

Executive liaison summery

Pursuant with City Code Section 2-1-121 designates the BFCBOA as the proper technical board to review the Building Official decision to suspend a certificate of occupancy. In this particular situation, City Code Section 25-1-461(E) authorizes this appeal because it concerns the Building Official's decision to suspend the certificate of occupancy for the dining establishment structure at 1701 Toomey Road.

- The property owner's Building and Standards Commission (BSC) case is not based on the Building Official's decision to suspend the certificate of occupancy so it cannot hear this appeal. The BSC issued an order related to the property in 2012. If the BSC places this property on an upcoming agenda, the BSC will only make decisions related to its prior decision and any subsequent actions by the code official.
1. On May 2, 2019 the Building Official Beth Culver suspended the Certificate of Occupancy for 1701 Toomey Road, with the notice delivered via US Mail on May 6, 2019.
 2. On May 7, 2019 Stuart Hersh, acting on behalf of the owners, appealed this decision to Interim Director of the Development Services Department, Denise Lucas
 3. On May 8, 2019 Ms. Lucas heard the appeal and testimony from Mr. Hersh and City of Austin Staff.
 4. On May 10, 2019 Ms. Lucas rendered a decision to uphold the suspension of the Certificate of Occupancy
 5. On May 14, 2019 Mr. Hersh filed an appeal of the suspension to be heard by the Building and Fire Board of Appeals.
 6. Mr. Chair we have provide a summary of the appeals process for you, if you and the other board members can please review this document and let me know if you have any questions before we proceed. Staff liaison Rick Arzola will be the timekeeper for all testimony.