Zoning Ordinance Approval CITY OF AUSTIN RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 64 AGENDA DATE: Thu 01/26/2006 PAGE: 1 of 1

<u>SUBJECT</u>: C14H-04-0015 - Gregg House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2700 E. 12th Street from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. First reading approved on December 2, 2004. Vote: 7-0. Applicant: Historic Landmark Commission. Agent: Neighborhood Planning and Zoning Department. City Staff: Steve Sadowsky, 974-6454.

REQUESTING Neighborhood Planning **DIRECTOR'S**

DEPARTMENT: and Zoning AUTHORIZATION: Greg Guernsey

RCA Serial#: 10942 Date: 01/26/06 Original: Yes Published:

Disposition: Adjusted version published:

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14H-04-0015 (Gregg House, 2700 E. 12th Street)

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2700 E. 12th Street (Boggy Creek Watershed) from single family residence, neighborhood plan (SF-3-NP) district zoning to single family residence, neighborhood plan - historic (SF-3-H-NP) combining district zoning.

DEPARTMENT COMMENTS:

This case was initiated by the Historic Landmark Commission and recommended by staff and the Planning Commission because of its significance to African-American history. The owner at the time of hearing by the Commissions supported preservation of the property, but lost the property at a recent tax sale. The new owner wishes to demolish the house, and the City has issued a demolition recommendation as it is a substandard structure. Due to the condition of the structure and the infeasibility of preservation, staff now recommends denial of historic zoning for this property.

OWNER: Keith Winkeler

APPLICANT: Historic Landmark Commission

AGENT: None

<u>DATE OF FIRST READING</u>: December 2, 2004, approved SF-3-H-NP combining district zoning on 1st Reading (7-0).

CITY COUNCIL HEARING DATE: September 29, 2005

<u>CITY COUNCIL ACTION</u>: Staff withdrew the case, but should have recommended denial of historic zoning.

ORDINANCE NUMBER:

ASSIGNED STAFF: Steve Sadowsky e-mail: steve.sadowsky@cl.austin.tx.us

City of Austin

Founded by Congress, Republic of Tuxas, 1839

Solid Waste Services - Code Compliance Division

2100 East St. Elmo Road

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

Telephone: (512) 974-6576

August 5, 2005

NOTICE OF VIOLATION
Via Certified Mail # 7005 0390 0005 7106 4009

Keith Winkeler 1101 Pagedale Drive Cedar Park, Tx 78613

RE: 2700 E. 12th Street, Austin, Texas

LEGALLY KNOWN AS: W 50 FT OF LOT 3 BLK 2 OLT 30 DIV B ULIT H RESUB Zoned as SF-1

Dear Keith Winkeler:

On Thursday, January 30, 2003, I conducted an inspection of the property located at 2700 E. 12th Street for the City of Austin's Solid Waste Services. According to provided deed 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:

Because of the open and accessible nature of the residence located on the property, the Code Compliance section of Solid Waste Services secured the residence on the following date(s):

- Tuesday, February 04, 2003, at a cost of \$595.46, plus lien filing fees.

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

Item Inspected: Residence

Code Category: Dangerous

Violations:	Date Cited	Code Reference	Description of Molation	Date Cleared
v	07/26/2005	8	The concrete piers leaning.	Not Cleared
	07/26/2005	5	Ulitilty room celling tiles detaching.	Not Cleared
	01/30/2003	8	The cedar post has deteriorated, leaning.	Not Cleared

THE SUBSTANDARD CONDITIONS LISTED BELOW ARE IN VIOLATION OF THE TERMS OF THE 1994 UNIFORM HOUSING CODE:

Item Inspected:	Residence			
Code Category:	Structural Requirements			
Violations:	Date Cited	Code Reference	Description of Violation	Date Cleared
	01/30/2003	1001.3	Flooring deteriorated.	Not Cleared
	07/26/2005	1001.3	Walls deteriorated in bathroom sheetrock falling.	Not Cleared
	01/30/2003	1001.3	Cedar post piers are deteriorated and need repaicing.	Not Cleared
	01/30/2003	1001.3	Chimeys deteriorated.	Not Cleared
	01/30/2003	1001.3	Roof supports/bracing deteriorated.	Not Cleared
•	01/30/2003	1001.3	Rafters deteriorated.	Not Cleared
	01/30/2003	1001.3	Plates deeteriorated.	Not Cleared
	01/30/2003	1001.3	Headers deteriorated.	Not Cleared
	01/30/2003	1001.3	Walls deteriorated:	Not Cleared
	07/26/2005	1001.3	Roof rafters and 1x4 slatting have existing fire-damage, visible through collapsed ceiling.	Not Cleared
	.07/26/2005	1001 _. .3	Ceilings, walls and flooring at rear utitlity room and bathroom are deteriorated, unstable, damaged.	Not Cleared
	07/26/2005	1001.3	Cedar post piers are leaning, unstable.	Not Cleared
	07/26/2005	1001.3	Concrete block piers are leaning, unstable.	Not Cleared
•	01/30/2003	1001.3	Floor joist deteriorated.	Not Cleared
	01/30/2003	1001.3	Sills/beams deterioated.	Not Cleared
	01/30/2003	1001.3	Roof decking deteriorated.	Not Cleared
	01/30/2003	1001.3	Wall members deteriorated.	Not Cleared
Code Category:	Faulty Weat	her Protection		
Violations:	Date Cited	Code Reference	Description of Violation	Date Cleared
	01/30/2003	1001.8	Proper insulation not provided - lackof R-19 in celling and lack of R-11 in walls.	Not Cleared
	07/26/2005	1001.8	Roof covering deteriorated-throughout.	Not Cleared

	01/30/2003	3 1001.8	Exterior wall covering deteriorated.	Not Cleared
	01/30/2003	B 1001.8	Exterior wall covering deteriorated.	Not Cleared
	01/30/2003	1001.8	No weather protection due to weathered.	Not Cleared
	01/30/2003	1001.8	Floors deteriorated.	Not Cleared
	01/30/2003	1001.8	Doors deteriorated.	Not Cleared
	01/30/2003	1001.8	Roof covering weathered.	Not Cleared
	01/30/2003	1001.8	Windows deteriorated and broken.	Not Cleared
Code Category:	Electrical	Equipment		
Violations:	Date Cited	Code Reference	Description of Violation	Date Cleared
•	07/26/2005		Electrical light fixtures in unit broken and expose wires.	Not Cleared
	01/30/2003	701	Electrical equipment not maintained in a safe condition - no meter.	Not Cleared
	01/30/2003	701	Electrical service riser not maintained in a safe condition.	Not Cleared
Code Category:	Plumbing			
Violations:	Date Cited	Code Reference	Description of Violation	Date Cleared
	07/26/2005	1001.6	Water heater not connected and is not maintained. Lacks all associated connections.	Not Cleared
	01/30/2003	1001.6	Water heater inadequately sized temperature and pressure line -installed improperly.	Not Cleared
a was to	01/30/2003	1001.6	Gas lines require pressure test. No meter,	Not Cleared
Code Category:	Nuisance			
Violations:	Date Cited	Code Reference	Description of Violation	Date Cleared
	01/30/2003	1001.4	Heavy plant growth, trash and debris.	Not Cleared
Code Category:	Fire Protect	ion		Same Maria
Violations:	Date Cited	Code Reference	Description of Violation	Date Cleared
. •	01/30/2003	902	Smoke detector missing.	Not Cleared
Code Category:	Handrails	· · · · · · · · · · · · · · · · · · ·	et i de la companya de la companya La companya de la comp	
Violations:	Date Cited	Code Reference	Description of Violation	Date Cleared
	01/30/2003	602	Handralls missing.	Not Cleared
Code Category:	Infestation			
Violations:	Date Cited	Code Reference	Description of Violation	Date Cleared

01/30/2003

506

Infestation of insects and vermin.

Nos Cleared

Code Category:

Termite/Decay protection

Violations:

Date Cited

Code Reference

Description of Violation

Date Cleared

01/30/2003

601

Termite/decay protection.

Not Cleared

Code Category:

Space and Occupancy (light and ventilation)

Violations:

Date Cited

Code Reference

Description of Violation

Date Cleared

01/30/2003

1001.14

Building not designed for living, sleeping, cooking or

Not Cleared

dining.

Summary of Compliance Requirements and Recommendations

Item Inspected: Residential Building

Is DANGEROUS WITH SUBSTANDARD CONDITIONS.

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

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.

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.

Notice 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) 974-2320 and by digital pager at (512) 802-7693 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,

Steve Ramirez, Inspector

Code Compliance Solid Waste Services

Leroy Andrews & Lillian Andrews 1701 Tamra Court Round Rock, TX 78681 Certified: 7005 0390 0005 7106 4016

Linda Alvarez P.O. Box 91134 Austin, TX 78709-1134 Certified: 7005 0390 0005 7106 4023

C. H. Gregg ESTATE CODE FOR THE ABATEMENT OF 2700 E. 12th Street BUILDINGS

Austin, TX 78702

Certified: 7005 0390 0005 7106 4030

Steve Sadowsky
Historic Preservation Officer
City of Austin
VIA: Interoffice Mail

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

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.

ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14H-04-0015 HLC DATE: September 13, 2004

PC DATE: October 26, 2004

AREA: 6546.63 square feet

APPLICANT: Historic Landmark Commission AGENT: N/A

HISTORIC NAME: Gregg House

WATERSHED: Boggy Creek

ADDRESS OF PROPOSED ZONING CHANGE: 2700 E. 12th Street

ZONING FROM: SF-3-NP ZONING TO: SF-3-NP-H

SUMMARY STAFF RECOMMENDATION: Staff recommends the proposed zoning change from family residence, neighborhood plan (SF-3-NP) district to family residence, neighborhood plan - historic (SF-3-NP-H) combining district zoning.

HISTORIC LANDMARK COMMISSION ACTION: Recommended a zoning change from family residence - neighborhood plan (SF-3-NP) district to family residence, neighborhood plan - historic (SF-3-NP-H) combining district zoning. Vote: 6-0 (Fowler, Hooper, and Mather absent).

PLANNING COMMISSION ACTION: Recommended a zoning change from family residence - neighborhood plan (SF-3-NP) district to family residence, neighborhood plan - historic (SF-3-NP-H) combining district zoning. Vote: 8-0.

DEPARTMENT COMMENTS:

The Chestnut Neighborhood Historic Resources Survey lists this property as a medium priority for preservation. The house is under review by the Buildings and Standards Commission for demolition; the owner favors preservation of his family's home.

CITY COUNCIL DATE: December 2, 2004 ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD ORDINANCE NUMBER:

CASE MANAGER: Steve Sadowsky PHONE: 974-6454

NEIGHBORHOOD ORGANIZATION:

Martin Luther King Jr./Airport Blvd. Sector, Mueller Neighborhoods Coalition

BASIS FOR RECOMMENDATION: --

The Gregg House represents an early example of African-American home ownership in Austin, the lifestyle of an early 20th century African-American entrepreneur, and meets Historic Landmark Designation Criteria 1, 6, 7, 9 and 11.

- 1. Character, interest, or value as part of the development, heritage or cultural characteristics of the City of Austin, State of Texas, or the United States. This ca. 1911 house was built by an African-American teamster, who later became a barber catering to a segregated African-American clientele. His wife took in laundry at the house to supplement the family's income. Both of their occupations typified the African-American middle class in Austin in the early 20th century; this house is unusual in that it was built and owned by African-Americans at a time when the majority of the city's black population rented housing, sometimes in alleys. The house was built in a semi-rural area east of the established areas of East Austin, and represents an expansion of the African-American community's settlement of East Austin. Charles Gregg bought the property directly from Henry Ulit, the developer of the area, and paid for the property within 10 years, as evidenced by the Release of the Vendor's Lien filed in 1921.
- 6. Relationship to other distinctive buildings, sites, or areas which are eligible for preservation according to a plan based on architectural, historic, or cultural motif. The Gregg House represents an example of early African-American home ownership in Austin, and is therefore related to other sites representing African-American history in Austin.
- 7. Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style. The house was built and owned by Charles Gregg, who purchased the property and built the house while employed as a teamster for Nalle & Company. The house is a simple board-and-batten structure, and represents a transition in the architectural legacy from rural to urban life in Texas at the turn of the 20th century. The chief advantage to board-and-batten construction was its lower cost; board-and-batten houses were common in rural areas as housing for tenant farmers. While the Gregg House represents the achievement of land ownership by an African-American in Austin in the early 20th century, its construction reflects the means and history of the city's black community.
- 9. Exemplification of the cultural, economic, social, ethnic, or historical heritage of the city, state or the United

African- American community. Gregg was a teamster and barber, both very common occupations for Austin's African-American men at the turn of the century. His wife Sarah took in laundry. Living in segregated Austin, Gregg's options as a Barber were either to work at a downtown barbershop catering exclusively to whites, or open his own shop to serve the African-American population. His house represents his success in establishing a business within the segregated Austin society of the time.

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11. Identification with a person or person who significantly contributed to the culture and development of the city, state, or United States. Charles Gregg (1872-1938?) was born in Texas, according to Federal Census records. He first appears in Austin city directories in 1910-1911 when he is listed as a laborer for Nalle & Company, and lived at 1187 Coleta Street. He purchased this property from Henry Ulit in 1911, and built the current house. He worked for Nalle & Company as a laborer and teamster until around 1923; the 1924 City Directory shows he was employed as a laborer for Austin Sash & Door Company. At some time between 1824 and 1927, Gregg opened the East End Barber Shop, which catered to the African-American population, at 1904 E. 12th Street. He remained a barber with his own shop until his death around 1938. Charles Gregg represents an African-American entrepreneur who established a successful "race" business in a time when the lines of segregation in Austin were tightly drawn.

PARCEL NO.: 02101201040000 DEED RECORD: Unknown, but house has remained in Gregg family since 1911.

ANNUAL TAX ABATEMENT: \$390 (owner-occupied rate); \$198 (income-producing rate). City tax exemption: \$103 (owner-occupied rate); \$51 (income-producing rate).

APPRAISED VALUE: \$36,858

PRESENT USE: Vacant

CONSTRUCTION/DESCRIPTION: One-story irregular-plan board-and-batten house with unknown fenestration.

CONDITION: Poor

PRESENT OWNERS

C H Gregg Estate % Leroy Andrews 1701 Tamara Court Round Rock, Texas 78681 DATE BUILT: ca. 1911

ALTERATIONS/ADDITIONS: Original windows have been replaced;

house is currently boarded-up.

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ORIGINAL OWNER(S): Charles H. and Sarah Gregg (1911).

OTHER HISTORICAL DESIGNATIONS:

NATIONAL REGISTER: No

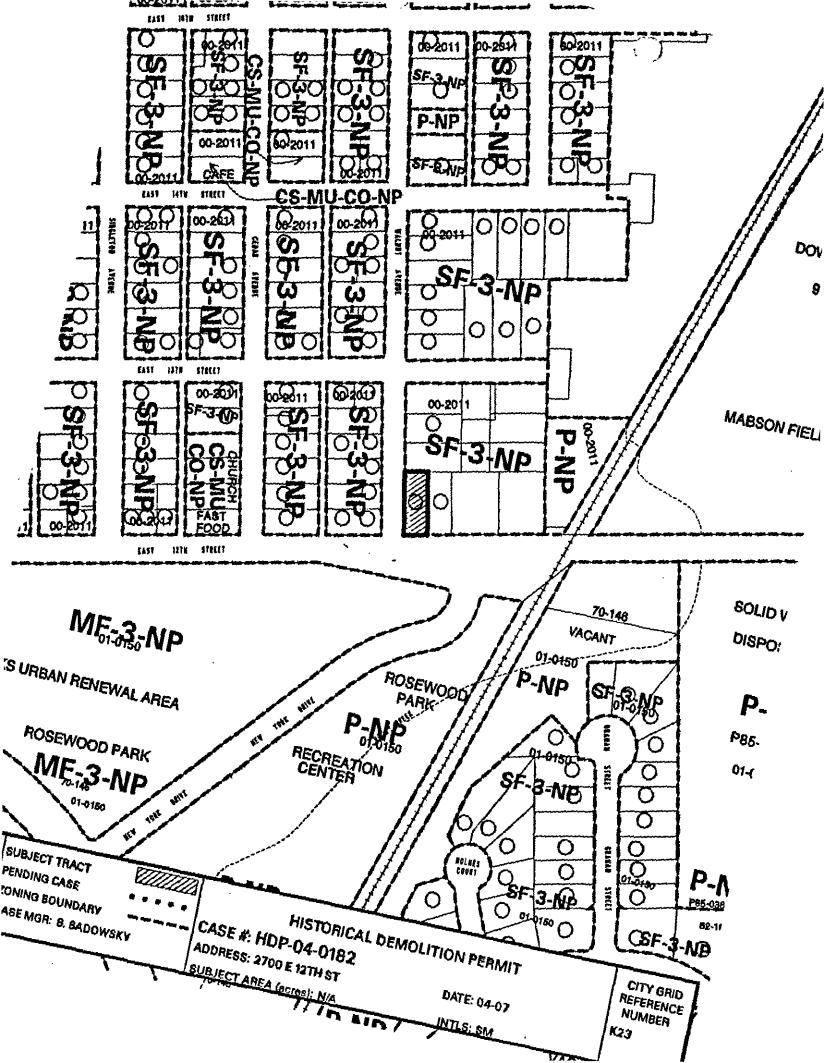
RECORDED TEXAS LANDMARK: No

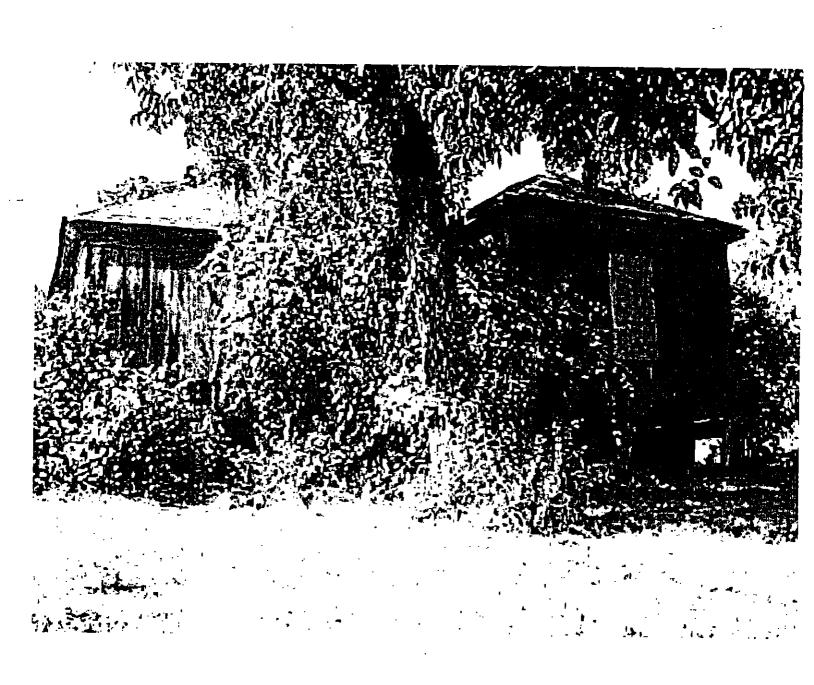
NATIONAL LANDMARK: No

LOCAL SURVEYS: Yes, the Chestnut Neighborhood Historic

Resources Survey lists this property as a medium priority for

preservation.





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OCCUPANCY AND OWNERSHIP HISTORY 2700 E. 12th Street

From City Directories, Austin History Center Historic Preservation Office July, 2004

1963	Mrs. Lillian Andrews (owner) No occupation listed
1962	Mrs. Lillian Andrews (owner) No occupation listed
1961	Mrs. Lillian Andrews (owner) No-occupation listed
1960	Mrs. Lillian Andrews (owner) No occupation listed
1959	Mrs. Lillian Andrews (owner) No occupation listed
1958	Mrs. Lillian Andrews (owner) No occupation listed
1957	Mrs. Lillian Andrews (owner) No occupation listed
1956	Mrs. Lillian Andrews (owner) No occupation listed
1955	Mrs. Sarah Gregg (owner) No occupation listed
1954	Mrs. Sarah Gregg (owner) No occupation listed
1953	Mrs. Sarah Gregg (owner) No occupation listed
1952	Mrs. Sarah Gregg (owner) No occupation listed
1951	Mrs. Sarah Gregg (owner)

No occupation listed

1950	Mrs. Sarah Gregg (owner) No occupation listed
1949	Mrs. Sarah Gregg (owner) No occupation listed
1947	Mrs. Sarah Gregg (owner) No occupation listed
1944-45	Mrs. Sarah Gregg (owner) No occupation listed
1942	Mrs. Sarah Gregg (owner) No occupation listed
1941	Mrs. Sarah Gregg (owner) No occupation listed
1940	Mrs. Sarah Gregg (owner) No occupation listed
1939	Mrs. Sarah Gregg (owner) No occupation listed
1937	Charles H. (Sarah) Gregg (owner) Barber
1935	Charles H. (Sarah) Gregg (owner) Barber, 1908 E. 12 th Street
1932-33	Charles H. (Sarah) Gregg (owner) Barber, 1908 E. 12 th Street
1930-31	Charles H. (Sarah) Gregg (owner) Barber, 1908 E. 12 th Street
1929	Charles H. (Sarah) Gregg (owner) Proprietor, East End Barber Shop, 1904 E. 12th Street
1927	Charles H. (Sarah) Gregg (owner) Proprietor, East End Barber Shop, 1904 E. 12 th Street

1924	Charles H. (Sarah) Gregg (owner) Laborer, Austin Sash & Door Company
1922	Charles H. (Sarah) Gregg (owner) Laborer, Nalle & Company
1920	Charles H. (Sarah) Gregg (owner) Driver, Nalle & Company
1918	Charles H. (Sarah) Gregg (owner) Teamster, Nalle & Company
1916	Charles H. (Sarah) Gregg (owner) Teamster, Nalle & Company
1914	Charles H. (Sarah) Gregg (owner) Driver, Nalle & Company
1912-1913	Charles H. (Sarah) Gregg (owner) Teamster, Nalle & Company
1910-11	Address not listed in City Directory; Charles and Sarah Gregg are listed as living at 1187 Colita Street

1930 CENSUS INFORMATION

Charles Gregg was born in Texas in 1872; Sarah Gregg was born in Texas in 1877. They married in 1897. The 1930 Census lists Charles as a barber and Sarah as a laundress working out of the house.

Historic Resources Survey of Chestnut Neighborhood

Site ID:

337

Address:

2700 E. Twelfth Street

Date of Construction: 1910

Factual

Architectural/Historical/Cultural Value Assessment:

☐ HIGH

Estimated x

MEDIUM | LOW

Assessment Statement:

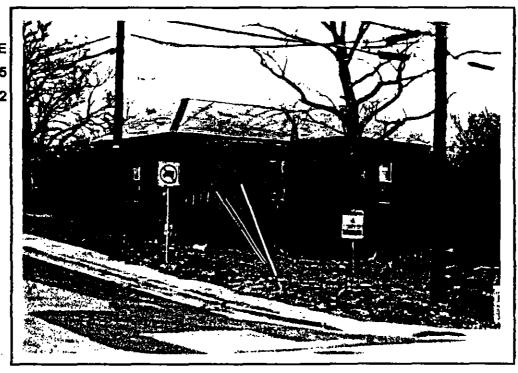
Example of a distinctive building type or architectural style that has undergone moderate alterations or deterioration; despite alterations or deterioration, resource retains much of its original form and character; contributes significantly to local history or broader historical patterns; since little historical Information was gathered for the current survey, this resource's preservation priority may be upgraded if later research reveals important historical or cultural associations.

Photo:

Facing: NE

Roll:

Frame: 12



Tax Parcel No:

02101201040000

Owner Name:

GREGG, C H ESTATE

Legal Description:

W 50 FT OF LOT 3 BLK 2

OLT 30 DIV B ULIT H RESUB

Owner Address:

2700 EAST 12TH STREET

AUSTIN TX 78702-1501

Historic Name:

Current Function: Vacant

Architect/Bullder:

Historic Function: Domestic: Single-Family

Original Location:

Stylistic Influence:

Date Moved:

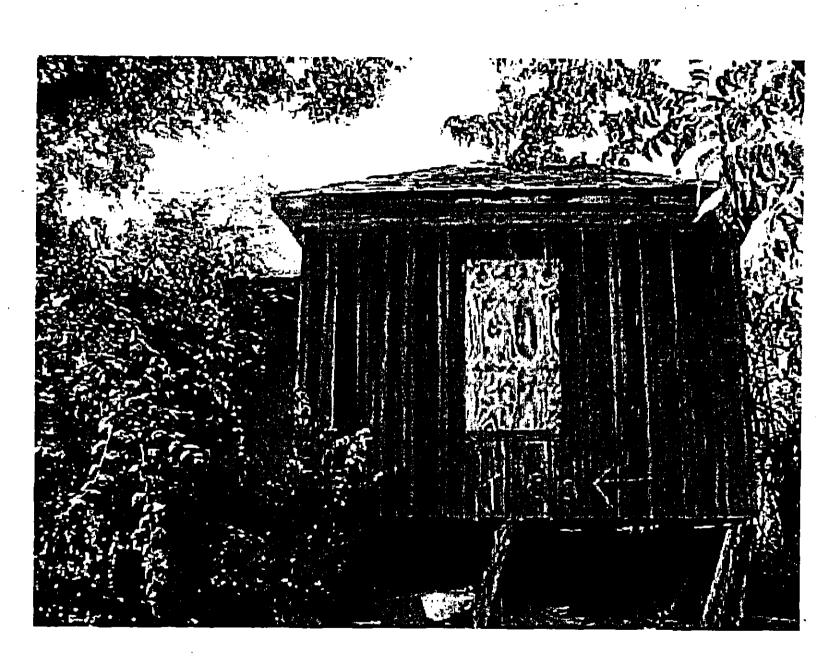
Name of Surveyor: HHM&M

Photo References

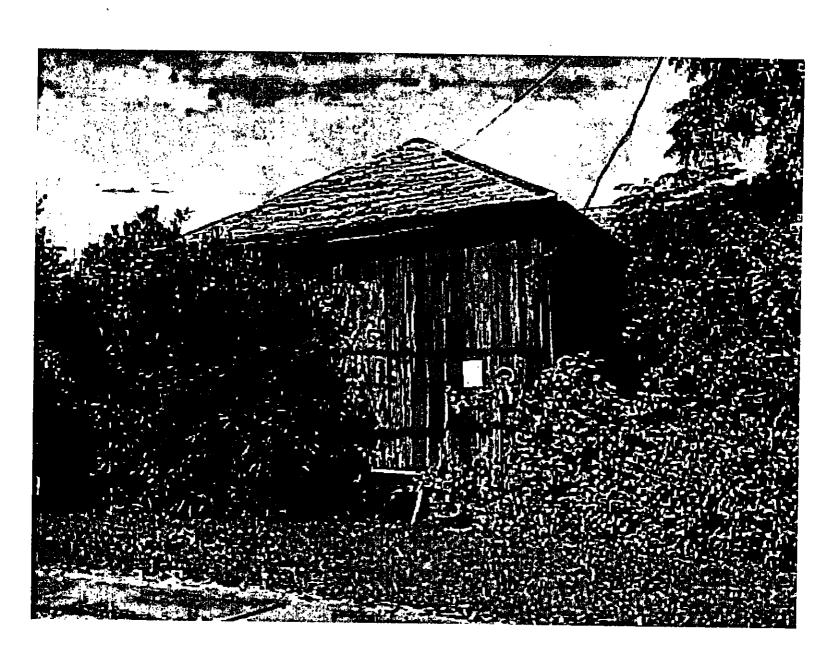
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Date of Survey:

January 2001



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