



**BUILDING AND STANDARDS COMMISSION
MINUTES**

**REGULAR MEETING
Wednesday, October 26, 2011**

The Building and Standards Commission convened in a regular meeting on Wednesday, October 26, 2011 at 301 West 2nd Street, Austin, Texas.

Chair David Brown called the Commission Meeting to order at 6:35 p.m.

Commission Members in Attendance:

David Brown, Chair; Ethelynn Beebe, Vice Chair; Stacy Kaplowitz, Daniel Gonzalez, Charles Cloutman

Staff in Attendance:

Christopher Moore, Commission Coordinator; Sonja Prevo, Commission Coordinator; Steve Ramirez, Assistant Division Manager; Matthew Christianson, Assistant Division Manager; Kathleen Buchanan, Assistant City Attorney; Carl Smart, Director; Robert Alvarado, Supervisor; Doug Baggett, Investigator; Dennis Vaughn, Investigator; Michael Carter, Investigator; Marcus Elliott, Investigator; Matthew Noriega, Investigator; Alicia Tovar, Investigator; and Alana Reed, Community Outreach Coordinator.

1. CITIZEN COMMUNICATION: GENERAL

a. None

2. APPROVAL OF MINUTES

a. The minutes from the meeting of 8/24/11 were approved on Commission Member Daniel Gonzalez's motion, Commission Member Ethelynn Beebe second on a 5-0-0 vote.

4. NEW BUSINESS

a. Vote on officers for Building and Standards Commission. Ethelynn Beebe will be the new chairman and David Brown will be the new vice chairman.

Commission Member Stacy Kaplowitz motioned, Commission Member Charles Cloutman second on a 4-0-0 vote for Chair.

Commission Member Stacy Kaplowitz motioned, Commission Member Charles Cloutman second on a 4-0-0 vote for Vice-chair.

b. Vote on the Building and Standards Commission meeting schedule for 2012. The schedule was approved on Commission Member Daniel Gonzalez's motion. Commission Member Charles Cloutman second on a 5-0-0 vote.

5. PUBLIC HEARINGS

Commission Coordinator Christopher Moore presented the following cases:

a. CL 2011-084812

5504 Jeff Davis Avenue, Unit A

Richard Allen

5504 Jeff Davis, Unit A is an unoccupied residential duplex structure. Travis County Appraisal District shows that Richard Allen is the property owner. This case was represented by Justin Don Juan of Castle Hill Investments, a representative of Mr. Allen.

The City of Austin Code Compliance found that this property is in violation of the International Property Maintenance Code, adopted by reference in sections 25-12-211 et seq. of the Austin City Code and is therefore a public nuisance and dangerous with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of

BUILDING AND STANDARDS COMMISSION**Wednesday, October 26, 2011**

Law for this property; any necessary permits be secured; the residential duplex structure be repaired with final inspections passed within thirty (30) days the date the Order is mailed to the owner; that all repairs or modifications shall meet or exceed the requirements of the International Property Maintenance Code and all applicable codes; the owner or owner's representative shall request inspection(s) to verify compliance; and that after the thirty (30) days, a penalty of \$250.00 per week be assessed until work is completed with final inspections passed.

A motion to accept staff's recommended order was made by Commission Member Stacy Kaplowitz. Commission Member Ethelynn Beebe second on a 5-0-0 vote.

b. CL 2011-084107**6108 Orleans Drive****Stephen D. Zerschausky, Jr.**

6108 is an unoccupied residential single family structure. Travis County Appraisal District shows that Stephen D. Zerschausky, Jr. is the property owner. This case was not represented by the property owner.

The City of Austin Code Compliance found that this property is in violation of the International Property Maintenance Code, adopted by reference in sections 25-12-211 et seq. of the Austin City Code and is therefore a public nuisance and dangerous with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law for this property; order any necessary permits be secured; the residential single family structure be repaired with final inspections passed within thirty (30) days the date the Order is mailed to the owner; that all repairs or modifications shall meet or exceed the requirements of the International Property Maintenance Code and all applicable codes; the owner or owner's representative shall request inspection(s) to verify compliance; and that after the thirty (30) days, a penalty of \$250.00 per week be assessed until work is completed with final inspections passed.

The Commission did not accept Staff's recommended order and instead chose to put the case in abeyance for ninety (90) days and to bring the case back to the Commission in January.

A motion was made by Commission Member Ethelynn Beebe, Commission Member Daniel Gonzalez second on a 4-1-0 vote. Commission Member Stacy Kaplowitz opposed.

c. CL 2011-084364**2200 Matthews Drive****Charles D. Golson, Jr. and Connie B. Curley**

2200 Matthews Drive is an unoccupied residential duplex structure. Travis County Appraisal District shows that Charles D. Golson, Jr. and Connie B. Curley are the property owners. This case was not represented by the property owner.

The City of Austin Code Compliance found that this property is in violation of the International Property Maintenance Code, adopted by reference in sections 25-12-211 et seq. of the Austin City Code and is therefore a public nuisance and dangerous with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law for this property; order any necessary permits be secured; the residential duplex structure located on the property be vacated within thirty (30) days of the date this Order is mailed to the owner; that you order the residential duplex structure located on the property to be demolished and the property left in a cleaned and raked condition within thirty (30) days of the date this order is mailed to the owner; that you require the owner or owner's representative to request inspection(s) to verify compliance; if compliance is not achieved within thirty (30) days, the Building Official may proceed with the demolition; after the thirty (30) days, the residential duplex structure and accessory structures, including items in the structures and on the property will be considered debris and disposed of as such; lien for all expenses incurred by the City of Austin will be filed with the Travis County Deed Records.

The Chair accepted Staff's Agreed Order.

Commission Coordinator Sonja Prevo presented the following cases:

d. CL 2011-048835

3804 (aka 3800) South Congress Avenue

3800 South Congress LP

3804 (aka 3800) South Congress Avenue is a Commercial Building. Travis County Appraisal District shows that 3800 South Congress LP is the title owner.

The City of Austin Code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in sections 25-12-211 et seq. of the Austin City Code.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law for this property; all Commercial Structure(s) located on the property be vacated and secured immediately and shall remain vacant, secured and exterior cleaned of trash, debris and high weeds until full compliance with this Agreed Order has been achieved as verified by the Code Official; Section A of the Commercial Structure located on the property, as identified in Figure 1, be demolished within ninety (90) days of the date this Agreed Order is mailed to the owner; Section B of the Commercial Structure located on the property, as identified in Figure 1, be demolished within 120 days of the date this Agreed Order is mailed to the owner; the owner or owner's representative shall request inspection(s) to verify compliance; if compliance is not achieved within specified timeframes, the Building Official may proceed with the demolition of the aforementioned sections of the structure. After the specified timeframes, all portions of Section A and Section B, including items in the structure(s) and on the property, shall be considered debris and subject to disposed of as such; without further notice to the owner or other legally interested parties, if any. A lien for all associated expenses incurred by the City of Austin will be filed against this property with the Travis County Deed Records; the foundation of Section C of the Commercial Structure located on the property, as identified in Figure 1, shall be reinforced within ninety (90) days of the date this Agreed Order is mailed to the owner. This measure is intended to reinforce the foundation of Section C until this portion of the structure is demolished or additional work is performed to bring the entire structure into compliance. After ninety (90) days, a penalty of \$1,000.00 per week shall be assessed until compliance is achieved. The City is in receipt of the reinforcement measures specified by the engineer; after the ninety (90) days, the owner or owner's representative shall submit a monthly progress report to City Staff until compliance with this Agreed Order has been achieved.

The Chair accepted staff's Agreed Order.

e. CL 2011-097039

2504 East 6th Street

Miriana S. and Frank Gevara

2504 East 6th Street is an occupied residential single family structure. Travis Central Appraisal District records show Miriana S. and Frank Gevara as the owners of this property. This case was represented by Nadia Salsado.

The City of Austin Code Compliance found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 et seq. of the Austin City Code and is therefore a public nuisance and dangerous with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law for this property; order any necessary permits be secured; the residential single family structure located on the property be vacated within thirty (30) days of the date this Order is mailed to the owner; that you order the residential single family structure and accessory structures located on the property to be demolished and the property left in a cleaned and raked condition within sixty (60) days of the date this order is mailed to the owner; that you require the owner or owner's representative to request inspection(s) to verify compliance; if compliance is not achieved within sixty (60) days, the Building Official may proceed with the demolition; after the sixty (60) days, the residential single family structure and accessory structures, including items in the structures and on the property will be considered debris and disposed of as such; lien for all expenses incurred by the City of Austin will be filed with the Travis County Deed Records; and if compliance is not achieved within thirty (30) days of the vacation, this order authorizes any peace officer to enforce and carryout this Order.

A motion to accept staff's recommended Order was made by Commission Member Daniel Gonzalez, Commission Member Stacy Kaplowitz second on a 5-0-0 vote.

f. CL 2011-080028

1802 East MLK Boulevard, Primary Structure Alberto & Bertha Soto

Case was withdrawn.

g. CL 2011-080039

1802 East MLK Boulevard, Accessory Structure Alberto & Bertha Soto

Case was withdrawn.

h. CL 2011-080044

2947 Moss Street

Carl Erskine % Curtis Younger

2947 Moss Street is an unoccupied residential single family structure with a homestead exemption. Travis Central Appraisal District records show Carl Erskine % Curtis Younger as the owners of this property. This case was represented by Carl Erskine, Sr.

The City of Austin Code Compliance found that this property is in violation of the International Property Maintenance Code, adopted by reference in Section 25-12-211 et seq. of the Austin City Code and is therefore a public nuisance and dangerous with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law for this property; order any necessary permits be secured; the residential single family primary structure be repaired with final inspections passed within thirty (30) days the date the Order is mailed to the owner; that all repairs or modifications shall meet or exceed the requirements of the International Property Maintenance Code and all applicable codes; the owner or owner's representative shall request inspection(s) to verify compliance; and that after the thirty (30) days, a penalty of \$10.00 per day per violation shall be assessed until work is completed with final inspections passed.

The Commission accepted Staff's recommended order, with an amendment of thirty (30) days to sixty (60) days.

A motion to accept staff's recommended Order was made by Commission Member Ethelynn Beebe, Commission Member Charles Cloutman second on a 5-0-0 vote

6. ADJOURNMENT

Chair David Brown adjourned the Commission Meeting at 8:20pm without objection.