



City of Austin
Code Compliance Department
 Summary of Complaint CC-2006-023635-ITR

COMPLAINT INFORMATION

Case Status: Closed

Address: 1917 DAVID ST 78705

Legal Description: 37% OF LOT 18 BLK 2 OLT 26-28 DIV D CARRINGTON SUBD

Property Owner(s):
 Michael Said - Owner
 3401 Guadalupe Street
 Austin, Texas 78705

Complaint Date: January 17, 2006

Complaint: SF-3 property, house is divided into four units. No certificate-of-occupancy and incorrect zoning.

Complainant: In order to maintain open communication with the public, the record pertaining to a complainant is withheld as our standard practice unless it is anonymous or the assigned investigator. If you desire the complainant record, an open record decision for withholding this record will be requested from the Texas State Attorney General's Office.

INSPECTION INFORMATION

Investigator Assignment(s)
 assigned on June 1, 2006
 Transferred to Jason Crouch on March 16, 2007

Case Log

DATE	STAFF NAME	ACTION TAKEN
01/17/2006		Information Update Conducted An Initial Inspection of the Property. Inspector's Comments: "Only saw two units. Research"
01/24/2006		Follow-up Inspection Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Called phone number on Lease sign. I was informed by caller that the home was actually a foupflex. Send NOV"
01/24/2006		Insp / Violation(s) Found MIGRATED
02/01/2006		Administrative Support Action Inserts a tracking notice comment for date executed. Inspector's Comments: "Certified tracking notice has been delivered."
03/07/2006		Follow-up Inspection Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Violation still exists, monitor."
03/29/2006		Follow-up Inspection Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Took photographs of violation,

Investigator Lopez called realtor. Rshelly Marman the Realtor informed Lopez that there are currently 6 units at this office. Markman stated that a 1 bedroom 1 bath leased for \$775.00 a month."

03/30/2006

Information Update

Information Update and research results. Inspector's Comments: "Prepare case for MC"

06/05/2006 David Cancialosi

Follow-up Inspection

Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "1917 David St: Illegal 4 plex. No permit history. Detached units behind main structure obviously newer construction. This may actually be a triplex instead of 4 plex. Main structure looks like one unit. However, see previous notes indicating 6 plex from realtor (3/29/06)

Pictures below are of adjacent unit, abatement case should be initiated. Can barely see house behind weeds. Believe it is 1919 David St. Also, may be illegal 5 or 6 plex! There are 4 units in a detached structure with alley access behind this structure."

07/11/2006 David Cancialosi

Administrative Support Action

Performed An Administrative Duty Related to Processing the Case. Inspector's Comments: "need to prepare for MC. 15 day extension to discontinue illegal use expired Feb. 8, 2006."

11/13/2006 David Cancialosi

Follow-up Inspection

Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "violation still exists. Submitting for court this week. Taking up to date pictures."

02/05/2007 David Cancialosi

Information Update

emailed ADM Paul T to see if he wants this to be kept open - I have compiled information for approximately ten cases of possible violations at multiple addresses on the 1900 Block of DAvid St. This case was assigned to Enrique Lopez in Feb 2006. After more research, I gave stack of ten files to Paul T a couple weeks ago for his review to see if he would like to distribute to other inspectors.

Violation still exists at this location.

02/12/2007 David Cancialosi

Information Update

Paul T says to keep this case opened:

Yes, keep both open and will have the team work on them and get them reassigned.

Thanks

Paul Tomasovic

West District

Assistant Division Manager

Code Enforcement

974-2738

Fax 974-9049

From: Cancialosi, David
Sent: Monday, February 05, 2007 9:50 AM
To: Tomasovic, Paul
Subject: RE: David St cases

Also have a case at 1917 David St assigned to Enrique from February 2006 then passed on to me. Looks like he may have submitted for MC, but notes do not indicated any court action. Keep this open as well?

The original case below was 1902 David St.

I believe both addresses were included in the stack of David St. files given to you.

02/14/2007 David Cancialosi Information Update
Need to transfer this case to Jason Crouch

02/16/2007 Jason Crouch Follow-up Inspection
Reviewed case file and site conditions with David C. Current photos on file. It appears notice has already been sent and that David intended to send this to court, but I need the hard copy file now that this case has been assigned to me.

There are clearly 4 separate units A-D, with the D unit occupying the entire rear accessory structure. This is in violation of SF-3 zoning. Will review with Cancialosi as he intended to send this to court as of 11/13/06.

02/23/2007 Paul Tomasovic Follow-up Inspection
E-mail from and to complainant---->Tressie,
Our inspectors are working on violations along David Street and are preparing the 1917 David Street case for legal action. This case is under review and should be forwarded to our legal coordinator by the 2nd week in March. From reviewing the inspector's case log there are clearly 4 separate units A-D, with the D unit occupying the entire rear accessory structure. We will move forward with legal action to obtain compliance.
Jason,
Please see e-mail correspondence below for additional information related to this case.

Thanks
Paul Tomasovic
West District
Assistant Division Manager
Code Enforcement
974-2738
Fax 974-9049-----

From: DCARRIAGEHOUSE@aol.com [mailto:DCARRIAGEHOUSE@aol.com]

Sent: Thursday, February 22, 2007 9:08 AM
To: Tomasovic, Paul
Subject: 1917 David

Mr. Paul Tomasovic:

Good morning. Paul, what is the status of the property at 1917 David? The house is divided into four units (A, B, C, & D). We keep getting requests for parking permits, however, we don't want to give out more permits than legally allowed on the property. I have names and telephone numbers of two of the tenants if you need to contact them for verification. According to two of the tenants (Bertha in Unit A and Carolyn in Unit B), there are four units and seven tenants in the property (two people in Unit A, one person in Unit B, two people in Unit C, and two people in Unit D). Didn't zoning contact the owner about this previously? Some of the tenants are new and just moved in.

As always, thank you for your help.

Tressie

Caswell Heights Neighborhood
(previously West University Neighborhood)
476-4755

02/26/2007 Jason Crouch Follow-up Inspection
Current photos on file, clearly operating as a 5-plex.

02/27/2007 Jason Crouch Owner Contacted
NEW Owner Michael Said responded to my posting of the legal notice:

1917 David is under new ownership - Mr. Michael Said 479-9922 and 789-6543 (cell) is the new sole owner, however TCAD currently shows the property as joint-owned with 37% owned by Said and the other 63% owned by previous owner Hymen Frankel.

Mr. Said advised he bought the property 6 months ago and was never advised this was in violation of city code. I am working with Paul-ADM and David C. to get all the research check points covered. I will add new owner to the people file and re-post notice with current ownership info.

New owner will have to either discontinue the use or possibly go for amnesty CO, still researching.

03/08/2007 Jason Crouch Information Update
Made request of Armando to add new owner to People records.

03/12/2007 Jason Crouch Owner Contacted
Left detailed message for new owner Michael Saad, await call back. During call back, he requested me to send the notice.

03/19/2007 Jason Crouch Send CV Notice

03/20/2007 Jason Crouch Follow-up Inspection
Still operating as a 5-plex.

04/06/2007 Jason Crouch Owner Contacted
Left message for owner Michael Saad to contact me regarding remedy.

04/12/2007 Jason Crouch

Owner Contacted

I advised owner via phone that he must consult the permit center today: he needs proper CO for the accessory structure and will need a building permit to remove all partitions in the primary structure, advised I will push this to Municipal Court if no action is taken to correct violation within 7 days.

He will advise me of his permit center meeting.

04/30/2007 Jason Crouch

Follow-up Inspection

Current photos on file, still operating as a 5-plex.

05/01/2007 Jason Crouch

Owner Contacted

Mike McCone is owner Michael's consultant and has advised him to go for amnesty CO. I advised him to get that process going as this case is approaching 5 months old. He will have McCone contact me and will also contact the DAC for amnesty CO application process.

05/15/2007 Jason Crouch

Owner Contacted

Working with Saad and McCone, advised them to get an application for Amnesty CO on file within the week. Saad can provide C of A utilities records dated back to 1960 showing that power has gone to 3 separate units since that time.

06/14/2007 Jason Crouch

Information Update

No Amnesty CO on file, will contact owner last time.

06/27/2007 Jason Crouch

Closed due to Administrative Reasons

Duplicate 06 02635.

VIOLATIONS

Land Use

Austin City Code Section: Single Family Residential & Multi-Family District (§25-2-771)

Violation: PERMITTED, CONDITIONAL AND PROHIBITED USE(section 25-2-491) (Structure: Premises) -
Current zoning does not allow for this dwelling to be used as a four-plex.

Date Observed: 01/24/2006 Status: Released

Structure Maintenance

NOTICES

Notice of Violation to Michael Said (Owner)

Mail sent regular on March 21, 2007

Mail sent certified 7005 3110 0002 4208 6726 on March 21, 2007

Received / signed by M. Weber on April 3, 2007