

**BOARD OF BUILDING STANDARDS  
MEETING MINUTES  
September 01, 2021 8:15 a.m.  
BOARD OF BUILDING STANDARDS OF THE CITY OF ABILENE, TEXAS  
COUNCIL CHAMBERS, CITY HALL**

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

**Staff Present:** Mr. Michael Rice, Assistant City Manager  
Mr. Tim Littlejohn, Interim Director of Planning and Development  
Services / Building Official  
Mr. Van Watson, Assistant Building Official  
Ms. Kelley Messer, Assistant City Attorney  
Mr. Clay Door, Community Enhancement Division Manager  
Mr. Josh Mares, Code Enforcement Officer  
Mr. Robert Marsh, Code Enforcement Officer  
Mr. Robert Norton, Code Enforcement Officer  
Ms. Heather Fears, Permit Technician

**Others Present:** Mr. James M. Blancq  
Mr. Guy Vivion

**CALL TO ORDER**

Mr. McColum called the meeting to order at 8:17 a.m. and Mr. Marsh recorded the minutes. A quorum of members was present, and the meeting proceeded.

**APPROVAL OF MINUTES**

The minutes of the last meeting, August 04, 2021, were provided in advance to Board Members for review.

**Mr. Allred made a motion to approve the August minutes as written and was seconded by Dr. Paris, motion passed.**

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

NAYS: None

ABSTAIN: Mr. Webb

## AGENDA ITEMS & PUBLIC HEARINGS

**Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 20-003187:** 342 Hawthorne St. (ELMWOOD WEST SEC H, BLOCK 5, LOT 1 & S30 OF 2), Owner: Brashhear, Carole J.

Mr. Mares informed the Board that this case will be removed from the agenda per city legal staff.

**Case for Rehabilitation, Demolition, or Civil Penalties- Case No. 20-003772:** 1534 Park Ave. (ARTHEL HENSON OUTLOT 33, BLOCK N LOT 14), Owner: Joan Wood Cook

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

- Pursuant to Chapter 8; Sec. 8-554 the following conditions exist:
- (1) Inadequate Sanitation Chapter 8; Sec. 8-554 (d, e, f, & i)
  - (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: 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.

A question was asked by the Board if the owner is deceased and if there is record of any heirs. Staff confirmed through county records that owner is deceased and a son to property owner was contacted but stated he did not have any right of ownership of the property and further stated when he was informed of the condition of the property and that property had been unsecured he said he did not want anything to do with the property because he felt it is unsafe. He was asked if he was going to get ownership of property and he said he has no funding or means to do so. Mr. Mares further explained that an extensive search was conducted to locate heirs, a will, or probate record and nothing was found.

### Public Hearing:

Mr. McColum opened the public hearing. There being no speakers, Mr. McColum closed the public hearing and opened the floor for discussion.

The board stated that when the city demolishes a property that does not hinder an heir's ability to take ownership of the land and proposed finding the property is a public nuisance because there are no heirs, but if an heir decided to claim ownership after demolition they would be able to. There is no reason to give a 30/60 order to repair.

The Board asked Ms. Messer if an heir verbally says they do not want responsibility for a property does that absolve the heir from responsibility for the property? Ms. Messer's response was they do not know if he has responsibility or not, what needs to be addressed by the board is whether the property is a public nuisance or not.

Dr. Paris made a motion that 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. Seconded by Mr. Schroeder.

**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.

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

NAYS: None

Motion passed.

Dr. Paris made a motion that the owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish. Seconded by Mr. Allred and Mr. Schroeder.

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

NAYS: None

Motion passed.

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

**Case for Rehabilitation, Demolition, or Civil Penalties- Case No. 21-000749:** 1310 Hickory St. (LT 4 204 3 D STEFFENS & LOWDEN OT ABL), Owner: Blancq, Elizabeth

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

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: Owner to repair – 30 days to obtain all permits and provide a plan of action including a timeframe 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.

The Board asked about date of utilities shut-off and if we could assume no one has lived in property since utilities were shut off in 2016. Mr. Mares confirmed utility service has been shut off since 2016 and we can only assume no one has lived on property since then. The Board asked if Mr. Blancq becomes the property owner since he is the widower of the deceased property

owner. Ms. Messer replied, based on what has been presented in the hearing, the property has not been transferred to Mr. Blancq. The property has to go through legal process or probate in order to be transferred to Mr. Blancq since it was only in Mrs. Blancq's name. The Board commented that the case should be tabled since there is currently no owner.

Mr. Mares explained the purpose of the 30/60 staff recommendation is to give time to Mr. Blancq to get the property transferred to his name so Mr. Blancq could obtain a repair or demo permit and to create a public record with the county clerk that action needs to be taken on this property. Further, the case needed to be presented to the board to determine whether the property is a public nuisance, or follow staff recommendation of 30/60 to repair, regardless of ownership. The Board asked if Mr. Blancq has shown interest in acquiring the property. Mr. Mares replied that he has and he would like to own the lot if the property got demolished and he would make an effort to try to get property transferred to his name.

**Mr. McColum opened the public hearing:**

Mr. Blancq spoke about the need to obtain legal aid to gain possession of the property. He let the Board know he does not have the means to be able to repair the home. He said his primary concern was to take ownership of the land and he understands if the home needs to be demolished. The Board explained to Mr. Blancq that he needs to figure out his legal options before the case is heard again.

**Mr. McColum closed the public hearing.**

Mr. Allred made a motion to table the case for 30 days. Seconded by Mr. Schroeder. AYES: Dr. Paris, Mr. Allred, Mr. Webb, Mr. Schroeder, Mr. McColum  
NAYS: None  
Motion passed.

**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.

**Mr. McColum opened the public hearing:**

Mr. Vivion stated that he agrees with staff recommendation to demolish. He has interest in having the demolition performed himself and will be pulling a demolition permit. He was instructed by the Board to get with city staff to obtain demolition permit.

**Mr. McColum closed the public hearing.**

Mr. Webb made a motion that 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. Seconded by Mr. Allred.

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

NAYS: None

Motion Passed.

**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.

Mr. Webb made a further motion that the owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish. Seconded by Mr. Allred.

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

NAYS: None

Motion Passed.

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

**Case for Rehabilitation, Demolition, or Civil Penalties- Case No 21-001108:** 1725 N. Mockingbird Ln. (CRESCENT HEIGHTS, CONT 2, BLOCK 7, LOT 2), Owner: Serrano, Pedro & Josefina

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

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: 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.

The Board asked Mr. Mares if property was condemned prior to auction. Mr. Mares stated that it was not. It was condemned to ensure that that home was not inhabited prior to being brought up to code. Mr. Mares explained the tax office redemption period to the board. Due to redemption period rules it was decided the property should be placed into condemnation and ordered to be repaired since the homeowner would not lose any money on repair work if property was redeemed by any prior interested parties and property would not continue to sit in a dilapidated state. Since the new owner is wanting to make repairs, city staff is attempting to make sure the structure is being repaired to code.

The Board asked Mr. Mares whether work was being done on structure without permit. Mr. Mares let him know that no repair work was being done. The only thing that is being done is the structure is being cleaned out and gutted, and the property owner would still need to get a general building permit before repair work is started.

#### Public Hearing:

Mr. McColum opened the public hearing. There being no speakers, Mr. McColum closed the public hearing and opened the floor for discussion.

The Board stated that he is aware that staff and property owner are communicating, and is in favor of staff recommendation.

Mr. Schroeder made a motion that owner is ordered 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. Seconded by Mr. Webb.

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

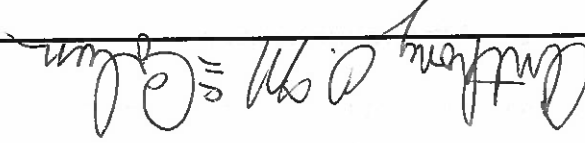
NAYS: None

Motion passed.

#### ADJOURNMENT

There being no further business to come before the hearing, the Board of Building Standards meeting was adjourned at 9:07 a.m.

Approved, Chairman

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