



BUILDING AND STANDARDS COMMISSION

REGULAR MEETING MINUTES
Wednesday, October 27, 2010

The Building and Standards Commission convened in a regular meeting on Wednesday, October 27, 2010 at 301 West 2nd Street.

Chair David Brown called the Commission Meeting to order at 6:34 p.m.

Commission Members in Attendance:

David Brown, Chair; Dr. Ethelynn Beebe, Vice Chair; Tim Hill, Stacy Kaplowitz, and Daniel Gonzalez.

Staff in Attendance:

Steve Ramirez, Assistant Division Manager-Legal Operations; Prevo, Sonja, Scribe/BSC Coordinator; Viola Ruiz, BSC Commission Coordinator/and Liaison; Terry Hurd, Supervisor; Troy Collins, Investigator; Mark Gil, Investigator; and Jonathan Josephson; Supervisor and APD personnel; Detective Julie Long and Detective Larry Biegert.

1. CITIZEN COMMUNICATION: GENERAL

a. None

2. OLD BUSINESS

a. N/A

3. NEW BUSINESS**4. APPROVAL OF MINUTES**

a. Commission hearing minutes from the September 22, 2010 regular meeting approved on a 5-0-0 vote. Motion was made to approve the September 22, 2010 regular meeting minutes by Commission Hill, Commissioner Kaplowitz seconded.

5. PUBLIC HEARINGS

Recess was called by Chairman at 7:40pm

Public hearing was started at 7:50pm

Commission Coordinator Viola Ruiz presented the following cases:

a. CL 2010-084854

1004 Alegria Road

David and Dawna M. Hanner

1004 Alegria Road is a **Residential Structure**. Travis Central Appraisal District shows that David and Dawna M. Hanner are the owners of this property. This case was represented by David Hanner. City of Austin/Code Compliance Department found the property dangerous with substandard conditions. Staff recommends that the Commission accept the Findings of Fact and Conclusions of Law for this property be adopted; that the Commission Order any necessary building, trade, or other permits required for repair of the **Residential Structure** to applicable standards be secured; that the Commission Order the owner to secure the services of a licensed professional Engineer of the State of Texas to inspect and provide a structural assessment report to the City of Austin's Code Compliance Department within **10 days** of the date this order is mailed, assessing the structural systems and stability of the **Residential Structure** located on this property; that the **Residential Structure** located on this property be repaired within **60 days** of the date the Order is mailed; that all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner shall request and obtain from the City, final inspections and final status on all required permits in order to certify compliance with minimum housing and technical codes and other applicable codes and other applicable health and

safety standards; and that after **60 days** a civil penalty of **\$250.00 a week** be assessed until compliance with all terms of this order is completed.

Motion was made to accept Staff's recommended Order by Commissioner Kaplowitz, Commissioner Beebe seconded. Motion was passed on a 5-0-0 vote.

b. CL 2010-085403 5108 Lott Avenue Evelyn Falkquay Hunter

5108 Lott Avenue is a **Residential Structure**. Travis Central Appraisal District shows that Evelyn Falkquay Hunter is the owner of this property. This case was not represented. City of Austin/Code Compliance Department found the **Residential Structure** is therefore a public nuisance and dangerous with substandard conditions. Staff recommends that the Commission Order the Findings of Fact and Conclusions of Law for this property be adopted; that the Commission Order the premises be vacated within **(7) days** of the date this Order is mailed; and if the premises are not vacated within **(7) days**, this Order hereby authorizes any Peace Officer of the state, including a Sheriff or Constable or designee of the Austin Police to enforce and carry out this Order; that the Commission Order a demolition permit be secured and that the **Residential Structure** located on the property be demolished with final inspections passed within 30 days of the date this Order is mailed.

That the Commission further Order all portions of the **Residential Structure** to be removed and the lot left in a cleaned and raked condition and that the owner or owner's representative request inspection(s) to verify compliance. If compliance is not achieved within the **30 days** the Building Official may proceed with the demolition. After the **30 days**, all portions of the Structure(s) including items in the structure(s) and on the property will be considered debris and disposed of as such. A lien for all expenses incurred by the City of Austin will be filed with the Travis County Deed Records.

A motion was made to accept staff's recommended Order by Commissioner Hill, Commissioner Beebe seconded. Motion passed on a 5-0-0 vote.

c. CL 2010-085404 1139 Mansell Avenue Lemmie Wren

1139 Mansell Avenue is a **Residential Property**. Travis Central Appraisal District shows that Lemmie Wren is the owner of this property. This case was represented by property owner, Lemmie Wren and David Wren the property owner's son. City of Austin/Code Compliance Department found the **Residential Structure** is therefore a public nuisance and dangerous with substandard conditions. Staff recommends that the Commission Order the Findings of Fact and Conclusions of Law for this property be adopted; that the Commission Order the shed/tent structure at the rear of the property be **vacated within 1 day** from the date this Order is mailed; that the Commission Order the shed/tent structure and all associated debris on the premise be **removed within 5 days**; that the Commission Order **the primary Residential Structure be vacated, and board and secured within 7 days** of the date this Order is mailed; that if compliance is not achieved this Order hereby authorizes any Peace Officer of the State, including a Sheriff or constable or designee of the Austin Chief of Police to enforce and carry out this Order.

Furthermore, the Commission asked that this case be placed in Abeyance until next meeting to allow time for the property owner to bring proof to the Commission of financial capability and any non-profit organizations with commitments offering assistance to make repairs of the primary structure.

A motion was made to amend Staff's recommended Order from a demolition Order to a repair Order. Motion made by Commissioner Beebe, Commissioner Hill seconded. Motion passed on a 5-0-0 vote.

d. CL 2010-084872 7811 Parliament Place John Davis McCarty

7811 Parliament Place is a **Residential Structure**. Williamson County Appraisal District shows that John Davis McCarty is the property owner. This case was represented by John Davis McCarty. The City of Austin/Code Compliance Department found that this property is therefore a public nuisance and dangerous with substandard conditions. Staff recommends that the Commission Order the Findings of Fact and Conclusions of Law for this property be adopted; that the Commission Order all necessary permits be secured; that the Commission Order the interior of the **Structure** be inspected by a Code Compliance Investigator with the City of Austin within **10 days** of the date this

Order is mailed; that the Commission Order the **Structure** located on this property be repaired within **30 days** of the date the Order is mailed to the owner. All repairs or modifications shall meet or exceed the requirements of all applicable codes. The owner, or owner's representative, shall request inspection(s) to verify compliance. And after **30 days**, a penalty of \$250.00 shall be assessed until work is completed with final inspections passed.

The motion was made to amend Staff's recommended Order from a 60 day repair Order to a 30 day Repair Order by Commissioner Gonzalez, Commissioner Kaplowitz seconded. Motion passed on a 5-0-0 vote.

e. **CL 2010-084944**

8807 Bridgeport Drive

Kathy L. Schmidt

8807 Bridgeport Drive is a **Residential Structure**. Travis Central Appraisal District shows that Kathy L. Schmidt is the property owner. This case was represented by Kathy L. Schmidt. The City of Austin/Code Compliance Department found that this property is therefore a public nuisance and dangerous with substandard conditions. Staff recommends that the Commission Order the Findings of Fact and Conclusions of Law for this property be adopted; that the Commission Order all necessary building, trade, or other permits required for repair of the structure to applicable standards be secured; that the Commission Order the Repair Order currently filed in the Travis County Deed records as document number **TRV 2010104608** shall remain in effect until achieving compliance with its specified requirements; that the Commission Order the **Residential Structure** be Vacated and Secured within **(7) days** of the date the Order is mailed to the owner; and if the premises is not vacated and secured within **(7) days**, the City may authorize its designated contractor and any Peace Officer of the state, including a Sheriff or Constable or designee of the Austin Chief of Police to enforce and carry out the requirements of vacating and securing the structure.

Furthermore, that the Commission Order all violations noted under this Order shall be corrected within **30 days** of the day this Order is mailed; that all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner, or owners representative, shall request from the City, final inspection(s) and final status on all required permits in order to certify compliance with minimum housing and technical codes, and other applicable health and safety standards; and that after the **30 days**, a civil penalty of **\$150.00 a week** be assessed until compliance with all terms of this order is completed.

The motion was made to accept Staff's recommended Order by Commissioner Gonzalez, Commissioner Hill seconded. Motion passed on a 5-0-0 vote.

A motion to adjourn the meeting was made by Commissioner Beebe, Commissioner Kaplowitz seconded. Chair David Brown adjourned the Commission Meeting at 9:40 p.m. without objection.