



**BUILDING BOARD OF APPEALS
SPECIALLY CALLED MEETING | MARCH 6, 2025 AT 6:00 PM
CITY HALL COUNCIL CHAMBERS | 405 MUNICIPALS DRIVE, KENNEDALE, TX 76060**

I. CALL TO ORDER

Board Chair Kelli Rod called the meeting to order at 6:07 p.m.

A. ROLL CALL

Board Chair Kelli Brown, Vice Chair Pat Vader, Place 1 Theodore Krum, Place 2 Kelly Turner, Place 4 Amanda Hollins and Alternate Tiffany Murokozi were in attendance, thus constituting a quorum.

The Community Development Director and Board Secretary were also present.

II. REGULAR SESSION

A. SWEARING IN OF SPEAKERS

Nathan Gonzales
Amber Hardee
Darek Hall
James Hardee

III. PUBLIC HEARING

1. **BBA CASE #25-01** to conduct a public hearing and consider a city-initiated request for demolition or repair of a single-family dwelling located at 6713 Lindale Rd, Oak Crest Addition, Block 9, Lot 24, City of Kennedale, Tarrant County, Texas.

1. Staff Presentation

Director Nathan Gonzales gave the following report regarding the property located at 6713 Lindale Rd:

The subject property, occupant James Hardee, and property owner Amber Hardee have had an extensive history with the City of Kennedale's Code Compliance Division. Records on file note previous attempts by the city to bring the property into compliance dating as far back as July of 2007. Notices of violation have been issued on multiple occasions for trash and rubbish and inoperable/junked vehicles in June 2012, June of 2018, and February of 2020. Citations have also been issued with corresponding dates. Similarly, both police and fire departments have had multiple calls for service at the address. The police department also advised they too have issued citations in attempts to have the property cleaned up.

In March of 2023, both the tenant and property were mailed, again, a notice of violation by the current staff of the Community Development Department. After ample time was given to abate the nuisance violations, a follow-up inspection was performed on June 26, 2023, with the consent of the occupant, James Hardee. An enormous amount of rubbish, trash, discarded equipment, home furnishings, unused building materials, tires, bicycles, and discarded appliances was observed both in front of the property and behind the dilapidated fence that shielded the home from view. The sheer volume and accumulation of these items made it difficult to walk around the property. Along the available walking paths were animal feces scattered throughout the property. The smell of feces was foul, offensive, and extremely prevalent. Given that this was the first time staff was able to walk the premises, we observed the poor and dangerous condition of the single-family structure. A large accessory structure in the northeast corner was dilapidated and had a strong rodent and urine smell as well. A gas generator had been running and its wires had been improperly spliced into the building's electrical service panel. It was evident that the home did not have active electrical service from Oncor. The exterior of the home's siding was in poor condition, damaged, or missing entirely. The roof assembly had buckled and was in disrepair. Windows were missing or broken. Mr. Hardee advised that he did not have any running water. The property does not have an active water or sewer service from the city. He stated that his property was on a private well with what he referred to as "iron water." Mr. Hardee also advised the home had a septic system but its condition was unknown.

Due to the nuisances, condition of the structure and premises, and lack of utilities, Director Gonzales deemed the home unfit for human habitation and advised James Hardee that he and the owner, Amber Hardee, a relative of his, would need to bring the home into compliance. Furthermore, Director Gonzales advised both Mr. and Ms. Hardee that the property and home violated the city's substandard building ordinances. At that point a citation was issued to both the tenant and owner for trash, junked vehicles, and maintaining a substandard structure. During the subsequent court hearings, multiple extensions were given to defendants to have the property cleaned up. During their court hearings, Ms. Hardee as well as Mr. Hardee agreed to first remove all the trash and rubbish so that access to the home could be provided for necessary repairs and then obtain the necessary permits. The court hearings were reset month after month to allow them to report back with progress updates. Both Hardee's spent months working to remove the rubbish with the help of friends. Progress was being made and a few areas of the property were cleared of rubbish. Ms. Hardee hired a contractor to repair the home's foundation in hopes of correcting the roof assembly issues. The contractor began work on the home but failed to first obtain a permit. A stop work order was issued and the contractor later obtained the required permit on December 22, 2023. During construction, the contractor excavated around the perimeter of the home as well as inside rooms as needed to access the flooring systems. Unfortunately, heavy rains followed and flooded the trenches with water. The water remained for weeks and repairs eventually came to a stop. Director Gonzales received word from Ms. Hardee that the contractor was supposed to pump out the water from underneath the home, however, no other progress was

made during the Spring and Summer of 2023. At the last court hearing, Mr. Gonzales informed the city prosecutor that the violations had yet to be resolved. Mr. James Hardee and Ms. Amber Hardee plead no contest to the citations and set up a payment plan with the court.

Director Gonzales continued his report by stating that to date, a foundation permit previously issued had expired. The permit holder and contractor have yet to call in any required inspections. Additionally, the department has not received any request to renew or extend the permit, nor have any other permits been applied for or issued.

Consequently, on November 1, 2024, staff returned to the home for a follow-up inspection. The Community Development staff was accompanied by members of the Police and Fire Departments. Two unknown male individuals were encountered at the premises. One appeared to have been sleeping in his vehicle that was parked in the dirt driveway of the home. The property again appeared to have returned to its original state, with rubbish, trash, and discarded items stored in front of the home. We contacted James at this front gate. After a short discussion, James gave staff his consent to inspect the property again, opened his gate, and allowed them in. During the inspection, Director Gonzales confirmed that the property had reverted to its original condition. Rubbish, discarded equipment, materials, junk, and animal feces were strewn throughout. The areas that had been previously cleared were now reoccupied with accumulation of rubbish. The foundation and floor repairs were still visible. Two rooms on the east side of the home had their floor joists visible. Director Gonzales said that he did not observe fasteners installed to secure the floor joists to the perimeter beams nor were there any rim boards. Had an inspection been called in, it would have failed to pass inspection. The roof assembly on the northeast corner of the home was collapsing. The accessory structure at the northeast corner remained in disrepair and was near collapse as well.

During the inspection, James Hardee informed staff that his wife and daughter were inside the home. Mr. Gonzales asked him how old his daughter was and James advised she was three years old. Mr. Gonzales then asked Mr. Hardee to have his wife and daughter come out to speak with the staff. An unknown female who appeared to be twenty-five exited the home holding a small child. The child had been sleeping and still had what appeared to be Halloween makeup up her face. The female stated she had stayed the night inside the home. Director Gonzales reminded Mr. Hardee that the structure was unfit for human habitation and certainly no place for children. He also informed the female that the home was not safe to occupy and no place for children. Mr. Gonzales then provided James Hardee with a copy of the notice of public hearing and advised him of his intent to bring the case before the Building Board of Appeals to request an order for repair or demolition. A notice was then posted at the home of Amber Hardee who lived down the street. A certified copy was also mailed to her address. A notice of public hearing was also published in the Star-Telegram.

Director Gonzales concluded his presentation by informing the Board that as staff has noted, the property's numerous code violations have been resolved for quite a

long time. Staff recommended that the Board issue an order to vacate the property, abate all nuisance and substantial building violations, obtain all necessary permits, either repair or demolish the structure within 30 days. If more than 30 days are needed, staff also recommended that the Board require the owner to provide a detailed construction schedule outlining when repairs will be made and that the time will not exceed 90 days. If the property is not brought into compliance within the required time frame, staff recommended that the Board issue an order of demolition of the structure.

2. Property Owner Presentation

Ms. Amber Hardee read from a letter that had been typed up. The letter gave a brief history of the property and the difficulties that she faced in encouraging her uncle who she diagnosed as a hoarder with mental health needs to clean up the property. Ms. Hardee was very clear in her concerns that if Mr. Hardee was to vacate the premises, he would become homeless with no place to live or work. Ms. Hardee was not able to continue on with her presentation due to the emotional nature of the case. Which at that time her neighbor, Derek Hall continued and spoke in opposition of the case.

Mr. Hall acknowledged that the house is in dire need of repair, but he, like Ms. Hardee requested that Mr. Hardee not be deprived of his current address, but be allowed to continue to live there while repairs are being made and requested that the occupant be given more than 30 days to complete the necessary repairs and cleanup of the property.

3. Staff Response and Summary

In response to the Property Owner's presentation, pictures were presented to the Board detailing the time line in which the decline of the property had been noted. Mr. Gonzales presented causes filed in the City of Kennedale's Municipal Court dating back to February 21, 2020 as well as documentation that the Hardee's had been notified of the nuisances and had been requested to complete the abatement of the property and make the much needed repairs. Mr. Gonzales concluded that the Hardee's as well as their neighbor, Mr. Hall have worked well with the city in the past, however, there has not been any improvement on the fixing up of the property.

4. Property Owner Response and Summary

Mr. James Hardee spoke to the presentation of the pictures and submitted a quote from Tony Covington with Handyman Remodeling to the Board for review, but was not able to finish his response due to the emotional nature of the case. Mr. Hall completed the owner's response by addressing the permits that would be required.

Chairperson Rod recessed the meeting into a break at 7:28 PM

The meeting reconvened at 7:35 PM.

The Board gave Ms. Hardee time to respond as part of the Owner Response and Summary. Once again, she stated that she understood the severity of the property, but felt helpless in trying to encourage her uncle to clean up the property and stop the hoarding.

Chairperson Rod opened up a time of discussion at 7:39 PM.

Board members Vader, Turner had questions regarding permitting in which Director Gonzales responded with listing what is permissible and what is not and who can complete the work.

Chairperson Rod asked about bringing the house up to code and board member Hollins asked about civil issues, time frames and demolition. Director Gonzales responded to each question thoroughly.

Place 4 Hollins, Vice-Chair Vader as well as Chairperson Rod asked owner, Amber Hardee questions regarding her current and future plans for the property in question. She responded that her current plan was for her uncle James Hardee to help her clean up the property with the intentions to keep it that way and her future plans would include demolishing the property once her uncle was no longer living there.

Place 2 Turner stated that safety of Mr. Hardee was of the utmost importance in his opinion.

Vice-Chair Vader commented about a child being in poor living conditions and had asked Mr. Hall if he would be willing to live in the home as it sits.

Place 1 Krum stated that he was not in favor of requiring Mr. Hardee to vacate the premises.

Place 2 Tuner made the motion on item BBA Case #25-01 that the owner present to the city an approved plan to address and correct all violations in the next 30 days and during said 30 days, permits are to be pulled to correct violations and that said work be completed, remedying those situations that need to be addressed in the next 90 days will also be subject to inspections by the city and that the owner meet with the city and/or the committee on a 30 day basis every month to show progress on said case and continue conversations with the board for a single-family dwelling located at 6713 Lindale Rd, Oakcrest Addition, Block 9, Lot 24, City of Kennedale, Tarrant County, Texas 76060.

Place 4 Hollins seconded the motion.

No oppositions, No abstentions

Vote: The motion carried unanimously: 5-0

III. ADJOURNMENT

Place 2 Turner made the motion to adjourn.

Place 4 Hollins seconded the motion.

With there being no further business, Chairperson Rod adjourned the meeting at 8:40 PM

APPROVED:

A handwritten signature in black ink, appearing to read "Rod", written over a horizontal line.

BUILDING BOARD OF APPEALS CHAIR

ATTEST:

A handwritten signature in blue ink, appearing to read "Ina Coo", written over a horizontal line.

BOARD SECRETARY