



City of Abilene

Board of Building Standards Agenda

Notice is hereby given of a meeting of the Board of Building Standards of City of Abilene to be held on May 5, 2021, at 8:15 a.m., at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items.

CALL TO ORDER

MINUTES

- A. **Board of Building Standards April 07, 2021 Minutes**
• Public Hearing

PUBLIC HEARINGS:

STATEMENT OF POLICY

In all cases, except where specifically stated otherwise, buildings must be secured and the lot clean and mowed by the owner within ten (10) days of receipt of notice of results of this hearing. If this is not done, the City may do so and bill the owner. In any case where the Board orders the owner to demolish a structure or structures, but the owner fails to demolish or appeal the Board's order, the City may demolish. Any appeal must be filed in district court within 30 calendar days after the aggrieved party receives notice of the Board's decision. At the hearing, you should be prepared to present the following information:

- 1. Specific time frame needed to complete repairs.*
- 2. Specific scope of repair work to be completed.*
- 3. Cost estimates for work to be done by licensed, bonded contractors such as electrical, plumbing or heating and air-conditioning contractors.*

You have the right to hire an attorney to represent you at the hearing, the right to inspect the file on the property at the office of Planning and Development Services prior to the hearing, and the right to request the presence of city staff for the purpose of questioning at the hearing.

AGENDA ITEMS

- A. **Case for Rehabilitation, Demolition or Civil Penalties - Case No. 20-003773: 1526 Park Ave (ARTHEL HENSON OUTLOT 33, BLOCK N, LOT 15Y), Owner: Robinson, Harold**
• Public Hearing
- B. **Case for Rehabilitation, Demolition or Civil Penalties - Case No. 20-004219: 535 Apache (FT PHANTOM HILL SECT 2 BLOCK A, LOT 29), Owner: Rosenbaum, Elisa**
• Public Hearing
- C. **Case for Rehabilitation, Demolition or Civil Penalties - Case No. 21-000770: 1802 Merchant St. (COLLEGE HEIGHTS, BLOCK 49, LOT 6 & S/2 OF 5), Owner: Lyman, Julie Lynn # 02260808**
• Public Hearing

EXECUTIVE SESSION

The Board of Building Standards of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:

- A. **551.071 (Consultation with Attorney)**

ADJOURNMENT

Notice

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received forty-eight (48) hours prior to scheduled meetings. Please contact the City Secretary's Office at 325-676-6208. Telecommunication device for the deaf is 325-676-6360.

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 30th day of April, 2021, at 3:30 p.m.

Shawna Atkinson, TRMC
City Secretary

**BOARD OF BUILDING STANDARDS
MEETING MINUTES
April 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
Mr. Anthony McColum, Co- Chairman
Dr. Wayne Paris
Mr. Delbert Allred
Mr. Gary Webb
Mr. Wayland Schroeder
Mr. Lloyd Turner

Staff Present: Mr. Michael Warrix, Director, Planning and Development Services
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
Ms. Catina Betoncur, Office Assistant III

Others Present: Mr. John Pierce
Mrs. Alicia Smith
Mr. Joel Flores

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, January 06, 2021, were provided in advance to Board Members for review.

Mr. Allred made a motion to approve the minutes as written and was seconded by Mr. Schroeder, motion carried.

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

NAYS: None

ABSTAIN: Mr. Beard

AGENDA ITEMS & PUBLIC HEARINGS

Case for Rehabilitation, Demolition, or Civil Penalties - 21-000050: 1733 N 8th St. (D A WINTERS OF CANNON, LOT 5 & W11 FT LT 6), Owner: Dye, Dallas

Mr. Mares presented the case, staff recommendation is 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.

A question was asked by the Board about the owner of record and how long it takes to establish ownership. .

Mr. Craig explained that notifying each owner and other descendants satisfies the City's notification requirements and due diligence. Mr. Craig advised the Board that one of the options could be to table this case to allow for time to find out the heir's intention.

The Board inquired if the heir is aware that she could sell the property.

Mr. Mares stated that there is one living relative, a cousin, Melinda "Missy" Madison, and she informed him that she has no interest in the property. She was willing to sign a consent to demo but she has no proof of ownership.

The Board had discussion that the current condition of the property caused a hazard to the public, health, and safety of the neighborhood.

Public Hearing:

Mr. Beard opened the public hearing.

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

Mr. Craig reiterated to the Board that they could proceed with the public nuisance and demolition order.

Mr. Mares informed the Board that the Office of Neighborhood Services is able to use federal funding to demolish the property.

Mr. Schroeder 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 and was seconded by Mr. Turner, motion carried.

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

NAYS: None.

Mr. Schroeder 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. Turner, Mr. Beard

NAYS: None

Case for Rehabilitation, Demolition, or Civil Penalties – Case No. 20-004104: 1321

Huckleberry. (NORTH PARK ADDN OF S C JONES, BLOCK A, LOT 1), Owner: SCJ Holdings B LLC - Pulled from agenda

Case for Rehabilitation, Demolition, or Civil Penalties- Case No. 20-002280: 1431 S 6th St.

(OT ABILENE, BLOCK 124, and LOT W5 1 & 2 E40 10, 11, 12 & N150 OF ALLEY), Owner: Smith, Alton & Alicia

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 is 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 the district court within 30 days or the City may demolish.

Mr. Mares clarified that the property is listed as a duplex, however, the appraisal district's legal description shows it to be a single structure with two addresses; 1431 and 1433 S 6th Street. The legal address is 1431 S 6th St.

Public Hearing:

Mr. Beard opened the public hearing.

Mrs. Alicia Smith, (3026 Woodway Circle), spoke about the case. She stated that she would fix the house and that she filed an appeal with the District Court on the condemnation of the property.

The Board asked Mrs. Smith if she pulled general building construction permits. Mrs. Smith requested clarification on the difference between the general permit and the roofing permit. The Board explained and clarified the misunderstanding for her.

Mr. Watson provided further explanation about the permits.

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

Mr. Craig stated that the status of the pending litigation does not prohibit the Board's decision. Furthermore, The City of Abilene's building official has the authority to condemn a property.

Mr. Mares explained to the Board that the reason for the case was a lack of action on the part of the owner.

Dr. Paris recused himself due to a conflict of interest.

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 and was seconded by Mr. Schroeder, motion carried.

AYES: Mr. Allred, Mr. McColum, Mr. Webb, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: None

ABSTAIN: Dr. Paris

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. McCollum, motion carried.

AYES Mr. Allred, Mr. McColum, Mr. Webb, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: None

ABSTAIN: Dr. Paris

Case for Rehabilitation, Demolition, or Civil Penalties- Case No 11-044: 2926 Beech (NORTH PARK ADDN, BLOCK 15, LOT S75 N319 OF E138.5), Owner: Flores, Joel

Mr. Mares presented new information on 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 is 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 the district court within 30 days or the City may demolish.

Public Hearing:

Mr. Beard opened the public hearing.

Joel Flores (5726 Chachalaca Ln) spoke on the status of the property. Mr. Flores stated that work had been done, and he moved the structure back. He explained the difficulties in not being able to obtain the permits and inspections needed to complete the rest of the project. Mr. Flores intends on repairing the structure in a timely manner.

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

Mr. Schroeder 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 Mr. Allred, Mr. McColum, Mr. Webb, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: Dr. Paris

EXECUTIVE SESSION

The Board of Building Standards of the City of Abilene reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:

A. 551.07 (Consultation with Attorney)

Executive Session commenced at 9:45 a.m.

RECONVENED

Public Hearing:

Mr. Beard opened the public hearing at 10:20 a.m.

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

ADJOURNMENT

There being no further business to come before the hearing, the Board of Building Standards meeting was adjourned at 10:20 a.m.

X

Approved, Chairman



**Board of Building Standards
Agenda Memo**

Meeting Date: 5/5/2021

TO:

FROM:

SUBJECT: **Case for Rehabilitation, Demolition or Civil Penalties - Case No. 20-003773: 1526
Park Ave (ARTHEL HENSON OUTLOT 33, BLOCK N, LOT 15Y), Owner:
Robinson, Harold
• Public Hearing**

GENERAL INFORMATION

Owner: Robinson, Harold
Sq. Ft.: 1056
Structural: Poor
Foundation: P
Value: \$22,706
Total: \$23,346
Del. Tax: \$2,434.98

SPECIAL CONSIDERATIONS

November 13, 2020 – Property was condemned.

December 1, 2020 – Initial notice of condemnation and 30/60 letters sent. Utility shut off letters sent.

February 4, 2021 – Condemnation notice was reposted on the structure.

April 19, 2021 – No contact from the owner.

Phone call from property owner, Harold Robinson, inquiring about the BOBS notice he received in the mail. I explained to him why the case was being sent to BOBS. He stated he intends on repairing the structure. I advised him to attend the meeting, and to obtain a plan of action with the estimates to repair. He stated he would send his son to meet with me today to go over his options and paperwork. I did meet with Mr. Robinson's son, and explained to him the process of

the plan of action, 30/60, and also explained to him that they had the option to sell the property. I advised him to inform his father to attend the meeting, or if his father could not attend, to send someone on his behalf and speak to the board regarding their intentions with the property. I gave him my business card with contact information, and a blank copy of the plan of action so that they may obtain the estimates. I also advised him to stay in contact with me regarding any updates.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Order: Owner ordered to repair, 30 days to obtain all permits and provide 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.

- (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)

BOARD OR COMMISSION RECOMMENDATION

The Board will hear this case on May 05, 2021.

ATTACHMENTS:

- | | | |
|----|----------------------------------|---------------------------------------|
| 1. | 01 Slides Intro | 01 Slides Intro.pptx |
| 2. | 20210505 20-003773 1526 Park Ave | 20210505 20-003773 1526 Park Ave.pptx |

BOARD OF BUILDING STANDARDS

May 5, 2021



PUBLIC NOTICE – May 5, 2021 MEETING

- A meeting of the Board of Building Standards will be held at 8:15 a.m., Wednesday, May 5, 2021 in the Council Chambers at City Hall, 555 Walnut Street, Abilene, Texas, to consider the following properties on the agenda: 1526 Park Ave. Abilene, TX 79603, 535 Apache Ln. Abilene, TX 79601, and 1802 Merchant St. Abilene, TX 79603. Property owners are required to submit at the hearing proof of the scope of work, including cost estimates, that may be required to comply with city ordinance and the calendar days in which it will take to perform the work. Owners have the right to hire an attorney to represent them, the right to inspect the file on the property at the Office of Planning and Development Services prior to the hearing, and the right to request the presence of City staff for the purpose of questioning at the hearing. The Board may take action, including but not limited to demolition orders and/or the assessment of civil penalties.

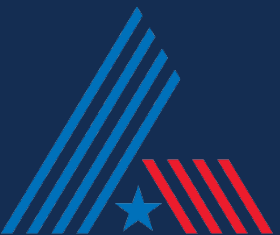


ITEM NO. 3 (a)
CASE # 20-003773
1526 Park Av.



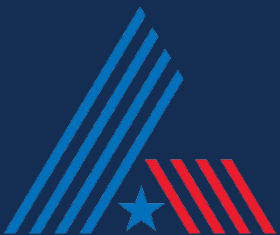
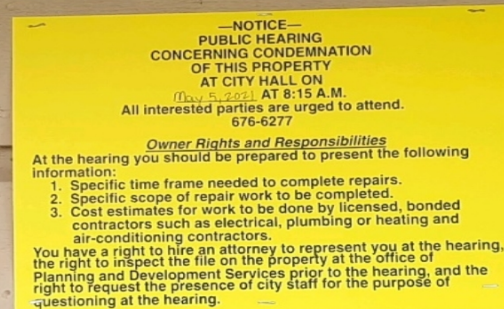
CHECKLIST FOR RECORDS SEARCH

- Searches shown below verify proof of ownership and lienholders to which all notices shall be sent.
- **COUNTY RECORDS** – Warranty Deed naming **Harold Robinson** as the owner
- **TAYLOR COUNTY**– Shows **Harold Robinson** to be the owner.
- **SECRETARY OF STATE**– Shows **no entity under this name.**
- **TAX RECORDS OF THE MUNICIPALITY**– Not applicable
- **UTILITY RECORDS OF THE MUNICIPALITY** – Inactive since **July 1, 2016.**
- Search reveals **Harold Robinson** to be the owner.



Public Notice

Apr 21, 2021 12:19:13 PM
Abilene



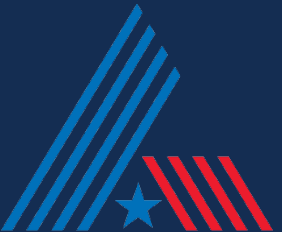
Front East Side



North Side



Rear West Side



South Side



Exterior Damage



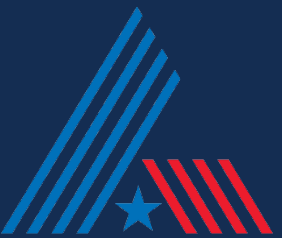
Exterior Damage and Bulging



Exterior Electrical Issues



Interior Floor and Wall Damage



Timeline of Events

- **November 13, 2020** – Property was condemned.
- **December 1, 2020** – Initial notice of condemnation and 30/60 letters sent. Utility shut off letters sent.
- **February 4, 2021** – Condemnation notice was reposted on the structure.
- **April 19, 2021** – No contact from the owner.
- **April 26, 2021** – Phone call from property owner, Harold Robinson, inquiring about the BOBS notice he received in the mail. I explained to him why the case was being sent to BOBS. He stated he intends on repairing the structure. I advised him to attend the meeting, and to obtain a plan of action with the estimates to repair. He stated he would send his son to meet with me today to go over his options and paperwork. I did meet with Mr. Robinson's son, and explained to him the process of the plan of action, 30/60, and also explained to him that they had the option to sell the property. I advised him to inform his father to attend the meeting, or if his father could not attend, to send someone on his behalf and speak to the Board regarding their intentions with the property. I gave him my business card with contact information, and a blank copy of the plan of action so that they may obtain the estimates. I also advised him to stay in contact with me regarding any updates.



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)



Staff Recommendation

- ORDER OWNER TO REPAIR – 30 DAYS TO OBTAIN ALL PERMITS AND PROVIDE PLAN OF ACTION INCLUDING A TIMEFRAME FOR REPAIR AND COSTS 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.



End of 1526 Park Av. presentation





**Board of Building Standards
Agenda Memo**

Meeting Date: 5/5/2021

TO:

FROM:

SUBJECT: **Case for Rehabilitation, Demolition or Civil Penalties - Case No. 20-004219: 535
Apache (FT PHANTOM HILL SECT 2 BLOCK A, LOT 29), Owner: Rosenbaum,
Elisa
• Public Hearing**

GENERAL INFORMATION

Owner: Rosenbaum, Elisa
Sq. Ft.: 2536
Structural: Poor
Foundation: C
Value: \$19,000
Total: \$46,750
Del. Tax: \$ 0

SPECIAL CONSIDERATIONS

December 18, 2020 – Property was condemned. Affidavit filed, initial notice of condemnation and 30/60 letters sent.

December 21, 2020 – Affidavit of condemnation filed with the Jones County Clerk's office.

January 7, 2021 – Letter from owner Elisa Rosenbaum sent to the city stating that she planned to demolish the structure, but has been delayed due to Covid.

January 26, 2021 – Phone call with Elisa Rosenbaum. She stated that her business was shut down for 6 months because of COVID, and she was not able to fix the issues with the property. She stated her intent was to demolish the structure, and build a new one. I informed her that she had the option to sign a consent to DEMO, and allow the city to demolish the structure. She also requested a list of contractors for her to call, so that she may contact for estimates on

demolishing the structure.

April 16, 2021 – No permits on record to repair or demolish the structure.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Order: Owner ordered to repair, 30 days to obtain all permits and provide 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.

- (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)

BOARD OR COMMISSION RECOMMENDATION

The Board will hear this case on May 05, 2021.

ATTACHMENTS:

- 1. 20210505 20-004219 535 Apache Ln. 20210505 20-004219 535 Apache Ln..pptx

ITEM NO. 3 (b)

CASE # 20-004219

535 Apache Ln.



CITY OF
ABILENE
TEXAS

CHECKLIST FOR RECORDS SEARCH

- Searches shown below verify proof of ownership and lienholders to which all notices shall be sent.
- **COUNTY RECORDS** – Warranty Deed naming **Elisa Rosenbaum** as the owner
- **JONES COUNTY** – Shows **Elisa Rosenbaum** to be the owner.
- **SECRETARY OF STATE**– Shows **no entity under this name.**
- **TAX RECORDS OF THE MUNICIPALITY**– Not applicable
- **UTILITY RECORDS OF THE MUNICIPALITY** – Inactive since **April 7, 2017**
- Search reveals **Elisa Rosenbaum** to be the owner.

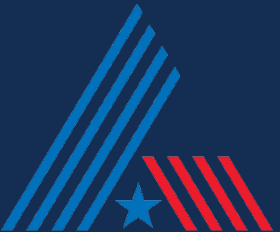


Public Notice

Apr 21, 2021 12:55:42 PM
Abilene



Exterior of the Structure



Exterior Damage and Weatherization



Interior Plumbing Issues

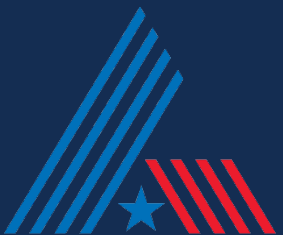


Exterior Electrical Issues



Incomplete Architectural Work

Dec 17, 2020 at 2:01:24 PM
Abilene



Timeline of Events

- **December 18, 2020** – Property was condemned. Affidavit filed, initial notice of condemnation and 30/60 letters sent.
- **December 21, 2020** – Affidavit of condemnation filed with the Jones County Clerk's office.
- **January 7, 2021** – Letter from owner Elisa Rosenbaum sent to the city stating that she planned to demolish the structure, but has been delayed due to Covid.
- **January 26, 2021** – Phone call with Elisa Rosenbaum. She stated that her business was shut down for 6 months because of COVID, and she was not able to fix the issues with the property. She stated her intent was to demolish the structure, and build a new one. I informed her that she had the option to sign a consent to DEMO, and allow the city to demolish the structure. She also requested a list of contractors for her to call, so that she may contact for estimates on demolishing the structure.
- **April 16, 2021** – No permits on record to repair or demolish the structure.



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)



Staff Recommendation

- ORDER OWNER TO REPAIR – 30 DAYS TO OBTAIN ALL PERMITS AND PROVIDE PLAN OF ACTION INCLUDING A TIMEFRAME FOR REPAIR AND COSTS 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.



End of 535 Apache Ln. presentation





**Board of Building Standards
Agenda Memo**

Meeting Date: 5/5/2021

TO:

FROM:

SUBJECT: Case for Rehabilitation, Demolition or Civil Penalties - Case No. 21-000770: 1802 Merchant St. (COLLEGE HEIGHTS, BLOCK 49, LOT 6 & S/2 OF 5), Owner: Lyman, Julie Lynn # 02260808
• Public Hearing

GENERAL INFORMATION

Owner: Lyman, Julie Lynn # 02260808
Sq. Ft.: 1768
Structural: Poor
Foundation: P
Value: \$6,274
Total: \$8374
Del. Tax: \$582.65

SPECIAL CONSIDERATIONS

October 3, 2019 – Theft of electric found by AEP. Damaged meter and electric equipment found. Meter and service removed due to theft and unsafe condition.

January 24, 2020 – Dilapidated structure case opened. Sent regular and certified mail notice of violation to homeowner, Julie Lyman at Mountain View Unit, Gatesville TX. Also sent same to Julie Lyman at mother's address in Abilene.

February 11, 2020 – Sent additional notices of violation with info to help homeowner get power of attorney in prison unit to evict vagrants.

January 15, 2021 – Issued citations to homeowner for dilapidated structure, unsightly conditions, and dilapidated fence, to encourage eviction of vagrants living in home without utilities/trashing property. Homeowner was not cooperative in obtaining eviction, but city was

able to obtain notarized criminal trespass orders from homeowner. Citations were dismissed by prosecutor.

April 9, 2021 – House fire occurred. Inspected inside of home with Fire Marshal. Property was condemned, and notice of condemnation posted on the structure.

April 16, 2021 – Initial notice of condemnation and 30/60 letters sent.

April 19, 2021 – Utility shut off letters sent.

April 23, 2021 – Property secured by the City a 2nd time due to an apparent break in.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Finding:

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.

BOARD OR COMMISSION RECOMMENDATION

The Board will hear the case on May 05, 2021.

ATTACHMENTS:

1. 20210505 21-000770 1802 Merchant St. 20210505 21-000770 1802 Merchant St..pptx

ITEM NO. 3 (c)

CASE # 21-000770

1802 Merchant St.



**CITY OF
ABILENE
TEXAS**

CHECKLIST FOR RECORDS SEARCH

- Searches shown below verify proof of ownership and lienholders to which all notices shall be sent.
- **COUNTY RECORDS** – Sherriff's Deed naming **Julie Lynn Lyman** as the owner
- **TAYLOR COUNTY**– Shows **Julie Lynn Lyman** to be the owner.
- **SECRETARY OF STATE**– Shows **no entity under this name.**
- **TAX RECORDS OF THE MUNICIPALITY**– Not applicable
- **UTILITY RECORDS OF THE MUNICIPALITY** – Inactive since **February 2019; Second disconnect issued April 2020 for illegal use.**
- Search reveals **Julie Lynn Lyman** to be the owner.



Public Notice

Apr 21, 2021 12:29:02 PM
Abilene



Front East Side

April 9, 2021 at 2:13 PM



North Side



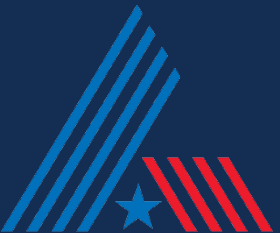
Rear West Side



South Side



Exterior Damage



Exterior Damage



Exterior Roof Issues



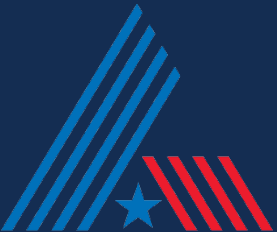
Exterior Structural Support Issues



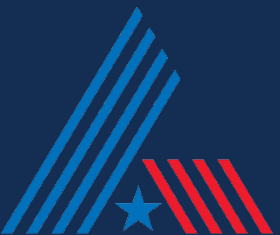
Exterior Structural Support Issues



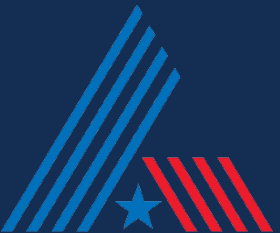
Interior Plumbing Issues



Interior Electrical Issues



Interior Damage



Interior Roof Damage



Timeline of Events

- **October 3, 2019** – Theft of electric found by AEP. Damaged meter and electric equipment found. Meter and service removed due to theft and unsafe condition.
- **January 24, 2020** – Dilapidated structure case opened. Sent regular and certified mail notice of violation to homeowner, Julie Lyman at Mountain View Unit, Gatesville TX. Also sent same to Julie Lyman at mother's address in Abilene.
- **February 11, 2020** – Sent additional notices of violation with info to help homeowner get power of attorney in prison unit to evict vagrants.
- **January 15, 2021** – Issued citations to homeowner for dilapidated structure, unsightly conditions, and dilapidated fence, to encourage eviction of vagrants living in home without utilities/trashing property. Homeowner was not cooperative in obtaining eviction, but city was able to obtain notarized criminal trespass orders from homeowner. Citations were dismissed by prosecutor.
- **April 9, 2021** – House fire occurred. Inspected inside of home with Fire Marshal. Property was condemned, and notice of condemnation posted on the structure.
- **April 13, 2021** – Affidavit of Condemnation filed with County Clerk.
- **April 14, 2021** – Warrant served to enter the structure. Structure was secured by the city.
- **April 16, 2021** – Initial notice of condemnation and 30/60 letters sent.
- **April 19, 2021** – Utility shut off letters sent.
- **April 23, 2021** – Property secured by the City a 2nd time due to an apparent break in.



Staff Recommendation

Findings:

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.



End of 1802 Merchant St. presentation

