



476-6218  
**City of Austin**

Founded by Congress, Republic of Texas, 1839  
 Watershed Protection and Development Review Department  
 P.O. Box 1088, Austin, Texas 78767

April 26, 2006

Terrence L. Irion  
 Irion/ Slade, PLLC  
 2224 Walsh Tarlton, Suite 210  
 Austin, TX 78746

VIA CERTIFIED MAIL (Cert. # 7003 2260 0003 3350 1366)

RE: Buckingham Square Apartments located at 711 W. 32<sup>nd</sup> Street, Austin, TX; Appeal of Rescission of Site Plan Exemptions SPX-04-1008 and SPX-05-1590 and Suspension of Building Permit No. BP-05-3276T

Dear Mr. Irion:

On April 24, 2006, I heard your appeal on the above referenced matters. At the hearing you argued that the subject property is a complying structure under Section 25-2-962 (*Structures Complying on March 1, 1984*) of the City Code. Because the structure was complying, you argue that your client is entitled to restore the structure in accordance with the site development standards associated with the prior zoning that existed on the property on March 1, 1984.

After considering all of the relevant facts and reviewing the applicable regulatory provisions, I have determined that your property is a complying structure under Section 25-2-962. Because it is complying, the structure may be rebuilt to the standards associated with the current zoning for the property or to the same structure design that existed prior to the fire. For example, if you choose the latter, you would be allowed to construct 68 one bedroom units and eight two bedroom units. Although the height of your structure was 34.5 feet you could rebuild it at 35 feet in accordance with MF-3-CO zoning and remain in compliance. In addition, because the structure is complying, the 12-month limit in Section 25-2-964 (*Restoration and Use of Damaged or Destroyed Noncomplying Structures*) does not apply to the redevelopment of your property.

You may appeal this decision in accordance with Section 25-1-461 (E) of the City Code. If you have any questions please contact Tammie Williamson, Assistant Director, at 974-3056.

Sincerely,

Victoria J.L. Hsu, P.E., Director  
 Watershed Protection and Development Review Department

VH: tw/dt

cc: Laura J. Huffman, Assistant City Manager  
 Joseph G. Pantalioni P. E., Deputy Director, Watershed Protection and Development Review Department  
 Tammie H. Williamson, AICP, Assistant Director, Watershed Protection and Development Review Department  
 Laurie Eiserloh, Assistant City Attorney  
 Deborah Thomas, Assistant City Attorney  
 Sheila Rainosek, Division Manager, Watershed Protection and Development Review Department  
 Mark Perlmutter, Perlmutter & Schuelke, LLP

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