

**Board of Building Standards
Minutes**

May 7, 2008

Public Notice having been posted, a regular meeting of the Board of Building Standards was held at 8:15 a.m., Wednesday, May 7, 2008 in the Council Chambers at City Hall, 555 Walnut, Abilene, Texas.

Board Members Present: Perry Haynes, Vice-Chairman
Sandi Saringer
Matt Loudermilk
David Beard
Vanessa Faz
Steve Ellinger
Pam Yungblut

Visitors: Roy Martinez
Zev Shaposhnick
Diana Horton
Danielle Delhomme
Mary Ann Lutz
Connie Jennings
Ernesto Valadez
Patrick Batten
Kevin Batten
Eddie Pope
Bill Minter
Elizabeth Marines
Elida T. Zapata
Juan Cervantez

Staff Present: James Prescott, Code Enforcement Officer
Kyle Thomas, Legal Department
David Sartor, Building Official
Alice Adams, Recording Secretary
Ben Bryner, Planning & Development Services

1. The meeting was called to order by Perry Haynes, Vice-Chairman, at approximately 8:15 a.m.
2. Mr. Haynes said the first order of business was the review and approval of the minutes of the April 2, 2008 meeting. Steve Ellinger made a motion to approve the minutes of the meeting. The motion was seconded by Vanessa Faz and unanimously passed.

3. The next matter to come before the Board was consideration, with possible action, regarding the request of Henry E. Pope to appeal the condemnation of the storage building located at 797 Sunset, Abilene, Texas. James Prescott, Code Enhancement Division, addressed the Board, advising them this property consists of a small one room building with a carport attached. He said upon inspection, the building was unsecured, there was rotted wood on the structure, missing exterior weatherization, the carport roof is falling in, and the lot is covered with trash and debris. Henry Pope, owner of this property, addressed the Board, advising them he owns this property. He said there was originally a house on this property, which burned and was demolished, and this building was left on the lot. He said he wanted to keep the building for storage because he plans to build a house on this lot in the next couple of years, and would be able to store material in this building. Mr. Pope went on to say that since this was a storage building, without a main structure, on a single family residence lot, the building would have to be demolished if the condemnation stands. Kyle Thomas, an attorney for the City, addressed the Board, advising them this property was considered a legal non-conforming use, as it existed before condemnation. When the building became sub-standard, it was not legally conforming anymore, and therefore, has to conform with all the zoning ordinances, which requires there cannot be a storage building on a single family residence lot without a main structure. Ben Bryner, Planning and Zoning Division, then addressed the Board, stating that if the owner would proceed with building a main structure on this lot within the next 12-month period, this would allow the storage building to remain on the lot. After a lengthy discussion, David Beard made a motion that the order of condemnation stand, and Mr. Pope's request to appeal the condemnation be denied. The motion was seconded by Steve Ellinger, and unanimously passed.

4. CASES FOR REHABILITATION OR DEMOLITION:

| Case No. | Address & Description | Owner | Board Action |
|--|--|--|---|
| 04-061 | 5203 S. 1st St. Blk. 1, Lot 1, Posada Addn., Acres 7.75, Abilene, Taylor Co., Texas | Rehoboth Hospitality LP c/o A.A. Rajaratnam 5403 S. 1 st St. Abilene, TX 79605 | Granted 30 days to provide a Plan of Action, with cost estimates, and obtain all necessary permits. |
| Mr. Prescott said this was the Howard Johnson facility, which consists of four buildings still in condemnation. They did secure the property, which will keep people out of the areas that have not been repaired. Mr. Prescott said the owners turned in some electrical plans, but they were not stamped drawings and were not acceptable. He said Staff recommends granting 30 days for a Plan of Action and obtain all necessary permits. Zev Shaposhnick, representative for the owner, addressed the Board, advising them they are trying to get the money in place to continue repairs. He said they would like to have as much time as possible to obtain financing. He said when the financing is in place, it shouldn't take too much time to complete repairs. He said he would like an additional 90 to 120 days to get everything in place. After discussion, Steve Ellinger made a motion to grant the owners 30 days to provide a Plan of Action, with cost estimates, and to obtain all necessary permits. The motion was seconded by David Beard, and passed, with Sandi Saringer abstaining. | | | |

Mr. Prescott then requested that the order of the cases to be heard be rearranged to accommodate the citizens and/or owners in attendance waiting to speak about the properties they are interested in.

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| Case No. | Address & Description | Owner | Board Action |
|---|--|--|--|
| 06-041 | 2333 Hardy & rear apt. Blk. D, Lots 5 & 13.65' Lot 6 & W5', Sff.1' of Lot 8, Abilene, Taylor County, Texas | Kirkman Revocable Trust Juanita Gonzalez 1399 Vine St. San Jose, CA 95110 | Granted 30 days to obtain all necessary permits, and if this is done, grant an additional 150 days to complete repairs and have repairs inspected by the City. |
| <p>Mr. Prescott said this was a two-story structure that was damaged by fire. He said they have made some repairs on the top level, and some electrical work has been started. There has been lots of repairs made, but due to the amount of repairs to be made, it is just going to take a lot of time. Staff recommends granting 30 days to obtain all necessary permits, if this is done, grant an additional 60 days to obtain all rough-ins and framing inspection, and if this is done, grant an additional 60 days to complete repairs. He said the owner is requesting 180 days to complete repairs. Ernesto Valadez, owner of the property, said he was trying to get all the permits together. After discussion, Pamela Yungblut made a motion to grant the owner 30 days to obtain all necessary permits, and if this is done, grant an additional 150 days to complete repairs and have the repairs inspected by the City. The motion was seconded by Vanessa Faz and unanimously passed.</p> | | | |

| Case No. | Address & Description | Owner | Board Action |
|---|--|---|---|
| 06-051 | 2442 Simmons (rear bldg only) Blk. 1, S50', E150' of Lot 18, North Park Addn. N/2, Abilene, Taylor County, Texas | Chano A. Rivera c/o Rosemary Rivera 2224 Alston Ave. Ft. Worth, TX 76110 | Granted 30 days to provide a plan of action, with cost estimates, if this is done, grant an additional 60 days to obtain permits and rough-in inspections, and if this is done grant 90 additional days to complete repairs and have the repairs inspected by the City. |
| <p>Mr. Prescott said this was a rear building, the bottom level was used for storage and the top level was an apartment. The last time the case came before the Board, they were asking for 120 days to sell the property, and this did not happen. The wood around the doors and windows is in bad condition and the roof needs repairs. Mr. Prescott has talked to the owner's daughter, and they are now requesting 180 days to repair the property. Staff recommends granting 30 days to provide a plan of action, with cost estimates, and if this is done, grant an additional 60 days to obtain all permits and rough-in inspections, and if this is done grant an additional 60 days to complete repairs. Mary Ann Lutz, a representative for Rosemary Rivera, addressed the Board stating they owner wanted to keep this building for storage only. She said she would be contacting roofers for the roof repair and paint the door and window trim. After discussion, Pam Yungblut made a motion to grant the owner 30 days to provide a plan of action, with cost estimates, if this is done, grant an additional 60 days to obtain permits and rough-in inspections, and if this is done grant 90 additional days to complete repairs and have the repairs inspected by the City. The motion was seconded by Steve Ellinger and unanimously passed.</p> | | | |

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|--|--|--|--|
| 07-031 | 4034 Pine Abstract A0012, Sur. 83, L. Bowerman, Tract AKA Blk. J, Lot 4, Acres 1, Abilene, Taylor County, Texas | Michael Brandon Cowling & Allison Arthur 4900 Meadow Dr. Abilene, TX 79606-5346 | Granted 180 days to complete cleanup. |
| <p>Mr. Prescott said the building has been demolished and a large amount of pallets and debris has been removed. There is still a large amount of trash, pallets and debris to be removed. The owner is requesting 180 days to complete clean-up and sell the property. Staff recommends granting 60 days to complete the clean-up. Allison Cowling, one of the owners of this property, addressed the Board, advising them they had removed thousand of pounds of junk vehicles, debris and pallets, and put ads in various papers offering to give away pallets to anyone that wanted any for personal fireplaces, etc. She said they had removed over 260,000 pounds of material off this lot. Danielle Delhomme, the mother of Mrs. Cowling, addressed the Board telling them how she had originally acquired this property. After discussion, Pamela Yungblut made a motion to grant the owners 180 days to complete cleanup of the lot. The motion was seconded by David Beard and unanimously passed.</p> | | | |

| Case No. | Address & Description | Owner | Board Action |
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| 07-088 | 701 Amarillo (garage only) Blk. 4, Lot 19 & 20, Alta Vista, Abilene, Taylor County, Texas | Robert E. & Lara J. Taft 3018 Sundance Dr. Little Elm, TX 85068 | Granted 30 days to demolish the structure, remove debris and clean the lot, with the condition that if owner fails to do this, the City will demolish the structure, remove the debris, clean the lot and bill the owner. |
| <p>Mr. Prescott said there had been no progress made on this garage. The property is over-grown and it is difficult to see the structure. The garage is in bad condition. Staff recommends granting 30 days for a plan of action, with cost estimates, and obtain all permits, and if this is done grant an additional 60 days to complete repairs. Connie Jennings addressed the Board, advising them she lives across the street from this structure. She said the property is not secure, and feral cats, dogs, rat, and raccoons can enter the property through the back. She said the property is lowering the property values of the area. She wants the building torn down. Diana Horton, who also lives close to the property, addressed the Board stating nothing has been done since the property was condemned. She would also like to see the property demolished. After discussion, Pamela Yungblut made a motion to grant the owners 30 days to demolish the structure, remove debris and clean the lot, with the condition that if owner fails to do this, the City will demolish the structure, remove the debris, clean the lot and bill the owners. The motion was seconded by Matt Loudermilk, and unanimously passed.</p> | | | |

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| Case No. | Address & Description | Owner | Board Action |
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| 07-089 | 542 Palm Blk. 159, E75' of Lot 6, OT Abilene, Taylor County, Texas | Capston Expansion LP 5305 Hunters Cr. Abilene, TX 79606 | Granted 30 days to provide a Plan of Action, with cost estimates, if this is done, grant an additional 60 days to obtain all necessary permits and rough-in inspections, and if this is done, grant an additional 60 days to complete repairs and have the repairs inspected by the City. |

Mr. Prescott advised the Board that this property was initially damaged by fire. He said that the City Contractor had to secure the structure, and there was evidence that illegal occupation had taken place after the property was condemned. Mr. Prescott said he had visited with the owner the day before and the owner requested 180 days to complete repairs. Staff recommends granting the owner 30 days to provide a Plan of Action, with cost estimates, if this is done, grant an additional 60 days to obtain all necessary permits and rough-in inspections, and if this is done, grant an additional 60 days to complete repairs. Kevin Batten, owner of this property, addressed the Board, advising them he and his brother are going to do a complete remodel on this property, but it will be approximately 60 days before they can start. After discussion, Steve Ellinger made a motion to grant the owners 30 days to provide a Plan of Action, with cost estimates, if this is done, grant an additional 60 days to obtain all necessary permits and rough-in inspections, and if this is done, grant an additional 60 days to complete repairs and have the repairs inspected by the City. The motion was seconded by Matt Loudermilk and unanimously passed.

| Case No. | Address & Description | Owner | Board Action |
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| 07-092 | 1217 Pecan (garage only) N45' Lot 38, 208 1 B, Watson & Russell OT ABL, Abilene, Taylor County, Texas | Elvira Trinidad 534 Palm St. Abilene, TX 79602-1226 | Granted 30 days for a Plan of Action, with cost estimates, and if this is done, grant an additional 90 days to complete repairs and have the repairs inspected by the City. |

Mr. Prescott said this property was a rear building only. He said the roof is almost gone, and the building is in bad disrepair. Mr. Prescott said he visited with the owner's daughter and sent them an estimate of what the City would charge to demolish the structure. They are requesting 60 days to repair the property, and Staff had no objection. Elida Zapata, daughter of the owner of this property, addressed the Board advising them they wanted to repair the structure for storage only. She said they are waiting for a contractor to come give them a bid on the roof. After discussion, Pamela Yungblut made a motion to grant the owner 30 days to provide a Plan of Action, with cost estimates, and if this is done, grant an additional 90 days to complete repairs and have the repairs inspected by the City. The motion was seconded by Steve Ellinger, and unanimously passed.

| Case No. | Address & Description | Owner | Board Action |
|---------------|--|---|---|
| 06-038 | 1466 Hope Lot 25, CE Crim of J Warfield Addn., Abilene, Taylor County, Texas | Juan Cervantez 1117 Grape Abilene, TX 79601 | Granted 90 days to complete repairs and have the repairs inspected by the City. |

Mr. Prescott said the owner has made good progress, with a new roof and windows. He said the carport still needs a little work. Mr. Prescott said the owner is requesting 90 days to complete repairs and Staff has no objection to this request. Juan Cervantez, owner of the property, told the Board he had some unexpected problems with the property, but is making progress, and would like some additional time. Matt Loudermilk made a motion, which was seconded by David Beard, to grant the owner 90 days to complete repairs and have the repairs inspected by the City. The motion unanimously passed.

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| Case No. | Address & Description | Owner | Board Action |
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| 06-068 | 1681 Cottonwood Lot 5, Blk. 31, College Drive Replat, Abilene, Taylor County, Texas | Julio and Elizabeth Marines 1709 Peach Abilene, TX 79602 | Granted 30 days to complete repairs and have the repairs inspected by the City. |

Mr. Prescott said the owners were just about completed with repairs, but there were just a few little things left to be done. He said the owners are requesting 30 days to complete repairs and Staff has no objection. Elizabeth Marines, one of the owners of this property, addressed the Board stating they are almost finished with repairs and she thinks they can finish in 30 days. Pamela Yungblut made a motion to grant the owners 30 days to complete repairs. The motion was seconded by Matt Loudermilk and unanimously passed.

| Case No. | Address & Description | Owner | Board Action |
|---------------|--|--|--|
| 05-038 | 802 Sycamore & rear bldg. 1-2, 188, 2-B, Wise, OT, Abilene, Taylor Co., Texas | Michael E. Wills 3950 Concord Dr. Abilene, TX 79603-4102 | Granted 30 days to obtain a plumbing permit and if this is done grant 30 additional days to complete all repairs, and if either one of these time frames are not met, the case will come back to the Board to consider demolition. |

Mr. Prescott advised the Board that the plumber who originally pulled the permit for this job had retired, and the owner's brother, who is making repairs, does not want to get another plumber. Mr. Prescott said he went by the home of the person owning this property and told her a plumbing permit needs to be obtained to get this house out of condemnation. There is some trash and debris on the lot. Staff recommends granting owner 30 days to obtain a plumbing permit or demolish the structure. After discussion, David Beard made a motion to grant the owner 30 days to obtain a plumbing permit and if this is done grant 30 additional days to complete all repairs, and if either one of these time frames are not met, the case will come back to the Board to consider demolition. The motion was seconded by Pamela Yungblut and unanimously passed.

| Case No. | Address & Description | Owner | Board Action |
|---------------|--|--|---|
| 06-007 | 1217 S. 12th St. Blk. 5, Lot 3, JH Darnell of Bellevue Outlot N 106 of 1, Abilene, Taylor County, Texas | Alton H. Smith 3026 Woodway Cr. Abilene, TX 79606-4224 | Granted 30 days to submit a Plan of Action, with cost estimates, and obtain all necessary permits or demolish the structure, remove debris and clean the lot, with the condition that if the owner fails to do this, the City will demolish the structure, remove debris, clean the lot and bill the owner. |

Mr. Prescott said it appears the owner has not done any repairs to this property. Mr. Prescott said he talked to the owner by phone and the owner said he had not had time to work on the property because he has other properties that are more important. The property was originally damaged by fire. The owner verbally requested 180 days to complete repairs. Staff recommends granting 30 days to provide a Plan of Action, with cost estimates, and obtain all necessary permits or demolish the property. After discussion, Pamela Yungblut made a motion to grant the owner 30 days to submit a Plan of Action, with cost estimates, and obtain all necessary permits or demolish the structure, remove debris and clean the lot, with the condition that if the owner fails to do this, the City will demolish the structure, remove debris, clean the lot and bill the owner. The motion was seconded by Steve Ellinger and unanimously passed.

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| Case No. | Address & Description | Owner | Board Action |
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| 06-057 | 1726 Graham Outlot 3, Blk. H, Arthel Henson, Lot 2, Abilene, Taylor County, Texas | Olga Cisneros 2410 N. 18 th St. Abilene, TX 79603 | Granted 30 days to provide a Plan of Action, with cost estimates, or demolish the structure, remove debris, and clean the lot, with the further condition that if the owner fails to do this the City will demolish the structure, remove debris, clean the lot and bill the owner. |

Mr. Prescott said that at the last Board meeting, the owner was given a certain amount of time to sell or demolish the property, and about 2 days before this time limit had expired, a relative of the owner came in with a proof of purchase in the amount of \$10.00. Mr. Prescott said the new owner has done nothing toward repairing this property. He said there is wood missing on the exterior, the structure needs exterior weatherization, and the structure is unsecured. Mr. Prescott said that when he made contact with the new owner, he was informed that the property had sold again, but the owner could not provide any documentation of the sale. Mr. Prescott said the tax office still shows Olga Cisneros as the owner. Staff recommends granting 30 days for a plan of action or demolish. After discussion, Steve Ellinger made a motion to grant the owners 30 days to provide a Plan of Action, with cost estimates, or demolish the structure, remove debris, and clean the lot, with the further condition that if the owner fails to do this the City will demolish the structure, remove debris, clean the lot and bill the owner. The motion was seconded by Pamela Yungblut, and unanimously passed.

| Case No. | Address & Description | Owner | Board Action |
|---------------|---|---|---|
| 07-090 | 1555 Mimosa Blk. 4, Lot 4, Sec. 1, Green Acres, Abilene, Taylor County, Texas | Jutta Biggerstaff 60400 Alta Mara Dr. Joshua Tree, CA 92252 | Granted 30 days to submit a Plan of Action, with cost estimates or a plan to sell, if either of these are done, the owner be granted an additional 90 days to complete the sale or repairs. |

Mr. Prescott said this house was originally damaged by fire. The window is busted out, there are exterior weatherization issues, the front door is off the hinges and people have started throwing trash and debris on the lot. The fence is falling down and the grass needs mowing. Mr. Prescott said the owner currently lives in California and he has spoken to her by phone. She said there is a child support lien against the property and she is unsure about what to do with the property. The husband involved with the property is dead, and the child support lien is by the first wife, so if the property is sold, the first wife will get all the money from the sale. Mr. Prescott said the owner had requested a Consent to Demolish form and he had mailed that to her. Staff recommends granting the owner 30 days to provide a Plan of Action, and if done, grant an additional 60 days to obtain all necessary permits and rough-in inspections, and if this is done, grant an additional 60 days to complete repairs. After discussion, Pamela Yungblut made a motion to grant the owner 30 days to submit a Plan of Action, with cost estimates or a plan to sell, if either of these are done, the owner be granted an additional 90 days to complete the sale or repairs. The motion was seconded by Steve Ellinger and unanimously passed.

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| Case No. | Address & Description | Owner | Board Action |
|--|--|--|---|
| 07-093 | 1033 Harmony Block O, Lot 36, Sec. 3, Holiday Hills, Abilene, Taylor County, Texas | Carol P. Melton 6364 Wash Bailey Rd. Durant, MS 39063-2840 | Granted 60 days to demolish the structure, remove debris and clean the lot, with the condition that if the owner does not do this, the City will demolish the structure, remove debris, clean the lot and bill the owner. |
| Mr. Prescott said the property consisted of a mobile home on which the roof had blown off and was blowing insulation all over the trailer park. He said there was a lot of rotted siding and the front door was gone. He said there was evidence that someone had been living in the back area of the trailer. Mr. Prescott spoke to the owner who requested a 60 day extension to demolish the structure, and Staff agrees with this time frame. After discussion, David Beard made a motion to grant the owner 60 days to demolish the structure, remove debris and clean the lot, with the condition that if the owner does not do this, the City will demolish the structure, remove debris, clean the lot and bill the owner. The motion was seconded by Matt Loudermilk, and unanimously passed. | | | |