

**Zoning Ordinance Approval  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 75  
AGENDA DATE: Thu 09/29/2005  
PAGE: 1 of 1**

**SUBJECT:** C14H-04-0020 – James and Mary Owens House. Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1809 E. 13th Street from commercial services-neighborhood plan (CS-NP) combining district zoning to commercial services-historic-neighborhood plan (CS-H-NP) combining district zoning. First reading approved December 2, 2004. Vote: 7-0. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Alice Glasco

## **SECOND / THIRD READINGS SUMMARY SHEET**

**ZONING CASE NUMBER:** C14H-04-0020 (James and Mary Owens House, 1809 E. 13<sup>th</sup> Street)

**REQUEST:**

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1809 E. 13<sup>th</sup> Street (Boggy Creek Watershed) from commercial services, neighborhood plan (CS-NP) district zoning to commercial services, neighborhood plan - historic (CS-H-NP) combining district zoning.

**DEPARTMENT COMMENTS:**

This case was initiated by the Historic Landmark Commission and recommended by staff. The current owner supported preservation of the property until he realized the cost of rehabilitating this very dilapidated structure. Due to the condition of the structure and the infeasibility of preservation, staff now recommends denial of historic zoning for this property.

**OWNER:** Brooks Calavan

**APPLICANT:** Historic Landmark Commission

**AGENT:** None

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

**CITY COUNCIL HEARING DATE:** September 29, 2005

**CITY COUNCIL ACTION:**

**ORDINANCE NUMBER:**

**ASSIGNED STAFF:** Steve Sadowsky  
e-mail: [steve.sadowsky@ci.austin.tx.us](mailto:steve.sadowsky@ci.austin.tx.us)

att: Steve



## City of Austin

Founded By Congress, Republic of Texas, 1839

**Solid Waste Services - Code Compliance Division**

2100 East St. Elmo Road

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

Telephone: (512) 974-6576

September 13, 2005

### NOTICE OF VIOLATION

Via Certified Mail # 7003 2260 0003 3355 1255

Calavan Family Partnership LTD. C/o Brooks Calavan  
7301 RR 620 N #155-320  
Austin, TX 78726-4539

RE: 1212 Chicon Street, Austin, Texas

LEGALLY KNOWN AS: R52FT OF LOT 5 BLK S OLT 36 DIV B JOHNS C R SUBD Zoned ms

Dear Calavan Family Partnership LTD. C/o Brooks  
Calavan:

On Wednesday, September 07, 2005, I conducted an inspection of the property located at 1212 Chicon 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 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
	09/07/2005	1001.3	SILL(s)/BEAMS (deteriorated) through out foundation system.	Not Cleared
	09/07/2005	1001.3	PIERS (leaning, deteriorated) through out foundation system.	Not Cleared
	09/07/2005	1001.3	FLOORING (deteriorated) at front porch.	Not Cleared
	09/07/2005	1001.3	WALLS (deteriorated, leaning, buckled)	Not Cleared
	09/07/2005	1001.3	WALL MEMBERS (deteriorated, studs, buckled) through out structure.	Not Cleared

**RE: 1212 Chicon Street, Austin, Texas**

Date Cited	Code Reference	Description of Violation	Date Cleared
09/07/2005	1001.3	CEILING JOIST(s) (deteriorated) through out structure.	Not Cleared
09/07/2005	1001.3	ROOF SUPPORTS/BRACING (deteriorated)	Not Cleared
09/07/2005	1001.3	ROOF DECKING (deteriorated, sagging)	Not Cleared
09/07/2005	1001.3	SOFFIT/FACIA (deteriorated, buckled, sagging)	Not Cleared
09/07/2005	1001.3	RAFTERS (deteriorated, broken, sagging)	Not Cleared

**Code Category: Faulty Weather Protection**

Date Cited	Code Reference	Description of Violation	Date Cleared
09/07/2005	1001.8	ROOF COVERING (broken, rotted, weathered)	Not Cleared
09/07/2005	1001.8	NO WEATHER PROTECTION DUE TO (lack of paint, weathered)	Not Cleared
09/07/2005	1001.8	WINDOWS Board and Secured by City of Austin.	Not Cleared
09/07/2005	1001.8	DOORS (improperly sealed)	Not Cleared

**Code Category: Electrical Equipment**

Date Cited	Code Reference	Description of Violation	Date Cleared
09/07/2005	701.2	EQUIPMENT (not maintained in a safe condition) at exterior breaker box.	Not Cleared
09/07/2005	701.2	ELECTRICAL SERVICE RISER (not maintained in a safe condition) has detached from wall.	Not Cleared

**Code Category: Plumbing**

Date Cited	Code Reference	Description of Violation	Date Cleared
09/07/2005	1001.6	PLUMBING (partial demo in rear conducted plumbing drain system not removed.	Not Cleared
09/07/2005	1001.6	WATER LINES (lack freeze protection)	Not Cleared
09/07/2005	1001.6	SEWER (broken)	Not Cleared
09/07/2005	1001.6	WATER LINES (missing backflow preventers at exterior hose bibbs)	Not Cleared

**Code Category: Nuisance**

Date Cited	Code Reference	Description of Violation	Date Cleared
09/07/2005	1001.4	NUISANCE (Holes and loose surface materials at walls, floors, and ceilings, Detrimental attractive nuisance)	Not Cleared

**Code Category: Handrails**

Date Cited	Code Reference	Description of Violation	Date Cleared
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**RE: 1212 Chicon Street, Austin, Texas**

09/07/2005

602

Exterior needs handrails and guardrail. At front porch.

Not Cleared

**Code Category:** Hazardous Electrical Wiring

Violations:	Date Cited	Code Reference	Description of Violation	Date Cleared
	09/07/2005	101.5	ELECTRICAL WIRING (not maintained in safe condition) detaching from exterior wall.	Not Cleared

### Summary of Compliance Requirements and Recommendations

**Item Inspected: Residence**

**Is DANGEROUS WITH SUBSTANDARD CONDITIONS.**

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

**- DEMOLISH RESIDENCE**

SINCE DEMOLITION IS BEING RECOMMENDED, please check with the Historic Preservation Office, located on the 5th Floor of One Texas Center, or call (512) 974-6454 before filing an application for a demolition permit. If it is determined that the building has historical significance, the Historic Landmark Commission must review the application.

### 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 Residence**

In order to bring the residence into compliance, you will need to obtain the following permit(s) and complete the work within 21 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.

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.

**RE: 1212 Chicon Street, Austin, Texas**

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 HOUSING CODE

**RE: 1212 Chicon 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.

## **ZONING CHANGE REVIEW SHEET**

**CASE NUMBER:** C14H-04-0020

**H.L.C. DATE:** October 25, 2004

**P.C. DATE:** November 9, 2004

**AREA:** 7,446 square feet

**APPLICANT:** Historic Landmark Commission **AGENT:** N/A

**HISTORIC NAME:** James and Mary Owens House

**WATERSHED:** Boggy Creek

**ADDRESS OF PROPOSED ZONING CHANGE:** 1809 E. 13<sup>th</sup> Street

**ZONING FROM:** CS-NP

**ZONING TO:** CS-H-NP

**SUMMARY STAFF RECOMMENDATION:** Staff recommends the proposed zoning change from commercial services, neighborhood plan (CS-NP) district to commercial services, neighborhood plan - Historic (CS-H-NP) combining district zoning based on Historic Landmark Designation Criteria 1, 3, 6, 7, 9, and 11.

**HISTORIC LANDMARK COMMISSION ACTION:** Recommended the proposed zoning change from commercial services, neighborhood plan (CS-NP) district to commercial services, neighborhood plan - Historic (CS-H-NP) combining district zoning based on Historic Landmark Designation Criteria 1, 3, 6, 7, 9, and 11. Vote: 5-0 (Fowler, Hansen, and Leary absent).

**PLANNING COMMISSION ACTION:** Recommended the proposed zoning change from commercial services, neighborhood plan (CS-NP) district to commercial services, neighborhood plan - Historic (CS-H-NP) combining district zoning based on Historic Landmark Designation Criteria 1, 3, 6, 7, 9, and 11. Vote: 8-0.

**DEPARTMENT COMMENTS:** The house was listed as a medium priority for preservation in the East Austin Survey (2001), and would be contributing to the potential 13<sup>th</sup> Street Historic District.

**CITY COUNCIL DATE:** December 2, 2004 **ACTION:**

**ORDINANCE READINGS:** 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Steve Sadowsky

**PHONE:** 974-6454

**NEIGHBORHOOD ORGANIZATION:** Swede Hill Neighborhood Association



#### **BASIS FOR RECOMMENDATION:**

The ca. 1908 James and Mary Owens House was first occupied by a painter named Brydson, who was probably related to the Brydson Lumber Company family. The house was rented to several other blue-collar Anglo residents until 1920, when the city directories list the first African-American occupants of the house, Allen and Jessie Lott. Neither had a listed occupation in the directory. The house was purchased around 1930 by James and Mary Owens, an African-American couple. Owens operated meat and grocery stores in the neighborhood through the 1930s. The house reverted to a rental unit after 1940, with a series of working-class occupants. The house meets Historic Landmark Designation Criteria 1, 3, 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.** The ca. 1908 house represents the transformation of the neighborhood from an Anglo to an African-American neighborhood in the 1920s and 1920s, as the city made a concerted effort to create the east side "Negro district," segregating the African-American population to neighborhoods in East Austin. The house was apparently built as a rental property; up until 1920, the house was occupied by a series of Anglo renters; from 1920 on, African-American families occupied the house, including James and Mary Owens, African-American grocery and meat market owners, who owned the house in the 1930s.

**3. Embodiment of distinguishing characteristics of an architectural type or specimen.**

The house is a good example of a modest folk Victorian house, featuring a prominent partial-width front porch, and wing-and-gable configuration. Folk (or vernacular) Victorian houses were popular among the middle class at the turn of the 20<sup>th</sup> century, as they were carpenter-built (rather than architect-designed) and exhibited a more modest level of architectural ornamentation. The large Queen Anne-style houses were generally out of reach for most of the middle class, so they built houses which had the features of the more prominent houses on a more modest scale.

**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 James and Mary Owens house is located in the potential 13<sup>th</sup> Street Historic District, as identified by the East Austin Survey (2001).

**7. Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style.** The house was a working-class rental property for the first years of its existence; it was purchased by an African-American grocer and meat

market operator around 1930, when the neighborhood was undergoing a transformation to an African-American neighborhood. The house is modest in size and ornamentation, and reflects the standard of living of the city's African-American middle class in the early 20<sup>th</sup> century.

**9. Exemplification of the cultural, economic, social, ethnic or historical heritage of the city, state or the United States.**

The house portrays the transformation of the east side from an Anglo community to one with a predominantly African-American population, exemplifying the demographic change of the neighborhood as the city established programs to segregate African-Americans to a specified "Negro district" on the east side in the late 1920s.

**11. Identification with a person or persons who significantly contributed to the culture and development of the city, state or United States.**

James and Mary Owens owned a neighborhood grocery store and meat market in the Chicon Street area in the 1930s, exemplifying the segregated business communities in Austin in the early 20<sup>th</sup> century. Very little is known of James Owens, but he is an example of an African-American entrepreneur who made his business among his own race due to the segregation laws existing at the time. Owens had a meat market at 1901 E. 12<sup>th</sup> Street in 1931, moved his market to 1212 Chicon Street (next door to this house) in 1933, and a grocery store at 1908 Tillotson Avenue in 1935. By 1939, he was still listed as the owner of this house, but gave his occupation as a clerk.

**PARCEL NO.:** 02080903050000      **DEED RECORD:** Vol. 5479, p. 91 (1976)

**LEGAL DESCRIPTION:** East 52 feet of Lot 5, Block 4, Outlot 36, Division B, C.R. Johns Subdivision.

**ANNUAL TAX ABATEMENT:** \$346 (income-producing rate). City tax abatement: \$88.

**APPRAISED VALUE:** \$48,339

**PRESENT USE:** Vacant

**CONSTRUCTION/DESCRIPTION:** One-story wing-and-gable plan frame house with board-and-batten construction, partial-width independent porch on turned wood posts; 4:4 fenestration.

**CONDITION:** Poor

**PRESENT OWNER**

Marcell Medlock and Dorothy Nunn  
1903 E. 16<sup>th</sup> Street

Austin, Texas 78702

**DATE BUILT:** ca. 1908

**ALTERATIONS/ADDITIONS:** There is an addition to the rear of the house of unknown date; it is in extremely bad disrepair. The house has been vacant for some time now, and has suffered a great deal of deterioration. Most of the windows are broken or boarded over.

**ORIGINAL OWNER(S):** Unknown

**OTHER HISTORICAL DESIGNATIONS:**

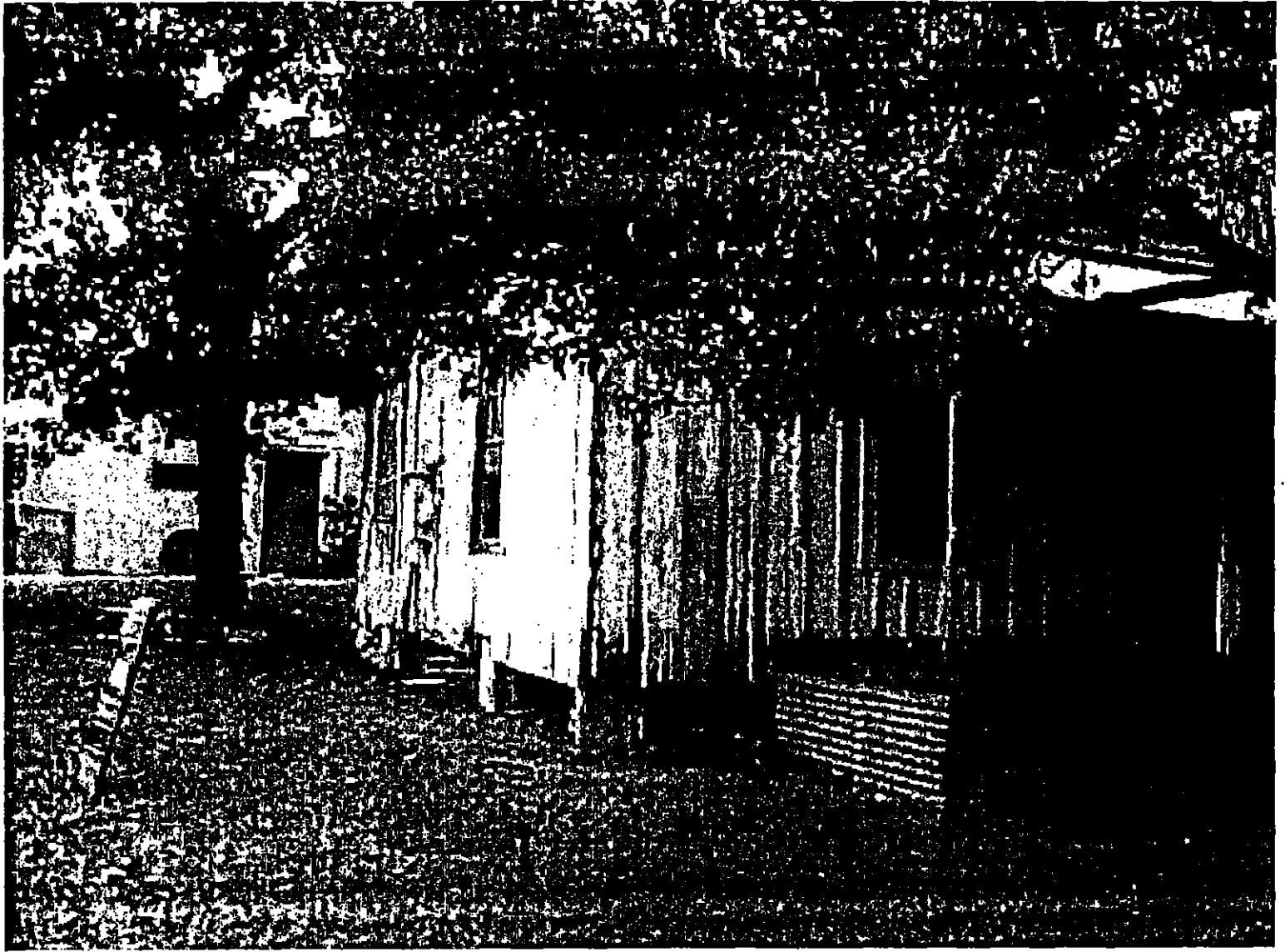
NATIONAL REGISTER: No

RECORDED TEXAS LANDMARK: No

NATIONAL LANDMARK: No

LOCAL SURVEYS: Yes, the house is listed as a medium priority for preservation in the East Austin Survey (2001), and as a contributing structure to the potential 13<sup>th</sup> Street Historic District.





## **OCCUPANCY HISTORY**

**1809 E. 13<sup>th</sup> Street**

**From City Directories, Austin History Center**

**Historic Preservation Office**

**August, 2004**

<b>1990</b>	<b>Vacant</b>
<b>1984</b>	<b>Henry Dykes Helper, Central Texas Equipment</b>
<b>1979</b>	<b>Henry Dykes Helper, Central Texas Equipment</b>
<b>1974</b>	<b>Walter Cunningham Retired</b>
<b>1969</b>	<b>Henry Dykes Retired</b>
<b>1965</b>	<b>L.C. Anderson No occupation listed</b>
<b>1960</b>	<b>Naomi Thomas Maid</b>
<b>1955</b>	<b>Booker T. (Emma) Collins, owner Laborer, Westbrook Metals</b>
<b>1952</b>	<b>Robert (Pauline) McCraddock Cook</b>
<b>1949</b>	<b>Albert Timan Not listed in main directory</b>
<b>1947</b>	<b>Albert Timan Yardman</b>
<b>1944-45</b>	<b>Abe Smith No occupation listed</b>
<b>1942</b>	<b>Raymond (Jessie) Jones Delivery man, Slaughter Cash &amp; Carry Grocery and Market</b>

1941	Raymond (Jessie) Jones Porter, Fidelity State Bank
1940	Edgar (Estella) Davis No occupation listed
1939	James (Mary) Owens, owner Clerk
1935	James (Mary) Owens Groceries, 1908 Tillotson Avenue
1932-33	James (Mary) Owens Meats, 1212 Chicon Street
1930-31	James (Mary) Owens, colored, owner Meats, 1901 E. 12 <sup>th</sup> Street
1929	Joseph (Hannah) Bolden, colored Teamster
1927	Thomas (Bessie) Simpkins, colored, renter Driver, Brown Cracker and Candy Co.
1924	Dora Harris No occupation listed
1922	Howard (Jessie) Lott, colored, renter Cotton sampler, Bennett-Tarleton & Co.
1920	Allen M. (Jessie) Lott, colored, renter No occupation listed
1918	Benjamin F. (Martha) Remington Carpenter
1916	Vacant
1914	Lewis H. Edwards Car repair, Houston & Texas Central Railroad shops
1912-13	Mack Wimberly Driver, Driskill Laundry

**1910-11**      **Vacant**

**1909-10**      **John Brydson**  
**Painter, Moreland Paint and Paper House**

**1905**            **No addresses on this side of E. 13<sup>th</sup> Street in this block**  
**Brydson lived on E. 18<sup>th</sup> Street**



Nelda Wells Spears  
Travis County Tax Assessor-Collector  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9473

ACCOUNT NUMBER: 02-0809-0305-0000

PROPERTY OWNER:

MEDLOCK MARCELL &  
DOROTHY J NUNN  
1903 EAST 16TH STREET  
AUSTIN, TX 78702-1217

PROPERTY DESCRIPTION:

E52FT OF  
LOT 5 BLK 4 OLT 36 DIV B  
JOHNS C R SUBD

ACRES 0.000 MIN% .00000 TYPE

SITUS INFORMATION: 001212 CHICON ST 00000

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2003	AUSTIN ISD	*ALL PAID*
	CITY OF AUSTIN (TRAV)	*ALL PAID*
	TRAVIS COUNTY	*ALL PAID*
	ACC (TRAVIS)	*ALL PAID*
TOTAL SEQUENCE 0		*ALL PAID*
TOTAL TAX:		*ALL PAID*
UNPAID FEES:		* NONE *
INTEREST ON FEES:		* NONE *
COMMISSION:		* NONE *
TOTAL DUE ==>		*ALL PAID*

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2003 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

TAXES PAID FOR YEAR 2003 \$856.54

The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code). Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 04/20/2004

Fee Paid: \$10.00

Nelda Wells Spears  
Tax Assessor-Collector

By: Joyce Henderson

**Sadowsky, Steve**

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**From:** Brooks Calavan [bcalavan@missionitservices.com]

**Sent:** Wednesday, February 09, 2005 5:26 PM

**To:** Sadowsky, Steve

**Subject:** historic zoning

Steve, I support the historic zoning on my buildings and property at 1212 chicon or 1809 13<sup>th</sup> street. Please let me know the status of this property because we are wanting to start restoring it soon. Thank you, Brooks

Brooks Calavan  
Mission IT Services  
613 Rio Grande #A  
Austin, Tx 78701  
PH:512-853-9817  
Fax:512-692-9335  
Cell:512-626-6547  
[www.missionitservices.com](http://www.missionitservices.com)

2/10/2005