



MINUTES
Regular
Azle Building Board of Appeals

505 W. Main Street
Azle, Texas 76020

July 25, 2024

6:00 PM

Council Chambers

REGULAR SESSION

CALL TO ORDER

Chairman Robin Mosier called the meeting to order at 6:02 p.m.

Members Present:

Chairman Robin Mosier
Vice Chairman Roger Cokenour
Jim Carlson
Gary Sebastian

Members Absent:

None

Staff Present:

David Hawkins, AICP	Director of Planning and Development
Malinda Nowell	Sr. Administrative Assistant
Stephanie Koch	Code Enforcement Officer
Justin Weaver	Code Enforcement Officer
Kevin McMillan, SAFEbuilt	Building Official
Andrea Russell, TOASE	City Attorney

INVOCATION

None

PLEDGE OF ALLEGIANCE

Chairman Robin Mosier led the pledge.

PRESENTATIONS

Training regarding Legal Rules and Responsibilities of the Board.

City Attorney Andrea Russell provided this training. Ms. Russell stated that this is a quasi-judicial board that can order a property owner to repair or demolish a structure on a property. This is not a beautification board but deals more with the health and safety of a property. The board's authority is granted in two sections of city ordinance. A quorum of this board is four members and at least three members must be in agreement to take action; a tie vote is not a "yes" or a "no". Ms. Russell also addressed Open Meetings Act topics. She

stated the board is required to hold a public hearing and that the burden of proof is upon the property owner to prove the scope of work to be done and how long it will take. Upon hearing a case, the default order to repair or demolish is 30 days; however, pending a proper scope of work, the board may issue a 60-day or 90-day order to repair or demolish. This board can order the city to demolish a property if the property owner does not comply with the Commission's order within the specified time frame. This would be the last resort in order to remove the health and safety hazard caused by the substandard property. A civil penalty hearing is also an option; however, that is an entirely separate public hearing process. Ms. Russell stated that due process is always very important, but certainly in property rights cases like these. Ms. Russell urged the Board to always hold their hearing, discuss, and verbalize their thoughts based only on what is presented during the meeting. She stressed the importance of holding these discussions only during the posted public meeting since that is required by law.

CONSENT AGENDA

Consider approval of the Minutes of the Building Board of Appeals meeting held January 24, 2019.

Board Member Jim Carlson moved to approve the minutes as presented. Vice Chairman Roger Cokenour seconded the motion. Motion carried.

Yes: (4) Robin Mosier, Jim Carlson, Roger Cokenour, Gary Sebastian

Absent: (0) None

PUBLIC HEARING

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.

Director of Planning and Development David Hawkins presented this item stating the case history, as noted within the staff analysis report:

- Initial Inspection - November 14, 2023 - the building inspection office was notified of a potential substandard structure located at 305 Walnut Avenue. The notification came from routine Code Enforcement activity.
- Consent to Inspect - November 14, 2023 - A consent to inspect the property was brought to the property owner in person. The consent form was signed by the property owner.
- Property Inspection - November 17, 2023 - An inspection of the property was conducted by the Building Official (SAFEBuilt), Fire Marshal, Code Enforcement staff and the 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 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 were observed: lack of functioning water closet; lack of functioning plumbing facilities; lack of hot and cold running water; improper electrical wiring; infestation of insects, vermin and rodents; general dilapidation of structure.
- Removal of Junk Vehicles - Not part of this substandard case; however, the 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 Avenue is substandard and shall be demolished - Notice was sent and published in the Tri-County Reporter newspaper on July 11, 2024. The property owner was also sent a copy via certified mail and hand-delivery. This notice was also posted on the property.

The referenced attachments were presented to the Board within their agenda packet:

- 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

Mr. Hawkins also provided a copy of an email from 5:35 p.m. this afternoon, July 25, 2024, from the property owner's daughter, Chelsie Brown, requesting additional time.

Certified Building Official Kevin McMillan, with 38 years' experience, stated there is a list of standards in section 3.04 of the City Code, as well as in Chapter 214 of the Local Government Code. Mr. McMillan reviewed his substandard report, resulting in the following statement:

"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."

Mr. McMillan reviewed the photographs taken during the inspection on November 17, 2023, as well as the issues present within each photograph.

Code Enforcement Officer Stephanie Koch stated that electricity to the structure was turned off November 16, 2023, per Fire Marshal Kenny Wilson's request to Oncor; this was the day before the inspection.

Chairman Robin Mosier opened the public hearing at 6:50 p.m. No one spoke on behalf of or in favor of the property owner.

Code Enforcement Officer Justin Weaver stated that he came on board with the City after this case had already started. He stated this property made him nervous to go inside and that he felt like it was going to fall in on him. Mr. Weaver stated this structure is two blocks from a school and he feels like we have an obligation to keep our children safe. He would like for this structure to no longer be a danger to the kids that go to school nearby.

Code Enforcement Officer Stephanie Koch stated that she has been working this case for almost two years. The City has had the grass mowed and has filed liens on the property because the grass is not cut and it is not maintained. She stated she had seen people pilfering through the cars. She also stated that someone once ran out from the garage when she had stopped by the property. Neighbors report that homeless people stay there all the time and go in through the garage. Windshields were busted out of the vehicles just a few weeks before the City had them towed from the property. Ms. Koch asked the board to consider what this property is doing to the neighborhood.

As there were no other speakers, Chairman Mosier closed the public hearing at 6:53 p.m.

Discussion included that, with regard to the email from Chelsie Brown, that she may not understand the scope and necessity of repairs; that repair is not feasible and would cost more to repair than to rebuild.

Vice Chairman Roger Cokenour made a motion to have the property torn down or to give the property owner 30 days to start the process.

Discussion continued. Ms. Koch stated that she went to the nursing home several times, including with Fire Marshal Kenny Wilson. She stated that the way Mr. Brown talked, he did not want his children involved. She said that Mr. Brown did have a couple of friends that were trying to help him, but they realized it was too big

for them. Ms. Koch stated that Mr. Brown does think the house can be saved, but she does not think he realizes how bad it is because he is not able to go to the house and look inside for himself. Ms. Koch stated that Mr. Brown told her he plans to fix the master bedroom and master bath and fix a wall, and that the City would let him keep the house that way. Mr. Brown has lived in the nursing home for multiple years and also lived in the home this way for several years. Ms. Koch stated she does not believe that Mr. Brown has the means to fix the property.

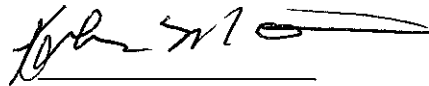
Vice Chairman Roger Cokenour stated that he did not think the owner could do anything within thirty (30) days and made a motion that the property be demolished. Board member Jim Carlson seconded the motion. Mr. Cokenour included that the property owner be given thirty (30) days to demolish the property and if it is not done within thirty (30) days by the property owner then the City is authorized to demolish it after that. Motion carried.

Yes: (4) Robin Mosier, Jim Carlson, Roger Cokenour, Gary Sebastian
Absent: (0) None

ADJOURNMENT

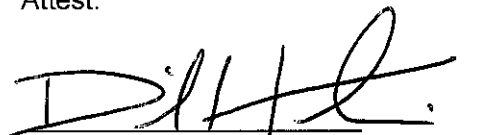
Chairman Mosier adjourned the meeting at 7:00 p.m.

Presented and approved on 9/9/25.



Robin Mosier, Chairman

Attest:



David Hawkins, AICP
Director of Planning and Development