



## **BUILDING AND STANDARDS COMMISSION MINUTES**

**REGULAR MEETING  
Wednesday, September 25, 2013**

The Building and Standards Commission convened in a regular meeting on Wednesday, September 25, 2013 at City Hall, in the Boards and Commission Room, 301 West 2<sup>nd</sup> Street, Austin, Texas.

Madam Chair, Ethelynn Beebe called the Commission Meeting to order at 6:33 p.m.

### **Commission Members in Attendance:**

Ethelynn Beebe, Chair; David Brown, Vice-Chair; Tim Hill, Steven Alloway and Charles Cloutman

### **Staff in Attendance:**

Keith Leach – Asst. Director; Steve Ramirez - Division Manager; Ron Potts - Division Manager; Elaine Garrett – Asst. Division Manager; Todd Wilcox – Asst. Division Manager; Robert Alvarado – Asst. Division Manager; Christopher Moore – BSC Coordinator; Mike Carter - Code Compliance Inspector; Manny Villegas - Code Compliance Investigator; Manny Villegas - Code Compliance Investigator; Anthony McBride – Code Compliance Investigator; Jason Davenport - Code Compliance Inspector; Brian Kelley - Code Compliance Inspector; Merlinda Coleman – Program Specialist; Kathleen Buchanan, Assistant City Attorney.

## **1. CITIZEN’S COMMUNICATION: GENERAL**

- a. **Stuart Hersh – consultant for Casa de Luz. Mr. Hersh requested to be placed on October’s BSC Agenda. Mr. Hersh requested the Commission to have further discussion regarding the Commission’s Order placed against 1701 Toomey Road – Casa de Luz.**
- b. **Jonathan Caldwell – potential buyer of 1205 E. 52<sup>nd</sup> Street. Mr. Caldwell requested the Commission to placed 1205 E. 52<sup>nd</sup> Street back on October’s BSC agenda for further discussion and possible action regarding the Commission’s Order placed against 1205 E. 52<sup>nd</sup> Street in August. Mr. Caldwell was directed to speak to staff.**

## **2. PUBLIC HEARINGS**

- a. **New Cases**
  - i. **201 W. Applegate Drive; Frankie McNeely Tatsch  
CL # 2013-096359**

**201 W. Applegate Drive is a mobile home. Travis Central Appraisal District shows Frankie McNeely Tatsch is the title owner. This case was represented by Ronald W. Tatsch.**

**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 through 25-12-213 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 (as described in the Findings of Fact, Section A.VII) and Conclusions of Law identified at this**

property; order any necessary permits be secured; order the mobile home structure located on the property be demolished and the lot left in a cleaned and raked condition within 30 days of the date the Order is mailed to the owner; order all portions of the mobile home structure be demolished and removed and that the owner or owner's representative request inspection(s) to verify compliance. If compliance is not achieved within the 30 days, the Code Official's designee may proceed with the demolition. After the 30 days, all portions of the mobile home structure including items in the structure 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.

In lieu of demolition, removal of the mobile home structure to a location outside the jurisdiction of the City of Austin and removal of all items in the structure and on the property shall also be deemed as an alternate remedy to achieve compliance with this Order; the removal shall be completed within 30 days of the date this Order is mailed to the owner and shall occur in accordance with all City codes; all portions of the mobile home structure shall be removed, including removal of all items, materials and debris from the property; the owner or owner's representative shall request inspection(s) to verify compliance

Additional testimony was given by: Detective Julie Long and Officer Rafael Kianes of the Austin Police Department; Mona Now and Lisa Gardner of the Mockingbird Neighborhood Association; and Lori Schneider and Adam Smith of the Austin Water Utility Department prior to the Commission's vote.

A motion was made by Commissioner Hill to adopt staff's recommended Order and to amend the Order to also include vacating the mobile home structure and premises immediately and to remain vacant until compliance is achieved. If the mobile home structure and premises are not vacated, 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.

Commission Member Cloutman second; the motion passed with a 5-0-0 vote.

**ii. 2100 E. 13<sup>th</sup> Street; Diane Johnson and Dencie Lott  
CL # 2013-095345**

2100 E. 13<sup>th</sup> Street is a single family structure. Travis Central Appraisal District shows that Diane Johnson and Dencie Lott are the title owners. This case was not represented.

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 through 25-12-213 Austin City Code and is therefore a public nuisance and dangerous with substandard conditions.

Staff recommended the Commission adopt the recommended order and that a demolition permit be secured and that the single family structure to be demolished and removed; order the lot be left in a cleaned and raked condition within thirty (30) days of the date this Order is mailed to the owner. Order the owner or owner's representative request inspection(s) to verify compliance. If compliance is not achieved within 30 days, the Code Official may proceed with the demolition. After the 30 days, all portions of the single family structure, including items in the structures 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 to accept staff's recommended order was made by Commissioner Hill; Vice-Chair Brown second; the motion passed on a 5-0-0 vote.

**b. Appeal Cases**

**i. 1516 Burton Drive (aka 1601 Royal Crest Drive) Bldgs. A1, A2, A5 & A6; Canyon Oaks, LP  
CL # 2013-095687, 2011-095679, 2011-095716 and 2011-095726**

**1516 Burton Drive is a multi-family structure. Travis Central Appraisal District shows that Canyon Oaks, LP is the title owners. This case was represented by Sean Bukowski (attorney) Cross Mosari (owner).**

**The Commission was unable to hear the appeal because the appeal was not filed within the allotted timeframe to file an appeal. A motion was made by Commissioner Cloutman to deny the appeal; Commissioner Hill second; the motion passed on a 5-0-0 vote.**

**3. STAFF BRIEFINGS**

- a. Postponed until a later agenda.**

**4. APPROVAL OF MINUTES**

- a. The minutes for the regular hearing of August 28, 2013 were approved on Commission Member Hill's motion. Vice-Chair Brown second; the motion passed on a 5-0-0 vote.**

**5. FUTURE AGENDA ITEMS**

- a. Staff is to provide an update to the Commission regarding progress of 1701 Toomey Road.**
- b. Staff is to review the role of the Commission.**

**6. ADJOURNMENT**

**Madam Chair Beebe adjourned the commission hearing at 9:00 p.m. without objection on a motion made by Commissioner Cloutman; Vice-Chair Brown second; the motion passed on a 5-0-0 vote.**