

Potential Demolition by Neglect Cases



907 Congress Avenue
Owner: Dalton Wallace
9505 Johnny Morris Road
Austin, Texas 78724
2013 Appraised value: \$575,274



909 Congress Avenue
Owner: Dalton Wallace
9505 Johnny Morris Road
Austin, Texas 78724
2013 Appraised value: \$567,522

City of Austin

Founded By Congress, Republic of Texas 1839

Code Compliance Department

P.O. Box 1088, Austin, Texas 78767 - 1088

December 19, 2013 **NOTICE OF VIOLATION**

#7012 3460 0003 2580 2672

Dalton H Wallace
9505 Johnny Morris Road
Austin, Texas 78724-1527

RE: 909 CONGRESS AVE 78701

Legally described as S 23 FT OF LOT 3 BLOCK 111 ORIGINAL CITY

Zoned as CBD-H

Parcel Number 0206031004

Dear Dalton H Wallace:

An investigation by the City of Austin's Code Compliance Department was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the code violation(s) found with required remedies for attaining compliance with the City Code.

If you have any questions, please contact me by telephone at 512-974-9064 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en 512-974-9064 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

Failure to Correct

If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.

Complaints

To register a complaint regarding a Code Compliance Department investigator, you may submit your complaint in writing no later than 3 days after receipt of this letter to:

**City of Austin
Code Compliance Department Manager
P.O. Box 1088
Austin, Texas 78767**

Sincerely,



Troy Collins, Code Compliance Inspector
Code Compliance Department
Case CV-2011-031352

INVESTIGATION REPORT

Investigator: Troy Collins
Case: CV-2011-031352
Address: 909 CONGRESS AVE 78701
Zoned as CBD-H

The item(s) listed below are in violation of the Austin City Code. A required remedy may be specified after a violation and may include a time period for compliance. If no required remedy is specified for a violation, the **Required Remedy Summary** will be in effect. For questions concerning residential property, please contact the Zoning Review Division at (512) 974-2380. For questions concerning commercial property, please contact the Development Assistance Center (DAC) at (512) 974-6370.

STRUCTURE MAINTENANCE

The International Property Maintenance Code, adopted by reference in Chapter 25-12, Article 9 of the Austin City Code:

Code Section: Vacant structures and land (§301.3)

Description of Violation: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Date Observed: 04/13/2011

Status: Not Cleared

Required Remedy:

Code Section: Stairs and walking surfaces (§305.4)

Description of Violation: Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Date Observed: 04/13/2011

Status: Not Cleared

Required Remedy:

Required Remedy Summary

Engineer's Report/Certification Required

Repair Noted Violations in 21 days

Letter/ Report from Engineer Required in 5 days

NOTE: The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required

remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

If the Required Remedy Summary requires a permit, the Development Assistance Center located at 505 Barton Springs Road can assist you with any questions. **When the required remedy is demolition**, you are strongly encouraged to go to the Development Assistance Center for more information concerning current ordinances which may limit or restrict future development of your property after the demolition.

Appeal

Any structure maintenance issue indicated in this report may be appealed to the Building and Standards Commission. The appeal must be filed not later than 20 days after the date of this notice and contain the following information:

- a brief statement as to why the violation is being appealed;
- any facts that support the appeal;
- a description of the relief sought; and
- the reasons why the appealed notice or action should be reversed, changed, or set aside.

An appeal may be delivered in person to our office located at 1520 Rutherford Lane or mailed to:

**Building and Standards Commission
c/o Code Compliance Department
P.O. Box 1088
Austin, Texas 78767**



911 Congress Avenue
Owner: Dalton Wallace
9505 Johnny Morris Road
Austin, Texas 78724
2013 Appraised value: \$582,676



1416 E. 12th Street

Owner: Irving Allen, Sr. and Scott Way
2843 Southwood Drive
Dallas, Texas 75233

2013 Appraised value: \$128,560

§ 25-11-217 DEMOLITION BY NEGLECT PROCEDURE.

- (A) The historic preservation officer and the Commission are authorized to work with a property owner to encourage maintenance and stabilization of the structure and identify resources available before taking enforcement action under this section.
- (B) Except as provided in Subsection (C), the following procedures apply to enforcement of this chapter.
 - (1) The Commission or the historic preservation officer may initiate an investigation of whether a property is being demolished by neglect.
 - (2) Upon initiation of an investigation, the historic preservation officer shall:
 - (a) attempt to meet with the property owner to inspect the structure and discuss the resources available for financing any necessary repairs; and
 - (b) prepare a report for the Commission on the condition of the structure, the repairs needed to maintain and stabilize the structure, and the amount of time needed to complete the repairs.
 - (3) The Commission shall review the historic preservation officer's report and may vote to certify the property as a demolition by neglect case.
 - (4) If the Commission certifies the property as a demolition by neglect case, the historic preservation officer shall take the following actions.
 - (a) Send notice to the property owner or the property owner's agent, by certified mail, describing the required repairs and specifying:
 - (i) that repairs must be started within 60 days; and
 - (ii) a date by which repairs must be completed, as determined by the historic preservation officer.
 - (b) Meet with the property owner within 90 days after the notice is sent, if the historic preservation officer determines that it would be useful to discuss progress in making repairs and consider any issues that may delay completion of repairs.
 - (5) The historic preservation officer may refer a demolition by neglect case to the Building and Standards Commission, the City Attorney, or the appropriate city department for enforcement action to prevent demolition by neglect if the property owner fails to:
 - (a) start repairs by the deadline set in the notice;
 - (b) make continuous progress toward completion; or
 - (c) complete repairs by the deadline set in the notice.
 - (6) The historic preservation officer shall provide notice of a referral under Subsection (B)(5) of this section to the property owner. The owner may appeal the historic preservation officer's referral to the city council.
- (C) If immediate enforcement is necessary to prevent imminent destruction or harm to a designated historic landmark or contributing structure, the historic

preservation officer may refer the structure or landmark to the appropriate city department to enforce this chapter and to seek correction of any condition prohibited under Subsection [25-11-216](#) (*Duty to Preserve and Repair*).