



THE STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Jannette S. Goodall, City Clerk of the City of Austin, Texas, do hereby certify that the foregoing instrument is a true and correct copy of an ORDER of the Building and Standards Commission of the City of Austin, Texas, issued on March 24, 2021, relating to Case No. CL-2021-002321, consisting of three pages, as on file in the Office of the City Clerk the 1<sup>st</sup> day of April 2021.

WITNESS my hand and official seal of the City of Austin at Austin, Texas, this 1<sup>st</sup> day of April, 2021.



JANNETTE S. GOODALL  
CITY CLERK  
CITY OF AUSTIN, TEXAS



Case No. CL-2021-002321  
In the Matter of  
909 Congress Avenue  
Austin, Texas 78701

OCC RECEIVED AT  
APR 1 '21 PM 3:13  
Before the Building  
and Standards Commission  
of the City of Austin, Texas

State of Texas  
County of Travis

**ORDER OF THE BUILDING AND STANDARDS COMMISSION  
OF THE CITY OF AUSTIN, TEXAS**

On March 24, 2021, under the authority of Chapters 54 and 214 of the Texas Local Government Code, the Building and Standards Commission ("Commission") of the City of Austin, Texas, considered 909 Congress Avenue, ("the Property") and took action as described below.

**A. ORDER**

The Commission orders the following:

1. The Commission **ORDERS** that the Findings of Fact and Conclusions of Law for this property be adopted.
2. The Commission **ORDERS** that the owner of record complete the following within ninety (90) days from the date the Order is mailed to the owner of record:
  - a. obtain and finalize all necessary permits in accordance with the requirements for historic structures, including approval from the Historic Landmark Commission, if necessary;
  - b. correct the cited violations by completing all repairs to the structure;
  - c. request inspection(s) from Austin Code to verify compliance; and
3. The Commission **ORDERS** that on the ninety-first (91st) day, if the repairs as required by this order are not complete, assess a civil penalty of \$1,000 per week that will continue to accrue until the Code Official determines that the repairs required by this order are complete. Interest shall accrue at a rate of 10 percent per year from the date of the assessment until paid in full.

**VALIDITY OF ORDER NOT AFFECTED BY TRANSFER:** When a Commission order has been filed in the deed records, the Commission order is valid even if the property is sold or otherwise transferred. A person who acquires an interest in the property after a Commission order is recorded is subject to the requirements of the Commission order.

**B. FINDINGS OF FACT**

The Commission makes the following findings of fact:

**I. PROPERTY IDENTIFICATION**

The property which is the subject of this proceeding is located at 909 Congress Avenue Austin, Texas. The structure on this property is also known as the Mitchell-Robertson Building.

The property is legally known as S 23 FT OF LOT 3 BLOCK 111 ORIGINAL CITY.

## **II. OWNER IDENTIFICATION**

By copy of the Travis Central Appraisal District records, H. Dalton Wallace is the title owner.

## **III. INSPECTION INFORMATION**

On November 2, 2020, the premises was inspected by Austin Code Officer Willis Adams for the City of Austin and violations were found. On January 19, 2021, Austin Code Officer Willis Adams performed an inspection at this location and found that the conditions remained the same. On March 10, 2021, Austin Code Officer Willis Adams performed an inspection at this location and found the property remains in violation.

## **IV. NOTICES OF VIOLATION**

The Austin Code Department of the City of Austin provided notice to the following individual/entity:

Dalton H. Wallace (Owner)

Mail sent certified # 7016 0910 0000 5958 5235 on November 9, 2020.

Mail sent regular on November 9, 2020.

Posted on property on December 20, 2020.

## **V. APPEAL INFORMATION FOR THE NOTICES OF VIOLATION**

No appeal was received by the Code Official's designee to the Commission related to the Notices of Violation described in Subsection B. IV. (*Notices of Violation*).

## **VI. NOTICES OF HEARING**

The Austin Code Department of the City of Austin provided the following notification of hearing by posting on the premises on March 11, 2021 and by publication in the Austin American Statesman on March 12, 2021. Additionally, notice of hearing was sent to:

Dalton H. Wallace (Owner)

Mail sent certified # 7019 2280 0001 1062 0537 on March 11, 2021.

Mail sent regular on March 11, 2021.

## **VII. VIOLATIONS**

The following condition(s) of the premises violate the identified subsections of the International Property Maintenance Code, adopted by reference in Sections 25-12-211 through 25-12-213 of the Austin City Code. These noted violations create a public nuisance and the premises is considered unsafe with substandard conditions.

**Description of Violation:** Unsafe Conditions (§304.1.1): The following exterior condition(s) are unsafe: (front exterior wall has loose bricks)

**Remedy:** Repair exterior wall.

**Description of Violation:** Protective Treatment (§304.2): Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, have not been maintained in good condition.

**Remedy:** Repair exterior window and door frames.

**Description of Violation:** Roofs and Drainage (§304.7): The roof and flashing is



unsound and has defects that admit rain. Roof drainage is not adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof has trash, debris and is not being maintained in good repair and free from obstructions.

**Remedy:** Repair damaged roof and bring structure up to City Code standards.

**Description of Violation:** Foundation Walls (§304.5): Foundation walls must be free from open cracks and breaks and have holes and cracks in such condition so as to not prevent the entry of rodents and other pests.

**Remedy:** Repair foundation walls.

**Description of Violation:** Exterior Walls (§304.6): All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**Remedy:** Repair exterior walls.

### VIII. PERMITS SECURED

No permit has been secured for this property.

### C. CONCLUSIONS OF LAW

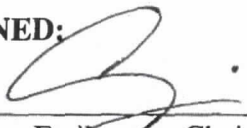
The Commission makes the following conclusions of law:

The Commission concludes that the property described above does not comply with the Austin City Code.

The Commission concludes that the Austin Code Department served notice for the Commission's March 24, 2021 hearing as described above and in accordance with applicable laws and ordinances.

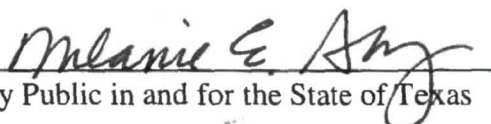
The Commission concludes that because substandard conditions described above exist at the property, that this property is a public nuisance and dangerous with substandard conditions. The Commission concludes that because substandard conditions described above exist at the property, these noted violations create a public nuisance and the premises is considered unsafe with substandard conditions.

**SIGNED:**

  
Andrea Freiburger, Chair  
Building and Standards Commission

3/30/21  
Date

SWORN and SUBSCRIBED before me this  
30<sup>th</sup> day of March, 2021.

  
Notary Public in and for the State of Texas

Return to: City of Austin  
Austin Code Department  
P.O. Box 1088, Austin, Texas 78767 - 1088  
ATTN: Melanie Alley, BSC Coordinator

