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**FROM:** Highland Terrace Preservation Group

**TO:** City of Austin, Permit Office (512) 978-4000  
**ATTN:** Mr. Greg Guernsey (512) 974-2387  
505 Barton Springs Road, Suite 500, Austin, Texas

**SUBJECT:** City of Austin Permit (2015-004322BP) Notice of Appeal  
**HPW-Property:** 3100 Highland Terrace W, Austin, Texas 78731

**DATE:** 20 January 2015

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**Dear City of Austin Staff:**

On behalf of our neighborhood, we are submitting the attached Notice of Appeal pursuant to Austin City Code, Article 7, and the Land Development Code (LDC), Title 25, § 25-1-181 et seq. The required Notice of Appeal is completed and signed by an "Interested Party," and we wish to initiate an Appeal of the permit(s) issued for construction at 3100 Highland Terrace W, Austin, Texas 78731. We request that the Notice of Appeal be presented to the appropriate City of Austin (COA) Staff, Boards (Planning & Development Review Dep't, Building & Fire Code Board of Appeals), and Commissions, so due diligence is given to the nature of the violations, and adequate resolution is undertaken.

Please note that pursuant to LDC , § 25-1-187-188, "(A)Development under a site plan may not occur during the time period during which an appeal of site plan may be initiated. (B) An approved plan or permit is suspended on the timely filing of an appeal of the plan or permit. (C) Development affected by an appeal may not occur pending the final disposition of the appeal."

Attached is an original and a copy of the Notice of Appeal, and we kindly request that the original be accepted, filed and processed as necessary to initiate the Appeal process, and the copy to be file stamped received and returned for our records.

We thank you in advance and look forward to an opportunity for a Public Hearing and positive resolution of the issues pertaining to the permit issued by City of Austin for the property at 3100 Highland Terrace W, Austin, Texas 78731.

COPY

# 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

3100 Highland Terrace W, Austin, Texas 78731-5321

Permit Number No's.: 2014-132111PR,  
2015-004322BP, 2015-004322DS  
2015-004322DS, 2015-004322EP

Appellant Filing Appeal J. Cecil Ruby &

Highland Terrace Preservation Group (HTPG)

Relationship to Property

Interested Party & Neighborhood Group

Appellant's status as Interested Party

Interested Party & Neighborhood Group (HTPG) Based on Proximity to Property

Appellant Contact Information

Permit Holder Contact Information

Name

J. Cecil Ruby, III

Name

Dallas Thompson

Street

4715 Highland Terrace

Street

3100 Highland Terrace W

City

Austin,

State

Texas

Zip

78731

City

Austin,

State

Texas

Zip

78731

Telephone

(512) 844-9746

Telephone

(310) 291-8000

E-Mail

jcruby@att.net & htwneighbors@gmail.com

E-Mail

dktbrowsers@yahoo.com

Date of Decision Being Appealed:

January 13, 2015

Date Appeal is Filed:

20 January 2015

Decision being appealed: (use additional paper as required) Appeal to COA, Building&Fire Code/Planning&Development Review Board.

City of Austin (COA) approved a residential building permit for the property at 3100 Highland Terrace W, Austin, Texas, 78731, despite the fact that the property owner built a foundation & structure without initially filing for the the required COA permits. Furthermore, the property owner has operated this property as an unlicensed "Short-Term Rental" & "Rooming House," as defined by the Land Development Code (LDC). Therefore, this permit should have been reviewed under the Commercial Code & given thorough examination of the intended purpose & use of the property as a "Rooming House" &/or "Short-Term Rental" operated in a residential neighborhood within walking proximity of an elementary school. In addition, there are deficiencies in the submitted building permit application, which clearly contains omissions, relevant to the permit application, which potentially affects impervious cover as well public utility easement provisions. It is important to note that Highland Park West (HPW) Plat Restrictions were signed by COA-Planning Comm'n & which restrict the size, height & materials of detached garage.

Reason the appellant believes the decision does not comply with the requirements of the Land Development Code (Title 25)

According to the Land Development Code § 25-12-211, a "Rooming House" is defined as "A building, other than a hotel, where lodging for more than six unrelated persons is provided without meals in return for compensation." The property owner has operated this property as an unlicensed & impermissible "Rooming House" & "Short-Term Rental" over several years, resulting in excessive traffic, parking & garbage at the property. In light of the "commercial use" of the property, this permit should have been reviewed under Commercial Code & given thorough examination of the intended purpose & use of property. Furthermore, there are deficiencies in the submitted building permit application that contains omissions relevant to the permit application. Additionally, the metal shed structure violates various provisions of HPW-Subdivision Plat Restrictions, signed by City of Austin Planning Comm'n, which restrict the size, height, location & materials used for construction of the detached garage.

### BELOW FOR CITY USE ONLY

Hearing Date:

Board or Commission:

Action on Appeal:

Date of Action

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 Land Development Code requirements below. You must complete the form with all required information.

### 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.

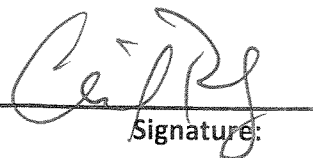
By signing this document, I attest to having read and understand my rights as granted by the Land Development Code for the process of appealing an administrative decision by the building official or the responsible director.

1-20-15

Date:

Jesse R. Ruby III

Printed Name:



Signature: