

July 25, 2005

Mayor Will Wynn  
Honorable Council Members  
City Hall  
301 W. 2nd St. 2nd Floor  
Austin, Texas 78701

RE: **Rezoning of the property located at  
1409 East 2<sup>nd</sup> Street  
Austin, Texas 78702  
C14H-05-0009**


Mayor Will Wynn and Honorable Council Members:

Please accept this letter as my valid petition against the rezoning of the property located at 1409 East 2<sup>nd</sup> Street. I object to this rezoning initiated by the City of Austin, due to the lack of merit of this decision.

The property does not meet Section 25-2-352, paragraph (A). 2 of The Land Development Code, which states "(A) The Council may designate a structure or site as a historic landmark (H) combining district if: ....(2) the property retains sufficient integrity of materials and design....."

I contend that 1409 East 2<sup>nd</sup> Street has not retained "sufficient integrity of materials" to justify historic zoning.

Your consideration of denial for this rezoning request is sincerely appreciated.

  
Daniel A. Day, Owner

cc. Sergio Lozano



# City of Austin

Founded By Congress, Republic of Texas, 1839

## Solid Waste Services - Code Enforcement Division

2100 East St. Elmo Road

P.O. Box 1088, Austin, Tx 78767-8810

Telephone: (512) 974-6576

March 2, 2005

### NOTICE OF VIOLATION

Via Certified Mail # 7003 0500 0004 7822 2516

Daniel A. Day  
1509-A West 6th Street  
Austin, TX 78703

RE: 1409 E 2nd Street, Austin, Texas

LEGALLY KNOWN AS: E 114 FT OF N148.5FT OF W318' OLT 20 DIVISION O Zoned as SF-3-NP

Dear Daniel A. Day:

On Monday, February 28, 2005, I conducted an inspection of the property located at 1409 E 2nd Street for the City of Austin's Solid Waste Services. According to the Travis Central Appraisal District records you own this property. If you no longer own this property, you must execute an affidavit stating that you no longer own the property. More information about affidavits is attached to this notice.

### Summary of the Inspection Report Findings:

THE DANGEROUS CONDITIONS LISTED BELOW ARE IN VIOLATION OF THE TERMS OF THE 1994 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS:

Item Inspected: Residential Building

Code Category: Dangerous

Violations:	<u>Date Cited</u>	<u>Code Reference</u>	<u>Description of Violation</u>	<u>Date Cleared</u>
	02/28/2005	302.13	Whenever any building or structure has been constructed, is maintained or exists in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings. - The building exists in violation of the 1994 Housing Code and the 1994 Uniform Code for the Abatement of Dangerous Buildings.	Not Cleared

RE: 1409 E 2nd Street, Austin, Texas

02/28/2005	302.5	Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property. - Roof system heavily deteriorated.	Not Cleared
02/28/2005	302.4	Whenever any portion thereof has been damaged by fire, wind, earthquake, flood, or by any other cause, to such an extent that the structural strength thereof is materially less than it was before such a catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose, or location. - Roof system, walls and floors not maintained.	Not Cleared
02/28/2005	302.2	Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide adequate and safe means of exit in case of fire or panic. - Interior floors deteriorated.	Not Cleared

### Summary of Compliance Requirements and Recommendations

#### **Item Inspected: Residential Building**

Is DANGEROUS.

In order to bring this item into compliance, you must:

- DEMOLISH RESIDENTIAL BUILDING within 30 days of the date this notice was mailed.

### Permits Required

Permits may be obtained from the Permit Center, (512) 974-2747, which is located on the third floor of One Texas Center, 505 Barton Springs Road in Austin.

#### **Permits Required for the Residential Building**

In order to bring the residential building into compliance, you will need to obtain the following permit(s) and complete the work within 30 days of the date this notice was mailed.

- Demolition Permit

*In order to pass inspection, the lot must be left in a clean and raked condition.*

### Appealing This Notice

A legally interested person may appeal this notice to the Buildings and Standards Commission. The appeal must be filed no later than 20 days after the date this notice is mailed by the City of Austin. An appeal must have a brief statement why the violation is being appealed; give any facts that support the appeal; describe the relief sought; and present the reasons why the appealed notice or action should be reversed, changed or set aside.

**RE: 1409 E 2nd Street, Austin, Texas**

---

After receipt of this notice, you may not sell or give away this property until you have given the buyer or other transferee a copy of this notice and given the name and address of the buyer to the Building Official. It is a misdemeanor to rent this property if the code violations on this property pose a danger to the health, safety and welfare of the tenants.

If compliance is not achieved within the timeframe given in this notice, a hold may be placed on utilities. This applies to any single-family residence or any unit of a multi-family structure affected by the identified violation(s).

If the violations are not corrected, any existing Certificate of Occupancy may be suspended or revoked. If the Certificate of Occupancy is suspended or revoked, the utility service to this property may be disconnected.

**THE CITY MAY ENFORCE ANY CIVIL PENALTY IN ACCORDANCE WITH STATE LAW.  
STATE LAW ALLOWS PENALTIES OF UP TO \$1000 PER DAY, PER VIOLATION.**

If you have any questions, you may contact me by telephone at (512) 974-2356 and by digital pager at (512) 802-7686 between 7:00 AM and 3:30 PM, Monday through Friday. You may also leave a voice mail message for me at any time.

Si tiene preguntas o requiera mas informacion, llamar por telefono a (512) 974-1855 por favor.

Sincerely,



Chris Maldonado, Inspector  
Code Compliance  
Solid Waste Services

- NOTICE OF VIOLATION of the 1994  
UNIFORM CODE FOR THE ABATEMENT  
OF DANGEROUS BUILDINGS

RE: 1409 E 2nd Street, Austin, Texas

---

### **AFFIDAVIT INFORMATION**

According to the real property records of Travis County, you own the real property described in this notice. If you no longer own the property, you must execute a notarized affidavit stating that you no longer own the property as well as the name and last known address of the person who acquired the property from you.

*The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance at:*

**Solid Waste Services  
P.O. Box 1088  
Austin, Texas 78767**

Your affidavit must be delivered no later than the 20th day after the date of receipt of this notice. If you do not send an affidavit, it will be presumed that you own this property, even if you do not. To receive more information or to acquire an affidavit form, call (512) 974-6576.

