



# City of Austin

Founded By Congress, Republic of Texas 1839

Code Compliance Department

P.O. Box 1088, Austin, Texas 78767 - 1088

September 6, 2012

## NOTICE OF VIOLATION

via Certified Mail # 7010 3090 0001 3785 8963

Mary Ann Justman  
1633 Waterston Avenue Apt A  
Austin, Texas 78703-3982

### RE: **1701 TOOMEY RD**

Legally described as TRT 1 SHELTON WM E SUBD  
Zoned as CS  
Parcel Number 0105020424

Dear Mary Ann Justman:

An investigation by the City of Austin's Code Compliance Department was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the code violation(s) found with required remedies for attaining compliance with the City Code.

After receipt of this notice, you may not sell, lease, or give away this property unless you have provided the buyer, lessee, or other transferee a copy of this notice, and provided the name and address of the buyer to the Building Official. Also, it is a misdemeanor to rent this property if the code violation(s) on this property pose a danger to the health, safety and welfare of the tenants.

If you have any questions, please contact me by telephone at 974-7224 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en 974-7224 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

### **Ownership Information**

According to the applicable records of the County, you own the real property described in this notice. If you no longer own this property, you must execute an affidavit stating that you no longer own the property and stating the name with the 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 our office not later than the 20th day after the date you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice, even if you do not.

An affidavit form is available at our office located at 1520 Rutherford Lane. An affidavit

may be mailed to:

**City of Austin  
Code Compliance Department  
P.O. Box 1088  
Austin, Texas 78767**

Additionally, if this property has other owner(s), please provide me with this information.

**Failure to Correct**

If a violation is not corrected, any existing site plan, permit, or certificate of occupancy may be suspended or revoked by the City. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.

If the violation continues, the City may take further legal action to prevent the unlawful action as authorized by State law and may seek civil injunctions or penalties in State court.

For dangerous or substandard buildings, the City may also take further action to require the vacation, relocation of occupants, securing, repair, removal or demolition of a building.

If a violation is not corrected, your lodging establishment's operating license will be suspended as stipulated in Subsection 1308 of § 25-12-213 of the Austin City Code. On receipt of the notice of suspension, you must immediately stop operations of the lodging establishment, and no person may occupy any rooming unit therein for sleeping or living purposes.

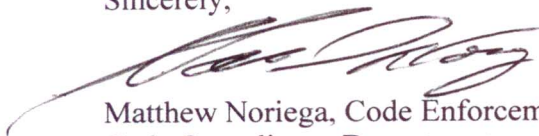
**If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.**

**Complaints**

To register a complaint regarding a Code Compliance Department investigator, you may submit your complaint in writing no later than 3 days after receipt of this letter to:

**City of Austin  
Code Compliance Department Manager  
P.O. Box 1088  
Austin, Texas 78767**

Sincerely,



Matthew Noriega, Code Enforcement Inspector  
Code Compliance Department  
Case CV-2008-094926

## INVESTIGATION REPORT

**Investigator:** Matthew Noriega  
**Case:** CV-2008-094926  
**Address:** 1701 TOOMEY RD 78704  
**Zoned as** CS

### STRUCTURE MAINTENANCE

The International Property Maintenance Code, adopted by reference in Chapter 25-12, Article 9 of the Austin City Code:

Code Section: Dangerous structure or premises (§108.1.5.8)

Description of Violation: Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

According to the 2009 International Fire Code Section 503.1 and Section 903.2.1.2 Group A-2.  
503.1.1 Buildings and facilities.

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Several of the occupancies at this property lack an approved automatic fire sprinkler system.

The Montessori School is the only approved occupancy at this location and the only occupancy with an approved automatic fire sprinkler system.

Date Observed: 04/02/2012

Status: Not Cleared

#### Required Remedy Summary

Obtain required permits and correct dangerous conditions in 30 days

Vacate unapproved occupancies in 30 days

**NOTE:** The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

If the Required Remedy Summary requires a permit, the Development Assistance Center located at 505 Barton Springs Road can assist you with any questions. **When the required remedy is demolition**, you are strongly encouraged to go to the Development Assistance Center for more information concerning current ordinances which may limit or restrict future development of your property after the demolition.

#### Appeal

Any structure maintenance issue indicated in this report may be appealed to the Building and Standards Commission. A lodging establishment licensee may also appeal the denial of an application for an operating license, the suspension of an operating license, and the issuance of this notice to the Building and Standards Commission.

The appeal must be filed not later than 20 days after the date of this notice and contain the following information:

- a brief statement as to why the violation is being appealed;

- any facts that support the appeal;
- a description of the relief sought; and
- the reasons why the appealed notice or action should be reversed, changed, or set aside.

An appeal may be delivered in person to our office located at 1520 Rutherford Lane or mailed to:

**Building and Standards Commission  
c/o Code Compliance Department  
P.O. Box 1088  
Austin, Texas 78767**

**LAND USE**

Code Section: Certificate of Occupancy (§25-1-361)

Description of Violation: A person may not use or occupy a structure unless the building official has issued a Certificate of Occupancy for the structure. There is no record of a Certificate of Occupancy for this structure's use.

Date Observed: December 9, 2008

Status: Not Cleared

Required Remedy: Obtain the required Certificate of Occupancy

Code Section: Site Plans Required (§25-5-1)

Description of Violation: A person may not operate a restaurant prior to obtaining an approved and released site plan/site plan exemption.

Date Observed: October 16, 2009

Status: Not Cleared

Required Remedy: Obtain approved site plan showing layout of Casa de Luz Restaurant and approved parking.

Code Section: Building Permit Requirement (§25-11-32)

Description of Violation: Commercial construction performed without required permit(s).

Date Observed: October 16, 2009

Status: Not Cleared

Required Remedy: Obtain an approved building permit for the Serena meeting room.

**Required Remedy Summary**

Obtain correct Certificate of Occupancy in 14 days

Submit Site Plan app or Correction in 15 days

Obtain a Permit in 15 days

**NOTE:** The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

**Appeal**

A person may appeal a Stop Work Order to the City of Austin's Building Official. A written appeal must be filed no later than 3 days after the posting of the Order and contain:

- the name and address of the appellant;
- a statement of facts;
- the decision being appealed; and
- the reasons the decision should be set aside.

An appeal may be delivered in person to the Office of the Director of the Planning and Development Review Department located at 505 Barton Springs Road or mailed to:

**Building Official  
Planning and Development Review Department  
P.O. Box 1088  
Austin, Texas 78767**