



NOTICE OF APPEAL INFORMATION

Austin City Code 25-1-181 Appeals, Variances, Special Exceptions, and Adjustments
(Administrative Decision Appeal Process on Page 2)

Appellant Filing Appeal Stuart Hersh		Relationship to Property Pro Bono Consultant to Owner	
Appellant's Status as Interested Party Consultant to Owner			
Appellant Contact Information		Permit Holder Contact Information	
Name Stuart Hersh		Name Casa de Loz	
Street 6703 Woodhove Drive		Street 1701 Toomey Road	
City Austin	State TX	City Austin	State TX
Zipcode 78745		Zipcode 78704	
Telephone 512-587-5093		Telephone 512-535-0105	
E-Mail shersh@austin.tx.com		E-Mail wayot@mc.com	
Date of Decision Being Appealed 6/10/19		Date Appeal is Filed 6/11/19	
Decision Being Appealed (use additional paper as required): Requirement for Fire Watch prior to Sprinkler System Connection			
Reason the appellant believes the decision does not comply with the requirements of the Land Development Code (Title 25) Requirement for Fire Watch not discussed as requirement of 5/29/19 Building and Fire Code Board of Appeals Hearing or 12/12/18 Building and Standards Commission hearing			
BELOW FOR CITY USE ONLY			
Hearing Date:		Board or Commission:	
Action on Appeal		Date of Action	

The applicant must complete page 1 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.



APPEAL PROCESS

You may appeal this "**ADMINISTRATIVE DECISION**" in accordance with Land Development Code section **25-1-181** by following these requirements.

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 for appealing a stop work order, remove or restore order, revocation, or suspension.

Signature:

Date:

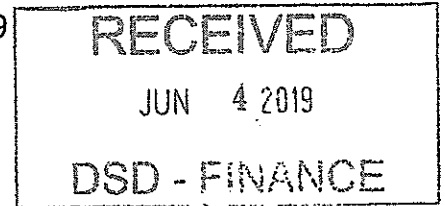
6/11/19

CASA DE LUZ APPEAL OF FIRE WATCH NOTICE OF JUNE 3, 2019

June 4, 2019

1701 Toomey Road

Stuart Harry Hersh shersh@austin.rr.com 512-587-5093



I am asking the Building and Fire Code Board of Appeals to reverse the Building Official's decision to require a Fire Watch at 1701 Toomey Road following the Board's May 29, 2019 decision not to uphold the Building Official's decision to suspend the certificates of occupancy on 5/2/19.

The issue before the Board is simple. The Building and Fire Board Code did not have a quorum vote to uphold the Building Official's decision. No Board member moved to uphold the Building official's decision following the closing of the public hearing and questions to the appellant and City staff. Prior to Board decision, Board members asked City staff what would be next steps. City staff informed the Board that City staff would continue to work with the appellant on compliance. There was no mention of requiring a Fire Watch.

If the rear building is not sprinklered, then a fire department access road is required and existing vegetation, fences, gated entrance and other improvements must be demolished. This is not in dispute.

Casa de Luz has been trying to install a sprinkler system since 2013. This requires a building permit.

Casa's attempts to file a building permit application were consistently denied between 9/16/13 and 1/4/19 based on the Building Official stating that Casa did not have a certificate of occupancy for the rear building. If this was true, we would not have had an appeal hearing about suspending two (2) certificates of occupancy.

All City staff present in the 1/4/19 meeting finally agreed to accept a building permit application for sprinklers after Casa' attempting to secure this permit for more than five (5) years.

1. Casa was then told for the first time that it needed a structural engineer's report, and Casa hired a licensed engineer who provided the requested report.
2. Casa was told for the first time that it also needed an asbestos survey, and Casa hired a licensed contractor who supplied the requested report.
3. Casa's design team has passed fire department review, building review and zoning review.
4. The tap to the City water system has been permitted, inspected and approved.
5. The sprinkler piping system inside the building was installed in October 2018 as Casa closed for 10 days to accommodate the installation.
6. The pipe connecting the city water line to the sprinkler system was in the trench as of 5/17/19 and passed visual City inspection on Monday, May 20, 2019.
7. The design team authorized the placing of required sand beneath the pipe and the placement of soil to cover the pipe and tree roots and this was completed by 5/24/19.
8. The next steps involve connecting the pipe in the trench to both the water tap and the sprinkler system; performing all required testing; passing all required inspections; completing the balance of required improvements; and posting all approvals to the City record system.

The requirement for Fire Watch was not proposed by City staff at the December 12, 2018 hearing of the Building and Standards Commission where an order to vacate could have been issued. City staff did not recommend an order to Vacate and the Commission did not issue an Order to Vacate.

On behalf of Casa de Luz, I ask that you reverse the decision to require a Fire Watch on June 10, 2019 if all sprinkler connections are not completed and approved by then. The requirement of a Fire Watch from 7am to 9pm daily or to vacate the rear building is tantamount to requiring the rear building to be vacated without an Order to Vacate from the Building and Standards with evidence being provided under oath and with the appellant having the right to cross-examine City staff as per legislation approved by the Texas Legislature and incorporated into Building and Standards Commission rules.

Please include all backup posted for the May 22, 2019 Special Called meeting of the Building and Fire Code Board of Appeals as well as documents submitted during the public hearing.

Please let me know when the appeal hearing is scheduled.