

BOARD OF ADJUSTMENT & BUILDING BOARD OF APPEALS

AGENDA

REGULAR MEETING

February 7, 2017

CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. SWEARING IN OF SPEAKERS

IV. MINUTES APPROVAL

A. Consider approval of minutes from the March 1, 2016 Building Board of Appeals regular meeting

V. VISITOR/CITIZENS FORUM

At this time, any person with business before the Board of Adjustment not scheduled on the Agenda may speak to the Board, provided that an official 'Speaker's Request Form' has been completed and submitted to the Board Secretary prior to the start of the meeting. All comments must be directed towards the Chair, rather than individual board members or staff. All speakers must limit their comments to the subject matter as listed on the 'Speaker's Request Form.' No formal action can be taken on these items.

VI. REGULAR ITEMS

A. Case BBA # 17-01 Public hearing and consideration of demolition approval regarding a city-initiated request for demolition of an R-3 single family residential home located on approximately 2.2 acres at 904 Shady Oaks Dr, legal description of Hilldale Addn Lot 5 Block 3.

1. Staff Presentation
2. Property Owner Presentation
3. Public Hearing
4. Property Owner Response
5. Staff Response and Summary
6. Action by the Building Board of Appeals

VII. REPORTS/ANNOUNCEMENTS

VIII. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Kennedale will provide for reasonable accommodations for persons attending City Council meetings. This building is wheelchair accessible, and parking spaces for disabled citizens are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meetings. Please contact the City Secretary at 817.985.2104 or (TDD) 1.800.735.2989

CERTIFICATION

I certify that a copy of the February 7, 2017, Board of Adjustment & Building Board of Appeals agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.

A handwritten signature in cursive script that reads "Rachel Roberts". The signature is written in dark ink and is positioned above a horizontal line.

Rachel Roberts, Board Secretary



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: February 7, 2017

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Consider approval of minutes from the March 1, 2016 Building Board of Appeals regular meeting

II. Originated by:

Sandra Johnson, Building Official

III. Summary:

The minutes from the March 2016 meeting are attached for your consideration.

IV. Recommendation:

Approve

V. Alternative Actions:

VI. Attachments:

1.	03.01.2016 BBA Minutes	3.1.2016 BBA Minutes.docx
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BUILDING BOARD OF APPEALS
MINUTES
REGULAR MEETING
March 1, 2016
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE
REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

Mr. Clark called the meeting to order at 7:00 PM

II. ROLL CALL

Present?	Commissioner
X	John Clark
X	Brian Cassady
	Jeff Madrid
X	Patrick Vader
X	Martin Young
	<i>Alternates</i>
X	Jeff Nevarez
X	Lana Sather
	<i>Vacant</i>

A quorum was present.

Mr. Nevarez was asked to join the board as a regular member.

Staff present: Sandra Johnson (building official); Katherine Rountree (board secretary).

III. MINUTES APPROVAL

A. Consider approval of minutes from September 1, 2015 Building Board of Appeals meeting.

Mr. Vader motioned. Mr. Cassady seconded. Passed with all in favor except Mr. Clark, who abstained from voting.

IV. REGULAR ITEMS

A. **CASE BBA # 16-01** Public hearing and consideration of approval regarding a city-initiated request for demolition of an "I" Industrial building located on approximately 8.357 acres at 800 W Kennedale Parkway legal description of H D Cowan Subdivision Block 3.

1. Staff Presentation

Sandra Johnson, Building Official for the City of Kennedale at 405 Municipal Dr. Kennedale, TX, said that she has new information stating that the property owners have obtained an attorney and asked to table the case until next month.

Upon chairman's request, a brief recess was taken at 7:06 PM.

2. Property Owner Presentation

No one presentation was made.

3. Public Hearing

No one spoke at the public hearing.

4. Property Owner Response

No response was needed.

5. Staff Response and Summary

Since the property owner said he was interested in remediating the issues, staff recommended giving the property owner some additional time to work on the property.

6. Action by the Building Board of Appeals

Mr. Nevarez motioned. Mr. Vader seconded to table. The motion passed with all in favor except Mr. Clark, who abstained from voting.

The following case was cancelled:

B. **CASE BBA # 16-02** Public hearing and consideration of demolition approval regarding a city-initiated request for demolition of an "OT" Old Town Residential building located on approximately .1388 at 108 S. New Hope Rd, legal description of City of Kennedale Addition Block 66 Lot 5A, 4A, 6A, 7A, 8A & PT of closed alley N 55' Lots 4-8 & E 10' Lot 4.

1. Staff Presentation
2. Property Owner Presentation
3. Public Hearing
4. Property Owner Response
5. Staff Response and Summary
6. Action by the Building Board of Appeals

V. REPORTS/ANNOUNCEMENTS

Thursday, Silent Auction for the arts festival located at the high school.

VI. ADJOURNMENT

Mr. Nevarez motioned. Mr. Young seconded. The motion passed with all in favor except Mr. Clark, who abstained from voting.

The meeting adjourned at 7:15 P. M.



Date: 02/02/2017

Agenda Item No: REGULAR ITEMS - B.

I. Subject:

CASE BBA #17-01 Public hearing and consideration of approval regarding a city-initiated request for demolition of an "R-3" Single Family residential home located on approximately 2.2 acres at 904 Shady Oaks, legal description of Hilldale Addn Lot 5 Blk 3.

1. Staff Presentation
2. Applicant Presentation
3. Public Hearing
4. Applicant response
5. Staff Response and Summary
6. Action by the Building Board of Appeals Commission

II. Originated by:

Sandra Johnson, Building Official

III. Summary:

Request: Request demolition of the residence and swimming pool

Location: 904 Shady Oaks Dr. Kennedale, Texas 76060

Background.

There has been a history of violations at this particular residence dating back from March of 2004 including tall grass and weeds and inoperable vehicles. There was a fire at the residence in February of 2006 and it was deemed as substandard in 2009. The swimming pool has been a constant problem with the neighbors regarding habitation of mosquitos. This residence was presented to the Building Board of Appeals in August of 2011. The homeowner, Harvey De Larosa was granted thirty (30) days to bring the home into city compliance and no plan was ever submitted for repair. Unfortunately, the property went into bankruptcy and at that point the city was unable to complete the substandard process. Per the city's request, our attorneys had the stay of bankruptcy lifted.

STANDARDS FOR SUBSTANDARD BUILDINGS.

The standards for Substandard Buildings have been attached as a separate document.

STAFF REVIEW.

The Housing Standards Code Checklist has been attached as a separate document as well as photos regarding the code issues.

STAFF RECOMMENDATION.

Staff recommends demolition of the residence and swimming pool. The residence has a long history of violations that will continue if left standing. An electrical permit was obtained on August 12, 2016 and several inspections were made, however no final inspection was approved. Based on the residence history, the problems will persist and the property will become more hazardous to the public and an eye sore for the surrounding properties

IV. Recommendation:

Staff recommends that the Building Board of Appeals find that the building is substandard in violation of the standards in section 15-49 of the City of Kennedale ordinances and either:

- 1) order the property owner to repair it within 30 days and if not repaired within 30 days then the city may demolish and charge the property owner; or
- 2) order the property owner to demolish the building within 30 days if it is infeasible to repair and if not demolished within 30 days then the city may demolish and charge the property owner.

Action by the Building Board of Appeals.

- The Board must determine whether the building meets the minimum standards outlined in Section 15-49 of City ordinances and thus determine whether the building is substandard.
- If the Board determines that the building meets the City's minimum building standards then the Board will make that determination and no further action should be taken.
- If the Board determines that the building does not meet the City's minimum standards and the owner, lienholder, or mortgagee has no established that the work cannot reasonably be performed within thirty (30) days, then the Board may either"
 - Order the property owner, lienholder, or mortgagee to repair it within 30 days and if not repaired within 30 days then the city may demolish and charge the property; or
 - Order the property owner, lienholder, or mortgagee to demolish the building within 30 days if it is infeasible to repair and if no demolished within 30 days then the city may demolish and charge the property.
- If the Board determines that the building does not meet the City's minimum standards and the owner, lienholder, or mortgagee has established that the work cannot reasonably be performed within thirty (30) days, then the Board may:

- Order the property owner to repair it within 90 days and establish specific time schedules for the commencement and performance of the work and if not repaired within 90 days then the city may demolish and charge the property; or
- Order the property owner to demolish the building within 90 days if it is infeasible to repair and establish specific time schedules for the commencement and performance of the work and if not demolished within 90 days then the city may demolish and charge the property.
- The Board may not allow the owner, lienholder, or mortgagee more than ninety (90) days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:
 - Submits a detailed plan and time schedule for the work at the hearing; and
 - Establishes at the hearing that the work cannot be reasonably completed within ninety (90) days because of the scope and complexity of the work.

Sample motions are provided below for your reference, please note that you are not required to use one of the sample motions.

Approve

I find that the building does not meet the City's minimum building standards and make a motion to order the owner to repair the property within 30 days to avoid demolition by the city and be charged; or

I find that the building does not meet the City's minimum building standards and make a motion to order the owner to demolish within 30 days to avoid demolition by the city and be charged.

Deny

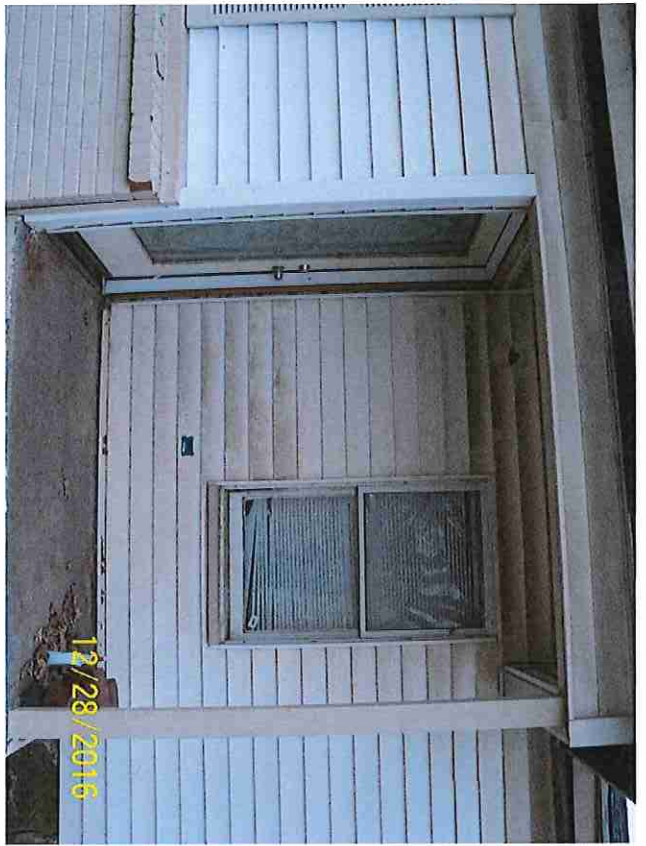
I find that the building does meet the City's minimum building standards and make a motion to deny the request for demolition or repair.

VI. Attachments:

1. Article II Sec. 15-48; Sec. 15-49; Sec 15-50
2. Tarrant Appraisal Owner Information
3. Housing Standards Code Checklist
4. Title Report
5. Affidavit for Administrative Search Warrant with granted Administrative Search Warrant
6. Officer's Return from using Administrative Search Warrant
7. Water Account Information
8. List of Code Violations
9. Information regarding lifting of bankruptcy stay

Included will be a PowerPoint presentation including current photographs of the property.

Included will be a PowerPoint presentation with photographs of the property. (Be sure to include this presentation)



12/28/2016



12/28/2016



12/28/2016



12/28/2016

