City of Azle
Regular Agenda
Building Board of Appeals

505 W. Main Street
Azle, Texas 76020

December 1, 2025 | **6:00 PM** | **Council Chambers**

REGULAR SESSION

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

This is an opportunity for the public to address the Building Board of Appeals on posted agenda items or non-agenda items. In order to address the Board, please complete a Speaker's Request Form and submit to the Secretary prior to the start of the meeting. All comments must be directed to the Presiding Officer, rather than an individual board member or city staff. All speakers must refrain from personal attacks toward any individual. Comments are limited to three (3) minutes and must pertain to the subject matter listed on the Speaker's Request Form. Speakers requiring the assistance of a translator shall be provided four (4) minutes. The Board may not comment publicly on non-agenda items, but may direct the staff to resolve the matter or request the matter be placed on a future agenda. Public comments regarding non-agenda items shall not include any "deliberation" as defined by Chapter 551 of the Government Code, as now or hereafter amended. If you have a subject that may require Board action, you may obtain a form from the Secretary and request the item be placed on a future agenda.

CONSENT AGENDA

1. Consider approval of the Minutes of the Building Board of Appeals meeting held September 9, 2025.
   David Hawkins, Director of Planning and Development

PUBLIC HEARING

2. Conduct a public hearing regarding a demolition order issued by the Building Official for the structure located at 104 Northwest Parkway that was determined to be in violation of the minimum standards set forth in Section 3.04.004 of the City of Azle Code of Ordinances.
   David Hawkins, Director of Planning and Development

ADJOURNMENT

I, the undersigned authority, do hereby certify the above Agenda was posted at City Hall on Friday, November 21, 2025, 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.

David Hawkins, AICP
Director of Planning and Development

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 Building Board of Appeals agenda packet is available for review at the City Secretary's Office and on our website www.cityofazle.org.

MINUTES
Regular
Azle Building Board of Appeals

505 W. Main Street
Azle, Texas 76020

September 9, 2025 **6:00 PM** **Council Chambers**

REGULAR SESSION

CALL TO ORDER

Chairman Robin Mosier called the meeting to order at 6:01 p.m.

Members Present:

Chairman Robin Mosier
Vice Chairman Roger Cokenour
Board Member Jim Carlson
Board Member Damon Bethurum

Members Absent:

Board Member Gary Sebastian

Staff Present:

David Hawkins, AICP	Director of Planning and Development
Malinda Nowell	Sr. Administrative Assistant

INVOCATION

Board Member Jim Carlson gave the invocation.

PLEDGE OF ALLEGIANCE

Vice Chairman Roger Cokenour led the pledge.

PUBLIC PARTICIPATION

None.

CONSENT AGENDA

1. Consider approval of the Minutes of the Building Board of Appeals meeting held July 25, 2024.

Board Member Jim Carlson moved to approve the minutes of the Building Board of Appeals meeting held July 25, 2024 as presented. Board Member Roger Cokenour seconded the motion. Motion carried.

Yes:	(4)	Robin Mosier, Roger Cokenour, Jim Carlson, Damon Bethurum
Absent:	(1)	Gary Sebastian

PUBLIC HEARING

2. Conduct a public hearing regarding a demolition order issued by the Building Official for the structure located at 540 Dunaway Lane 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 gave the timeline regarding this structure and presented pictures detailing the condition of the property. The house was damaged by fire on July 8, 2024. The fire incident report was included in the Board's agenda packet. On June 18, 2025, staff received consent to enter the property. The City Fire Marshal, SAFEbuilt Inspector, and City Code Enforcement Officers conducted the inspection on June 19, 2025. A copy of the inspection report was included in the agenda packet. Mr. Hawkins stated that the determination by the Building Official is that this house has received very substantial damage. Mr. Hawkins presented photographs of the house and stated that the house has remained in this condition for over a year while the City tried to work with the property owner. Mr. Hawkins confirmed staff have been in contact with the property owners and they were made aware of this meeting. There are two different addresses for the owners because they are going through a divorce.

Fire Marshal Melvin Wilson stated that the structure is not secured, and it is a public nuisance and a health hazard. It has been harboring rodents, rats, and vultures. A portion of the home is boarded up, but it is still in a burned-out state. Mr. Hawkins advised that one of owners submitted a demolition permit to the city, but the contractor pulled his name from the job. The property owner has tried to obtain more quotes, but there has been no progress, which is why staff brought this case forward to the Board. Fire Marshal Wilson stated the home looks like it cannot be rehabbed because there is too much damage. SAFEbuilt Inspector Patrick Moran stated that there was a security fence in place, but it is laying down now and nothing has changed since these photographs.

Chairman Robin Mosier opened the public hearing at 6:10 p.m.

Attorney Jennifer Ruelas was present and representing her client, Mary Jane Cardona Lopez, one of the co-owners. Associate Byron Keaton of Consumer Financial Services, Data and Technology (CFS+) Practice Group was present and representing Newrez, LLC dba Shellpoint Mortgage Servicing, who is the lienholder for this property. Ms. Ruelas also noted that her client was present. Ms. Ruelas stated that both she and Mr. Keaton were hired recently to represent their respective parties to get this matter resolved. They have reached out to the insurer and have policy information but have not heard back yet. She advised there are questions about the proceeds and stated that her client is going through a difficult divorce. Ms. Cardona has been in contact with the City and is the one who obtained a demolition permit. Ms. Ruelas stated that she and Mr. Keaton spoke and agreed to request 90 days to finish gathering information, work with the insurance company, and get the home demolished.

Ms. Cardona confirmed that she was residing in the home and was asleep in the home when the fire broke out.

Mr. Keaton stated he did understand the seriousness and concerns of the City, but they still request 90 days. He stated they do not want to demolish the property prematurely while they wait on insurance proceeds, as well as the coordinated effort with all parties being on the same page and having retained counsel. They are hopeful to have a resolution within 90 days and whether the property is demolished or reconstructed. Ms. Ruelas confirmed that the home was insured at the time of the fire and that insurance paid a portion but they are trying to figure out why insurance has not paid all of what needs to be paid. Ms. Ruelas is reviewing policy documents and reaching out to the insurer since this was a fully covered property. Mr. Keaton added that the insurance proceeds could help to bring the property into compliance and a resolution that is satisfactory to the City.

Chairman Mosier asked for assurance that the property be secured to prevent entry and further damage. Vice Chairman Roger Cokenhour suggested that the property be secured within 15 days. Ms. Cardona stated there is a large opening in the back that she was told could not be covered, but that the front was completely covered. Ms. Ruelas stated her client is willing to secure the property. Fire Marshal Wilson suggested the property owner could rent a six-foot portable chain link fence to be placed around the perimeter of the structure.

Board member Jim Carlson stated that 90 days will be mid-December and that maybe 60 days would

be better timing.

Ms. Cardona stated there is a demolition permit that she has already paid for. Mr. Hawkins stated the permit is valid for six months and we would just need the name of the contractor.

As there were no other speakers, Chairman Mosier closed the hearing at 6:21 p.m.

Board Member Jim Carlson moved to delay this request for 60 days for the owner, attorney, and lienholder to complete their investigation and have the property demolished, and that the house be secured within 15 days. Board Member Damon Bethurum seconded the motion. Motion carried.

Yes:	(4)	Robin Mosier, Roger Cokenour, Jim Carlson, Damon Bethurum
Absent:	(1)	Gary Sebastian

DISCUSSION ITEMS

3. Adoption of 2024 International Building Codes and 2023 National Electric Code

Director of Planning and Development David Hawkins stated that there will be another meeting of the BBA within the next month or so to consider adoption of new building codes for the City of Azle.

Regarding the previous item, Board Member Jim Carlson asked and Mr. Hawkins confirmed that the BBA will not have to meet again. Mr. Hawkins stated that staff will work with the owner to get the house demolished in 60 days and if they do not, the city will take action and file a lien on the property.

ADJOURNMENT

Chairman Robin Mosier adjourned the meeting at 6:24 p.m.

Presented and approved on _____

_____
Robin Mosier, Chairman

Attest:

_____
David Hawkins
Director of Planning and Development

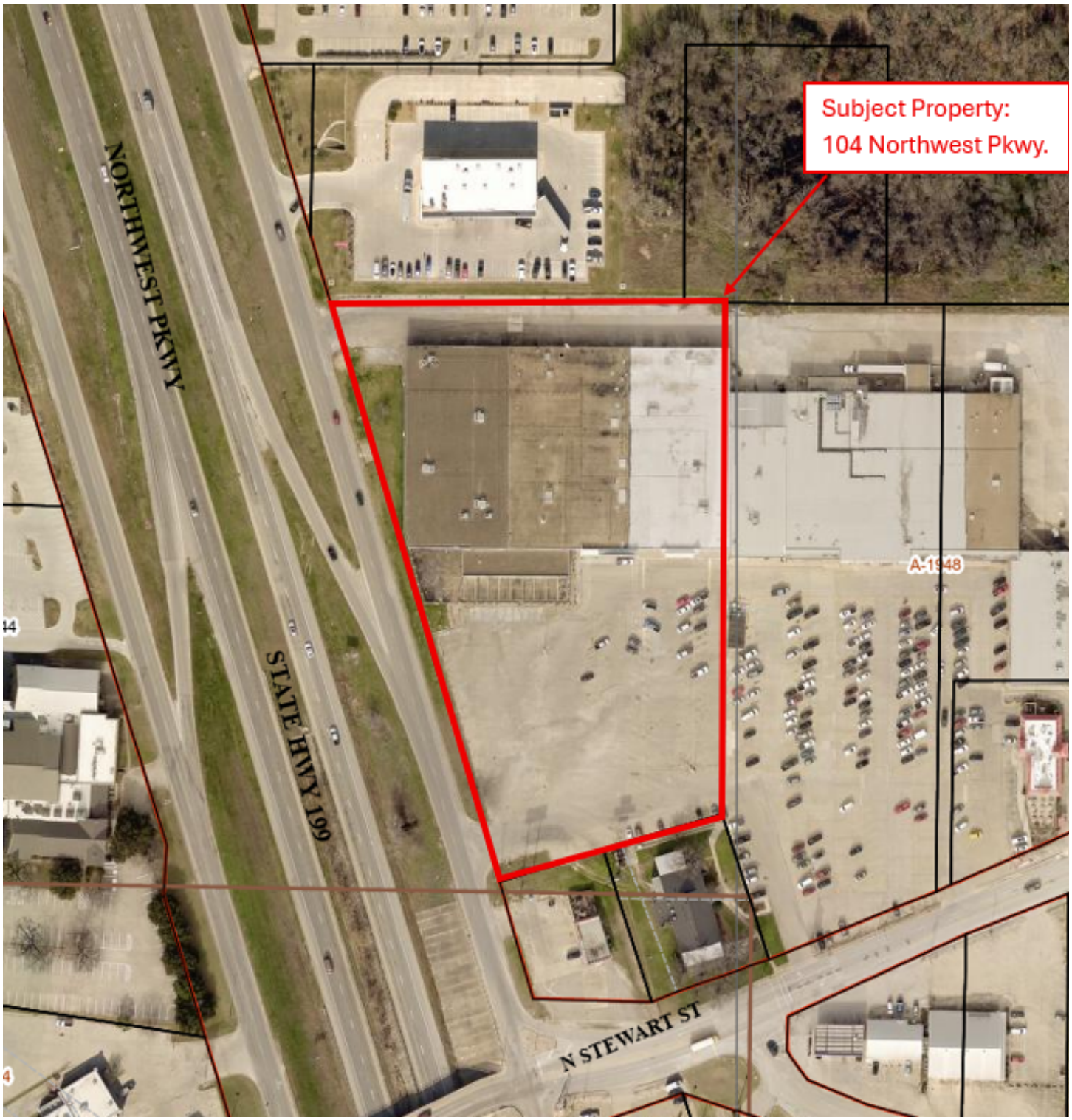
Item Number: 2

Presenter:	**David Hawkins, Director of Planning and Development**
Agenda Item:	**Conduct a public hearing regarding a demolition order issued by the Building Official for the structure located at 104 Northwest Parkway that was determined to be in violation of the minimum standards set forth in Section 3.04.004 of the City of Azle Code of Ordinances.**

Background and Explanation:

The building permit for the original 55,552 sq. ft. Kmart commercial building at 104 Northwest Parkway was issued back in August 1980 and was completed in 1982. It was later expanded to its current size at 83,438 sq. ft. which Kmart would occupy for many years. Kmart would eventually vacate the building and was later occupied by a Bealls store in 2005. A Certificate of Occupancy was issued for a Bealls store on March 1, 2005 to occupy 19,060 sq. ft. of the overall 83,438 sq. ft. building. The remainder of the space has remained unoccupied.

Property Location:



Summary of Request:
To affirm a determination by the Building Official that the structure located at 104 Northwest Parkway is substandard and should be demolished.

Inspection History:

Initial Inspection – The Azle Fire Marshal became aware of a potential substandard structure located at 104 Northwest Parkway after making several visits to the building. Attached in the packet is

an Azle Fire Incident Report which lists some of the issues and code violations that was brought to the attention of Code Enforcement which initiated a substandard building case.

Consent to Inspect - August 12, 2025 - A formal request for consent to inspect the property was sent to the property owner. There was no formal response from the property owner, so an administrative warrant was requested and granted by the Azle Municipal Judge on September 4, 2025 (copy of Administrative Warrant is included in packet).

Property Inspection – September 5, 2025 - An inspection of the property was conducted by the Building Official (SAFEBuilt), Fire Marshal, and Code Enforcement staff after receiving an administrative warrant to enter the premises from the Azle Municipal Judge.

The inspection report and determination by the Building Official was prepared on September 5, 2025. 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;
7. Lack of adequate garbage and rubbish storage and removal facilities;
8. Lack of connection to required sewage disposal system;
9. Lack of, or improper operation of, required ventilating equipment;
10. Lack of adequate heating facilities.

Notice and Order to Demolish - A notice and order to demolish the structure was sent to the property owner via certified mail on October 6, 2025. On the same date, a Stop Work Order was posted on the building and revocation of the Certificate of Occupancy for the Bealls store was also issued to cease operation and vacate the substandard building.

Permit to Demo - The property owner was given a deadline of October 22, 2025 to apply for a demolition permit but none was received by that deadline. The property owner met with City staff and confirmed his intentions to rehabilitate and repair the building back to code and make it fit for occupancy again.

Notice of Public Hearing Regarding Determination of Building Official that the structure located at 104 Northwest Parkway is substandard and shall be demolished - Notice was sent and published in the Azle News newspaper on November 13, 2025. On that same date. a notice was sent to the property owner via certified mail.

Board/Commission/Committee Recommendation:

Conduct a public hearing and take formal action on this substandard building case at 104 Northwest Parkway.

Staff Recommendation:

Staff forwards this agenda item to the Building Board of Appeals with a recommendation to order for demolition of the structure.

Attachments:

1. Azle Fire Department Incident Reports - 104 Northwest Parkway
2. Administrative Warrant - 104 NW Pkwy. - 9.4.2025
3. 104 Northwest Pkwy - Building Official Inspection Report - 9.5.2025

4. Azle Fire Department 104 Northwest Parkway - Insp Rep 9.5.2025
5. Cover Letter - Sub.Bldg. 104 NW Parkway 10.6.2025
6. NOTARIZED_KMart Notice and Order for Demolition Letter 10.1.2025
7. Azle News PUBLIC NOTICE case 25525 104 NW Pkwy BBA 12.1.2025
8. all images for packet

Official Report: Fire and Life Safety Investigation

To: Garden Commercial Properties, and Other Concerned Parties

From: Azle Fire Marshal's Office

Date: September 16, 2025

Subject: Investigation Findings and Enforcement Action at 104 Northwest Parkway, Azle, TX 76020 (Beall's Department Store)

Executive Summary

This report documents the findings of an ongoing investigation into multiple fire and life safety code violations at the property located at 104 Northwest Parkway. The investigation, initiated on July 29, 2025, revealed significant deficiencies, including a ruptured fire sprinkler line, a compromised fire suppression system, and structural issues. Despite repeated attempts to achieve compliance through communication with the property owner's representative and contractor, the deficiencies were not corrected. A joint administrative warrant was executed on September 5, 2025, to formally document the violations and initiate enforcement action.

Chronology of Events

July 29, 2025: Initial Inspection During a routine annual fire inspection at Beall's department store, the fire alarm panel was found to be in "trouble status" with a water flow alarm. Further investigation led to the unoccupied, Kmart side of the building, where a ruptured fire sprinkler line was discovered, actively flooding the building. The Azle Fire Department, Code Officer Michelle Garcia, and Brad Geary were requested to assist in shutting down the unmetered fire line. The building's sprinkler system was rendered inoperable. Contact information for the property's representative, **Ronnie Schultz**, was obtained.

August 1, 2025: Initial Contact The Azle Fire Marshal's office contacted Mr. Schultz via text message to inform him of the urgent need to bring the building into compliance. Mr. Schultz stated he would contact a fire sprinkler company to make the repairs.

August 14, 2025: Contractor Identified A follow-up inquiry was made to Mr. Schultz regarding the status of the repairs. He confirmed that **John Norton** with Red River Fire Protection Co. had visited the site but had not yet provided a list of necessary supplies. The Fire Marshal's office then obtained Mr. Norton's direct contact information. When contacted, Mr. Norton stated that the building was in "desperate need of repairs" due to a leaking roof that had caused ceiling tiles to collapse. He expressed concern that the fire sprinkler system would not function properly and suggested the property should be condemned due to its poor condition.

August 19, 2025: Improper Tagging Discovered A re-inspection was conducted. No corrections had been made. It was discovered that the fire sprinkler system had been improperly tagged with a blue

"acceptable" tag. When questioned, Mr. Norton claimed he did not own or use the required yellow "out of service" tags, stating he simply advised customers of issues to "save them money." This statement prompted the Azle Fire Marshal to contact the State of Texas Fire Marshal's office.

August 21, 2025: State Fire Marshal Involvement State Fire Marshal Deputy Shawn Hicks joined the investigation. Deputy Hicks confirmed that the fire alarm panel was still in trouble status and that the fire risers were improperly tagged. He took photographs of all deficiencies for evidence, officially opening a joint case between the Azle Fire Marshal's Office and the State Fire Marshal's Office.

August 31, 2025: Continued Deficiencies A subsequent re-inspection of the Beall's portion of the property confirmed that no corrections had been made. Store staff expressed frustration with the ongoing fire alarm issues, which required them to constantly silence the alarm due to the uncorrected problems on the Kmart side.

Administrative Warrant and Conclusion

Due to multiple unsuccessful attempts to gain full access for an interior inspection and a lack of communication from Garden Commercial Properties, an administrative warrant was obtained and signed by a local municipal judge on **September 4, 2025**.

The warrant was executed on **September 5, 2025**, at 0900 hours, by the Fire Marshal, Building Official, and Code Enforcement Officer. Photographs and drone footage were taken to document both the interior and exterior of the property, including the roof.

The documented deficiencies present a clear and ongoing fire and life safety hazard. The purpose of this report is to formally inform Garden Commercial Properties of these findings and to initiate a discussion on the immediate next steps required to bring the property into compliance. Reports from the Building Official and the Fire Marshal are attached for your review.

Sincerely,
Melvin Wilson
Fire Marshal
City of Azle
(817)444-7051 – Office

ADMINISTRATIVE ENFORCEMENT ORDER

STATE OF TEXAS §
§
COUNTY OF PARKER §

TO: Any Fire Marshal, Building Official or Code Enforcement Officer of the City of Azle, Tarrant/Parker County, Texas:

WHEREAS, Affiant, a Code Enforcement Officer of the City of Azle, Tarrant/Parker County, Texas, and a credible person has presented a written Affidavit to me; and

WHEREAS, I find that the verified facts stated by Affiant in the Affidavit show that there is probable cause to believe that there exists on the premises at 104 Northwest Pkwy, Azle, Texas 76020, violations of the Azle City Code (the "City Code") by the inspection of a Substandard Structure that is required by the City Code; and

WHEREAS, the verified facts stated by Affiant in the affidavit further show that the owner of the premises received notice of the violation as provided by City Code and that the owner did not abate the violations as required by the City Code; and

WHEREAS, the Affidavit presents the necessary evidence establishing the existence of proper grounds for the issuance of this Administrative Enforcement Order; and

WHEREAS, I find that the abatement of the City Code violations is in the best interest of the public health, safety and welfare, and that the proposed inspection is reasonable.

NOW, THEREFORE, I do hereby order that any Building Official, Fire Marshall, or Code Enforcement Officer of the City of Azle, Texas, or a person under their direction, execute this Warrant and enter the premises described herein and in said Affidavit to inspect City Code violations by inspecting said Substandard Structure.

ENTERED this the 3rd day of September, 2025.

SUBSCRIBED AND SWORN TO before me by said Affiant on this the 3rd day of September, 2025 at 3:21 o'clock P.M.

Felicia Marlea King
My Commission Expires
11/2/2027
Notary ID 126282994

Felicia Marlea King
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF AZLE**
_____	§	**PARKER COUNTY, TEXAS**

THE STATE OF TEXAS to any Fire Marshal, Building Official or Code Enforcement Official of the State of Texas of Tarrant County, Texas of the City of Azle, Tarrant/Parker County, Texas, who has responsibility for the inspection of any specified premises to determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance in the territorial limits of the City of Azle, Texas:

WHEREAS, the affiant whose signature is affixed to the affidavit supporting the issuance of this warrant is a Code Enforcement Official under the laws of the State of Texas and did therefore this day subscribe and swear to said affidavit before me, which affidavit is attached hereto and incorporated herein by reference for all purposes, and whereas I find that the verified facts and information contained therein and stated by affiant are sufficient to establish probable cause for the issuance of this warrant.

NOW THEREFORE, you are hereby commanded to enter upon and search the suspected place and premises described in said affidavit and to their determine the presence of fire or health hazards, unsafe building conditions or violations of any fire, health, or building regulation, statute, or ordinance of the city of Azle, or the State of Texas, and in particular, to determine the presence of Substandard Structure in violation of said regulation, statute, or ordinance.

Herein fail not but have you then and there executed this warrant within three (3) days, exclusive of the day of issuance and exclusive of the day of execution, with your return showing how you executed same.

ISSUED at 1:47 o'clock (~~a.m.~~) (p.m.), on this 4 day of September, 2025 to certify which witness my hand and seal this day.

Judge, (City), Municipal Court

D R Hudman

Magistrate's Printed or Typewritten Name

OFFICER'S RETURN

Came to hand the _____ day of _____, 20__, at _____ o'clock ___.m. and executed on the _____ day of _____, 20__, at _____ o'clock ___.m.
by_____

_____

Code Enforcement Official

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF AZLE**
_____	§	**PARKER COUNTY, TEXAS**

AFFIDAVIT

My name is Michelle Garcia, and I am the/a Code Enforcement Official of the State of Texas of Tarrant/Parker County, Texas of the City of Azle, Tarrant/Parker County, Texas. Being duly sworn on oath, I make the following statement and accusations:

1. I am the/a Code Enforcement Official of the State of Texas of Azle, Tarrant/Parker County, Texas of the City of Azle, Tarrant/Parker County, Texas, and have personal knowledge of the facts stated herein and they are all true and correct.
2. There is in the City of Azle, Tarrant County, Texas, a (specified premises), described and located as follows: _104 Northwest Pkwy Wilson & Scruggs Survey (old K-Mart Building).
   herein referred to as "Premises;"
3. Premises are in the charge of and controlled by the following person(s): US Reality 87 Azle Associates who owns the property at: 104 Northwest Pkwy Azle, TX 76020.
4. At said Premises, there is evidence that a fire or health hazard or violation or unsafe building condition is present in the Premises sought to be inspected, such hazard or violation or condition being a SUBSTANDARD STRUCTURE and such evidence being reasons set forth above.
5. **Summary – 104 Northwest Parkway**
   • Fire Protection Failure: Fire alarm panel in Beall's showed a supervisory alarm; sprinkler system in unoccupied section was discharging water, flooding the southeast corner. System was shut down and a fire watch was established.
   • Unauthorized Occupancy & Fire Risk: Small fires discovered; evidence of people living inside (furniture, bedding, food waste).
   • Structural Deterioration: Roof has multiple holes causing water intrusion and standing water; large areas missing ceiling tiles, reducing sprinkler effectiveness.
   • Water Damage to Adjacent Store: Partition wall between unoccupied space and Beall's failing; water intrusion has repeatedly flooded Beall's, causing property loss.

   Overall: The building contains multiple fire, safety, and structural hazards, qualifying it as a substandard structure requiring urgent corrective action. I have good reason to believe and do believe that there is probable cause that a fire or health hazard or violation or unsafe building condition is present on the Premises sought to be inspected.

WHEREFORE, for these reasons, I ask for issuance of a warrant that will authorize me to inspect the Premises for the purpose of determining the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance.

Affiant

BEFORE ME, the undersigned authority, on this day personally appeared the Affiant herein, who, being sworn by me, duly stated that the statements contained herein are true and correct to the best of his/her knowledge.

Subscribed and sworn to before me on this the 4 day of September, 2025.

Judge, (City) Municipal Court

DR Hudmon

Magistrate's Printed or Typewritten Name

Azle Mun Ct

INSPECTION REPORT

Property Address: **104 Northwest Parkway**
Property ID: A1948---1Q03A
Property Owner: US REALTY 87 AZLE ASSOC
Property Occupant: Former Kmart and current Bealls (subdivided space)
Building Official: Patrick J. Moran CBO/MCP

3.04.001 Purpose and scope.

Purpose. It is the purpose of this article to provide a just, equitable and practical method, to be cumulative with and in addition to any other remedy provided by the building code or otherwise available at law, whereby buildings as defined herein, which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, demolished, removed or secured.

On September 5th, 2025, the City of Azle asked me to inspect 104 Northwest Pkwy. The purpose was to f the structure meets the definition of the Substandard Building Article 3.004.

On September 5th, 2025, I Patrick Moran, the Designated Building Official, conducted an inspection at the above address with an administrative warrant, accompanied by Code Officers from the City of Azle and the Fire Marshall. Below is a list of observations made during the inspection to include but not limited to:

- Evidence of structural damage throughout the exterior walls including settlement cracking throughout
- Foundation wall shows damage where the wall at the left side of the structure is leaning outward due to some internal pressure that has moved up to approximately 3 inches away from the slab along the left exterior wall from the interior slab

- Roof system has failed and is completely missing in areas leading to water intrusion throughout including into the occupied side of the structure
- Deterioration and corrosion on underside of roof decking and at structural steel throughout structure
- Interior ceiling has partially collapsed due to water damage from the roof leaks
- HVAC units on roof show evidence that supporting framing has been compromised and will lead to failure in these areas if left unaddressed
- Excessive mold growth throughout this structure poses health concerns
- No running water provided on the former Kmart side of the structure
- Electrical panels have been dismantled and no electrical service on the former Kmart side of the structure
- Sprinkler systems for both units are inoperable currently
- Bealls side of structure shows system faults at fire alarm panel
- Evidence that this structure has been entered and occupied illegally including evidence of a fire indoors
- Fire alarm strobes and horns have been removed in old Kmart
- No egress lighting or exit signage installed at building exits, doors have been screwed closed to prevent further entry
- Wood framed mezzanine in place which is not consistent with the construction type of the building
- Stairs to mezzanine do not meet code for rise/run, open risers, guards improper, no handrails provided
- Egress aisles on occupied side of structure blocked by merchandise, non-code compliant door hardware installed and no working exit signage or egress lighting at existing Bealls store
- Columns at exterior of garden department are structurally unsound and pose a risk of collapse
- Exposed electrical wiring on the exterior of building in front and at rear of structure
- Structure full of trash and debris throughout

Note: I believe the structures present a danger to public safety and should be classified as substandard per the conditions outlined in accordance with Article 3.04, thereby constituting a public nuisance and safety hazard. Given the current state of deterioration and the extent of necessary repairs to bring the property up to code, it is reasonable to conclude that demolition may be required. However, to effectively eliminate the ongoing safety risk, it is strongly recommended that this property be officially condemned and removed.

ARTICLE 3.04.004 SUBSTANDARD BUILDINGS AND STRUCTURES

(A). For the purposes of this Resolution, any building, regardless of the date of its construction, which has any or all the conditions or defects hereinafter described shall be deemed to be a substandard building, and a nuisance:

➡ _____ (1) Whenever any building is dilapidated, deteriorated, decayed or damaged to the extent that it is unfit for human habitation and a hazard to the public health, safety and welfare in the opinion of the building official.

➡ _____ (2) Whenever any building, 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.

➡ _____ (3) Whenever any building is boarded up, fenced or otherwise secured in any manner if:

➡ _____ (a) The building constitutes a danger to the public even though secured from entry; or

➡ _____ (b) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by Subsection a (2) of this section.

➡ _____ (4) Whenever any building, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

➡

_____ (5) Whenever any building is in such a condition as to make a public nuisance known to the common law or in equity jurisprudence.

_____ (6) Whenever any portion of a building remains on a site after the demolition or destruction of the building.

_____ (7) Whenever any building is abandoned to constitute such building or portion thereof an attractive nuisance or hazard to the public.

_____ (8) Whenever any building is defined as substandard by any provision of the Building Code, Electric Code, Fire Code, Plumbing Code, Mechanical Code, International Property Maintenance Code, or other ordinance or regulation of the City, or constructed and still existing in violation of any provision of any of said Codes of the City to the extent that the life, health or safety of the public or any occupant is endangered.

(B). For the purposes of this Ordinance, any building, regardless of the date of its construction, which has any or all of the conditions or defects hereinafter described to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a dangerous and substandard building, and a nuisance:

_____ (1) Whenever 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.

_____ (2) Whenever 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.

_____ (3) Whenever 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.

_____ (4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by 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.

_____ (5) Whenever 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.

➡ ____ (6) Whenever 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.

➡ _____ (7) Whenever 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.

➡ _____ (8) Whenever the building, or any portion thereof, is likely to partially or completely collapse because of:

➡ _____ (a) dilapidation, deterioration or decay;

➡ _____ (b) faulty construction :

➡ ____ (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building ;

➡ _____ (d) the deterioration, decay or inadequacy of its foundation; or

➡ _____ (e) any other cause.

➡ _____ (9) Whenever, for any reason, the building, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

➡ _____ (10) 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.

_____ (11) Whenever the building, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 or more percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

➡ _____ (12) 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:

➡ _____ (a) an attractive nuisance to children; or

➡ _____ (b) a harbor for vagrants, criminals or immoral persons.

➡ ___ (13) Whenever 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, Electric Code, Fire Code, Mechanical Code, Plumbing Code, International Property Maintenance Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

➡ _____ (14) Whenever any building which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 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.

_____ (15) 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:

_____ (a) Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit or lodging house.

_____ (b) Lack of, or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel.

_____ (c) Lack of, or improper kitchen sink in a dwelling unit.

_____ (d) Lack of hot and cold running water to plumbing fixtures in a hotel.

_____ (e) Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house.

_____ (f) Lack of adequate heating facilities.

_____ (g) Lack of, or improper operation of, required ventilating equipment.

_____ (h) Lack of minimum amounts of natural light and ventilation required by this Ordinance or the Building Code, Electric Code, Fire Code, Mechanical

Code, Plumbing Code, International Property Maintenance Code, or other ordinance or regulation of the City.

_____ (i) Room and space dimensions less than required by this Ordinance or the Building Code, Electric Code, Fire Code, Mechanical Code, Plumbing Code, International Property Maintenance Code, or other ordinance or regulation of the City.

_____ (j) Lack of required electrical lighting.

_____ (k) Dampness of habitable rooms.

_____ (l) Infestation of insects, vermin or rodents.

_____ (m) General dilapidation or improper maintenance.

_____ (n) Lack of connection to required sewage disposal system.

_____ (o) Lack of adequate garbage and rubbish storage and removal facilities.

➡ ___ (16) Whenever any building contains structural hazards, including but not limited to the following:

➡ _____ (a) Deteriorated or inadequate foundations.

➡ _____ (b) Defective or deteriorated flooring or floor supports.

➡ _____ (c) Flooring or floor supports of insufficient size to carry imposed loads with safety.

➡ _____ (d) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.

➡ _____ (e) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.

➡ _____ (f) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split or buckle due to defective material or deterioration.

_____ (g) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

_____ (h) Fireplaces or chimneys that list, bulge or settle due to defective material or deterioration.

_____ (i) Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.

➡

_____ (17) Whenever any building is constructed or still exists in violation of the Building Code, Fire Code, Plumbing Code, Mechanical Code, Electric Code, International Property Maintenance Code, or other ordinance or regulation of the City.

Azle Fire Department

City of Azle – Fire Marshal's Office

Inspection Report:

Property Address: 104 Northwest Parkway

Owner/Responsible Party: US Realty 87 Azle Association

Date of Inspection: September 5, 2025 – 9:00 AM

Issued By: Melvin Wilson, Fire Marshal

Nature of Inspection:

Inspection conducted under the authority of the 2018 International Fire Code and Texas Health & Safety Code.

Property found to contain multiple hazardous and unlawful conditions.

Structure is deemed substandard and poses imminent risks to life safety, property, and public health.

Findings:

Fire Protection System Deficiencies:

Fire alarm panel in Beall's store displayed a supervisory/water flow alarm.

Fire alarm system in unoccupied section vandalized, missing strobes, sirens, and extinguishers.

Overgrown vegetation covering exterior walls, creating a fire hazard.

Mold and mildew present in unoccupied areas, posing health risks.

Unauthorized Occupancy and Fire Activity:

Evidence of small fires near the loading area in the unoccupied section.

Furniture, bedding, and food debris indicate unauthorized habitation.

Roof Damage and Water Intrusion:

Multiple holes in the roof due to lack of maintenance.

Standing water is present inside the building.

Ceiling shows signs of partial collapse from prolonged water damage.

Fire Suppression System Impairment:

Missing ceiling tiles reduce sprinkler system effectiveness.

Sprinkler pipes leaking due to corrosion from long-term roof leaks.

Structural Damage Affecting Adjacent Occupancy:

Sheetrock partition wall between Beall's and unoccupied space deteriorating from water damage.

Water intrusion into Beall's causing flooding and tenant property loss.

Foundation walls separating from the slab by 1 to 3 inches in several areas.

Exterior Structural Concerns:

Multiple stress cracks observed in the brickwork and foundation during exterior inspection.

Sections of masonry have detached from the building, exposing internal wall cavities.

Water has collected inside the walls along steel supports, leading to visible rust on structural steel beams.

On the southwest side, several areas of the brick wall are beginning to lean outward, indicating potential structural instability.

Melvin Wilson – Fire Marshal – City of Azle

505 W. Main St.
Azle, Texas 76020
Phone: 817.444 .7084
Fax: 817.444.7149
www.cityofazle.org

October 6, 2025

US Realty 87 Azle Association
820 Norris Tpke.
Short Hill, NJ 07078

RE: Substandard Building Case for 104 Northwest Parkway, Azle, TX 76020

To Whom It May Concern:

The property addressed as 104 Northwest Parkway, Azle, TX 76020 has a Substandard Building case pertaining to the existing commercial building on the property. On September 5, 2025, the Building Official and Fire Marshal conducted an inspection of the overall building, and it was found to be a Substandard Building that is not fit for occupancy and needs to be addressed. Effective on October 6, 2025, the City of Azle revoked the Certificate of Occupancy for the Beall's store to cease business operations due to the building not being fit for occupancy. Please see attached Notice and Order for Demolition from the City's Building Official as well as the Building Official's Inspection Report and Fire Marshal's Fire Inspection Report for details on the issues with the building.

If you need any further information on this case, please contact me at 817-444-7084.

Sincerely,

David Hawkins, AICP
Director of Planning and Development

Attachment: Notice and Order for Demolition Letter
Building Inspection Report
Fire Inspection Report

NOTICE AND ORDER FOR DEMOLITION

October 1, 2025

CERTIFIED MAIL 9589 0710 5270 2909 7794 28

US REALTY 87 AZLE ASSOC
820 MORRIS TPKE
SHORT HILL, NJ 07078

RE: Substandard Structure located at **104 NORTHWEST PKWY**
Legal Description: Wilson & Scruggs Survey Abstract 1948 Tract 1Q03A

Dear Property Owner,

The Building Inspections Department has conducted an inspection of the structure located on the above-mentioned property and has found it to be in violation of the City of Azle Code of Ordinances, Article 3.04 DANGEROUS BUILDINGS. As a result, the City of Azle will pursue immediate demolition of the structure.

A demolition permit must be secured within fifteen (15) days of receipt of this notice. The permittee must complete the demolition and remove all debris from the property with thirty (30) days from securing the permit. Please note that it is unlawful for any person(s), firm or corporation to maintain any building or structure in the City of Azle, or cause or permit the same to be done or exist on property or premises that are in violation of Article 3.4. Each day a violation of this ordinance occurs is a separate offense and is punishable by a fine of up to two thousand dollars ($2000.00).

Any person having any record title or legal interest in the structure may appeal the notice and order to the Building Board of Appeals. Application must be in writing with thirty (30) days of receipt of this letter. Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of this matter.

Should you have any questions concerning this matter, please contact me at (832) 458-4074.

Sincerely,

Patrick J Moran

Patrick J. Moran, MCP, CBO
Building Official

STATE OF TEXAS
COUNTY OF TARRANT

The instrument was acknowledged before me the 1st day of October, 2025 by Patrick J. Moran, for the City of Azle, a Texas municipal corporation, on behalf of said municipal corporation.

Patrick J Moran
P. Moran

Marleny Campos
Notary Public, State of Texas

MARLENY CAMPOS
NOTARY PUBLIC
STATE OF TEXAS
ID# 131547539
EXPIRES 4-24-2026

The Building Board of Appeals of the City of Azle will conduct a public hearing at 6:00 p.m. on Monday, December 1, 2025, in the City Council Chambers at City Hall, located at 505 West Main Street to consider and or take action regarding repair, removal, or demolition in Case No. 25525, City of Azle vs. US Realty 87 Azle Assoc, regarding the structure(s) located at 104 Northwest Parkway, Azle, Texas 76020.

Please run in the Thursday, November 13, 2025 edition in the Legal Notices of the Classified Section

If you have any questions call David Hawkins @ 817-444-7084.

DISCOUNT
TIRE
DISCOUNT
TIRE

bealls
FIRE MARSHAL

CWD
CWD

CWD
4YL-95

CWD
4FL-95

CWD
4FL-95
4FL-95
GS-2646

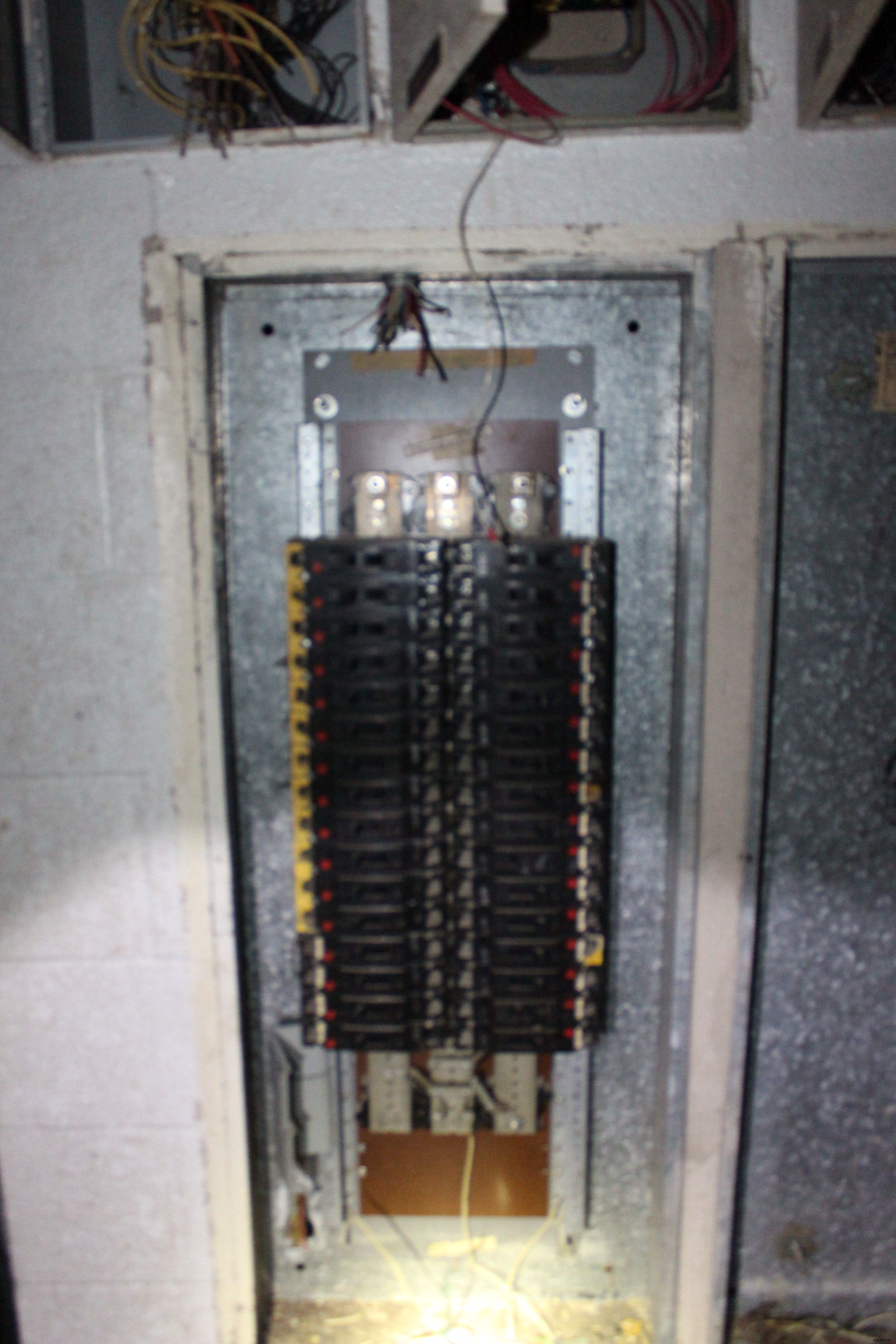
DANGER

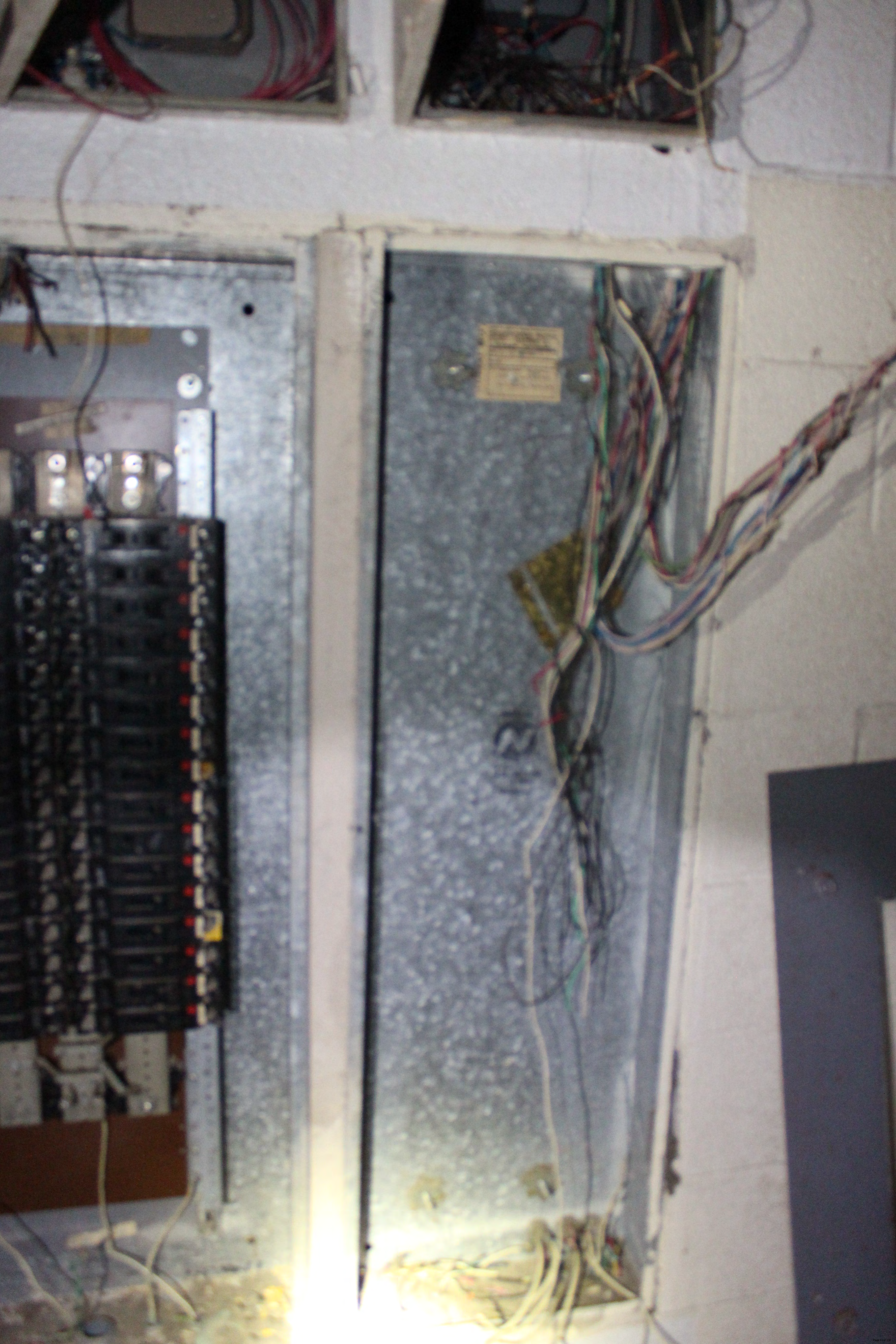
STANLEY

EMERGENCY EXIT ONLY - ALARM WILL SOUND

MR 12
9/1

EXIT





EXIT

COMMUNITY COUNTS