

## Board of Building Standards Minutes

June 1, 2016

Public Notice having been posted, a regular meeting of the Board of Building Standards was held at 8:15 a.m., Wednesday, June 1, 2016, in the Council Chambers at City Hall, 555 Walnut St, Abilene, Texas.

Board Members:	David Beard, Chairman	Present
	Wayne Paris	Present
	Delbert Allred	Present
	Anthony McColum	<del>Absent</del> ABSENT
	Lloyd Turner	Present
	DeAnn Yeilding	Present
	Wayland Schroeder	Present

Visitors:	Bruce Kreitler	Robert Brannon
	Gary Corpian	Mary Lou Corpian
	Elizabeth Mendoza	Ernesto Mendoza

Staff Present: Van Watson, Building Official  
Michael Moffitt, Code Enforcement Officer  
Chace Craig, Legal Department  
Meagan Baker, Recording

1. Mr. Beard stated, the first order of business was the review and approval of the minutes from the April 6, 2016 meeting. Mr. Beard noted to make a correction for the date of the meeting; however, the change needed to be made to the agenda, not the April 6, 2016 minutes. Correction has been made. Mr. Allred made the motion to approve, Mr. Turner seconded and the motion passed.

2. Executive Session

The Board of building Standards reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas government Code. Section 551.071 (Consultation with Attorney)

3. CASES FOR REHABILITATION OR DEMOLITION:

Mr. Michael Moffitt, Code Enforcement Officer, 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
07-022	541 Oak St OT ABILENE TIF #1, BLOCK 89, LOT 7&S1/2 LT 8, Abilene, Taylor County, Texas	Corpian, Gary Lee & Marilu Lee 70 Castle Dr Abilene TX 79602	Deny request, reaffirm prior order

Mr. Michael Moffitt stated there are various levels of the existing foundation. In cases where property owner is requesting to leave a slab, the staff will not submit a recommendation to the board. The board is either to deny or approve the request.

Mr. Gary Corpian stated, after speaking with individuals within the City, there will be some sort of agreement made on this case. Mr. Corpian believes it would be safer to leave the slab, and this is why he has not completed the demolition. Mr. Corpian would like to level the lot, install a privacy fence and use the property for parking. In the original report, an engineer stated that at least five foot of the slab needed to remain to secure the adjoining building. After the demolition of the structure, Mr. Corpian contacted the engineer to perform an assessment on the remaining foundation. Mr. Perry Haynes explained in a letter, five foot of the foundation needs to remain but extreme caution needs to be used when removing the rest of the foundation.

After discussion, Mr. Schroeder moved to deny request to allow the slab to remain, reaffirm prior order and Mr. Turner seconded. The motion carried with Mr. Paris abstaining.

Case No.	Address & Description	Owner	Board Action
15-011	902 N 7 <sup>th</sup> St OT ABILENE, BLOCK 147 (WISE-2), LOT LTS 21-22, Abilene, Taylor County, Texas	Waddell Entreprises LP 3449 S 10th St Abilene TX 79605	Approved to leave the slab.

Mr. Moffitt stated this case is a request from the property owner to leave the slab. The slab in question is on the interior of the structure. The demolition of the structure has not been performed at this time; however, a demolition permit has been obtained. Mr. Moffitt stated, after walking through the property the slab is in excellent condition. At one time, this property was a motorcycle repair shop. Mr. Moffitt explained to the board, the current owners have obtained a demolition permit per the condemnation requirements. Current owners have entered into a sale agreement and the new owner will be making the request to leave the slab on the owners behalf. Mr. Beard stated he has some apprehension on allowing to leave the slab prior to the completion of the demotion.

Mr. Robert Brannon explained to the board, he and his wife wanted to open a small business. Mr. Brannon stated the reason he wanted to purchase the property was because of the slab. The slab will be used for everyday business, tables for citizens will be on the slab. Mr. Brannon has contacted a construction company and they are aware the integrity of the slab needs to remain. Mr. Beard asked if there was going to be another structure built on the slab. Mr. Brannon stated no, there might be an awning placed over the slab. Mr. Brannon stated he would have to put in a bathroom.

After discussion, Mr. Schroeder moved to allow the slab to remain and Mrs. Yeilding seconded. The motion carried with Mr. Paris and Mr. Turner opposing.

Case No.	Address & Description	Owner	Board Action
15-019	2017 S 3 <sup>rd</sup> St BOULEVARD PARK, BLOCK 4, LOT 22, Abilene, Taylor County, Texas	Mendoza, Ernesto & Elizabeth 2518 Crescent Dr Abilene TX 79605	Denied request to leave slab.
<p>Mr. Moffitt stated this is another request by the property owner to leave the slab. There has been partial demolition to the structure on the property. Mr. Beard asked if there was a future use of the slab. Mr. Moffitt believes that property owners are wanting to park/store their RV on the slab. Mr. Paris asked if there was an obligation for the property owner to build a fence around the property. Mr. Moffitt explained there is no obligation to build a fence, the owner wants to do this for security purposes.</p> <p>Mrs. Elizabeth Mendoza stated the walls from the structure will be removed, but they would like to keep the slab. Mr. Beard asked if there was a timeline on when the demolition would be complete. Mr. Moffitt stated they would have six months from the date the permit was obtained. Mr. Ernesto Mendoza explained to the board the RV is being used to go back and forth to work, out of town. The RV will be stored on the slab when not being used. Mr. Mendoza explained the RV will not be parked on the slab permanently, just when RV is not in use.</p> <p>After discussion, Mr. Allred moved to deny the request to leave the slab and Mr. Paris seconded. The motion carried.</p>			

Case No.	Address & Description	Owner	Board Action
15-018	174 Maxwell B A DOWDY OF MAXWELL PLACE, LOT 2, Abilene, Taylor County, Texas	Brown, Dalton A %Fred Beall 761 Arnold Blvd Abilene TX 79605	Declared property a nuisance and ordered property owner to demolish structure, appeal the order, or City may demolish.

Mr. Moffitt stated since the date of condemnation, there has not been any communication with the property owner. It is the understanding of Mr. Moffitt, the owner is deceased. There is a surviving nephew of the property owner; however, he has no interest in the property.

**Staff recommendation:**

**Findings:** The property is a hazard to the public health safety and welfare and is therefore a public nuisance.

Pursuant to the below cited sections of the Municipal Code of the City of Abilene, TX.

- (1) Inadequate Sanitation, Chapter 8; Sec. 8-554 (1), (d,e,f)
- (2) Structural Hazards, Chapter 8; Sec. 554 (2), (g)
- (3) Nuisance, Chapter 19, Sec. 15, (d)
- (7) Faulty Weather Protection, Chapter 8; Sec. 8-554 (7), (b,c,d)
- (9) Faulty Materials of Construction, Chapter 8; Sec. 8-554 (9), (a)

**Order:**

The owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish.

After discussion, Mr. Allred moved to declare the property a public nuisance and Mr. Paris seconded. The motion carried. Mr. Turner moved to order the property owner to demolish structure or appeal the order, or the City may demolish and Mr. Schroeder seconded. The motion carried.

Case No.	Address & Description	Owner	Board Action
15-034	1389 Pecan St OT ABILENE BLK 208 JOHN TOUHY 3-4 F, LOT 5, Abilene, Taylor County, Texas	McFarland, Kenneth 9212 Sunny Side Rd Hempstead TX 77445	Declared property a nuisance and ordered property owner to demolish structure, appeal the order, or City may demolish.

Mr. Moffitt stated this property is the same situation as the previous case. There has been no communication with the property owner. Mr. Moffitt cannot confirm if the property owner is deceased or alive. Staff has done their due diligence with trying to locate anyone that may have interest in the property. The City has been maintaining this property with mowing and making sure the property is secured. Mr. Moffitt explained at the time of condemnation, the structure was full of belongings. At some point, everything within the house was gone, possibly stolen.

**Staff recommendation:**

**Findings:** The property is a hazard to the public health safety and welfare and is therefore a public nuisance.

Pursuant to the below cited sections of the Municipal Code of the City of Abilene, TX.

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**Order:**

The owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish.

After discussion, Mr. Allred moved to declare the property a public nuisance and Mr. Turner seconded. The motion carried. Mr. Turner moved to order the property owner to demolish structure or appeal the order, or the City may demolish and Mr. Schroeder seconded. The motion carried.

Mr. Beard adjourned the meeting.

Approved: David D Beard, Chairman Date: 8-3-16