

# Board of Building Standards Minutes

**March 4, 2015**

Public Notice having been posted, a regular meeting of the Board of Building Standards was held at 8:15 a.m., Wednesday, March 4, 2015, in the Council Chambers at City Hall, 555 Walnut, Abilene, Texas.

Board Members:	Steve Ellinger, Chairman	Present
	Alana Fletcher Maddox	Present
	Delbert Allred	Present
	David Beard	Present
	Anthony McColum	Present
	Lloyd Turner	Present
	DeAnn Yeilding	Present

Visitors:	Robert Gooch	Gary Corpian
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Staff Present:	Michael Moffitt, Code Enforcement Officer
	David Sartor, Building Official
	Kelley Messer, Legal Department
	Meagan Baker, Recording

1. The meeting was called to order by Steve Ellinger, Chairman, at approximately 8:15a.m.
2. Mr. Ellinger said the first order of business was the review and approval of the minutes of the February 4, 2015 meeting. Mr. Allred made the motion to approve, Mr. Turner seconded and it passed unanimously.

3. CASES FOR REHABILITATION OR DEMOLITION:

Michael Moffitt, Code Enforcement Officer, then rearranged the order in which the cases were to be heard by the Board to accommodate the citizens and/or owners in attendance waiting to speak about the properties they were interested in.

Case No.	Address & Description	Owner	Board Action
14-017	525 Chapel Hill Rd Western Hills, Block 5, Lot 14, Abilene, Taylor County, Texas	Terry Robbins 525 Chapel Hill Rd Abilene, TX 79605-2313-25	Declared property a nuisance and ordered property owner to demolish

Mr. Moffitt stated the owner of the trailer is deceased; therefore the occupant took advantage of the situation and stole all the metal off the trailer and reclaimed it for his personal use. The City has had to abate this property, removing all the trash and debris from the property. Date of condemnation was September 22, 2014. The current land owner is Carey Hiscock. Terry Robbins is the trailer owner, who is deceased. There was a time line given to the land owners of 30 days to complete demolition that was sent out on January 21, 2015. There has been no Plan of Action provided to staff. There was no permit obtained for demolition. There has been one citation issued. The progress on the property has been a partial demolition. Mr. Moffitt presented photographs of the property to the board. There was a stop work order issued for the demolition because there was no permit obtained. This is the first time this case has been before the board.

The staff recommendation is for the board to find that the property is a hazard to public health, safety, and welfare and is therefore a public nuisance, and then order the owner to demolish or appeal the order to district court within 30 days or the City may demolish.

After discussion, Mr. Allred moved to find that the property is a hazard to the public, health, safety and welfare and is therefore a public nuisance, and Mr. McColum seconded motion. The motion carried unanimously. Mrs. Maddox moved to order the property owner to demolish or appeal the order to District Court within 30 days or the City may demolish and Mr. Allred seconded, and the motion carried unanimously.

Case No.	Address & Description	Owner	Board Action
15-003	897 Grove JK Ross of H WARD, Block 1, Lot 15 & S10 of LT 14, Abilene, Taylor County, Texas	Paul M & Juanita Zinn 897 Grove Abilene, TX 79605-2836	Declared property a nuisance and ordered property owner to demolish

Mr. Moffitt stated that the date of condemnation was January 12, 2015. The deed transfer date to current owner was January 5, 1996. There has been no time line sent to the property owners. There has not been a Plan of Action submitted, no permits obtained, and no progress has been made. This is the first time this case has been before the board. On December 26, 2014 an investigation was performed by the City's Building Official for a fire that had fully involved the structure. The property was deemed a totally loss. An emergency demolition of the structure was ordered by the Fire Marshal. Mr. Zinn (property owner) spoke to Mr. Moffitt and informed him that he was going to clean up the property. Several weeks after Mr. Moffitt spoke with Mr. Zinn, no progress has been made. Mr. Moffitt presented photographs of the property to the board. After several complaints from surrounding neighbors about the debris, the City took action and constructed a fence around the property in order to contain the trash.

The staff recommendation is that the board finds the property is a hazard to public health, safety, and welfare and is therefore a public nuisance. Then order the owner to demolish or appeal the order to distract court within 30 days or the City may demolish.

After discussion, Mr. Turner moved to find that the property is a hazard to the public, health, safety and welfare and is therefore a public nuisance and Mr. McColum seconded and the motion carried unanimously. Mrs. Maddox moved to order the property owner to demolish or appeal the order to District Court within 30 days or the City may demolish and Mr. Allred seconded and the motion carried unanimously.

4. Mr. David Sartor stated that there is a request to leave the foundation, after the demolition of the structure at 217 N Treadaway. Mr. Sartor presented photographs of the property. The City Ordinance on a demolition of a structure requires that all footing, foundation, sidewalks, etc. be removed at the time the building is demolished. There is an option for a request to the Board of Building Standard to ask that the slab remain for some purpose. Mr. Sartor stated there used to be an old tin building that was on top of this slab. There are some voids in the slab that will need to be addressed if the board approves for the slab to remain. On the north side of the property, there is a drive ramp that was used to go into the building. Mr. Sartor's understanding is the owner wants the slab to remain for parking and delivery trucks. Mr. Ellinger asked Mr. Sartor if there was a need for the parking; also, will this be strictly for employee parking? Mr. Sartor stated that the owner would be better suited to speak on that question, but it is his understanding that it is for the purpose of employee parking and for delivery trucks. Mr. Ellinger asked if it is going to become a parking lot, does there have to be an approved approach? Mr. Sartor stated that there is not actually an approved approach coming off the street. Mr. Sartor stated that if the board did decide to allow this foundation to remain for parking proposes, that, in the motion, if there are any elements that need to be addressed, they would need to be included so the owner knows what the expectation and requirements are from the board. Mr. McColum asked if there was anything in the request that would deal with the fall hazard around the perimeter. Mr. Sartor stated that he does not recall anything in the request. He does not know the exact measurements but it is probably in between 24 to 30 inches. The Building Code does not require any kind of

guard rail if it is 30 inches or less. Mrs. Maddox asked if there was a staff recommendation. Mr. Sartor stated that there is not usually a staff recommendation for this situation; it is left up to the board's discretion.

Mr. Gooch stated the building that was there was demolished because the building started leaning. He was afraid that it might collapse on passing cars or pedestrians. Mr. Gooch stated that the reason for wanting to keep the slab is for the purpose of employee parking and loading cargo vans. Without this slab, it is difficult to load inventory. Mr. Gooch also stated, in the future, there is a plan to expand the company; therefore the slab will be removed at that time. Mr. Gooch provided the board with some pictures that shows without the slab what it takes to load the trucks. Mr. Gooch provided more pictures to the board showing how easy it is with the slab. Mr. Gooch stated that he has no objection to removing the slab; however, he would like to do it at a later date when they plan on expanding the company. Mr. Ellinger asked Mr. Gooch when he anticipated on the expansion of the company. Mr. Gooch stated that he is not sure how long that would take, possible within five years.

Mr. Gary Corpian spoke in favor of the request. He stated that in his opinion that the slab looks better than a vacant lot.

Mr. Moffitt stated that in his conversations with Mr. Gooch that they entertained the idea of partially removing the slab and leaving part of the slab that was needed for loading cargo. Mr. Moffitt stated that he has a concern about the thickness of the slab and what it will support. Mr. Ellinger asked Mr. Gooch if there were trucks parking on the slab prior to the building being demolished. Mr. Gooch stated that in the past, a roofing company was renting the building. They would drive the trucks in the building for loading purposes. Mr. Ellinger stated to Mr. Gooch that it would his responsibility find out if the slab was able to support the vehicles.

After discussion, Mrs. Maddox made the motion for the concrete slab to remain for the use of a parking lot, as long as it complies with all City Codes, Ordinances, and Building Codes; and to review this case in three years based on the owner's plans for expansion. Mr. Beard seconded and the motion carried with Mr. McColum opposing.

5. Mr. David Sartor stated that there is a request to leave the foundation, after the demolition of the structure at 541 Oak St. Mr. Sartor presented photographs to the board. He stated that the City Ordinance, on the demolition of a structure, requires that all footing, foundation, sidewalks, etc. be removed at the time the building is demolished. There is an option for a request to the Board of Building Standard to ask that the slab remain for some purpose. Mr. Sartor stated that the demolition has begun but has not been completed. There is an engineer assessment that states at least five foot of the foundation, were the building is attached to an adjoining building, is recommended to remain in place. Mr. Sartor provided that assessment to the board. There would have to be a stem wall at the edge of the five foot foundation. Without some kind of stem wall being extended, any under fill will eventually wash out and create a problem. Mr. Ellinger asked if there was something in the demolition permit that states they must provide an engineer's report for the remaining five foot of slab. Mr. Sartor stated, "If that five foot section was approved to remain then the board can ask for some kind of engineers design to maintain that structures stability." Mr. Corpian stated that he would like to have the entire slab remain for the purpose of parking. Mr. Corpain stated that the foundation has multiple levels but the intent would be to make it more level. Mr. Corpain stated that after speaking to the neighbor, the

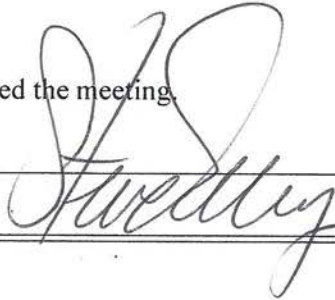
neighbor does not oppose leaving the entire slab. Mrs. Kelley Messer wanted to clarify with Mr. Corpain that he was requesting to leave the entire slab and not just the five feet per the engineer's assessment. Mr. Corpain stated, yes, his request was to leave the entire slab.

After discussion, Mr. Allred made the motion to table until the next meeting and Mr. Turner seconded and the motion carried unanimously.

Mrs. Kelley Messer stated to the board there is a settlement agreement in place. Mr. Corpain and the City has agreed that if demolition was completed by April 3, 2015 then the City will not pursue civil penalties, but if he fails to complete by April 3, 2015 then Mr. Corpain has agreed to judgment for the entire amount of the civil penalties.

Mr. Ellinger adjourned the meeting.

Approved:



, Chairman

Date: 01-07-15