

**Board of Building Standards
Minutes**

June 4, 2008

Public Notice having been posted, a regular meeting of the Board of Building Standards was held at 8:15 a.m., Wednesday, June 4, 2008 in the Council Chambers at City Hall, 555 Walnut, Abilene, Texas.

Board Members Present: Betty Bradley, -Chairman
 Perry Haynes
 Matt Loudermilk
 David Beard
 Janet O'Dell
 Pam Yungblut

Visitors: Shirley Wheatley
 Glenda Placker
 Vicki Meeks
 Wanda Saffel
 D. J. Bell
 Jay Wyatt
 Shawn Wheeler
 Owen Teverbaugh
 Bobby Sharpe
 Rodolfo G. Hernandez
 Scott Hay
 Patrick Batten
 Maria Tijerina
 Mario Nagera
 Calvin Vann

Staff Present: James Prescott, Code Enforcement Officer
 Kyle Thomas, Legal Department
 David Sartor, Building Official
 Alice Adams, Recording Secretary
 Bill Whitley

1. The meeting was called to order by Betty Bradley, Chairman, at approximately 8:15 a.m.
2. Ms. Bradley said the first order of business was the review and approval of the minutes of the May 7, 2008 meeting. Perry Haynes made a motion to approve the minutes of the meeting. The motion was seconded by Matt Loudermilk and unanimously passed.

Ms. Bradley 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.

3. The next item to come before the Board was consideration, with possible action, regarding the request of Jay Wyatt, owner of the property located at 1189 Butternut, for permission to leave the slab at this address, after demolition of the structure, to facilitate the parking of vehicles and outdoor storage of trailers and equipment. James Prescott, Community Enhancement, addressed the Board and, after showing a visual presentation of the property in question, advised the Board that Staff has no objection to Mr. Wyatt's request, if he will remove the trip hazards and level the lot so there will be no standing water when it rains. Jay Wyatt then addressed the Board stating he plans to put a 6' fence around this lot and bring in road base to level it. He said he would like to have the option of leaving the concrete pad to park various items on. After discussion, David Beard made a motion to grant permission to leave the slab, with the stipulation that road base be added to the non-slab areas to level the lot and make sure there will be no areas of standing water. The motion was seconded by Perry Haynes and unanimously passed.
4. The next item to come before the Board was consideration, with possible action, regarding the request of Shirley G. Wheatley to appeal the condemnation of the property located at 1701 Bel Air, Abilene, Texas. This property was condemned on 5/2/08. Mr. Prescott said the structure on this lot had rotted wood, overgrowth of plants and weeds, inadequate maintenance, dead trees rubbing against the house and the lot had piles of trash and debris. When an inspection of this property was made in April, one of the neighbors came out and asked Mr. Prescott when they were going to do something about this property. A follow up inspection in May confirmed that no rehab was being done to the property, and since there was no activity at the property, it was condemned. Mr. Prescott said the file showed complaints about this property dating back to 2004. Two elderly neighbors that were unable to attend this meeting wrote letters stating how they felt about the property and the letters were in the file.

Shirley Wheatley, owner of this property addressed the Board, advising them this is where she lives. She said she travels a lot and admits her house needed some maintenance, but she has done that now. She presented some pictures of repairs that were made after the condemnation. She said she had cleaned the yard and had a carpenter make structural repairs. She said she has put up a privacy fence and the structure has new paint. She said she wants her utilities turned back on. The next person to speak before the Board was Vicki Meeks, who stated she has lived next to vacant houses before and they weren't condemned. She said in the last four weeks, Ms. Wheatley has made lots of repairs to her property. Dorothy Bell, a friend of Ms. Wheatley, addressed the Board stating Ms. Wheatley had asked her if she knew anyone to clean her yard before the house was condemned, and she had given her some names. She said she spent the night with Ms. Wheatley in this house the night before the house was condemned. Wanda Saffel, a friend of Ms. Wheatley, addressed the Board stating the interior of the house was alright to live in. She said Ms. Wheatley had checked on the price to trim her trees and she couldn't afford it on her fixed income. She said neighbors have been putting their limbs in Ms. Wheatley's yard. Ms. Saffel went on to say that now Ms. Wheatley has found someone to clean her lot. Gary Corpian, who did not know the property or Ms. Wheatley, addressed the Board stating that he feels the City needs to have some program to warn homeowners their property is going to be condemned to give them time to do repairs before the property is actually condemned.

Bobby Sharpe, who lives two houses north of this property, advised the Board he has lived in his house for 8 years and during that time, he said he has not actually known of anyone to live in this house on a regular basis. He said about 2 or 3 times each summer the property owner would come into the home, stay a day or two and attempt to do a little yard work. He said since the property has

been condemned, there has been someone working on the home all day. He said that over the last 8 years there has been a problem with rodents and bees due to the maintenance of the property in question. Shawn Wheeler, who lives directly across the street from this house, addressed the Board and said she has lived in her house for 17 years and the disrepair of this property is what she looks at when she looks out her front window. Ms. Wheeler said as long as she has lived in her house, the property across the street has been vacant, except for a few times when the owner stayed for a short period of time, and a few times other people would stay in the house for a few days. She feels Ms. Wheatley has had plenty of opportunity to clean up the property, and had not done so and was not receptive to neighbors offering to help. She said Ms. Wheatley's house is lowering the value of all the surrounding houses. Owen Tevebaugh addressed the Board and told them he is a master carpenter, and has done work on this house. He said the repairs he did were cosmetic repairs and that nothing else needs repairs.

After a lengthy discussion, Perry Haynes made a motion to uphold the condemnation. The motion was seconded by David Beard and unanimously passed.

5. The next item to come before the Board was consideration, with possible action, regarding the request of Scott Hay, representative for First United Methodist church, for permission to leave the north wall of the building to serve as a boundary for the existing playground, and remove the basement walls to two feet below existing grade, and leave the remaining below grade, which will be backfilled to the existing grade once the debris from the building demolition has been removed. Mr. Prescott addressed the Board, and advised them that Mr. Hay had brought a visual slide show to present to the Board, detailing exactly what his request was and showing pictures of the site. He said that Staff has no objection to this request. Scott Hay addressed the Board expressing his request to slightly modify the demolition requirements at this particular job site. After the presentation of the slide show, and questions among the Board members, David Beard made a motion to grant permission to leave the north wall to serve as an existing playground border and to remove the basement wall two feet below existing grade and back-fill to the existing grade. The motion was seconded by Matt Loudermilk and passed, with Pamela Yungblut abstaining due to her husband's partnership with Mr. Hay.

6. CASES FOR REHABILITATION OR DEMOLITION:

Case No.	Address & Description	Owner	Board Action
07-042	4449 Capitol Av. Blk. 3, Lot 115, West Freeway Estates Rep., Abilene, Taylor County, Texas	Rodolfo G. Hernandez 1309 Mulberry Abilene, TX 79601	Granted 60 days to complete repairs and have the repairs inspected by the City.
Mr. Prescott said this property had been damaged by fire. He said the owner has done lots of good work at this house. Mr. Prescott said someone has installed a new mechanical system without a permit and this needed to be resolved before the condemnation can be lifted. Also there was a problem with the plumbing permit and some other items need to be permitted, but Mr. Prescott said he didn't think this would be a problem. Mr. Prescott said the owner was requesting 90 days to complete repairs, and Staff recommends granting 60 days. Gary Corpian, the lien holder of this property, addressed the Board and said Mr. Hernandez had done a wonderful job and would like to see the Board grant him more time. After discussion, Pamela Yungblut made a motion to grant the owner 60 days to complete repairs and have the repairs inspected by the City. The motion was seconded by Janet O'Dell and unanimously passed.			

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Case No.	Address & Description	Owner	Board Action
07-049	266 Ross Av. N 55' of Lot 1 and Lot 2, Blk. 9, Christian College 2 nd Addn, Abilene, Taylor County, Texas	Calvin Vann 1412 Westview Abilene, TX 79603	Granted 30 days for a plan of action, with written cost estimates, and if this is done grant 60 days to obtain all permits and rough-in inspections, and if this is done grant 90 days to complete repairs and have the repairs inspected by the City.

The last time this case came before the Board, the previous owner was granted 45 days to sell or demolish the property. The property sold and so the case is back before the Board. Mr. Prescott said the structure needs some weatherization, the foundation has a hole that animals and small children can crawl into, and this needs to be repaired. The owner requested 180 days to complete repairs. Staff recommends granting 30 days for a plan of action, with written cost estimates, and if this is done grant 60 days to obtain all permits and rough-in inspections, and if this is done grant 60 days to complete repairs. Calvin Vann, owner of this property, addressed the Board, stating every window in the house was broken and he has replaced them all. He said he was rebuilding the walls on the interior. After discussion, Pamela Yungblut made a motion to grant the owner 30 days for a plan of action, with written cost estimates, and if this is done, grant 60 days to obtain all permits and rough-in inspections, and if this is done grant 90 days to complete repairs and have the repairs inspected by the City. The motion was seconded by David Beard and unanimously passed.

Case No.	Address & Description	Owner	Board Action
07-053	2442 N. Mockingbird Blk. 6, Lot 22, Woodland Addn., 2 nd Filing, Abilene, Taylor County, Texas	Maria Tijerina 1740 N. 11 th St. Abilene, TX 79603	Granted 60 days to provide a plan of action, with cost estimates, or sell the property.

Mr. Prescott said there was a question of ownership of this house, which the owner has resolved. There have been no repairs and no permits have been obtained to make repairs. The house has missing brick work, rotted wood, and fire damage. The lot is overgrown and there are dead trees in the back yard. Mr. Prescott said the owner is requesting 180 days to repair. Staff recommends granting 30 days for a plan of action, to include a written estimate from a plumber and an electrician, or for the owner to demolish the property. Maria Tijerina, owner of the property, addressed the Board, advising them she has been waiting for some help with the wiring from the City Office of Neighborhood Services, but had been unable to make contact. Mr. Prescott said he had talked to Sandy Bowen, who is with Neighborhood Services, and he was told there is a letter of rejection in the file and they are unable to help Ms. Tijerina due to the flood plain issues and due to the amount of repairs that will have to be made. Ms. Tijerina said she would talk to Habitat for Humanity to see if they would be able to help her. She said that if she couldn't get the repairs done, she would sell the property and she has had a couple of offers to buy it. After discussion among the Board members, Matt Loudermilk made a motion to grant the owner 60 days to provide a Plan of Action, with written cost estimates or sell the property. The motion was seconded by Pamela Yungblut, and unanimously passed.

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Case No.	Address & Description	Owner	Board Action
07-068	3741 Grape 100x153.7' Lot 26, Sidney Smith, Abilene, Taylor County, Texas	Dennis Paschal c/o Preston Placker 1941 Anderson Abilene, TX 79603-1905	Granted 30 days to provide a written plan of action, with written cost estimates.
<p>Mr. Prescott said this property consists of a primary residence and a secondary residence. The main structure has missing windows and exterior weatherization. There are building materials, dead wood, old tires, and a junk vehicle on the lot. The secondary structure has an addition started without any permits being obtained. There are also rotted wood and busted windows on this structure. The slab for the addition was poured without a permit and the building inspector said the owner would have to dig down beside the slab to show how deep the foundation is, which the owner has done. Mr. Prescott said this trench beside the foundation is the only thing he can tell the owner has done since the last meeting. Staff recommends granting the owner 30 days to provide a plan of action, with cost estimates, or demolish the property. Preston Placker, owner of this property, addressed the Board, advising them he is a diabetic and he is trying to get the place repaired so his wife will have a place to live. He said he has not been able to draw disability since he has had his legs amputated, does not have a steady income, his two sons are both incarcerated so he has no one to drive him around, and his wife is retiring from her job. He said he just hasn't had the money to make the repairs. After discussion among the Board members, David Beard made a motion, which was seconded by Matt Loudermilk, to grant the owner 30 days to provide a written plan of action, with written cost estimates. The motion unanimously passed.</p>			

Case No.	Address & Description	Owner	Board Action
07-004	541 W. Washington Lot 3, 146 2-A Conrad-Menefee TIF #1, Abilene, Taylor County, Texas	Tricia Davis 22301 Hamilton Pool Rd. Dripping Springs, TX 78620	Granted 90 days to sell the property
<p>Mr. Prescott said the last time this case came before the Board, the owner was wanting to rehab the property, but now just wants to sell it. He said there is rotted wood around the window frames, poor weatherization, and inadequate maintenance. The owner is requesting 180 days to sell the property. Staff recommends granting 90 days to sell. Janet O'Dell made a motion to grant the owner 90 days to sell the property. The motion was seconded by Pamela Yungblut and unanimously passed.</p>			

Case No.	Address & Description	Owner	Board Action
07-032	2141 Green Blk. 21, N5' of Lot 31 & S40' of Lot 32, Sears Park Addn., Abilene, Taylor County, Texas	Deborah Portillo Gonzales 2134 Green St. Abilene, TX 79603	Granted 60 days to provide a plan of action, with cost estimates, or to sell the property, or demolish the property, with the condition that if owner fails to do this, the City is to demolish the structure, remove debris, clean the lot and bill the owner.
<p>Mr. Prescott said the last time this came before the Board, the Board gave the owner 30 days to provide a plan of action, with cost estimates, and this was not done. Mr. Prescott said when he talked to the owner she said her financial situation is the same and she does not have money for repairs, but she said she can't bring herself to sell the property. The interior of the house is in bad condition, the house is unsecured, and there is rotted wood. He said just before this meeting the owner called and asked for 90 days to complete repairs. Staff recommends granting 30 days to demolish the structure. After discussion, Pamela Yungblut made a motion to grant the owner 60 days to provide a plan of action, with cost estimates, or to sell the property, or demolish the property, with the condition that if owner fails to do this, the City is to demolish the structure, remove debris, clean the lot and bill the owner.</p>			

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Case No.	Address & Description	Owner	Board Action
07-038	2237 Bridge Lot 4, Sec. 2, Blk. 37, Cont., Green Acres Addn., Abilene, Taylor County, Texas	Sammy Lee & Lucy Mae Mayes 1642 Bridge Abilene, TX 79603-3339	Granted 30 days to complete 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 said the owner has done quite a bit of work, has done some painting on the exterior, and a new mechanical unit has been installed. The owner requested 180 days to complete repairs. Staff recommends granting 30 days to complete rough-in inspections, and if this is done, grant an additional 60 days to complete repairs. David Beard made a motion to accept Staff's recommendation and grant the owner 30 days to complete 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 Janet O'Dell and unanimously passed.			

Case No.	Address & Description	Owner	Board Action
07-047	2750 S. 12th St. E57.25' of Lot 7, Blk. 1, Sayles & Hughes S/2, Blk. 11 BA, Abilene, Taylor County, Texas	Don McDonald 2809 Stonecrest Dr. Abilene, TX 79606	Granted 30 days for the owner to obtain all necessary permits.
Mr. Prescott said this property was damaged by fire. Electrical work has been done, but no permit has been obtained. All the sheetrock is down and some foundation work has been done. There is still a lot of rotted wood on the exterior. Owner is requesting 180 days to complete repairs. Staff recommends granting the owner 30 days to obtain all necessary permits. After discussion, Pamela Yungblut made a motion to accept Staff's recommendation and grant the owner 30 days owner to obtain all necessary permits. The motion was seconded by David Beard and passed, with Matt Loudermilk abstaining because the owner is one of his subcontractors.			

Case No.	Address & Description	Owner	Board Action
07-063	1441 Shelton Blk. G, Lot 6, Crescent Heights Addn., Abilene, Taylor County, Texas	Baldomero Segerra 2466 Beech St. Abilene, TX 79601-1854	No Board action necessary. All repairs have been made and the property has been released from condemnation.
No Board action necessary.			

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Case No.	Address & Description	Owner	Board Action
07-067	3601 Swenson Blk. B, Lot 4, WT McQuary of North Park Addn., Abilene, Taylor County, Texas	Dale Justice 426 Neas Rd. Abilene, TX 79601-7106	Granted 30 days to obtain a permit to excavate and remove the environmental issues, and if not done, grant an additional 30 days to demolish the structure, remove debris and clear the lot, with the condition if the owner does not do this, the City will demolish the structure, remove debris, clear the lot and bill the owner.
<p>Mr. Prescott said the previous owner/renter was using this property as a wrecking lot. There were gas cans, old wood, air conditioner parts, metal posts and oil containers, old tires and lumber all over the lot. The exterior weatherization needs to be addressed and there is rotted wood on the structure. The wiring is also sub-standard. There is going to have to be an environmental clean-up on this property due to the leakage of oil and anti-freeze into the soil at various places on the lot. Electrical work was being done on the four-car garage, without a permit, and a stop-work order was issued. Bill Whitley, with the Code Enforcement Office, addressed the Board about the environmental issues at this property. He said due to the leakage on the ground, this would have to be cleaned up by an environmental type services. The oil will have to be removed and they will have to dig down into the ground to remove the soil with the oil contamination on it. He said criminal charges could be filed against the owner for this contamination. Staff recommends granting 30 days for a plan of action, or to complete the sale or for the owner to demolish the property. After a lengthy discussion among the Board members, Pamela Yungblut made a motion to grant the owner 30 days to obtain a permit to excavate and remove the environmental issues, and if not done, grant an additional 30 days to demolish the structure, remove debris and clear the lot, with the condition if the owner does not do this, the City will demolish the structure, remove debris, clear the lot and bill the owner. The motion was seconded by Matt Loudermilk and unanimously passed.</p>			

Case No.	Address & Description	Owner	Board Action
07-073	2109 Victoria (rear bldg. only) Lot 11, Blk. 43, College Heights Addn., Abilene, Taylor County, Texas	Abraham & Maria Delgado 1335 Verdun Dr. Houston, TX 77049	Granted 30 days to provide a plan of action, with written cost estimates, and if this is not done, the case will come back to the Board for demolition consideration at the August meeting.
<p>Mr. Prescott said this is a lot with two houses sitting on it. The second house was constructed years ago, without permits, and was partially destroyed by fire. People were trying to live in the burned house, and the City had to secure it. There is so much trash and debris on the lot, it can't be mowed. Mr. Prescott has spoken to the owner, and the owner wants to sell the burned house, which cannot be done without selling the front house also. Staff recommends granting 30 days for a plan of action. David Beard made a motion to grant the owner 30 days to provide a plan of action, with written cost estimates, and if this is not done, the case will come back to the Board for demolition consideration at the August meeting. The motion was seconded by Matt Loudermilk, and unanimously passed.</p>			

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Case No.	Address & Description	Owner	Board Action
07-074	934 Nelson Lot 14, Blk 3, Meadowbrook Addn, Abilene, Taylor County, Texas	Otto Vest Trust 4934 S. 7 th St. Abilene, TX 79605-2642	Granted 30 days to sell or demolish the structure, remove debris, clean the lot, with the condition that if owner fails to do this, the City is to demolish the structure, remove debris, clean the lot and bill the owner.
Mr. Prescott said the owner of this property is deceased and there is an attorney handling this matter. The attorney said he has a potential buyer for this property. The structure has rotted wood around the windows, the wood falling away from the house, the roof is starting to give away and the electrical system is held on with a towing strap. Mr. Prescott thinks someone is staying in the house on occasions. Staff recommends granting 30 days to complete the sale or demolish the structure. After discussion, Pamela Yungblut made a motion to grant the owner 30 days to sell or demolish the structure, remove debris, clean the lot, with the condition that if owner fails to do this, the City is to demolish the structure, remove debris, clean the lot and bill the owner.			

Case No.	Address & Description	Owner	Board Action
07-094	1249 Locust (garage only) Lot 14, 208 1, A, Watson & Russell OT, Abilene, Taylor County, Texas	James D. Quinney 1249 Locust Abilene, TX 79602-3934	The City is to immediately demolish the structure, remove debris, clean the lot and bill the owner.
Mr. Prescott advised the Board that this case consists of the garage only, although the front house was later condemned. He said the garage is being held up by the fence it is leaning against. He said the lot is very overgrown with weeds and limbs. Staff recommends ordering immediately demolition. After discussion, Matt Loudermilk made a motion to order the City to demolish the structure, remove debris, clean the lot and bill the owner. The motion was seconded by Pam Yungblut and unanimously passed.			

Case No.	Address & Description	Owner	Board Action
07-095	1142 Butternut Lot 6, Blk. 7, Bellevue Ridge, Davis Bros., Abilene, Taylor County, Texas	William K. & Jenny R. Hogan PO Box 3 Trent, TX 79561-0003	Granted 30 days to clear and clean the lot, including the mobile home, and if this is done, grant 30 days for a plan of action regarding the front house, with written 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 and have repairs inspected by the City.

Mr. Prescott said this building was a law office, a primary residence, storage shed/carport and a mobile home in the rear. Mr. Prescott said there is rotted wood on the carport, vagrants are getting in the mobile home constantly and the vagrants started a fire at the carport which resulted in a 3-alarm fire. The owner gets upset when she is contacted because she wants to know what the Abilene Police Department is not arresting these vagrants. There are beer bottles and trash all over the property. There are broken windows, rotted wood and the electrical system is substandard. Mr. Prescott said he met with the owner who told him they would get permits and demolish the garage area that burned. She did have the garage area demolished, but did not pull a permit to do this. Last year the owner also told Mr. Prescott the mobile home would be removed after the first of the year, but it is still there. Owner is requesting 180 days to repair the front property and demolish the mobile home. Staff recommends granting 30 days to clear and clean the lot, including the mobile home, and if this is done, grant 30 days for a plan of action regarding the front house, with written 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. After discussion, Pamela Yungblut made a motion to grant the owner 30 days to clear and clean the lot, including the mobile home, and if this is done, grant 30 days for a plan of action regarding the front house, with written 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 and have the repairs inspected by the City. Janet O'Dell seconded the motion and the motion unanimously passed.

Case No.	Address & Description	Owner	Board Action
07-099	250 Sammons (Garage & storage shed) Lot 12, Blk. 11, Scott Highway Place, Abilene, Taylor County, Texas	Wayne Archer 250 Sammons St. Abilene, TX 79605-1805	The owner signed a demolition consent and the City has demolished the structure. No action is necessary
No action is necessary since the building has been demolished by the City.			