

## SUMMARY OF APPELLANT'S OBJECTIONS

As a summary, the City of Austin ("COA") approved a residential building permit for the property at 3100 Highland Terrace W, Austin, Texas, 78731, despite the fact that Dallas Thompson (the "Permit Holder") built a foundation and Structure without initially filing for the required COA permits. Additionally, the Structure that the Permit Holder built is an industrial pre-fabricated metal hanger building that he purchased from MetalBuildingDepot.Com.

The Permit Holder filed an additional application for a residential building permit on February 9, 2015. Appellant objects to the COA granting the Permit Holder a building permit based on the new application and requests that the previously granted building permits be rescinded.

### Objections:

- 1. The Permit Holder's building permits should be revoked because he failed to provide documentation concerning the design of the Structure's foundation. Additionally, no inspection of the foundation was performed before the building permits were issued to determine whether the foundation complied with Code requirements.**

Section 25-12-3 of the Land Development Code – Local Amendments to the Building Code, provides the local amendments to the 2012 International Building Code. Under Section 25-12-3, Section 110.3 requires a pre-construction inspection between the inspector, general contractor and/or owner. Section 110.3.1.2 requires a layout inspection after all foundation forms have been erected and are in place, but *before any* concrete is placed. Section 110.3.13 requires a footing and foundation inspection be performed after excavations for footings have been completed and after any required reinforcing steel is in place. Additionally, for concrete foundations any required forms must be in place and the materials for the foundation shall be on the job.

In this case, the Permit Holder poured the foundation and erected the Structure before any of the above-referenced inspections were conducted. Additionally, the Permit Holder has been unable or unwilling to provide any designs for the foundation and none were submitted with any of the plans or specifications provided to the City of Austin. Jeff Gibeaux, P.E. of US Construction Consultants, LLC has reviewed photographs of the thickness of the foundation and issued a preliminary opinion that based on the information currently available it does not appear the Permit Holder complied with the current Code requirements when he built the foundation. Mr. Gibeaux's opinion is preliminary at this point because the Permit Holder refused to allow Mr. Gibeaux access to the property in order to perform a complete inspection of the Structure's foundation. However, Mr. Gibeaux determined additional study of the Structure's foundation is warranted. A copy of Mr. Gibeaux's report and photographs of the foundation are attached as Exhibits "A" & "B" to Appellant's Notice of Appeal (the "NOA") filed on February 23, 2015.

Section 25-11-65(A)(1) provides that a building official may require that an applicant test materials or construction methods to demonstrate compliance with technical codes if the building official has reason to believe that materials or construction methods were not tested. In this case, the Permit Holder should have been required to perform the appropriate testing before the City of Austin issued a building permit, because he was unable to provide any designs for the foundation and there were no inspections performed before the foundation was built.

**2. The Permit Holder's building permits should not have been issued and the Permit Holder should not be allowed to maintain the Structure because it violates Section 25-3-88 – Accessory Uses.**

Section 25-3-88 provides that the Permit Holder may have "one accessory dwelling unit containing not more than 700 square feet of gross building area..." The Permit Holder already has one accessory dwelling unit on the property and it is identified on Permit Holder's "New Site Plan" as the "1 Story Frame Bldg." (the "Guest House") located behind his residence. A copy of the New Site Plan is attached as Exhibit "C" to the NOA and the Guest House is highlighted in orange. Photographs of the Guest House are attached as Exhibit "D" to the NOA. Pursuant to section 25-2-893, an accessory use may either include a use such as: (1) vehicle storage; or (2) guest house. However, the Permit Holder is not entitled to more than one accessory dwelling use. In fact, Permit Holder currently has three (3) accessory dwelling units on the Property: (1) the Structure; (2) the Guest House; and (3) a storage shed located behind the Structure (a photograph of the shed is attached as Exhibit "E" to the NOA). Therefore, the Permit Holder's permit for the Structure and driveway should not have been issued.

**3. The Permit Holder cut down a Protected Tree without obtaining a permit.**

Section 25-8-602 provides that a "Protected Tree" means a tree with a diameter of 19 inches or more. A Protected Tree was cut down by the Permit Holder without obtaining the required permit. The Protected Tree is located on the New Site Plan attached as Exhibit "C" to the NOA and it is highlighted in pink and identified as "Chinaberry Removed." Photographs of the tree stump are attached as Exhibit "F" to the NOA. Permit Holder cut down the Protected Tree when he started the unpermitted construction on the Structure. Whether or not the COA's Arborist would have agreed to removal of the Protected Tree, the Permit Holder showed a disregard for the existing COA's permit process and ordinances, and undertook action without the proper authorization.

**4. The Permit Holder's building permits should not have been issued because it does not appear he is using a licensed contractor to construct his driveway approach.**

Section 25-11-36 provides that an applicant must use a licensed contractor for construction of a driveway approach. The Permit Holder's subcontractor for the

driveway is Angel Guzman of Maldonado's Concrete. It does not appear that Mr. Guzman or Maldonado's Concrete are licensed contractors. Unless Permit Holder can provide verification they are licensed contractors, the permit for the driveway approach should be rescinded.