

Lorraine Atherton
2009 Arpdale, Austin, TX 78704

March 9, 2017

Board of Adjustment
City of Austin
Development Review Dept.
Re: Variance requests C15-2016-0084, 2003 Arpdale

Dear Chairman and Board Members:

This is a follow-up to my letter of August 5, 2016, opposing the variances requested by Scott Jacobs at 2003 Arpdale, C15-2016-0084, to allow a garage remodeled without permits to be occupied as a second dwelling unit. I am presenting additional information regarding the lot size, impervious cover, and code inspections/building permits, all of which show that the City rejected a previous owner's attempt to convert this structure to a second dwelling unit less than 10 years ago, and Mr. Jacobs should have been aware of the status of the property when he purchased it in 2012. On March 2, I submitted 21 pages of City code inspection reports acquired through a public information request; those reports should be included in your late backup files. An AutoCAD diagram of the site plan, a table of area calculations, and photographs are being submitted separately.

A and B, requests to reduce the side and rear setbacks.

The first request should read "west side setback" (not east). Mr. Jacobs has not yet submitted a sealed survey of the property, but the site plan design he submitted with this application appears to be based on a survey from 2007. It shows the west wall to be 4.4 feet from the property line and the rear wall to be 6.3 feet (not 5.5 feet) from the rear property line. The survey does not show the concrete skirt along the rear and west foundation, so it is not clear whether the variance request is measured from the wall or from the edge of the concrete.

If the 2007 survey is correct, it is safe to say that the west wall has existed 4.4 feet from the property line for more than 10 years, and that the rear wall has existed 6.3 feet from the back property line for more than 10 years. If the applicant wishes to maintain the existing garage structure, those two setback measurements will most likely qualify for a special exception, but the measurements to the edge of the concrete would not. The special exception, however, would not allow the change of use to a second dwelling unit. In this case, the applicant has chosen to remodel the entire structure for a new use, a project that normally would not be allowed to encroach on the setbacks. The City's Development Review Department has correctly rejected his argument that "second dwelling" is an existing use, so all of the variance requests, including the side and rear setbacks, must meet the findings for reasonable use, hardship, and area character.

Findings:

- (1) The applicant has not shown that the zoning regulations do not allow for reasonable use. The zoning regulations allow him to maintain his existing structures, but he has chosen instead to seek additional privileges not available to his neighbors. Under "**Deed transactions, building permits, and single-family designation**" on the next page, I address his

contentions regarding the permit history and the lack of “public records or any signs that suggest the secondary dwelling has been a problem for the neighborhood.”

- (2) He has not demonstrated any hardship that is not self-inflicted.
- (3) His statement regarding Area Character does not address the central issue of the change of use, and it contradicts Building Permit #141411 from 2007. The building permit is evidence that the City rejected the previous owner’s attempt to create a second dwelling on the property less than 10 years ago.

Deed transactions, building permits, and single-family designation

Since the first postponement of this case last August, I have reviewed the results of a public information request for City code inspection reports and a search of Travis County real estate records available to the public online. This research shows that in 2007 a new owner attempted, without permits, to convert the structure in question to a dwelling unit that could be rented separately from the main house. A “work without permit” complaint was investigated and resolved within about a week when the contractor submitted a permit application to reroof the existing single-family residence. The addition to the garage and conversion to a second dwelling were not included in the permit.

The property was sold to Mr. Jacobs in December 2012. The general warranty deed with vendor’s lien can be viewed online. It includes a paragraph stating that the seller cannot represent that the square footage calculations are correct. It looks like the seller tried to warn Mr. Jacobs that there was a problem with this lot.

Almost immediately after Mr. Jacobs closed on the property, neighbors started to complain about short-term rentals there. The first complaint recorded in the PIR materials is dated March 25, 2013. Three years later, after several changes in the Code Department’s handling of STR inspections, a code inspector noted in response to a complaint on February 18, 2016, that there was no record of a Certificate of Occupancy for the structure’s use, that a valid license was not displayed as required for short-term rentals, and that it did not appear to meet the requirements for a Type 1 (owner occupied) short-term rental. A notice of other violations was posted March 25, 2016, after an inspector discovered that a new sewer line was being run through the front yard without a permit. (In that report, the inspector identified the TCAD reference to a first-floor addition in 2007 as the rear structure, but it is more likely to be an acknowledgement of an addition to the rear of the main house, probably made in the 1980s. See the AutoCAD calculations.)

Three months after the sewer permit violation, Mr. Jacobs applied for a building permit to convert the garage to a dwelling unit, which then precipitated the current request for seven variances. Here is a summary of the permit and deed activity for 2003 Arpdale since 2007:

Gino Fuentes applied for a land status determination **Jan. 12, 2007**.

The Carrasco-Millers sold to Gino Fuentes **Feb. 13, 2007**.

Gino Fuentes closed on a mortgage **March 8, 2007**, that included a 1-4 family rider (the previous mortgages required owner occupancy).

Gino Fuentes sold to St. John’s Properties LLC (B. Carter Fisk of LA, Calif.) **July 3, 2007**; warranty deed included a bold-face “as is” condition clause.

“Work without a permit” complaint CC-2007-139812 was recorded **July 30, 2007**, and inspector found violations **Aug. 3, 2007**, “building a roof over frame and also interior and added on to garage for accessory dwelling.”

Contractor Jeremy Wren submitted building permit application (2007-141411 BP) **Aug. 6, 2007**, issued same day; permit was to “Reroof exst 1 story sf res, replace/modify framing, rafter to complete gable roof.” Proposed use is shown as one-story single-family residence, current zoning SF-3; the building permit info does not mention a garage addition or an accessory dwelling. (In 2007, converting a garage to a second dwelling on a lot less than 7000 sf would have required a variance and triggered the current variance requests.)

Code inspector Matthew Noriega closed the code complaint **Sept. 7, 2007**, “due to voluntary compliance” after verifying that permits had been obtained for “remodel.”

St. John’s Properties LLC sold to Scott Jacobs **Dec. 10, 2012**; general warranty deed with vendor’s lien includes this paragraph: “The Company is prohibited from insuring the area or quantity of the land described herein. Therefore, the Company does not represent that the acreage or square footage calculations are correct and references to the quantity are for informational purposes only.”

The first recorded short-term rental “without permit” complaint is dated **March 25, 2013** (CC-2013-029340), three months after Jacobs bought the property.

Short-term rental Type 1 permit 2014-075612 OL is the only OL permit at 2003 Arpdale. Application date **July 18, 2014**, Issued August 5, 2014, Expired **August 5, 2016** (The adjacent property at 2001 Arpdale applied for its first short-term rental permit Type 2 in January 2013 and has kept up with its renewals ever since.)

Austin Water violation, plumbing permit, **Feb. 16, 2016**

Notice of code violation sent **March 21, 2016**

Scott Jacobs submitted residential permit application **May 25, 2016**.

Master comment report issued **June 27, 2016**, requiring variance to change use from single family to two family, among others.

C, request to reduce the minimum lot size.

Under City Code 25-2-493(B)(2) a “lot recorded in the county real property records after March 14, 1946 must: (a) have an area of not less than 5,750 square feet; and (b) be not less than 50 feet wide at the street or at the building line.” This means that City staff cannot issue a building permit for a property that was reduced to less than 5,750 sf after March 14, 1946.

It is clear that the property at 2003 Arpdale was originally 65 feet wide when it was platted in 1939 and described as Lot 16 of Block 8 in the Rabb Inwood Hills subdivision. Through 1984, the Travis County records available online continue to describe the property as Lot 16. Records of the 1990 sale are not available online, but there is a 1992 record describing the property next door, at 2001 Arpdale, as “east 10 feet of Lot 16 and all of Lot 17 in Block 8 Rabb Inwood Hills.” A plausible explanation for this is that the owner of the house and garage apartment at 2001 Arpdale bought 10 feet of Lot 16 after the City Code changed in 1984, requiring a minimum lot size of 7,000 sf for two dwellings.

But that does not explain why the appraisal district listed the lot size for 2003 Arpdale as 5,752.9 sf, instead of 5,500 sf. The land status determination issued by the City in 2007 established that the property was described as the west 55 feet of Lot 16 in 1990, and the survey (apparently from 2007) shows the property to be 5,500 sf. As noted above, the company that sold the property to Mr. Jacobs refused to confirm the area of the land described in the deed.

Findings:

- (1) The applicant has not shown that the zoning regulations do not allow for reasonable use. The zoning regulations do allow him to maintain his existing structures, but he has chosen instead to seek additional privileges not available to his neighbors.
- (2) He has not demonstrated any hardship that is not self-inflicted. A buyer's failure to read his deed documents, title search, and inspector's reports does not justify a variance. Any hardship in this case can be attributed entirely to the applicant's lack of due diligence.
- (3) His statement regarding Area Character does not address the central issue of the change of use, and it does not accurately reflect the character of the area.

D and E, requests to increase the building and impervious cover limits.

Dimensions taken from the site plan submitted by the owner and estimated from recent photographs were entered into AutoCAD and used to calculate the lot size, building coverage, and total impervious cover. According to the AutoCAD calculations, the lot is 5514 sf; the impervious cover is 3357 sf (60.9%), or 876 sf over the limit; and the building coverage is 2307 sf (41.8%), or 101 sf over the limit.

The applicant is requesting impervious cover of only 52%, but so far he has not disclosed how he arrived at that number or where the remaining excess impervious cover will be removed. Based on a lot size of 5514 sf, 52% would amount to 2867 sf, or 280 sf more impervious cover than would be allowed on a standard size lot.

The impervious cover limit of 45%, based on a lot size of 5514 sf, would allow the applicant to maintain the house with its front and back porches, walkways, and main driveway, with more than 200 sf left over for a garage or carport. There is therefore no denial of reasonable use, no hardship, and no justification for a variance from the impervious cover limit of 45%.

The circular drive (which would have to count toward the minimum parking requirement if a second dwelling unit is allowed) is mentioned in the code inspector's comments in March 2016 in connection with the "illegal curbcut." Besides contributing significantly to the excess impervious cover, the gravel drive is eroding into the street and is a constant nuisance.

The applicant is also requesting building cover of 41%. That estimate agrees with the AutoCAD calculation (minus the portable building, which must be removed). But the code limit of 40% would allow the applicant to maintain the existing structures plus more than half of the covered deck on the accessory structure. Again, there is therefore no denial of reasonable use, no hardship, and no justification for a variance from the building cover limit of 40%.

Findings:

- (1) The applicant has not shown that the zoning regulations do not allow for reasonable use. The zoning regulations (40% building cover and 45% impervious cover) allow him to maintain the existing house with its front and back porches, walkways, and main driveway, with a reasonable garage or carport, but he has chosen instead to seek additional privileges not available to his neighbors.

- (2) He has not demonstrated any hardship that is not self-inflicted.
- (3) His statement regarding Area Character does not address the central issue of the change of use, and it does not accurately reflect the character of the area.

F and G, requests to reduce the minimum lot size and minimum distance for a two-family use.

See A, B, and C above.

Findings:

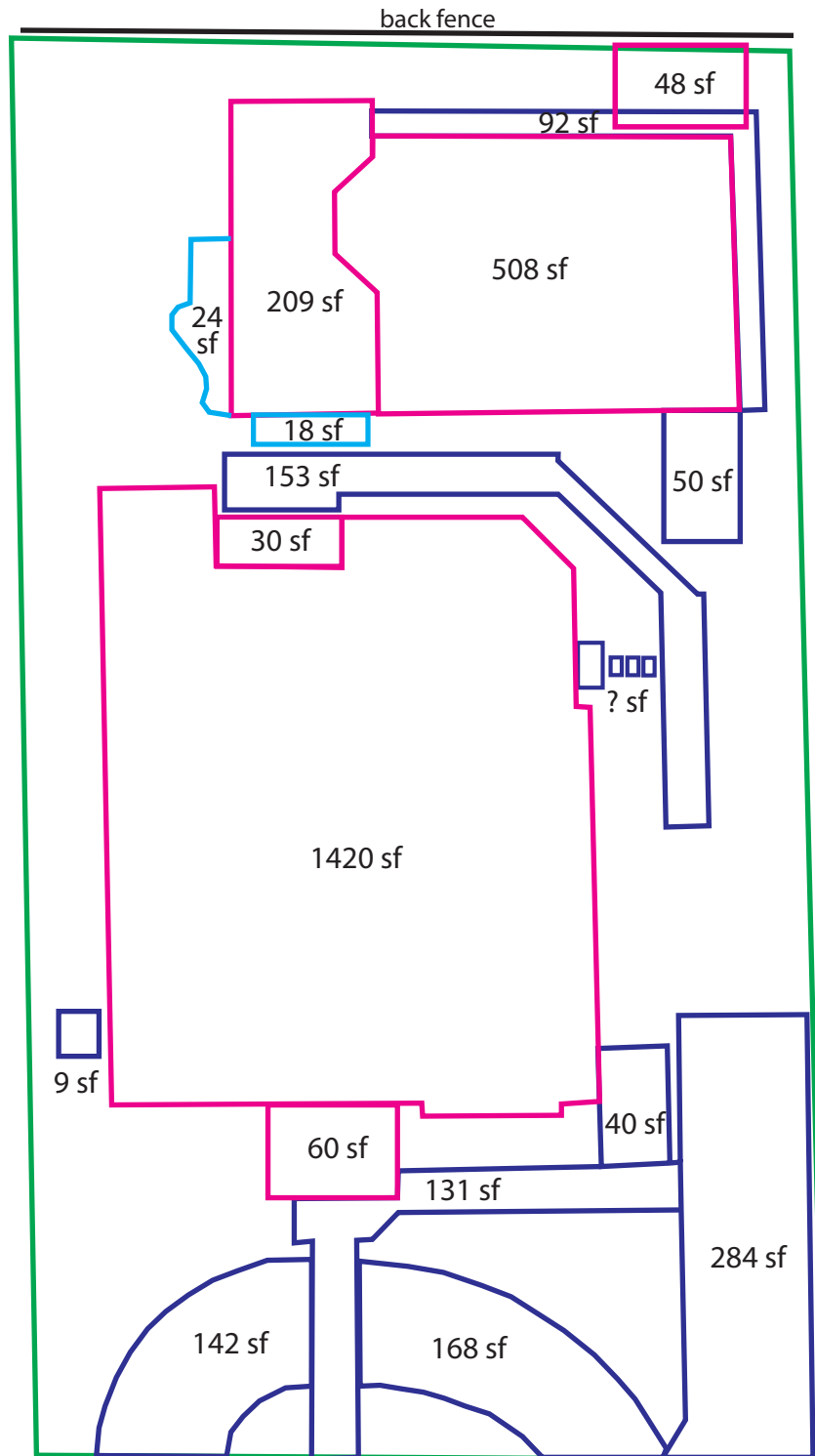
- (1) The applicant has not shown that the zoning regulations do not allow for reasonable use. The zoning regulations do allow him to maintain his existing structures, but he has chosen instead to seek additional privileges not available to his neighbors.
- (2) He has not demonstrated any hardship that is not self-inflicted. A buyer's failure to read his deed documents, title search, and inspector's reports does not justify a variance. Any hardship in this case can be attributed entirely to the applicant's lack of due diligence.
- (3) His statement regarding Area Character does not address the central issue of the change of use, and it contradicts Building Permit #141411 from 2007. The building permit is evidence that the City rejected the previous owner's attempt to create a second dwelling on the property less than 10 years ago.

To summarize, I ask that the Board deny all of the variances requested at 2003 Arpdale, C15-2016-0084, because there is evidence that the applicant was aware of the property's shortcomings before he purchased it less than five years ago, and there is evidence that the City rejected the previous owner's attempt to create a second dwelling on the property less than 10 years ago. The application meets none of the required findings regarding reasonable use, hardship, and area character.

Thank you for your attention and for your service on the Board of Adjustment.

Sincerely yours,
Lorraine Atherton
2009 Arpdale
Austin, TX 78704

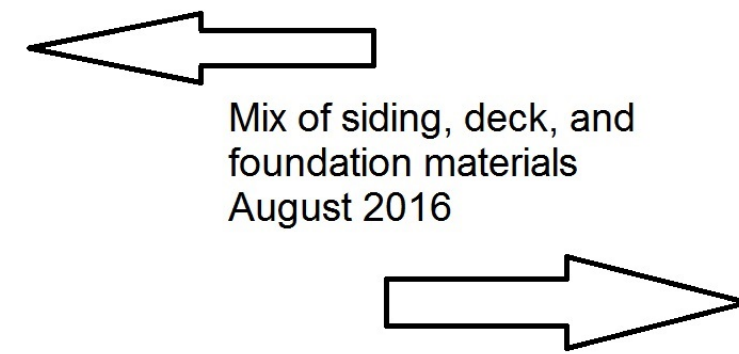
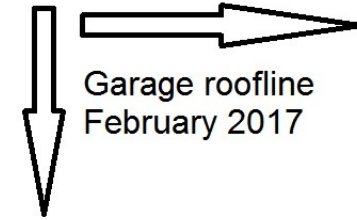
Lot Size =
5752.90 sf per TCAD
5514.14 sf per survey metes and bounds



2003 Arpdale Coverage Calculations

	Sq Ft	IC Factor	Imp. Cov.	McM. FAR	Bldg. Cov.	TCAD
House	1420	1.0	1420	1420	1420	1524
Front Porch	60	1.0	60		59	102
Back Porch	30	1.0	30		32	
ADU	508	1.0	508	508	508	
ADU Covered Deck	209	1.0	209		240	128+24
ADU Concrete Skirt	92	1.0	92			
ADU Uncovered Deck (wood)	24	0.5	12			
ADU Deck Steps (wood)	18	0.5	9			
Portable Building	40	1.0	40	48	48	
Main Driveway	284	1.0	284			
Circular Driveway	310	1.0	310			
Front Sidewalks	131	1.0	131			
Back/Side Stepping Stones	153	1.0	153			
Other Concrete	90	1.0	90			
A/C Pad	9	1.0	9			
TOTAL			3357	1976	2307	
Lot Size (sf)			5514.14	5514.14	5514.14	5752.9
Percentage of Lot Size			60.9%	35.8%	41.8%	
Allowable (%)			45.0%	40.0%	40.0%	
Allowable (sf)			2481.4	2205.7	2205.7	
Over (sf)			875.6	-229.7	101.3	

2003 Arpdale



2003 Arpdale



L01

Photos
used to
estimate
impervious
cover
August 2016





City of Austin
Austin Code Department
 Summary of Complaint CC-2007-139812

COMPLAINT INFORMATION

Case Status: Closed

Address: 2003 Arpdale Street

Legal Description: Not Recorded

Property Owner(s):

Not Recorded - Owner

Complaint Date: July 30, 2007

Complaint: While I am hesitant to report my neighbour I believe it is unreasonable to continuously remodel without a permit, Ongoing remodelling; this house is undergoing the second remodel this year, apparently all without permits

INSPECTION INFORMATION

Investigator Assignment(s)

Bert Godkin assigned on July 31, 2007

Case Log

DATE	STAFF NAME	ACTION TAKEN
COMMENT		
08/03/2007	Bert Godkin	Insp / Violation(s) Found
building a roof over frame and all also interior and added on to garage for accessory dwelling		
08/03/2007	Bert Godkin	Insp/In process/Monitoring
work being done without permits		
09/07/2007	Matthew Noriega	Closed due to Voluntary Compliance
verified permits have been obtained for remodel, see permit #141411		

VIOLATIONS

Structure Maintenance

Land Use

Austin City Code Section: Building Permit Requirement (§25-12-241 [2006 IRC R105.1])

Violation: Residential construction performed without required permit(s).

Date Observed: 09/07/2007 Status: Cleared

Property Abatement

NOTICES



City of Austin
Austin Code Department
 Summary of Complaint CC-2013-029340

COMPLAINT INFORMATION

Case Status: Closed

Address: 2003 ARPDAL ST 78704

Legal Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Property Owner(s):

Not Recorded - Owner

Complaint Date: March 25, 2013

Complaint: short term rental without permit

INSPECTION INFORMATION

Investigator Assignment(s)

Luther Perez assigned on March 25, 2013

Transferred to Khalid Marshall - MARSHAKH on April 5, 2013

Case Log

DATE	STAFF NAME	ACTION TAKEN
COMMENT		
04/09/2013	Khalid Marshall	Insp/In process/Monitoring
On 4/9/2013 at 0935 Investigator Marshall went to 2003 Arpdale and found one silver colored SUV in the driveway, will monitor for further activity. Property photographed.		
04/30/2013	Khalid Marshall	Insp/In process/Monitoring
20130430 at 1101 hrs Investigator Marshall photographed a light colored SUV in the driveway of this property. Will monitor.		
05/06/2013	Khalid Marshall	Information Update
20130506 at 0938 hrs Investigator Marshall photographed two vehicles onsite. One silver colored SUV and one minivan silver in color. Will monitor.		
05/09/2013	Khalid Marshall	Information Update
20130509 at 1041 hrs Investigator Marshall photographed two vehicles onsite at this location. One is the same silver colored SUV that has been onsite previously. The second a light colored minivan. Will continue to monitor.		
06/12/2013	Khalid Marshall	Information Update
20130612 at 1244 hrs Investigator Marshall found the same two vehicles that have been at this location since the start of this investigation. Photos taken.		
06/14/2013	Marcus Elliott	No Violation(s) Found/ Insp
No evidence of a short-term rental at this location. Case closed.		

VIOLATIONS

Structure Maintenance

Land Use

Property Abatement

NOTICES



City of Austin
Austin Code Department
 Summary of Complaint CC-2014-054367

COMPLAINT INFORMATION

Case Status: Closed

Address: 2003 ARPDAL ST 78704

Legal Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Property Owner(s):

Not Recorded - Owner

Complaint Date: May 27, 2014

Complaint: illegal renters in the backyard of address provided. Caller wants someone to come out and close the old house the backyard.

INSPECTION INFORMATION

Investigator Assignment(s)

Barbara Ann Boswell assigned on May 27, 2014

Transferred to Khalid Marshall - MARSHAKH on May 30, 2014

Case Log

DATE	STAFF NAME	ACTION TAKEN
COMMENT		
05/28/2014	Barbara Ann Boswell	Investigation/Research
On site, observed locked gate which allows passage to rear garage area. Left message for complainant on file to clarify "illegal renters".		
06/02/2014	Khalid Marshall	Insp/In process/Monitoring
On 20140530 at 1435 hrs Investigator Marshall visited this property and found no one home. I left my card on the door. Photos taken and will continue to monitor for activity.		
06/02/2014	Khalid Marshall	Owner Contacted
On 20140602 Investigator Marshall received an email from the owner Scott Jacobs. He stated in his email that he had tenants in the residence. I replied to his email explaining that I had a complaint on his property regarding it being used as a STR>		
06/16/2014	Khalid Marshall	Insp / Violation(s) Found
On 20140613 At 0952 hrs Investigator Marshall stopped at this location and spoke with the tenant in the front structure whom stated that he indeed was a long term renter. This gentleman stated that the rear structure also had tenants but he was unsure if they were look term or not. I asked if it was ok if entered the rear yard where the second structure was located and he said that it was fine. I knocked on the door of the rear structure and made contact with two individuals whom stated that they were only in town for a couple weeks. They had arrived on Thursday of the previous week and would be living on the 22nd of this month totaling only 12 days. I will send a notice of violation for operation of a Short-Term Rental (STR) without a license.		
06/16/2014	Khalid Marshall	Send CV Notice

07/18/2014 Khalid Marshall Information Update
20140718 at 1042 hrs Investigator Marshall found that OL 2014-075612 has been opened for this property.

08/15/2014 Khalid Marshall Closed due to Voluntary Compliance
20140815 at appx. 0850 hrs Investigator Marshall is closing this case due to the property obtaining an STR license. Refer to OL 2014-075612

VIOLATIONS

Structure Maintenance

Land Use

Austin City Code Section: Zoning (§25-2)

Violation: A person must obtain a license prior to operating a Short-Term Rental (STR)

Date Observed: 06/16/2014 Status: Cleared

Property Abatement

NOTICES

Notice of Violation to Scott Jacobs (Owner)

Mail sent regular on June 16, 2014

Mail sent certified 7013 2630 0002 0463 8636 on June 16, 2014



City of Austin
Austin Code Department
 Summary of Complaint CC-2014-057985

COMPLAINT INFORMATION

Case Status: Closed

Address: 2003 ARPDAL ST 78704

Legal Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Property Owner(s):

Not Recorded - Owner

Complaint Date: June 3, 2014

Complaint: STR owner doesn't live at residence and no license to operate. was advised there is someone else moving in June 2nd

INSPECTION INFORMATION

Investigator Assignment(s)

Michelle Stark assigned on June 3, 2014

Transferred to Marcus Elliott - ELLIOTMA on June 3, 2014

Case Log

DATE	STAFF NAME	ACTION TAKEN
06/03/2014	Marcus Elliott	Cancelled

Duplicate. Refer to AMANDA 2014 057985 for additional information.

VIOLATIONS

Structure Maintenance

Land Use

Property Abatement

NOTICES



City of Austin
Austin Code Department
Summary of Complaint CC-2014-077692

COMPLAINT INFORMATION

Case Status: Closed

Address: 2003 ARPDAL ST 78704

Legal Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Property Owner(s):

Not Recorded - Owner

Complaint Date: July 23, 2014

Complaint: Caller states they built a structure in the back of this residence, which they often use to stay in, while he rents the main house.

INSPECTION INFORMATION

Investigator Assignment(s)

Barbara Ann Boswell assigned on July 23, 2014

Case Log

DATE	STAFF NAME	ACTION TAKEN
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07/24/2014	Barbara Ann Boswell	Cancelled
Duplicate case to CV-2014.062292 being worked by Khalid Marshall. OL pending at this time.		

VIOLATIONS

Structure Maintenance

Land Use

Property Abatement

NOTICES



City of Austin
Austin Code Department
 Summary of Complaint CC-2015-097060

COMPLAINT INFORMATION

Case Status: Closed

Address: 2003 ARPDAL ST 78704

Legal Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Property Owner(s):

Complaint Date: August 11, 2015

Complaint: STR Complaint-Caller concerned about the structure of home in the back of house that is being rented out and numerous people are coming in and out and noise is a disturbance. General complaint (add details) AUG 09, 2015 09:00 PM Owner does not live there and rents property

INSPECTION INFORMATION

Investigator Assignment(s)

Michelle Stark assigned on August 11, 2015

Transferred to Khalid Marshall - MARSHAKH on August 17, 2015

Case Log

DATE	STAFF NAME	ACTION TAKEN
COMMENT		
08/13/2015	Khalid Marshall	Investigation in Progress
On 20150813 at 1018 Hrs Investigator Marshall stopped at this location and spoke with resident in the front unit. The resident stated that they had a long term (12 month) rental agreement for that unit. They also advised that the owner stayed in the rear unit when he was in town but that when he isn't, that it is indeed being rented out. Though the tenant did state that no one is the unit at the moment.		
01/04/2016	Khalid Marshall	No Violation(s) Found/ Insp
This case is being closed due to a lack of evidence to support the complaint. The property has been visited on several occasions.		

VIOLATIONS

Structure Maintenance

Land Use

Property Abatement

NOTICES



City of Austin
Austin Code Department
 Summary of Complaint CC-2015-097846

COMPLAINT INFORMATION

Case Status: Closed

Address: 2003 ARPDAL ST 78704

Legal Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Property Owner(s):

Complaint Date: August 12, 2015

Complaint: Caller concerned about the structure of home in the back of house that is being rented out and numerous people are coming in and out . Caller doesnt think structure is up to code

INSPECTION INFORMATION

Investigator Assignment(s)

Michelle Stark assigned on August 12, 2015

Case Log

DATE	STAFF NAME	ACTION TAKEN
08/31/2015	Barbara Ann Boswell	Cancelled
On site 8.29.15 on Saturday shift. Property is empty, No one renting for short term rental.		

VIOLATIONS

Structure Maintenance

Land Use

Property Abatement

NOTICES



City of Austin
Austin Code Department
 Summary of Complaint CC-2015-126466

COMPLAINT INFORMATION

Case Status: Closed

Address: 2003 ARPDAL ST 78704

Legal Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Property Owner(s):

Scott Jacobs - Owner

2003 Arpdale St Austin Tx 78704 3901

Complaint Date: October 19, 2015

Complaint: Citizen states that in the front house 3 women live but in the back there is another little house in the back and there is at least 8 people living out of there.

INSPECTION INFORMATION

Investigator Assignment(s)

Michelle Stark assigned on October 19, 2015

Transferred to Paul Estrada - ESTRADAP on October 26, 2015

Case Log

DATE	STAFF NAME	ACTION TAKEN
10/23/2015	Farah Presley	Inspection Performed
On 10.23.2015 I went to the property of 2003 Arpdale Street. I did not see any vehicles at the time. I did try to make contact with the house in the front of the property but no one was home I did leave a door hanger. There is a driveway that is gated by the front house leading the house in the back. The front house has both mailbox's for the A house and the B house. I could not make contact with anyone in the B house since the gate was closed. I put the photos into the case.		
10/25/2015	Farah Presley	Inspection Performed
On 10.25.2015 I was working short term rental inspections. This was an address again we had to check. This time we were able to make contact with the tenants of house A. They informed us that the landlord rents out the house B to couples on the weekends. The A house has 3 tenants that have a year lease. They said the house in the back always has different people but the landlord does not rent to big parties of people only couples. I looked and this address has a pending short term license.		
10/27/2015	Paul Estrada	No Violation(s) Found/ Insp
I went out on follow up inspection complaint. I arrived at location. Owner of property was not there. I then received contact information. I called owner Scott Jacobs 214.908.0770 who advised me that he has not rented out his property in a while because he knows that his STR license is pending but I advised him that it does appear that it is but was issued and doesn't expire until 8.5.16. I advised he was current on license and explained due to him being in a residential area to be mindful of neighbors and make sure noise is kept to a minimum, trash is kept off property and no blocking traffic on streets with parking when renters are visiting. He is aware of STR ordinance. No violation. Clear.		

VIOLATIONS

Structure Maintenance

Land Use

Property Abatement

NOTICES



City of Austin
Austin Code Department
 Summary of Complaint CC-2016-011910

COMPLAINT INFORMATION

Case Status: Closed

Address: 2003 ARPDAL ST 78704

Legal Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Property Owner(s):

Scott Jacobs - Owner
 2003 Arpdale St Austin Tx 78704 3901

Complaint Date: February 4, 2016

Complaint: citizen stated that there is home that has no STR permit and they only have one meter for 2 homes and she stated that they are running a business out of the home selling products this is in the backhouse

INSPECTION INFORMATION

Investigator Assignment(s)

Michelle Stark assigned on February 4, 2016
 Transferred to Paul Estrada - ESTRADAP on February 4, 2016

Case Log

DATE	STAFF NAME	ACTION TAKEN
03/02/2016	Khalid Marshall	Closed/Duplicate Case
Please refer to CC 16-017415		

VIOLATIONS

Structure Maintenance

Land Use

Property Abatement

NOTICES



City of Austin
Austin Code Department
 Summary of Complaint CC-2016-017415

COMPLAINT INFORMATION

Case Status: Active

Address: 2003 ARPDAL ST 78704

Legal Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Property Owner(s):

Scott Jacobs - Owner

2003 Arpdale St Austin Tx 78704 3901

Complaint Date: February 18, 2016

Complaint: Citizen states the little house in the back is vacant right now but he is always renting it out. The last tenants were there for 4days and the tenants before were there for 30days

INSPECTION INFORMATION

Investigator Assignment(s)

Michelle Stark assigned on February 18, 2016

Transferred to Khalid Marshall - MARSHAKH on February 18, 2016

Case Log

DATE	STAFF NAME	ACTION TAKEN
COMMENT		
03/02/2016	Khalid Marshall	Insp / Violation(s) Found
On 20160302 at 15:16 hrs Investigator Marshall found that the advertisement at https://www.airbnb.com/rooms/847982 is in violation.		
03/10/2016	Khalid Marshall	Information Update
On 20160310 Investigator Marshall contacted Travis County Appraisal District in regards to this property at 2003 Arpdale and the rear structure which is not listed on the tax documents. Also it was brought to their attention that the house was being rented to long term renters which is a violation of the Homestead Exemption.		
03/18/2016	Khalid Marshall	AH Warning Prep
Posted 03180		
03/18/2016	Khalid Marshall	Contact Performed
20160318 at 19:00 Hrs Officers Marshall and Ramos arrived on scene and attempted to make contact at the main house door but knocks went unanswered. Officers then approached the gate to the rear yard and during the approach officers were met by a young lady coming out of the rear structure. When asked if she was an owner, the young lady stated that she was a friend of the renter of the rear unit. Officers asked if they were long term renters and she replied that she and her friend were from Houston and were only renting the structure for SXSW weekend and had found the rental on AirBNB. See documents for advertisement. The tenant allowed officers to photograph the rear structure. During the inspection of the property officers noticed two vehicles on the driveway and one in front of the property on the street.		

VIOLATIONS**Structure Maintenance****Land Use**

Austin City Code Section: Certificate of Occupancy (§25-1-361)

Violation: A person may not use or occupy a structure unless the building official has issued a Certificate of Occupancy for the structure. There is no record of a Certificate of Occupancy for this structure's use.

Date Observed: 03/30/2016 Status: Not Cleared

Austin City Code Section: Zoning (§25-2)

Violation: An owner, manager, operator, or person in control of a short-term rental or bed and breakfast establishment commits an offense if the owner or other person leases, rents, advertises, promotes, or otherwise solicits or induces occupancy of a room, structure, dwelling unit, or partial unit in a short-term rental or bed and breakfast establishment which does not have a valid license issued and displayed as required by this chapter or as required by Title 25 of City Code (Land Development).

Date Observed: 03/30/2016 Status: Not Cleared

Austin City Code Section: Short-Term Rental (Type 1) Regulations (§25-2-788)

Violation: This section applies to a short-term rental use that is owner-occupied or is associated with an owner-occupied principal residential unit. A short-term rental use under this section may not include the rental of less than an entire dwelling unit, operate without a license as required by Section 25-2-790 (License Requirements), or operate without providing notification to renters as required by Section 25-2-791 (Notification Requirements). For a short-term rental use under this section, a secondary residential unit on the same property may be rented for periods of less than 30 consecutive days for an annual total of more than 90 days.

Date Observed: 03/30/2016 Status: Not Cleared

Property Abatement**NOTICES**



City of Austin
Austin Code Department
 Summary of Complaint CC-2016-022576

COMPLAINT INFORMATION

Case Status: Closed

Address: 2003 ARPDAL ST 78704

Legal Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Property Owner(s):

Scott Jacobs - Owner
 2003 Arpdale St Austin Tx 78704 3901

Complaint Date: March 1, 2016

Complaint: fence is 7ft high, it's too tall Front Yard.

INSPECTION INFORMATION

Investigator Assignment(s)

Michael Reeves assigned on March 1, 2016

Case Log

DATE	STAFF NAME	ACTION TAKEN
COMMENT		
03/02/2016	Michael Reeves	Inspection Performed
I went to this property and I could see the new fence in question and it appeared to not be 7 foot tall. I knocked on the door and I spoke with the tenant and explained the complaint and she gave me permission to measure the fence. I measured the fence and found it to be exactly 6 foot tall from grade. There is not a violation for working without a permit for a fence over 7 foot tall.		
03/03/2016	Michael Reeves	No Violation(s) Found/ Insp

VIOLATIONS

Structure Maintenance

Land Use

Property Abatement

NOTICES



City of Austin
Austin Code Department
 Summary of Complaint CC-2016-030858

COMPLAINT INFORMATION

Case Status: Active

Address: 2003 ARPDAL ST 78704

Legal Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Property Owner(s):

Scott Jacobs - Owner
 2003 Arpdale St Austin Tx 78704 3901

Complaint Date: March 19, 2016

Complaint: ongoing issue for months now /citizen says that the person living here is not registered for permit / is frustrated with the situation and says no one has contacted her and no one in code gets back to her/ will be going to her city council members. Operating without a license. MAR 16, 2016 10:30 PM
 Tenant occupied Unknown

INSPECTION INFORMATION

Investigator Assignment(s)

Michael Reeves assigned on March 19, 2016
 Transferred to Robert Alvarado - ALVARADR on March 19, 2016

Case Log

DATE	STAFF NAME	ACTION TAKEN
COMMENT		
03/14/2016	Michael Reeves	Insp / Violation(s) Found
I went to this property and observed there was new sewer line ran in the yard that was cited by Austin Water for a violation for no permit and that there is also an illegal curbcut besides the approved drive for the property that is being used for parking. I spoke with the long term tenant in the front house and she stated the rear structure is rented as an STR. The rear structure which is 430 sq ft and 102 sq ft open porch shows to be on TCAD as of 2007 but was built prior to 1997 due to the fact that is as far back as the historical ariel views are in GIS. TCAD does not show there to ever be a garage or storage on the property.		
03/21/2016	Michael Reeves	Send CV Notice
03/25/2016	Michael Reeves	Information Update
I posted a copy of the NOV at the property today.		
06/14/2016	Michael Reeves	Information Update
I observed in Amanda that there is now a pending PR 2016 068880.		

VIOLATIONS

Structure Maintenance

Land Use

Austin City Code Section: Building Permit Requirement (§25-12-241 [2012 IRC R105.1])

Violation: Residential construction performed without required permit(s). Second curbcut in the front is done without the required permit. New sewer line ran without the required permit. Secondary residence in the rear of the property built without the required permits.

Date Observed: 03/21/2016 Status: Not Cleared

Property Abatement**NOTICES**

Notice of Violation to Scott Jacobs (Owner)

Mail sent certified 7014 2120 0003 4986 1019 on March 21, 2016

Mail sent regular on March 21, 2016

Received / signed by 03-26-16 cannot read on April 5, 2016



City of Austin
Austin Code Department
 Summary of Complaint CC-2016-031290

COMPLAINT INFORMATION

Case Status: Closed

Address: 2003 ARPDAL ST 78704

Legal Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Property Owner(s):

Scott Jacobs - Owner

2003 Arpdale St Austin Tx 78704 3901

Complaint Date: March 21, 2016

Complaint: Scott is owner of house. Rents front of house legally. House in back yard is the one owner has short term rental several times.

Citizen is neighbor of Scott with short term rental.

INSPECTION INFORMATION

Investigator Assignment(s)

Michael Reeves assigned on March 21, 2016

Transferred to Khalid Marshall - MARSHAKH on March 22, 2016

Case Log

DATE	STAFF NAME	ACTION TAKEN
05/24/2016	Khalid Marshall	Closed/Duplicate Case
Refer to CV 2016-030885		

VIOLATIONS

Structure Maintenance

Land Use

Property Abatement

NOTICES



City of Austin
Austin Code Department
 Summary of Complaint CC-2016-031406

COMPLAINT INFORMATION

Case Status: Closed

Address: 2003 ARPDAL ST 78704

Legal Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Property Owner(s):

Scott Jacobs - Owner

2003 Arpdale St Austin Tx 78704 3901

Complaint Date: March 21, 2016

Complaint: Citizen states the little house in the back is being rented out and they do not have a permit to do so. citizen stated that she has called multiple times but code officers are going when no one is there citizen stated that they should go some time late at night or really early before they leave. Operating without a license. MAR 18, 2016 05:52 PM Tenant occupied Yes

INSPECTION INFORMATION

Investigator Assignment(s)

Michael Reeves assigned on March 21, 2016

Transferred to Robert Alvarado - ALVARADR on March 21, 2016

Case Log

DATE	STAFF NAME	ACTION TAKEN
03/23/2016	Michael Reeves	Closed/Duplicate Case
Duplicate Cv 16 023236		

VIOLATIONS

Structure Maintenance

Land Use

Property Abatement

NOTICES



City of Austin
Austin Code Department
Summary of Complaint CC-2016-031964

COMPLAINT INFORMATION

Case Status: Closed

Address: 2003 ARPDAL ST 78704

Legal Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Property Owner(s):

Scott Jacobs - Owner

2003 Arpdale St Austin Tx 78704 3901

Complaint Date: March 22, 2016

Complaint: WWOP

INSPECTION INFORMATION

Investigator Assignment(s)

Michael Reeves assigned on March 22, 2016

Case Log

DATE	STAFF NAME	ACTION TAKEN
03/23/2016	Michael Reeves	Closed/Duplicate Case
Duplicate CV 2016 030885		

VIOLATIONS

Structure Maintenance

Land Use

Property Abatement

NOTICES



City of Austin
Austin Code Department
 Summary of Complaint CC-2016-092177

COMPLAINT INFORMATION

Case Status: Pending

Address: 2003 ARPDAL ST 78704

Legal Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Property Owner(s):

Complaint Date: August 2, 2016

Complaint: Based on the photographs and site plan submitted by the owner in connection with a setback variance request at 2003 Arpdale (case # C15-2016-0084), the impervious cover on this property is between 55 and 58%. City Code 25-2-492 (Site development regulations) limits this site to 45% impervious cover. The circular drive (which is used as parking) is the source of most of the excess impervious cover. The gravel drive is eroding into the street and is a constant nuisance. Please require that the circular drive be removed and the curb and gutter restored.

INSPECTION INFORMATION

Investigator Assignment(s)

Michael Reeves assigned on August 2, 2016

Case Log

DATE	STAFF NAME	ACTION TAKEN
COMMENT		

VIOLATIONS

Structure Maintenance

Land Use

Property Abatement

NOTICES