

**BOARD OF BUILDING STANDARDS
MEETING MINUTES
July 07, 2021 8:15 a.m.
BOARD OF BUILDING STANDARDS OF THE CITY OF ABILENE, TEXAS
COUNCIL CHAMBERS, CITY HALL**

Members Present: Mr. David Beard, Chairman
Dr. Wayne Paris
Mr. Delbert Allred
Mr. Anthony McColum
Mr. Gary Webb
Mr. Wayland Schroeder

Staff Present: Mr. Michael Rice, Assistant City Manager
Mr. Tim Littlejohn, Assistant Director of Planning and Development
Services / Building Official
Mr. Van Watson, Assistant Building Official
Mr. Chace Craig, Assistant City Attorney
Mr. Clay Door, Community Enhancement Division Manager
Mr. Josh Mares, Code Compliance Officer
Mr. Richard Dendinger, Code Compliance Officer
Mr. Christopher Raish, Code Compliance Officer
Mr. Robert Marsh, Code Compliance Officer
Mr. Ricky Wright, Code Compliance Officer
Ms. Catina Betoncur, Office Assistant III

Others Present: Ron Kinder
Colton Turman
Richard Turman
Guy Vivion

CALL TO ORDER

Mr. Beard called the meeting to order at 8:15 a.m. and Ms. Betoncur recorded the minutes. A quorum of members was present, and the meeting proceeded.

APPROVAL OF MINUTES

The minutes of the last meeting, June 02, 2021, were provided in advance to Board Members for review.

Mr. Webb made a motion to approve the minutes as written and was seconded by Dr. Paris, motion carried.

AYES: Dr. Paris, Mr. Webb, Mr. Beard

NAYS: None

ABSTAIN: Mr. Allred, Mr. McColum, Mr. Schroeder

AGENDA ITEMS & PUBLIC HEARINGS

Case for Rehabilitation, Demolition, or Civil Penalties- Case No. 20-003908: 2433 Walnut St. (O C HOWELL OF NORTH PK 3,4 & 12-14, BLOCK 2, LOT 11 & N1/2 LT 10), Owner: Estes, Bernarda De Leon

Mr. Mares presented the case, staff recommendations are as follows:

Order: Owner to repair – 30 days to obtain all permits and provide a plan of action including a time frame for repair and cost estimates, and if this is done, 60 days to obtain rough in inspections, and if this is done all final inspections shall be completed by the expiration of all permits.

Pursuant to Chapter 8; Sec. 8-554 the following conditions exist:

- (1) Inadequate Sanitation Chapter 8; Sec. 8-554 (d, e, f, & l)
- (2) Structural Hazard Chapter 8; Sec. 8-554 (d & g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring Chapter 8; Sec. 8-554
- (5) Hazardous plumbing Chapter 8; Sec. 8-554
- (7) Faulty weather protection Chapter 8; Sec. 8-554 (b, c, d)

Mr. Mares stated that there were no active permits and the owner has not been in contact with him.

A question was asked by the Board if return mail was received.

Mr. Mares stated that he received mail with the yellow return to sender label.

The Board stated that the property has grown up more than what was indicated in the pictures.

Mr. Mares said that he sent a mowing order request to have the grass cut.

Public Hearing:

Mr. Beard opened the public hearing. There being no speakers, Mr. Beard closed the public hearing.

Mr. Webb made a motion to order the owner to repair, 30 days to obtain all permits and provide a plan of action including a time frame for repair and cost estimates, and if this is done, 60 days to obtain rough in inspections, and if this is done all final inspections shall be completed by the expiration of all permits and was seconded by Mr. Allred, motion carried.

AYES Dr. Paris, Mr. Allred, Mr. McColum, Mr. Webb, Mr. Schroeder, Mr. Beard

NAYS: None

Case for Rehabilitation, Demolition, or Civil Penalties- Case No 21-001059: 1734 N 5th St. (E55 W205 S146 182 1 OT ABL N 300 L 1), Owner: Vivion, Guy & Debra K

Mr. Mares presented the case, staff recommendations are as follows:

Finding: The property is a public nuisance in that it is a hazard to the public health, safety and welfare and repair of the structure would be unreasonable.

Pursuant to Chapter 8; Sec. 8-554 the following conditions exist:

- (1) Inadequate Sanitation Chapter 8; Sec. 8-554 (d, e, f, & l)
- (2) Structural Hazard Chapter 8; Sec. 8-554 (d & g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring Chapter 8; Sec. 8-554
- (5) Hazardous plumbing Chapter 8; Sec. 8-554
- (7) Faulty weather protection Chapter 8; Sec. 8-554 (b, c, d)

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

Public Hearing:

Mr. Beard opened the public hearing.

Guy Vivion (815 Beech St), owner of the property, spoke about the status of the property. He planned to rehab the property, but the cost was a factor. He stated he was repairing the property. He talked about there being options which may include scheduling a demolition.

The Board asked Mr. Vivion how long he had the property and if property had been rented out.

Mr. Vivion stated that he owned it since 2004, and it was rented out until Covid and the renter left, and squatter moved in. Mr. Vivion stated that he was not able to have the squatters removed also due to Covid. He also stated that the squatters moved in and destroyed the property.

There being no other speakers, Mr. Beard closed the public hearing.

Mr. Allred made a motion to order the owner to repair, 30 days to obtain all permits and provide a plan of action including a time frame for repair and cost estimates, and if this is done, 60 days to obtain rough in inspections, and if this is done all final inspections shall be completed by the expiration of all permits and was seconded by Mr. McColum, motion carried.

AYES Dr. Paris, Mr. Allred, Mr. McColum, Mr. Webb, Mr. Schroeder, Mr. Beard

NAYS: None

Case for Rehabilitation, Demolition, or Civil Penalties- Case No 21-001060: 789 Ross Av. (PARK HEIGHTS ABL, BLOCK 4, LOT 7), Owner: Griffin, Margaret Beth

Mr. Mares presented the case, staff recommendations are as follows:

Finding: The property is a public nuisance in that it is a hazard to the public health, safety and welfare and repair of the structure would be unreasonable.

Pursuant to Chapter 8; Sec. 8-554 the following conditions exist:

- (1) Inadequate Sanitation Chapter 8; Sec. 8-554 (d, e, f, & l)
- (2) Structural Hazard Chapter 8; Sec. 8-554 (d & g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring Chapter 8; Sec. 8-554
- (5) Hazardous plumbing Chapter 8; Sec. 8-554
- (7) Faulty weather protection Chapter 8; Sec. 8-554 (b, c, d)

Mr. Mares explained that the structure was in a house fire.

The Board wanted to know if the owner has been contacted.

Mr. Mares explained that the owner is deceased and no heirs are listed from the research that was conducted.

The Board inquired if the owner was deceased prior to the fire.

Mr. Mares said no. He explained that the owner was in a nursing home when the fire occurred, and the former occupant had no rights to the property.

Public Hearing:

Mr. Beard opened the public hearing. There being no speakers, Mr. Beard closed the public hearing.

Mr. Webb made a motion to that the property is a nuisance, in that is a hazard to the public health, safety and welfare and repair of the structure would be unreasonable, and was seconded by Mr. Allred, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. McColum, Mr. Webb, Mr. Schroeder, Mr. Beard

NAYS: None

Mr. Webb made a motion that the owner is ordered to demolish or appeal the order to district court within thirty days or the City may demolish, and was seconded by Mr. Allred, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. McColum, Mr. Webb, Mr. Schroeder, Mr. Beard

NAYS: None

Case for Rehabilitation, Demolition, or Civil Penalties- Case No 21-001109: 1933 Vogel (WEST UNIVERSITY PLACE, BLOCK 4, LOT 5), Owner: Remmers, Bobby Lee

Mr. Mares presented the case, staff recommendations are as follows:

Finding: The property is a public nuisance in that it is a hazard to the public health, safety and welfare and repair of the structure would be unreasonable.

Pursuant to Chapter 8; Sec. 8-554 the following conditions exist:

- (1) Inadequate Sanitation Chapter 8; Sec. 8-554 (d, e, f, & l)
- (2) Structural Hazard Chapter 8; Sec. 8-554 (d & g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring Chapter 8; Sec. 8-554
- (5) Hazardous plumbing Chapter 8; Sec. 8-554
- (7) Faulty weather protection Chapter 8; Sec. 8-554 (b, c, d)

Mr. Mares informed the Board that the property was in a fire and that no permits were pulled. He also informed the Board that on June 30th, he received a call from an interested buyer of the property. Mr. Mares advised the interested buyer to make contact with the owner.

A question was asked by the Board about why the property had been left in this condition since 2017, and why it has not been brought to the Board until now.

Mr. Mares stated that the complaint that was opened in November of 2020 was for a dilapidated structure, and that then the status was moved to the condemnation program in May (2021).

Mr. Mares explained to the Board that the heir does not have the deed in her name, and the property hasn't been changed to her name.

Public Hearing:

Mr. Beard opened the public hearing.

Mr. Richard Turman (809 Washington Blvd) spoke about his interest in purchasing the property. He has fixed up 3 condemned houses including two with fire damage and would like to "get the ball rolling." His plan is to rehab this house.

The Board explained to Mr. Turman the procedure and timeline for the 30/60 order.

Mr. Ron Kinder (1318 Sewell) also spoke in support of rehabbing the property. He stated there have been vagrants and varmints living in the home. He stated that the neighborhood is being cleaned up and the something quick needs to be done about the property.

There being no other speakers, Mr. Beard closed the public hearing.

The Board posed a question to legal counsel about sending notice to deceased owners.

Mr. Craig explained that the Staff has recorded the Board orders into the real property records of the county the property is located. The order that runs with the property speed up the timelines and prevents the whole process from starting all over again in the event of a new owner.

The Board posed a question to legal counsel about the 90 day minimum requirement for a title transfer to be expedited.

Mr. Craig confirmed that 90 days is the minimum amount of time to expedite title transfer by the heir to sell the home.

The Board explained to Mr. Turman the procedures on condemned house.

Mr. Beard suggested that the case be tabled to allow the progress of the negotiations between the current owner and a new owner. The Board could the wait on a negotiations report.

Mr. Allred made a motion to table the case until the next meeting. Mr. Schroeder seconded the motion, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. McColum, Mr. Webb, Mr. Schroeder, Mr. Beard

NAYS: None

Case for Rehabilitation, Demolition, or Civil Penalties- Case No 21-001110: 2158 Lillius St. (SEARS PARK, BLOCK 35, LOT 3), Owner: Dulaney, Alan

Mr. Mares presented the case, staff recommendations are as follows:

Finding: The property is a public nuisance in that it is a hazard to the public health, safety and welfare and repair of the structure would be unreasonable.

Pursuant to Chapter 8; Sec. 8-554 the following conditions exist:

- (1) Inadequate Sanitation Chapter 8; Sec. 8-554 (d, e, f, & l)
- (2) Structural Hazard Chapter 8; Sec. 8-554 (d & g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring Chapter 8; Sec. 8-554
- (5) Hazardous plumbing Chapter 8; Sec. 8-554
- (7) Faulty weather protection Chapter 8; Sec. 8-554 (b, c, d)

Mr. Mares updated the case and informed the Board that the owner applied for a demolition permit on Tuesday, July 6th.

The Board has a question about the validity of the 30/60 order if the there is a demolition permit.

Mr. Mares also informed the Board that the 30/60 order is still valid and will benefit the new owner if the current owner does not follow through on the demolition. He also informed the Board that there was a For Sale sign on the property.

Public Hearing:

Mr. Beard opened the public hearing. There being no speakers, Mr. Beard closed the public hearing.

The Board had discussion about tabling the case and giving the new owner an opportunity to comply with the order.

The Board asked how long the demolition permit is valid.

Mr. Mares replied that the permit was good for six months.

Mr. Allred made a motion to table the case until the next meeting. Mr. Webb seconded the motion, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. Webb, Mr. Schroeder, Mr. Beard

NAYS: Mr. McColum

ADJOURNMENT

There being no further business to come before the hearing, the Board of Building Standards meeting was adjourned at 9:09 a.m.

X 

Approved, Chairman