

STAFF REPORT
Construction Board of Adjustments and Appeals
12/05/2019@4:00 pm

SUBJECT PROPERTY: 219 E. 11th Street

GENERAL INFORMATION

Owner: Peggy J. Blake
Occupied?: Yes / No
Structure Type: Residential
 Primary: 816 Sqft.
 Accessory: 0 Sqft.
TGCAD Value: \$16,480
 Improvements: \$37,090
 Land: \$11,700
Del. Tax: \$0.00

BACKGROUND

Initial notice of violation date: 09/10/2019

Notice of hearing date: 11/19/2019

Lien holders or other interested parties notified: None

Water and Electric still current.

CITY CODE SECTION 4.05.004: MINIMUM STANDARDS VIOLATIONS

(a)(1) Unoccupied Structures:

- (A) Any structure or any part thereof constructed or maintained in violation of any provision of this code or any law of the county, state or federal government which makes the structure unsafe;
- (B) Any structure, whether or not erected in accordance with all applicable laws and ordinances, that has in any non-supporting part, member or portion less than the strength; fire resisting qualities or characteristics, or weather resisting qualities or characteristics provided for in applicable building and fire codes;
- (C) Any structure with roof, ceiling, floors, walls, sills, windows, foundation or any combination thereof rotted or decayed, and falling apart;
- (D) Any structure with shingles or roofing material not in place, or is not free from leaks and sags;
- (E) Any structure that is uninhabitable due to obsolescence and deterioration caused by neglect, vandalism, fire damage, old age, or the elements;
- (F) Any structure that is in danger of falling and injuring persons or property;

- (G) Any structure that is a fire menace because it is in a dilapidated condition, or that is likely to become a fire menace or be set on fire, or contains a fire load with the potential to cause a fire;
- (H) Any structure because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty electric wiring, gas connections or heating apparatus, or other condition is determined to be a fire hazard;
- (I) Any structure that has been damaged by fire, water, earthquake, wind, hail, rain, vandalism, or other cause to such an extent that the roof, windows or doors or portions of the structure that protect the interior from the weather no longer reasonably provide protection;
- (J) Any portion of the structure has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength, integrity or stability thereof is materially diminished and no longer meets minimum requirements of the building code applicable for new buildings of similar structure, purpose or location;
- (K) Any structure so damaged, dilapidated or deteriorated so as to become an attractive nuisance to children;
- (L) Any structure that is open and accessible so as to become a harbor for insects, rodents, vermin, uninvited persons or transients, or a place for potential illegal activity;
- (M) Any portion or member or appurtenance is likely to fail, or to become detached or dislodged, or to collapse and thereby constitutes a hazard for injury to persons or damage to property;
- (N) Any structure that due to inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined to be in an unsanitary condition and likely to create disease;
- (O) Any structure that has holes, cracks or other defects in it;
- (P) Any structure that does not have railings for stairs, steps, balconies, and porches required under applicable code, or in which such railings are dilapidated or unsound;
- (Q) Any structure that is not weather tight and waterproof, including but not limited to, roofs, walls, windows, doors and flooring;
- (R) Any structure that does not have a moisture resistant finish or material for the flooring or sub-flooring of each bathroom, shower room and toilet room;
- (S) Any structure where the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as not to provide safe and adequate means of exit or evacuation;
- (T) Any structure with an electric system that is a hazard due to inadequate maintenance, dilapidation, damage or abandonment, or which is not capable of safely carrying a load imposed by normal use of appliances and fixtures;
- (U) The building or structure, or any portion thereof, is in the process of or is likely to partially or completely collapse because of:
- (i) Dilapidation, deterioration or decay;
 - (ii) Faulty construction;
 - (iii) Removal, movement or instability of any portion of the ground necessary for the purpose of support;
 - (iv) Deterioration, decay or inadequacy of its foundation;
 - (v) Any other cause;
- (V) Any structure in such condition as to constitute a public nuisance;

- (W) Any structure, or portion thereof, that is manifestly unsafe for the purpose for which it is being used; or
- (X) Any structure not constructed or maintained in conformity with the fire code adopted by the city when such nonconformity constitutes a hazard to the safety of persons or property.

(a)(2) Occupied Structures (in addition to the above conditions):

- (A) Any structure that does not have in operating condition a connection to discharge sewage from the structure into a public sewer system or septic system;
- (B) Any structure that does not have in operating condition a toilet connected to a water source and to a public sewer system or septic system;
- (C) Any structure that does not have an operational connection to potable water;
- (D) Any structure that does not have a kitchen sink, bathtub or shower, and lavatory, all of which shall be in operating condition and connected to both cold and hot water sources; or
- (E) Any structure that is not connected to an electric service and in operation.

STAFF RECOMMENDATION

Order to repair, remove or demolish. It is economically feasible for the building to be repaired so that it will no longer exist as a dangerous, dilapidated or substandard building. *See City Code Sec. 4.05.008(a)(1) and Tx LGC Sec. 214.001(a).*

Approve/ Deny owners plan to repair property that will exceed standard 60 day time period provided by the order. *See City Code Sec. 4.05.008(c) and Tx LGC Sec. 214.001(a).*

Order to remove or demolish. It is not economically feasible for the building to be repaired so that it will no longer exist as a dangerous, dilapidated or substandard building. *See City Code Sec. 4.05.008(a)(2) and Tx LGC Sec. 214.001(e)&(h)-(k).*

Order to vacate, secure, and/or relocate occupants of the structure, which order may be in addition to orders entered above. The building is occupied and violates the standards set out in this article such that it is unfit for human occupation. The building is, regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children. *See City Code Sec. 4.05.008(a)(3) and Tx LGC Sec. 214.001(a)(3).*

Order to release. The building is not found to violate the standards set out in this article to the degree requiring abatement. This order should be utilized for buildings where there are previous standing Board orders issued and filed with the County Clerk. *See City Code Sec. 4.05.008(a)(4).*

Order imposing civil penalty. The municipality by order may assess and recover a civil penalty against a property owner at the time of an administrative hearing on violations of an ordinance, in an amount not to exceed \$1,000 a day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed \$10 a day for each

violation, if the municipality proves: (1) the property owner was notified of the requirements of the ordinance and the owner's need to comply with the requirements; and (2) after notification, the property owner committed an act in violation of the ordinance or failed to take an action necessary for compliance with the ordinance. *See City Code Sec. 4.05.013 and Tx LGC Sec. 214.0015.*

STAFF REPORT
Construction Board of Adjustments and Appeals
12/05/2019 @ 3:00PM

SUBJECT PROPERTY: 207 W. Avenue M

GENERAL INFORMATION

Owner: Paul Guevara and Mary Lou Martinez

Occupied?: Yes ___ / No X

Structure Type: Residential

Primary: 564 Sqft

Accessory: 0 Sqft

TGCAD Value: \$7,140

Improvements: \$1,640

Land: \$5,500

Del. Tax: \$0.00

BACKGROUND

Initial inspection completed on 07/29/2019. Certified letter sent to listed owner and returned undeliverable.

Initial notice of violation date: 08/01/2019

Notice of hearing date: 11/19/2019

Lien holders or other interested parties notified: None

Previous times property has been to the Board: 0

Utilities Status: Water terminated 10/05 and electric is disconnected.

CITY CODE SECTION 4.05.004: MINIMUM STANDARDS VIOLATIONS

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X (C) Any structure with roof, ceiling, floors, walls, sills, windows, foundation or any combination thereof rotted or decayed, and falling apart;

- (D) Any structure with shingles or roofing material not in place, or is not free from leaks and sags;
- (E) Any structure that is uninhabitable due to obsolescence and deterioration caused by neglect, vandalism, fire damage, old age, or the elements;
- (F) Any structure that is in danger of falling and injuring persons or property;
- (G) Any structure that is a fire menace because it is in a dilapidated condition, or that is likely to become a fire menace or be set on fire, or contains a fire load with the potential to cause a fire;
- (H) Any structure because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty electric wiring, gas connections or heating apparatus, or other condition is determined to be a fire hazard;
- (I) Any structure that has been damaged by fire, water, earthquake, wind, hail, rain, vandalism, or other cause to such an extent that the roof, windows or doors or portions of the structure that protect the interior from the weather no longer reasonably provide protection;
- (J) Any portion of the structure has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength, integrity or stability thereof is materially diminished and no longer meets minimum requirements of the building code applicable for new buildings of similar structure, purpose or location;
- (K) Any structure so damaged, dilapidated or deteriorated so as to become an attractive nuisance to children;
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- (M) Any portion or member or appurtenance is likely to fail, or to become detached or dislodged, or to collapse and thereby constitutes a hazard for injury to persons or damage to property;
- (N) Any structure that due to inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined to be in an unsanitary condition and likely to create disease;
- (O) Any structure that has holes, cracks or other defects in it;
- (P) Any structure that does not have railings for stairs, steps, balconies, and porches required under applicable code, or in which such railings are dilapidated or unsound;
- (Q) Any structure that is not weather tight and waterproof, including but not limited to, roofs, walls, windows, doors and flooring;
- (R) Any structure that does not have a moisture resistant finish or material for the flooring or sub-flooring of each bathroom, shower room and toilet room;
- (S) Any structure where the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as not to provide safe and adequate means of exit or evacuation;
- (T) Any structure with an electric system that is a hazard due to inadequate maintenance, dilapidation, damage or abandonment, or which is not capable of safely carrying a load imposed by normal use of appliances and fixtures;
- (U) The building or structure, or any portion thereof, is in the process of or is likely to partially or completely collapse because of:
- (i) Dilapidation, deterioration or decay;
 - (ii) Faulty construction;

- (iii) Removal, movement or instability of any portion of the ground necessary for the purpose of support;
- (iv) Deterioration, decay or inadequacy of its foundation;
- (v) Any other cause;
- (V) Any structure in such condition as to constitute a public nuisance;
- (W) Any structure, or portion thereof, that is manifestly unsafe for the purpose for which it is being used; or
- (X) Any structure not constructed or maintained in conformity with the fire code adopted by the city when such nonconformity constitutes a hazard to the safety of persons or property.

(a)(2) Occupied Structures (in addition to the above conditions):

- (A) Any structure that does not have in operating condition a connection to discharge sewage from the structure into a public sewer system or septic system;
- (B) Any structure that does not have in operating condition a toilet connected to a water source and to a public sewer system or septic system;
- (C) Any structure that does not have an operational connection to potable water;
- (D) Any structure that does not have a kitchen sink, bathtub or shower, and lavatory, all of which shall be in operating condition and connected to both cold and hot water sources; or
- (E) Any structure that is not connected to an electric service and in operation.

STAFF RECOMMENDATION

Order to repair, remove or demolish. It is economically feasible for the building to be repaired so that it will no longer exist as a dangerous, dilapidated or substandard building. *See City Code Sec. 4.05.008(a)(1) and Tx LGC Sec. 214.001(a).*

Approve/ Deny owners plan to repair property that will exceed standard 60 day time period provided by the order. *See City Code Sec. 4.05.008(c) and Tx LGC Sec. 214.001(a).*

Order to remove or demolish. It is not economically feasible for the building to be repaired so that it will no longer exist as a dangerous, dilapidated or substandard building. *See City Code Sec. 4.05.008(a)(2) and Tx LGC Sec. 214.001(e)&(h)-(k).*

Order to vacate, secure, and/or relocate occupants of the structure, which order may be in addition to orders entered above. The building is occupied and violates the standards set out in this article such that it is unfit for human occupation. The building is, regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children. *See City Code Sec. 4.05.008(a)(3) and Tx LGC Sec. 214.001(a)(3).*

Order to release. The building is not found to violate the standards set out in this article to the degree requiring abatement. This order should be utilized for buildings where there are previous standing Board orders issued and filed with the County Clerk. *See City Code Sec. 4.05.008(a)(4).*

___ **Order imposing civil penalty.** The municipality by order may assess and recover a civil penalty against a property owner at the time of an administrative hearing on violations of an ordinance, in an amount not to exceed \$500 a day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed \$10 a day for each violation, if the municipality proves: (1) the property owner was notified of the requirements of the ordinance and the owner's need to comply with the requirements; and (2) after notification, the property owner committed an act in violation of the ordinance or failed to take an action necessary for compliance with the ordinance. *See City Code Sec. 4.05.013 and Tx LGC Sec. 214.0015.*

STAFF REPORT
Construction Board of Adjustments and Appeals
12/05/2019@4:00 pm

SUBJECT PROPERTY: 102 W. Avenue S

GENERAL INFORMATION

Owner: Ruben Talamantes

Occupied?: Yes ___ / No

Structure Type: Residential

Primary: 480 Sqft.

Accessory: 0 Sqft.

TGCAD Value: \$8,780

Improvements: \$1,280

Land: \$7,500

Del. Tax: \$0.00

BACKGROUND

Initial notice of violation date: 09/19/2019

Notice of hearing date: 11/19/2019

Lien holders or other interested parties notified: None

No Water or Electric since 2014

Previous boarded building through fire prevention office

CITY CODE SECTION 4.05.004: MINIMUM STANDARDS VIOLATIONS

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(D) Any structure with shingles or roofing material not in place, or is not free from leaks and sags;

(E) Any structure that is uninhabitable due to obsolescence and deterioration caused by neglect, vandalism, fire damage, old age, or the elements;

- (F) Any structure that is in danger of falling and injuring persons or property;
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violation, if the municipality proves: (1) the property owner was notified of the requirements of the ordinance and the owner's need to comply with the requirements; and (2) after notification, the property owner committed an act in violation of the ordinance or failed to take an action necessary for compliance with the ordinance. *See City Code Sec. 4.05.013 and Tx LGC Sec. 214.0015.*

STAFF REPORT
Construction Board of Adjustments and Appeals
12/05/2019@4:00 pm

SUBJECT PROPERTY: 606 Velma Street

GENERAL INFORMATION

Owner: Bobbie J. Reed
Occupied?: Yes ___ / No
Structure Type: Residential
 Primary: 576 Sqft.
 Accessory: 0 Sqft.
TGCAD Value: \$9,730
 Improvements: \$5,480
 Land: \$4,250
Del. Tax: \$0.00

BACKGROUND

Initial notice of violation date: 09/19/2019

Notice of hearing date: 11/19/2019

Lien holders or other interested parties notified: None

No Water or Electric since 1990

CITY CODE SECTION 4.05.004: MINIMUM STANDARDS VIOLATIONS

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- (D) Any structure with shingles or roofing material not in place, or is not free from leaks and sags;
- (E) Any structure that is uninhabitable due to obsolescence and deterioration caused by neglect, vandalism, fire damage, old age, or the elements;
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(G) Any structure that is a fire menace because it is in a dilapidated condition, or that is likely to become a fire menace or be set on fire, or contains a fire load with the potential to cause a fire;

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(ii) Faulty construction;

(iii) Removal, movement or instability of any portion of the ground necessary for the purpose of support;

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STAFF RECOMMENDATION

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violation, if the municipality proves: (1) the property owner was notified of the requirements of the ordinance and the owner's need to comply with the requirements; and (2) after notification, the property owner committed an act in violation of the ordinance or failed to take an action necessary for compliance with the ordinance. *See City Code Sec. 4.05.013 and Tx LGC Sec. 214.0015.*