

## Board of Building Standards Minutes

**April 1, 2015**

Public Notice having been posted, a regular meeting of the Board of Building Standards was held at 8:15 a.m., Wednesday, April 1, 2015, in the Council Chambers at City Hall, 555 Walnut, Abilene, Texas.

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

Visitors:	Riley Branch	Cory Clements
	Kerry Sims	Charles Seaborough
	Marliu Corpian	Gary Corpian
	Tony Ortiz	David Lane
	Alicia Smith	Alton Smith

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 March 4, 2015 meeting. Mr. Beard 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
04-052	5281 Taos Alameda Addn SEC 5, Block T, Lot 11., Abilene, Taylor County, Texas	Rosa Rodriguez 5358 Laguna Dr Abilene TX 79605	Table
<p>Mr. Moffitt stated that he had a meeting with the property owner a week prior. There have been substantial changes on the interior finishes. On December 3, 2014 the Board of Building Standards granted the property owner 60 days to bring property out of condemnation. The electrical permit was finalized out prior to the boards order. The property owner has had to change plumber multiple times due to plumber's not pulling permits. The mechanical system has been tested by a mechanical contractor and stated that it seems to be in working order. The interior finishes are near completion.</p> <p>Mr. Sims stated that he has had to change plumbers and electricians multiple times. Mr. Sims believes that he only has some minor touch up on the interior and the plumbing, and then this property will be out of condemnation. Mr. Ellinger asked Mr. Sims if he was clear on everything that needs to be done to bring this property out of condemnation. Mr. Sims stated he understands what needs to be done. Mr. Moffitt stated that this property will not be brought out of condemnation until a final inspection has been performed, and that will not be done until the plumbing and mechanical has been finalized out. Mr. Ellinger asked Mr. Sims if he would be able to get this property out of condemnation within 30 days. Mr. Sims stated that he could do that in 30 days.</p> <p>Staff recommendation for finding: (1) The owner, Rosa Rodriguez has received notice of the requirements of the Code for the Abatement of Dangerous Building and the current Minimum Standards for Building and Structures Division and was advised of his need to comply with those requirements.            (2) On 12/3/14 the board made the following order: 60 days to complete repairs.            (3) Owner has failed to comply with the order of the board and has failed to take action necessary for compliance with the ordinance.            Staff recommendation for order: The Board assess civil penalties in the amount of \$5,700.00, being \$50.00 per day from 12/4/14 to 4/1/2015.</p> <p>After discussion, Mr. Beard moved to table this property for 30 days and Mr. Turner seconded. The motion carried unanimously.</p>			

Case No.	Address & Description	Owner	Board Action
10-088	1818 Jefferies St North Park Addn, Block 26, Lot W100 E578.33 N100 2.3 AC TR, Abilene, Taylor County, Texas	Rosa Sims 5358 Laguna Dr Abilene TX 79605	30 days to bring property out of condemnation
<p>Mr. Moffitt stated on December 3, 2014 the Board of Building Standards granted the property owner 90 days to bring property out of condemnation. To date only the plumbing has been finaled out and the architectural finishes are less than 20 percent complete. Mr. Ellinger asked how far along is the project. Mr. Moffitt stated they are about 10 to 15 percent done.</p> <p>Mr. Sims stated that in one room, mold was found; therefore they are getting ready to demolish that particular room. Mr. Sims stated that sheet rock has been installed. All the holes have been covered in the structure. Mr. Sims stated he was going to have to hire another plumber due to the fact the original plumber failed to pull a permit. Mr. Ellinger asked Mr. Sims “what lacks for this property to come out of condemnation?” Mr. Sims answered “plumbing is the only thing lacking.” Mr. Ellinger asked this can be accomplished within 30 days. Mr. Sims stated that yes; he can bring this property out of condemnation in 30 days. Mr. Ellinger asked staff if this was indeed the fact, that only plumbing is lacking for this property. Mr. Sartor stated that there are no other permits pull for this property at this time.</p> <p>Staff recommendation for finding: (1) The owner, Rosa Sims has received notice of the requirements of the Code for the Abatement of Dangerous Buildings and the current Minimum Standards for Buildings and Structures Division and was advised of his need to comply with those requirements.</p> <p>(2) On 12/3/2014 the board made the following order: 90 days to complete repairs.</p> <p>(3) Owner has failed to comply with the order of the board and has failed to take action necessary for compliance with the ordinance.</p> <p>Staff recommendation for order: The Board assess civil penalties in the amount of \$5,700.00, being \$50.00 per day from December 4, 2014 to April 1, 2015.</p> <p>After discussion, Mr. McColum moved grant 30 day to bring property out of condemnation and Mr. Turner seconded. The motion carried unanimously.</p>			

Case No.	Address & Description	Owner	Board Action
11-022	871/873 Cedar St LTS 6 179 3 Radford ABL OT, Abilene, Taylor County, Texas	Antonio Ortiz 1025 S Willis St Abilene TX 79605	90 days to bring property out of condemnation

Mr. Moffitt stated the date of condemnation was May 10, 2011. The deed transfer date to the current owner is July 19, 2012. The original time frame that was sent to the owner was 30/60/60. On September 23, 2013 a Plan of Action was submitted and a building permit was obtained on that same day. Only a building permit has been obtained since that date and has since expired. There have been four citation issued to the property owner. Mr. Moffitt stated that some interior and exterior painting is all he has witnessed with progress. Mr. Moffitt stated that within the last month the property owner has been working on the property. Mrs. Kelley Messer stated that a new order is needed for this case before civil penalties could be assessed.

Mr. Beard moved to untable this case and Mr. McColum seconded and the motion carried unanimously.

Mr. Ortiz stated that they have indeed started working on this property. All the interior and exterior has been painted. There were foundation problems and that has been taken care. Mr. Ortiz stated that the only issues left is plumbing and an electrical trim out on the interior. Mr. Ortiz stated that he was not aware that the permits expire. Mr. Ellinger asked Mr. Ortiz if he could have this property out of condemnation in 90 days. Mr. Ortiz stated that would feel more comfortable with 6 months because he going to have a hard time with getting contractors.

The staff recommendation is grant owner 90 days to bring out of condemnation or civil penalties may be assessed.

After discussion, Mr. Turner moved grant property owner 90 days to bring out of condemnation and Mr. McColum seconded. The motion carried unanimously.

Case No.	Address & Description	Owner	Board Action
12-036	209 Amarillo St Harris Addn Outlot 1 Barrett of Harris, Block 16, Lot N60Ft, S315Ft, E121Ft, LT1, Abilene, Taylor County, Texas	Alton & Alicia Smith PO Box 4139 Abilene TX 79608	Assess civil penalties in the amount of \$8,500 being \$75 per day from 12/4/2015 to 4/1/2015

Mr. Moffitt stated on December 3, 2014 the Board of Building Standards granted the property owner 60 days to bring the property out of condemnation. Mr. Moffitt stated not much progress has been made on the interior. There has been some plumbing and electrical work done. Mr. Moffitt stated that with the amount of time and given their known resources and the ability to do the work, he has not seen any progress. To date only the electrical rough end has been completed. The architectural finishes are only about 30 percent complete.

The staff recommendation for finding: (1) The owners, Alton & Alicia Smith have received notice of the requirements of the Code for the Abatement of Dangerous Building and the current Minimum Standards for Buildings and Structures Division and was advised of his need to comply with those requirements. (2) On 12/3/2014 the board made the following order: 60 days to complete repairs. (3) Owner has failed to comply with the order of the board and has failed to take action necessary for compliance with the ordinance.

Staff recommendation for order: move the board to assess civil penalties in the amount of \$8,500.00, being \$75.00 per day from December 4, 2014 to April 1, 2015.

Mr. Smith stated that all the sheet rock has been installed. The plumbing has progressed. The debris that has on the outside of the property has been cleaned up. Mr. Smith wanted to know why the board would assess penalties for trying to do a job. Mr. Smith asked Mr. Moffitt how he knows about his known resources. Mr. Ellinger stated he wanted Mr. Smith to address the board. Mr. Ellinger expressed to Mr. Smith that this is his opportunity to explain to the board why he has failed to comply with the boards order. Mr. Smith wanted to address the \$75.00 a day fine, he feels this is not helping him. Mr. Ellinger stated that fine is because Mr. Smith has failed to follow the boards order. Mr. Smith stated that he would appeal this to the county. Mr. Smith stated that the board is breaking a state law. Mr. Ellinger stated that if Mr. Smith was not going to address this case, he was going to end the testimony.

After discussion, Mr. McColum moved to follow staff's recommendation for findings and the order of civil penalties and Mr. Turner seconded. The motion carried unanimously.

Case No.	Address & Description	Owner	Board Action
12-043	424 Elm Creek Rd AO349 20 A Thompson Tract 2 (Hagar Add) Acres 1.9, Abilene, Taylor County, Texas	Alton & Alicia Smith PO Box 4139 Abilene TX 79608	90 days to bring property out of condemnation

Mr. Moffitt stated on December 3, 2014 the Board of Building Standards granted the property owner 60 days to bring property out of condemnation. There have been no interior finishes made since the last meeting. There has only been an electrical rough end inspection, no other permits have been obtained. The architectural finishes are only 20 percent complete.

The staff recommendation for finding: (1) The owners, Alton & Alicia Smith have received notice of the requirements of the Code for the Abatement of Dangerous Building and the current Minimum Standards for Buildings and Structures Division and was advised of his need to comply with those requirements. (2) On 12/3/2014 the board made the following order: 60 days to complete repairs. (3) Owner has failed to comply with the order of the board and has failed to take action necessary for compliance with the ordinance.

Staff recommendation for order: move the board to assess civil penalties in the amount of \$11,400.00, being \$100.00 per day from 12/4/2014 to 4/1/2015.

Mrs. Smith stated they have not made much progress to this property. Mrs. Smith stated that they have a lot of properties in Abilene, and there was recently a fire to one of those properties. Mrs. Smith stated they have hired an electrical contractor and he has rewired all the electrical. The sheet rock is going to be installed soon. At the last meeting, Mrs. Smith requested 120 days and that requested was denied. Mrs. Smith feels that there should no problem with giving them more time, because this property is secluded from other residence. There has been new siding and a new roof installed. Mrs. Maddox asked when they purchased this property. Mrs. Smith stated they purchased this property in 2012. Mr. Ellinger asked Mrs. Smith how long it will take to bring this property out of condemnation. Mrs. Smith stated in her opinion that they would need 60 days. Mr. Moffitt stated that plumbing and mechanical still need to be inspected.

After discussion, Mr. Beard moved grant property owner 90 days to bring property out of condemnation and Mrs. Maddox seconded. The motion carried unanimously.

4. Mr. Turner moved to untable this case and Mr. McColum seconded and the motion carried unanimously.

Mr. David Sartor stated that there is a request to leave the foundation, after the demolition of the structure at 541 Oak St. The City Ordinance on a demolition of a structure requires that all footing, foundation, sidewalks, ect. be removed at the time of 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. The main reason for the request to have the foundation remain is in the engineer assessment a minimum of 5 foot of foundation needed to remain for the structural stability of a common wall. The foundation had many variations in height. This has to come before the board

for the five foot of the slab to remain, and the board would have to take action on that. Mr. Sartor stated that it is his understanding that Mr. Corpain wanted to keep other portions of the slab for a parking lot. Mr. McColum asked if there was a design on what he would have to do to support the five foot that would remain. Mr. Sartor stated that he does not recall it being discussed but that is something that Building Inspections would have to request something from the engineer.

Mr. Seaborough stated that the building is down and Mr. Corpain has removed sixteen 40-yard containers to the City landfill. He has also had fifty four 20-yard dump trucks with about 15 tons hauled off. Mr. Seaborough stated the Mr. Corpian will speak on the problems that he has run into with the slab. Mr. Seaborough stated that they need more time and he believes that the best idea would be to table this case until the next meeting. Mr. Ellinger stated that the issue with the foundation, in his opinion there needs to be some additional engineering work done. Mr. Ellinger stated that he really does appreciate the work that has been done. Mr. Ellinger stated that he does have a little concern with property owner wanting to leave the slab for additional parking. Most of the time there is no need for additional parking. Mr. Seaborough stated in that regard, having the engineer come look at the slab and give them some suggestions would a good idea. Mr. Ellinger stated that because the board is seeing progress, they would be willing work with them.

Mr. Corpain stated for the last couple of months, him and his wife have been working hard on this project. Mr. Corpain stated that they have to deal with three and four layers of concrete on the building. Mr. Corpain stated that he would like to get the property cleaned up and come back before the board next month.

After discussion, Mrs. Maddox made the motion to table until May 6th and Mr. McColum seconded. The motion carried unanimously.

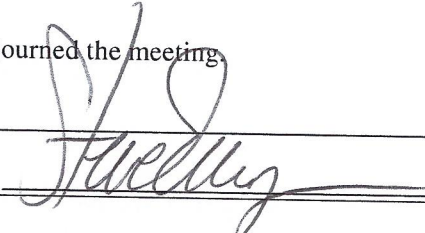
5. Mr. David Sartor stated that there is a request to leave the driveway, after the demolition of the structure at 1457/1459 Yeomans. The City Ordinance on a demolition of a structure requires that all footing, foundation, sidewalks, ect. be removed at the time of the building is demolished. There is an option for a request to the Board of Building Standard to ask that the driveway remain for some purpose. Mr. Sartor stated that the structure was destroyed by a fire. The left and right walls on the second floor were hinged out several feet and the roof collapsed. After the insurance company came out to assess the structure, the owner moved to demolish the structure. The structure has been demolished but the owner did leave the driveway. The owner is making the request to leave the driveway for the potential purpose of rebuilding another duplex on this lot. A question was raised in the staff meeting regarding the width of the approach for any future structure. Planning and Zoning was consulted to verify if there would be a problem in the future. The approach is approximately 27 feet wide and the current zoning ordinance would only allow an approach to be a maximum of 20 feet wide. Mr. Turner asked if he was understanding right that the property may or may not rebuild on this property. Mr. Sartor stated that is his understanding and the property owner is present to speak more that.

Mr. Lane stated this is the first time he hearing about the issues with the approach. Mr. Lane stated that on March 5<sup>th</sup> he received a phone call saying that the property was on fire. The fire department was unable to enter the structure because it was a hazard. It was his understanding that the structure did need to be demolished. The insurance company did not allow Mr. Lane to

demo the structure as quickly as he would have like but it has been recently demolished. The company that demolished the structure and Mr. Lane both agreed that if the intension of the lot was to rebuild another structure, there was no need to remove the driveway. Mr. Ellinger asked if there was time frame for rebuilding another structure. Mr. Lane stated that he waiting on the adjuster so he can find out how much it's going to cost to rebuild.

After discussion, Mr. Beard made the motion to allow the property owner to keep the driveway for a year and Mr. Turner seconded. The motion carried unanimously.

Mr. Ellinger adjourned the meeting.

Approved:  \_\_\_\_\_, Chairman Date: 05.06.15