



**City of Azle
Regular Agenda
Building Board of Appeals**

505 W. Main Street
Azle, Texas 76020

July 25, 2024

6:00 PM

Council Chambers

Pursuant to Section 551.071 of the Texas Government Code, the Commission may convene into Executive Session(s) from time to time as deemed necessary during the meeting for any posted agenda item and may receive advice from its attorney as permitted by law.

REGULAR SESSION

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATION

1. Training regarding Legal Rules and Responsibilities of the Board
Andrea Russell, City Attorney

CONSENT AGENDA

2. Consider approval of the Minutes of the Building Board of Appeals meeting held January 24, 2019.
David Hawkins, AICP, Director of Planning and Development

PUBLIC HEARING

3. Conduct a public hearing regarding a demolition order issued by the Building Official for the structure located at 305 Walnut Avenue that was determined to be in violation of the minimum housing standards set forth in Section 3.04.004 of the City of Azle Code of Ordinances.
David Hawkins, AICP, Director of Planning and Development

ADJOURNMENT

I, the undersigned authority, do hereby certify the above Agenda was posted at City Hall on July 19, 2024 at the City's official bulletin board and is readily accessible to the public at all times in accordance with V.T.C.A. Chapter 551, Texas Government Code.

Malinda Howell

This facility is wheelchair accessible and handicapped parking spaces are available. Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in city functions and activities. Auxiliary aids and services or accommodations should be requested forty-eight hours prior to the scheduled starting time by calling the City Secretary's Office at 817-444-7101. Complete Zoning Board of Adjustment agenda packet is available for review at the City Secretary's Office and on our website www.cityofazle.org.



CITY OF AZLE BUILDING BOARD OF APPEALS
MINUTES OF REGULAR MEETING
613 S. E. PARKWAY – B.J. CLARK ANNEX
THURSDAY – JANUARY 24, 2019

REGULAR SESSION

CALL TO ORDER

Commissioner Carlson called the meeting to order at 6:00 p.m.

Members Present:

Jim Carlson
Roger Cokenour
Herby Wood
Gary Sebastian

Members Absent:

Chairman Robin Mosier

Staff Present:

Greg Mitchell	Development Services Manager
Michael Graham	Code Enforcement Officer
Debbie Clayton	Administrative Assistant

CONSENT AGENDA ITEMS

1. Consider approval of minutes of the Building Board of Appeals meeting held September 27, 2018.
2. Consider making a recommendation to City Council regarding the adoption of the 2018 International Building Code as amended, 2018 International Fire Code as amended, 2018 International Residential Code as amended, 2018 International Plumbing Code as amended, 2018 International Energy Conservation Code as amended, and the 2017 National Electrical Code as amended.

Commissioner Sebastian moved to approve the consent agenda. Commissioner Wood seconded the motion. Motion carried.

Yes: (4) Jim Carlson, Roger Cokenour, Herby Wood, Gary Sebastian
No: (0)
Absent: (1) Robin Mosier

PUBLIC HEARINGS

3. Conduct a public hearing regarding a demolition order issued by the Building Official for the structure located at 151 Avondale that was determined to be in

violation of the minimum housing standards set forth in Section 3.04.004 of the City of Azle Code of Ordinances.

Mr. Graham stated the property was in disrepair after a fire. The property owner perished in the fire. Staff has no option but to have the structure demolished.

Commissioner Carlson opened the public hearing at 6:09 pm. With no one requesting to speak, Commissioner Carlson closed the public hearing at 6:10 pm.

Commissioner Cokenour moved to approve the demolition order for the structure located at 151 Avondale. Commissioner Sebastian seconded the motion. Motion carried.

Yes: (4) Jim Carlson, Roger Cokenour, Herby Wood, Gary Sebastian

No: (0)

Absent: (1) Robin Mosier

ADJOURNMENT

Meeting was adjourned at 6:25 p.m.

Presented and approved on _____

Robin Mosier, Chairman

Attest:

David Hawkins, AICP
Director of Planning and Development

Exhibit “A”

Building Board of Appeals Staff Analysis 305 Walnut Avenue

Meeting Date: July 25, 2024

Summary of Request

To affirm a determination by the building official that the structure located at 305 Walnut Ave is substandard and should be demolished.

Inspection History

Initial Inspection – November 14, 2023 - the building inspection office was notified of a potential substandard structure located 305 Walnut Ave. The notification came of routine Code Enforcement activity.

Consent to Inspect - November 14, 2023 - A consent to inspect the property was brought to the property owner in person. Consent to inspect form was signed by the property owner (copy of Consent to Inspect form is included in packet).

Property Inspection – November 17, 2023 - An inspection of the property was conducted by the Building Official (SAFEBuilt), Fire Marshal, Code Enforcement staff and Director of Planning and Development after receiving consent to inspect from the property owner.

The inspection report and determination by the Building Official was prepared on January 8, 2024. Photos and a copy of the report and photos were provided to the property owner. The following violations of the minimum housing standards set forth in Section IV, of Ordinance No. 685-2-96:

1. Lack of functioning water closet;
2. Lack of functioning plumbing facilities;
3. Lack of hot and cold running water;
4. Improper electrical wiring;
5. Infestation of insects, vermin and rodents;
6. General dilapidation of structure.

Removal of Junk Vehicles – Not part of this substandard case, City had to remove four (4) junk vehicles located in front of this building on May 20, 2024 before moving forward with the notice of demolition procedures.

Notice and Order to Demolish - A notice and order to demolish the structure was sent to the property owner via certified mail on May 21, 2024.

Notice of Public Hearing Regarding Determination of Building Official that the structure located at 305 Walnut Ave is substandard and shall be demolished - Notice was sent and published in the Tri-County Reporter newspaper on July 11, 2024. Property owner was also sent a copy via certified mail and hand delivery in person. This notice was also posted on the property (see notices and photos in the packet).

Attachments: Consent to Inspect Form 11.14.2023
Inspection Report and Determination by Building Official 1.8.2024
Notice and Order to Demo – 5.21.2024
Inspection Photos 11.17.2023
Public Hearing Notices and Site Photos 7.11.2024

VOLUNTARY CONSENT TO SEARCH

I, Therian Brown, have been informed by the City of Azle Code Compliance, who has served me with this document that I have the right to refuse the compliance officer, or any other officer, permission to conduct a search of the premises mentioned in this document, which are under my control. I understand, that should I refuse consent I have the right to be free from a search of these premises by a Code Compliance Officer, in the absence of a search warrant. I understand that these rights are afforded to me under both the Constitution of the State of Texas and the United States Constitution.

Nonetheless, I HEREBY VOLUNTARILY WAIVE AND SURRENDER THESE RIGHTS, AND GIVE MY PERMISSION TO THE FOLLOWING OFFICER Stephanie Koch-Bartley, ALONG WITH ANY ASSISTING OFFICERS, TO CONDUCT A COMPLETE SEARCH OF: THE PREMISES, BUILDINGS, AND CURTILAGE, LOCATED AT 305 Walnut Ave Azle, Tx. 76020. (Initials of Consenting Party JB).

I FURTHER CONSENT TO A SEARCH OF ANY AND ALL VEHICLES UNDER MY CONTROL, LOCATED AT 305 Walnut Ave Azle, Tx. 76020.

Make: All cars Model : _____ Year: _____ License Plate # : _____

VIN #: _____ (Initials of Consenting Party JB).

Make: _____ Model : _____ Year: _____ License Plate # : _____

VIN #: _____ (Initials of Consenting Party JB).

I HEREBY PERMIT THE OFFICERS CONDUCTING THIS SEARCH TO PHOTOGRAPH, REMOVE ANY OBJECTS, DOCUMENTS, OR ANY OTHER ITEM OF PROPERTY FOUND, WHICH THEY MAY REASONABLY BELIEVE CONSTITUTES EVIDENCE AND MAY BE USED IN A SUBSEQUENT CRIMINAL OR CIVIL PROCEEDING RELATING TO THE PROPERTY.

I have given this consent of my own free will, and herein state that my consent was not a product of threats, promises, intimidation, compulsion, or persuasion of any kind.

I FURTHER UNDERSTAND THAT I MAY WITHDRAW MY VOLUNTARY CONSENT AT ANYTIME DURING THIS SEARCH.

Signed: Therian Brown

Witness: Kenny Wills

Witness: _____

Search Start Date & Time: _____

Search End Date & Time:

Date: 11/14/23 Time: 9:54am

Signed: Kenny Wills

Signed: _____

CITY of AZLE
SUBSTANDARD BUILDING REPORT

1/08/2024

Subject: 305 Walnut, Azle, Texas.

For the purposes of this report, any building, regardless of the date of its construction, which has any or all of the conditions or defects hereinafter described shall be deemed to be a substandard building.

☒ **Yes/No** Any building that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare.

☒ **Yes/No** Any building that, regardless of its structural condition, is unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.

Any building that is boarded up, fenced or otherwise secured in any manner if:

☒ **Yes/No** The building constitutes a danger to the public even though secured from entry; or
The means used to secure the building are inadequate to prevent unauthorized entry or use of the building.

☒ **Yes/No** Any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

☒ **Yes/No** The walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

☒ **Yes/No** The stress in any materials or members or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose or location.

☒ **Yes/No** Any portion thereof has been damaged by fire, earthquake, wind, flood or any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.

☒ **Yes/No** Any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse, and thereby injure persons or damage property.

☒ Yes/☐ No Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, is not of sufficient strength or stability, or is not so anchored, attached or fastened in place, so as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.

☒ Yes/☐ No Any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

☒ Yes/☐ No The building, or any portion thereof, because of dilapidation, deterioration or decay, faulty construction, the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building, the deterioration, decay or inadequacy of its foundation, or any other cause, is likely to partially or completely collapse.

☒ Yes/☐ No For any reason, the building, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

☒ Yes/☐ No Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

☒ Yes/☐ No The building, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty or more percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

Whenever the building has been so damaged by fire, wind, earthquake, flood or other causes, or has become so dilapidated or deteriorated, as to become:

☒ Yes/☐ No An attractive nuisance to children

☒ Yes/☐ No A harbor for vagrants, criminals or immoral persons.

☒ Yes/☐ No Any building has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building provided by the building regulations of this jurisdiction, as specified in the building code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

☒ Yes/☐ No Any building, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than fifty percent, or in any supporting part, member or portion less than sixty-six percent, of the strength, fire-resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

Whenever a building, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the building official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness, or disease for reasons including, but not limited to, the following:

☒ ~~Yes~~ ☐ ~~No~~ Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit or lodging house.

☒ ~~Yes~~ ☐ ~~No~~ Lack of or improper kitchen sink in a dwelling unit.

☒ ~~Yes~~ ☐ ~~No~~ Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house.

☒ ~~Yes~~ ☐ ~~No~~ Lack of adequate heating facilities.

☒ ~~Yes~~ ☐ ~~No~~ Lack of, or improper operation of, required ventilating equipment.

☒ ~~Yes~~ ☐ ~~No~~ Lack of minimum amounts of natural light and ventilation required by this code.

N/A ☐ ~~Yes~~ ☐ ~~No~~ Room and space dimensions less than required by this code or the building code.

☒ ~~Yes~~ ☐ ~~No~~ Lack of required electrical lighting.

☒ ~~Yes~~ ☐ ~~No~~ Dampness of habitable rooms.

☒ ~~Yes~~ ☐ ~~No~~ Infestation of insects, vermin or rodents.

☒ ~~Yes~~ ☐ ~~No~~ General dilapidation or improper maintenance.

UNK ☐ ~~Yes~~ ☐ ~~No~~ Lack of connection to required sewage disposal system.

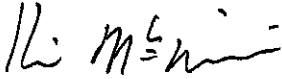
☒ ~~Yes~~ ☐ ~~No~~ Lack of adequate garbage and rubbish storage and removal facilities.

N/A ☐ ~~Yes~~ ☐ ~~No~~ Whenever any portion of a building remains on a site after the demolition or destruction of the building.

☒ ~~Yes~~ ☐ ~~No~~ Any building is abandoned so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

☒ ~~Yes~~ ☐ ~~No~~ Any building constructed and is still existing in violation of any provision of the building code or fire code of the city to the extent that the life, health or safety of the public or any occupant is endangered.

Note: Massive amounts of damaged, decaying, and deteriorated conditions were found throughout the structure from its original condition and would by me, be considered dangerous to the health, safety, morals, or general welfare of any occupants. It is my opinion that the structure constitutes a dangerous condition and is in violation of Section 3.04 Dangerous Buildings Ordinance. Further said structure would be considered a public nuisance. In my opinion this structure is not feasible of repair and would recommend demolition of said structure.



Kevin McMillin

Certified Building Official ICC, I2165

Safebuilt 817 659 6938



May 21, 2024

CERT 7022 2410 2222 5909 7189

Therian Brown
305 Walnut Ave
Azle, Tx 76020

Dear Sir or Madam:

This letter is a friendly reminder that the City of Azle is committed to keeping Azle beautiful by enforcing health and safety regulations and to notify you that a concern has been expressed regarding a substandard building on your property located at **305 Walnut Ave** also known as: **High School Addition-Azle Block 4 Lot 21** in Azle, TX 76020.

The welfare of our citizens is a major concern and since these situations may pose a danger to the public we ask that you address this problem in a timely manner.

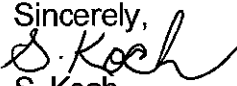
Section 3.04.003 Abatement of dangerous or substandard buildings. All buildings or portions thereof which are determined after inspection by the building official to be dangerous or substandard as defined by this article are declared to be public nuisances and shall be abated by repair, vacation, demolition, removal or securing in accordance with the procedures specified in this article.

Area of concern: Residence has become severely dilapidated and can no longer be occupied until **ALL** violations have been addressed per **Section 3.04.003.**

The City of Azle routinely gives **30** days to address the above listed concerns. The property will be re-inspected at the end of the **30** days to make sure the concerns have been resolved.

Please contact this office at 817-444-5596 or contact me at City Hall located at 505 W Main St, Azle, Texas 76020.

Thank you for your time and attention to this matter.

Sincerely,

S. Koch
Code Compliance

Cc: David Hawkins Director of Planning and Development



July 11, 2024

Certified Mail: 7022 2410 0000 5909 8964

Brown Therian
850 12th Ave #303 A
Fort Worth, Texas 76104

NOTICE OF PUBLIC HEARING TO BE HELD BEFORE THE BUILDING BOARD OF APPEALS ON **JULY 25, 2024** AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS AT CITY HALL, LOCATED AT 505 W. MAIN ST., AZLE, TEXAS 76020

According to the records of Tarrant County Appraisal District, you are the owner of property described as: 305 Walnut Ave., Azle, TX 76020.

Please be advised that on January 8, 2024 the Building Official of the City of Azle determined that the building located on the above described property was substandard and proceedings were commenced to cause the demolition of the building. Below please find a list of items that describing the conditions found to render the building substandard or dangerous pursuant to the minimum standards set forth in Section IV of Ordinance No. 685-2-96.

- | | |
|--|---|
| 1. Lack of functioning water closet; | 2. Lack of functioning plumbing facilities; |
| 3. Lack of hot and cold running water; | 4. Improper electrical wiring; |
| 5. Infestation of insects, vermin and rodents; | 6. General dilapidation of structure; |
| 7. Improper garbage and rubbish disposal. | |

A Public Hearing will be held on the date noted above before the Building Board of Appeals (the board) to determine whether the structures located at the above described property is substandard as set out in Section 3.04.004 of the City of Azle Code of Ordinances conditions constituting substandard building.

According to law, the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance, and the time it will take to reasonably perform the work.

If the building is found to be in violation of the standards set forth in Section 3.04.004 the Board may order that the building be repaired or demolished by the owner, mortgagee or lienholder within thirty (30) days.

If the Order given to the owner, mortgagee, or lienholder is not complied within the allowable time, **the City** may secure, remove or demolish the building. The expenses incurred by the City shall be a personal obligation of the property owner in addition to a priority lien being placed upon the property to secure payment.

If you should have any questions regarding this notice, please call me 817-444-7084.

David Hawkins, AICP
Planning and Development Manager

Photos of 305 Walnut Ave.



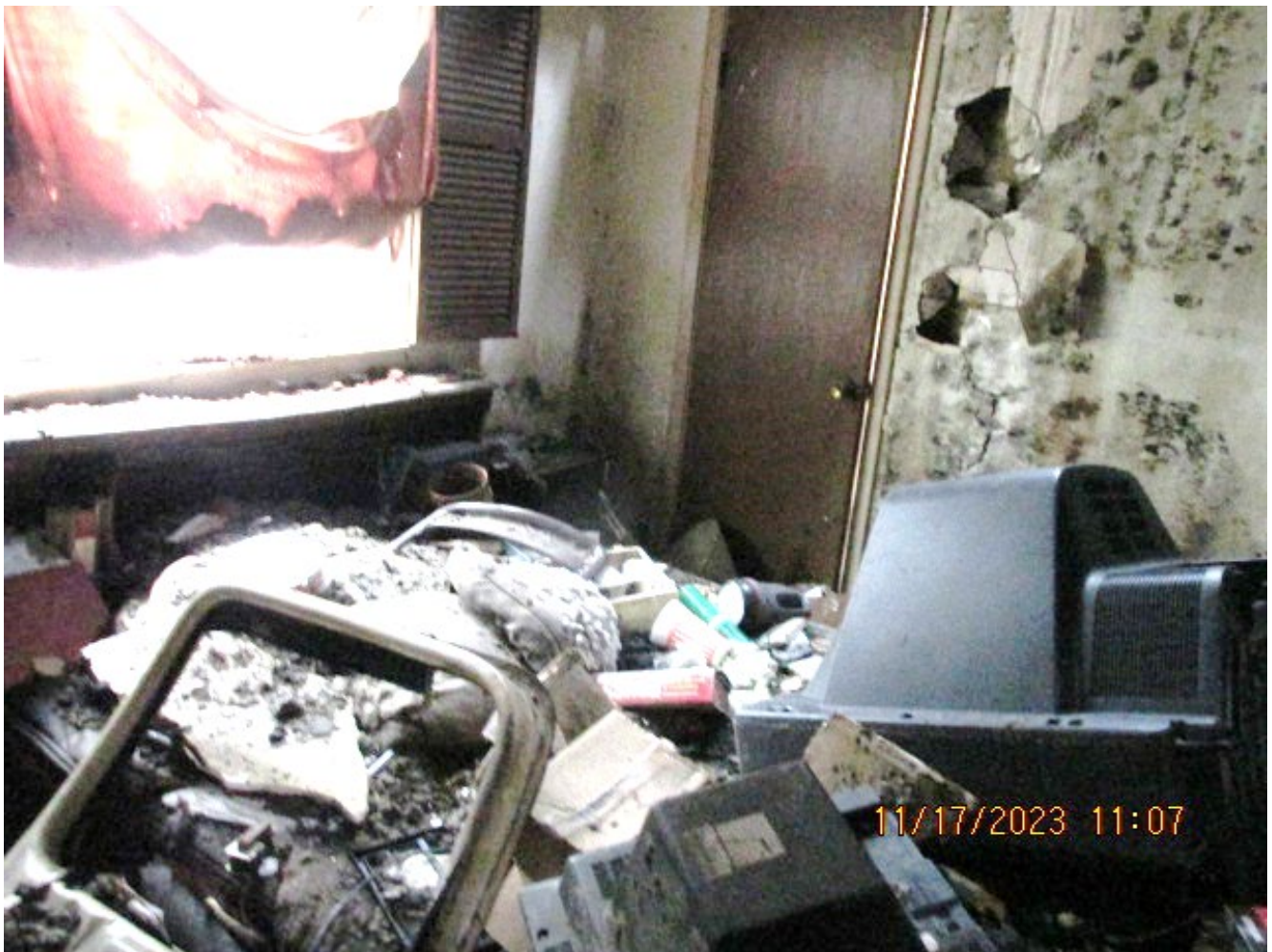






















Notice of Hearing posted
at 305 Walnut Ave.

07/12/2024 2:22 PM