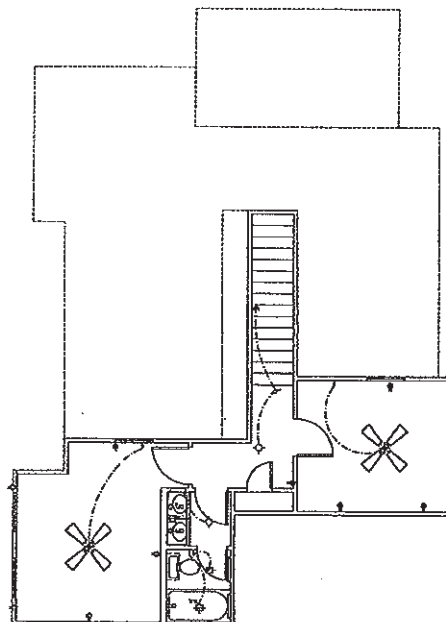
1917 David Street
1917 David St. Austin Texas



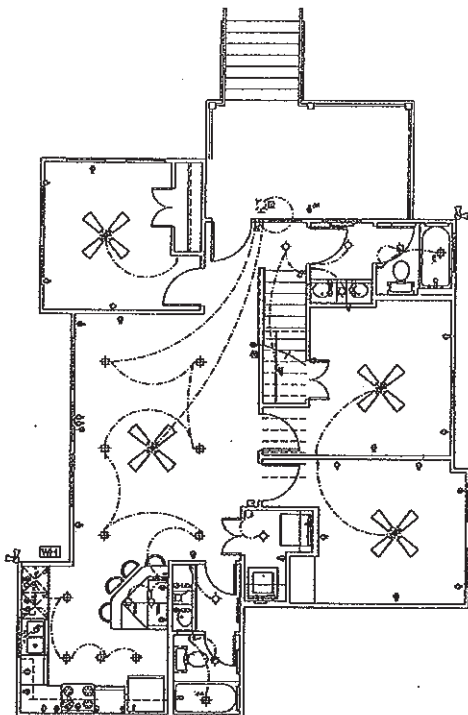
Mark Hart Architecture
Mark Hart, AIA.
512-680-7905
5801 Mojave Drive Austin Texas 78745

ELECTRICAL SYMBOLS & LEGEND	
1	GROUNDING TERMINAL
2	NO. OF WIRE OR CABLE
3	WIRE NUMBER OR CABLE
4	TYPE OF CABLE
5	TYPE OF CABLE
6	1 INCH PER FOOT
7	4 INCH PER FOOT
8	8 INCH PER FOOT
9	16 INCH PER FOOT
10	32 INCH PER FOOT
11	64 INCH PER FOOT
12	128 INCH PER FOOT
13	256 INCH PER FOOT
14	512 INCH PER FOOT
15	1024 INCH PER FOOT
16	2048 INCH PER FOOT
17	4096 INCH PER FOOT
18	8192 INCH PER FOOT
19	16384 INCH PER FOOT
20	32768 INCH PER FOOT
21	65536 INCH PER FOOT
22	131072 INCH PER FOOT
23	262144 INCH PER FOOT
24	524288 INCH PER FOOT
25	1048576 INCH PER FOOT
26	2097152 INCH PER FOOT
27	4194304 INCH PER FOOT
28	8388608 INCH PER FOOT
29	16777216 INCH PER FOOT
30	33554432 INCH PER FOOT
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39	17179869184 INCH PER FOOT
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101	79228162514264337593543950336 INCH PER FOOT
102	158456325028528675187087900672 INCH PER FOOT
103	3169126500

GENERAL NOTES TO ME.P.



② SECOND FLOOR PLAN
3/4"



① FIRST FLOOR PLAN

(1/2 score)

PERMIT SET

SHEET NUMBER: E1.1	PROJECT NO:	
	DRAWING:	1A
	CHG. BY:	AB
	SET DATE:	
	SCALE:	AS NOTED
FLOOR PLANS		

REVISION #:	

1917 David Street

1917 David St. Austin Texas



Mark Hart Architecture
Mark Hart, AIA.
512-680-7905
5901 Mojave Drive Austin Texas 78745



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FOLDER DETAILS

Section 25-11-94 Expiration and extension of permit (Active Permits will expire 180 days at 11:59:59 pm after date of last inspection posted). If you allow this permit to expire you will be required to submit a new application & pay new fees.

Permit Case	Reference File Name	Description	Sub Type	Work Type	Project Name	Status	Application Date	Issue Date	Expiration Date
2012-084972 BP	2012-084972 BP	New two story Duplex with 6 bedrooms, 6 bathrooms, attached covered porches. No parking structures included.	R- 103 Two Family Bldgs	New	1917 DAVID ST	Active	Aug 22, 2012	Aug 28, 2012	Feb 24, 2013

Related Folders: Yes

FOLDER INFO

Information Description	Value
Smart Housing	No
Is this a one/two unit condo?	No
Total New/Addition Bldg Square Footage	3476
Total Job Valuation	350000
Building Inspection	Yes
Electric Inspection	Yes
Mechanical Inspection	Yes
Plumbing Inspection	Yes
Energy Inspection	No
Driveway Inspection	No
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
Health Inspection	No
Current Zoning for Building	SF3NP
Name of Neighborhood Plan	West University
Is this property in MUD ?	No
Is Site Plan or Site Plan Exemption req?	No
Is there a Cut & Fill in excess of 4 ft	No
Parking Spaces Required	4
Number of Floors	2
Number of Units	2
Front Set Back	25
Rear Set Back	10
Side Set Back	5
Does property access a paved alley?	Yes
Proposed Use	New two story Duplex with 6 bedrooms, 6 bathrooms, attached covered porches. No parking structures included.
Square Footage of Lot	7999
Total Building Coverage on lot Sq. Ft.	2540
Total Building Coverage Percent, of Lot	31.7
Total Impervious Coverage Square Footage	3338
Total Impervious Coverage Percent, of Lot	41.7
Certificate of Occupancy to be Issued	Yes
Code Year	2006
Code Type	International Residential Code
Hazardous Pipeline Review Required	No
Public or Private	Private
Usage Category	103
Number of Bathrooms	6
Size of Water Meter	1

PROPERTY DETAILS

Number	Pre.	Street	Street Type	Dir	Sub Type	Sub Number	City	State	Zip	Legal Desc
1917	DAVID	STREET					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	Premier Realty (Michael Said)	2459 WESTLAKE DR	AUSTIN	TX	78746	(512)479-9933
Billed To	Premier Realty (Michael Said)	2459 WESTLAKE DR	AUSTIN	TX	78746	(512)479-9933
General Contractor	BREWERTON CONSTRUCTION (Mark Brewerton)	908 PLATEAU CIR	Austin	TX	78745	(512)554-6275

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2012-0126 - 1917 David Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 29th, 2012

Deirdre B. Wallace

Your Name (please print)

1204 Y2 W. 22nd Street, 78705

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 512-608-4597

Comments: I am in favor of the appeal to reinterpret the application. It's a center of over 5 years in this location, my quality of life will be affected by the crowding of people into basically a rooming house with inadequate parking. I am tired of the trash and beer cans in my neighborhood and the struggle to find parking, and I feel the area is becoming what you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

increasingly dangerous with intoxicated and inexperienced drivers speeding along and around what is already a two-lane narrow street. I fear for my and my dog's safety →

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Case Number: C15-2012-0126 - 1917 David Street
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 29th, 2012

CAUPAC - Central Austin Plan-
lined Neighborhood Planning team



Qiana Stephens Co-Chair
 Your address(es) affected by this application

Qiana Stephens 10/22/12
 Signature Date

Daytime Telephone: 689-7650

Comments: Please support this appeal.

this type of project is devastating
to our neighborhoods. The potential
profits are such that very specific
definitions are required both in
the definition of bedroom and
apart housing. We Thank you for
your prior support with this case and
look forward to the hearing on the 29th
If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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Case Number: C15-2012-0126 - 1917 David Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 29th, 2012

DUUNA

- Secretary



Your Name (please print)

What University

Your address(es) affected by this application

James Deaneve 10/29/12

Signature

Date

Daytime Telephone: 296-6278

Comments:

We respectfully
ask that you support
this appeal with proposed
language that will
prevent future permits
for duplexes with
more than 6 private
rooms and for group residential
use.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2012-0126 - 1917 David Street
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 29th, 2012

Dr. Ted Tuley
Your Name (please print)



19008 Cliff St.
Your address(es) affected by this application

Ted Tuley
Signature

10-22-12
Date

Daytime Telephone: 512-9155

Comments: IT IS TIME TO CLOSE
THE COOPERS THIS
DEVELOPER IS TAKING
ADVANTAGE OF AND WE
HOP FOR A SUDDEMENT
FROM YOUR BOARD THAT
WILL PREVENT THE APPROVAL
OF YET ANOTHER SET OF
PLANS FOR GOOD LIVING
If you use this form to comment, it may be returned to: AN
City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088
ST-3
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