



MINUTES
Regular
Azle Building Board of Appeals

505 W. Main Street
Azle, Texas 76020

December 1, 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 Gary Sebastian
Board Member Jim Carlson
Board Member Damon Bethurum

Members Absent:

None

Staff Present:

David Hawkins, AICP	Director of Planning and Development
Malinda Nowell	Sr. Administrative Assistant
Will Scott	Fire Chief
Michelle Garcia	Sr. Code Enforcement Officer
Justin Weaver	Code Enforcement Officer
Andrea Russell, TOASE	City Attorney
Patrick Moran, SAFEbuilt	Building Official

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 September 9, 2025.

Vice Chairman Roger Cokenour moved to approve the minutes of the Building Board of Appeals meeting held September 9, 2025. Board Member Jim Carlson seconded the motion. Motion carried.

Yes: (5) Robin Mosier, Roger Cokenour, Gary Sebastian, Jim Carlson, Damon Bethurum

Absent: (0)

David Hawkins, Director of Planning and Development, stated he received an email from the property owner stating that his representative was held up in traffic and asked Chairman Mosier to recess the meeting until the representative arrived. Chairman Mosier recessed at 6:04 p.m. Chairman Mosier called the meeting back to order at 6:13 p.m.

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.

Chairman Robin Mosier opened the public hearing at 6:13 p.m.

Director of Planning and Development David Hawkins presented this case stating that the original building, constructed in 1982, was 55,000 sq. ft. for the Kmart building. The building was later expanded to 83,438 sq. ft. and Kmart occupied that space for many years. The building has been vacant since 2005. A Certificate of Occupancy was issued for the Bealls store in March 2005 to occupy 19,060 sq. ft. of the 83,000 sq. ft. facility. The remainder of the space has remained unoccupied. Mr. Hawkins showed an aerial image of the 4-acre tract of land, which was included in the agenda packet. He pointed out the parking area; the original footprint of the building; the space that Bealls occupied; and an addition to the west side of the building adjacent to the highway frontage. Mr. Hawkins stated this hearing is for the entirety of the 83,000 sq. ft. building.

Mr. Hawkins provided the following information and timeline. The Fire Marshal came across a number of code violations and provided a summary of various visits, and findings of violations, which was included in the agenda packet. This summary prompted Code Enforcement to open a substandard case. Mr. Hawkins summarized the following:

- August 12, 2025 - reached out to property owner for consent to inspect; never received a response.
- September 4, 2025 - received administrative warrant from Azle Municipal Judge to enter premises.
- September 5, 2025 - formal inspection of facility by Building Official Patrick Moran with SAFEbuilt and City Fire Marshal; official inspection report from Building Official, and list of violations of minimum standards set forth in Section IV, Ordinance No. 685-2-96 included in agenda packet.
- October 6, 2025 - notice and order to demolish sent to property owner via certified mail; issued stop work order and revoked CO (Certificate of Occupancy) for Bealls store to vacate the premises because of the substandard building.
- October 22, 2025 - date property owner was given to submit demolition permit but none was received by City.
- Property owner met with staff and confirmed intention to rehabilitate the building and make it fit for occupancy.
- November 10, 2025 - formally notified property owner of public hearing of the Building Board of Appeals to be held on December 1.
- November 13, 2025 - notice of December 1 public hearing published in Azle News.
- December 1, 2025 - public hearing at Azle Building Board of Appeals meeting.

Mr. Hawkins stated that approximately 45 minutes before this meeting, staff received a preliminary report from the structural engineer that visited the site today. The structural engineer is not present tonight but the representative may be able to expound on the email. Copies of the email were provided to the Board Members.

Mr. Hawkins turned the presentation over to the City's Building Official, Patrick Moran with SAFEbuilt, and Fire Chief Will Scott. They discussed violations observed during the inspection and reviewed the photographs from that inspection, which were all included in the agenda packet.

Mr. Moran stated the building is not occupiable and is definitely substandard. All life-safety systems have been removed. There is no electrical, power, plumbing, or facilities. There is no ventilation, other than the holes in the roof, which are getting bigger. There is a lot of mold and damage. Mr. Moran stated the Bealls side is not as bad, but on the day of the inspection, Bealls was cleaning up water that was coming under the wall. Mr. Moran showed photographs of the west end of the building, stating the foundation wall is bowed out about three inches in the center. He stated there are structural concerns on that end because some steel has been exposed to the elements for probably many years. Mr. Moran showed photographs depicting settlement cracks throughout the structure, stating the building definitely has structural issues to be addressed. Emergency exits have been locked/screwed shut to keep folks from going inside.

Fire Chief Will Scott spoke about photographs of the wall between Bealls and the rest of the building. It is a partition wall that does not go all the way up. It is not a fire wall. When it rains, water comes down, hits the floor, pools, and then flows into the Bealls side and causes damage. Chief Scott showed additional pictures of damage along the wall and a hole in the ceiling tile where rain comes through. Chief Scott reviewed pictures of missing ceiling tiles and switch gearing, and stated that most of the copper was stripped from the wiring, probably by vagrants and vandals.

Chief Scott spoke about pictures of the sprinkler system and the main riser, which is on the Kmart side and splits off and goes into the Bealls side. He stated the riser itself does not recognize which side of the riser it is going on. Chief Scott stated the fire department was doing an annual fire inspection on the Bealls side and had trouble with a water flow alarm, which caused the Fire Marshal to go into the Kmart section to see where the water flow was coming from to make sure the Fire Department was minimizing structural damage. Chief Scott stated it took them a while to valve it out because the valves were not utilized in a long time, so they were stuck and Public Works was called to assist. When asked by the Board if a fire were to occur at Bealls, the Fire Chief replied that "the whole system is off." The fire department had to valve out both valves. The Fire Department contacted the property owner who had another fire company come out to do the inspection and repairs. The person that was doing that came into question and the state Fire Marshal's Office has an active case in regards to the gentleman that was doing the tagging and repairs.

Mr. Moran stated that it gets worse the further west you go into the building. The further west is where the majority of the holes are in the existing roof. He said there are parts of HVAC equipment up there, but they have been stripped, and it is just the cases.

When asked, Mr. Moran stated he was not aware of any asbestos testing ever being done. The email that was received today included that as one of the issues to be tested because there are a couple of layers of tile. The Board asked if there was any chance the building could be brought to today's codes. Mr. Moran stated that with the right budget, anything is possible. Another picture showed mold, which Mr. Moran stated is fairly typical throughout. Mr. Moran stated they were limited on the amount of time they could be in the building because he was not comfortable being there without a respirator. Floor tiles have been removed in some places. The three-inch gap in the west wall is between where the foundation has pulled away and the edge of the slab. A considerable amount of water has probably gone under that slab and the hydrostatic pressure is growing and pushing against that wall. The engineer will have to look deeper because it is definitely disturbing. Mr. Moran showed other pictures, including the interior and the garden center area.

Mr. Moran confirmed for the City's Attorney that, from the outside, it does not look like anything has changed since the inspection in September. Staff confirmed the Building Official inspection report and the Fire Marshal inspection report had been provided to the property owner.

Further discussion included the false wall, mold, and the air exchange. When any HVAC system starts to pull and starts air exchange, it pulls from everywhere, so the potential for it pulling from vacant spaces is still there. It is unknown how long the water has been leaking. Looking at the membrane and the structural roof itself, it had to happen over years. Most corrugated metal, when there is a membrane on top, will sustain its integrity. The reason why they bust is because of it being wet and the membrane failing. Mr. Moran stated that the Fire Marshal has drone footage and on the west end of the building, you can see what is left of the HVAC equipment on the roof. There is functional plumbing on the Bealls side. All the copper lines and most of the fire devices are gone. The Board inquired if the Bealls side could be saved. Mr. Moran stated it would come down to an engineer designing how they would do that. Some of it will depend on the rafters and roof trusses and how they are laid, structural integrity, and loads. Depending on where the false wall is would dictate how far in or out they would have to go to have good steel that will sustain a load. The Bealls wall could be torn down since it is a false wall and the Bealls would not sustain any structural damage. A new fire sprinkler for the Bealls side would take care of the fire side, but there is still the issue of mold with the air exchange and the water is still flowing into the Bealls side.

Weldon Moore, representative for the property owner, spoke on behalf of US Realty 87 Azle Associates LP. He stated they request additional time before a vote is taken to demolish this building. Structural engineers provided a first look at things today. Mr. Moore stated he was unable to print it because it was generated while he was driving to this meeting. They are trying to get an evaluation but what he has been told is that the structural engineer believes, as bad as it looks, is that this is a salvageable building. They have looked at it and a forensic architect has also been out here. They would like the opportunity to put together a plan and show how this could work. They believe there is opportunity and interest in the building to justify it. Mr. Moore mentioned additional efforts to try to remediate things. On the week of October 6, SPS Construction, who had done work on the Bealls' roof, had looked at it. South Holston Roofing was looking at it today. Two folks of interest, John McDaniel on November 14th with NAI, Robert Glenn with clients interested in the building, a home improvement hardware user, Scott Esperson the week of November 3rd, Venture Commercial Real Estate is a broker looking for Academy Sports. Mr. Moore said obviously there would be a lot of work to be done but frankly, his client believes that work can be done and would just like a further opportunity to put together a plan. They committed to him and asked him to commit to the Board that they will do whatever their structural engineer and forensic architect requires. They just need additional time to get a plan of action and present it to the Board.

When asked, Mr. Moore stated that his client purchased this building along with other Kmart's around 1987. The Board asked it's been vacant 23 years—how much time are they wanting? Mr. Moore stated if they could come back in January they would show the Board a plan, and they would be willing to do things in the interim. He stated that one of the recommendations was to put up some barriers on the roof to keep further incursion of water and his understanding is that they did that this afternoon, or are planning to do it—they're ready to get to work on it. The Chairman asked if the building was secured, at present, from unauthorized entry. Mr. Moore stated that was his understanding. City Attorney Andrea Russell and Director of Planning and Development David Hawkins pointed out that Code Enforcement officers present at the hearing could address that question. The Chairman asked why they have owned it all these years, knew it was here, and why, all of a sudden, are they ready to move forward with repairing it when it sat in disrepair all these years?

Robert Petrie, 7217 Charlene Court, Azle, TX, stated he has lived here since 1985 and that he owns the Brookshires, Ace, and the whole shopping center there. He stated that he and Brookshire's invested over \$3 million to remodel it. Everyone in that shopping center is happy, but no one is happy about the Kmart. Mr. Petrie stated the owner is asking for time now because the City is pressing him. Mr. Petrie said he cannot get a call back and that he has been trying to buy that store for 20 years. He spoke about his other projects and that he does things right and he does what he says he is going to do. He said the building, roof, walls, floors are riddled with asbestos and lead paint. He stated he owns the building next to it and there is no fire suppression system in this building. If the building catches on fire

some day, his building is going to burn. Mr. Petrie confirmed his building is fire suppressed and added that is not a guarantee it will not burn. The City has an opportunity that it has not had in over 20 years to get rid of this eyesore. Demolish it. Let the Building Department work with them on designing something new there. They can build something cheaper than they can remodel. Mr. Petrie stated he is a developer and is a large landlord. He stated he does not see anything good—there are frogs in this building, it is a health hazard, there is black mold all over. He stated they have had over 20 years to do something and they are trying to buy time, and then they will want to buy more time. He stated that it hurts his buildings' value and the shopping. He stated if it was his building, he would be embarrassed and ashamed after a couple years, not after over 25 years. He said he would appreciate a swift vote on this and to uphold the City's order in demolishing this building. If he doesn't pay for it, the City should pay for it. They'll get their money back. Let them sell the property after it is demolished. Build something nice and pretty there. This is the City's opportunity to get something done on the old Kmart.

Shay Sutton, 764 Hunter Court, Azle, stated she has lived here her whole life and has watched that building go from employing friends and being a place of resource for the community into a detriment. It is one of the first things you see when you drive down 199, and it is an eyesore, and it has not been taken care of. People have wanted to rent that space, to occupy that space, for years to no response from the owners. They have denied every single person that has asked. Why would we think that they would change that and go forward and now want to fix it and rent that space? It has to go. It is time. It is a mold factory. It is threatening the people in this town. Mr. Petrie takes care of the rest of that property immaculately. Every building there is beautifully taken care of. Ms. Sutton stated she has no thought that this company, these owners, in New Jersey, will do anything to improve this building at this point. They are stalling. Ms. Sutton stated she agrees with Mr. Petrie—it is time for a swift vote, it is time for the building to go.

Nicole Johnson of Weatherford stated she visits On The Patio frequently and that she stares at that building. She stated she is a real estate and commercial investor and designer. She has tried to track down the owners of that building, left several messages, and they did not call her back. She stated she has a vision for this building and believes it can be salvaged. She requested a little bit of time to get the engineer's report and an opportunity to speak to the owner for the possibility of her company to purchase the building and rehabilitate it. Once overhauled, she would like to turn it into an indoor pickleball facility with a bar and grill, a community-center-type atmosphere that is membership-based, to work with the High School, and to incorporate a childcare facility. She stated that she rehabilitates buildings all the time. The last one was 40 years old and a complete overhaul, almost as bad as this one. Ms. Johnson stated she is not scared of it, she knows it can be done, she has experience in it, and she owns a construction company. She asked for more time to get the engineer's report, see what it says, and if the owner is willing to have a conversation about the building and pass it on to new owners.

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

The Board asked if two weeks would be enough time for the engineer report. Mr. Moore stated they were hoping for six weeks, but they would take what they could get. The Board discussed giving two weeks and that they need to start cleaning out that building. Mr. Hawkins stated the City has put a "stop" on any occupation of that building.

Ms. Russell reminded the Board that their authority today is entering an order that the building be secured, demolished, or repaired within a reasonable amount of time. Thirty days is the default that the law provides in the ordinance, but they can give 60 days or 90 days if certain timeframes are met and schedules are adhered to. The reason why those timeframes are relatively short is that when a property comes before the Board it is a danger and a health and safety hazard. It is not just making something market-ready or look good. Ms. Russell stated the Board can put the hearing off, but they will want to think about whether it is open to the public, if it is a danger, think about ordering or talking with the owner about securing the building, but the authority today rests with entering an order to repair or demolish it within 30, 60, or 90 days, and it usually depends on whether the owner has shown up today

with a plan or not. The Board can give a period of time like 60 or 90 days and require that certain steps be taken during that time frame.

The Board discussed the reality of them getting anything done within six weeks. It would be obtaining reports and making a plan for what would be done in the next year. It was also discussed that in two weeks you ensure it is secure and no one gets in there, deal with the roof problem ASAP, stop the water from running over to the Bealls side. In two weeks, come back with a plan, engineer report, foundation, roof, everything, and a plan. If that cannot be done in two weeks, then we order the demo.

Ms. Russell stated that an order like that would be to order the property owner to repair or demolish, at their election, whatever they figure out on their own, and they decide what they want to do once they have all their information within whatever period of time the Board deems reasonable and then if they do not do that, then the City is authorized to demolish the property and place a lien on the property. Ms. Russell stated the Board can require that they repair or demolish within "X" amount of days and within a smaller amount of time provide that plan to the City because they will have to get permits either way. Thirty days is the general default, but the Board can give more than that. We always want properties to only come before the Board if they are a hazard or danger or nuisance, a public nuisance, a health hazard. It is not about time to fix things and make them look good. The Board cannot require more of the owner than just to bring things to code. It would be up to the Board how long the owner is given to demolish. It would be the owner's responsibility first to demolish and the amount of time would be between the owner and their contractor. It would be up to the Board how much time they are given to do that and if they fail to demolish in that period of time, then the City would be authorized to demolish and place a lien on the property. The City would not own the property but there would be a lien on it so that if the property sold, then the City could recoup their costs.

Mr. Moore asked if it would be an option to continue this hearing and not commit anything but that they will come back with a plan. He mentioned concern for starting to implement a plan without knowing if the Board would shut them down. He asked if they could come back in some period of time for their structural engineer and other people to come up with a plan.

Ms. Russell stated the Board does have the option to continue the hearing but that the notice that was provided to them on November 10th did state that today is the date to bring that plan. The City had tried to reach Mr. Moore's client before that. If the Board is inclined to give a continuance, they may continue the hearing to a date and time certain so that it is on the record when we are meeting again and delay making a decision. In the interim, the Board can enter an order that the property be secured from unlawful entry so that that is done immediately. The Board could require those certain things to be done in the interim if they wanted to continue this hearing. Ms. Russell stated the Board should know that they have been given time to put together the plan already, but that does not mean that the Board cannot continue the hearing.

The Chairman asked Mr. Moore why they did not come up with a plan. He said he could not speak to 20 years ago, but recently, they worked with a group of people, and they have relationships with structural engineers and it was just making schedules work. He stated he knows it seems like forever, but it was October, and getting professionals that are highly sought-after—today was the first chance that they could actually, and they had to beg to come today because they knew about the meeting and the importance of the meeting.

The Board asked if 23 years was not enough time. Mr. Moore stated he could not speak to those earlier times. Vice Chairman Cokenour stated he was soured on it and that we have stared at that building for years.

Mr. Petrie asked to speak again. Mr. Hawkins and Ms. Russell told the Chairman he had already closed the public hearing. Mr. Hawkins explained that Mr. Moore had been allowed to speak again because he is the representative. Ms. Russell stated it was up to the Chairman if he would like to reopen the hearing and let anybody have a chance to speak again.

Chairman Mosier reopened the public hearing at 7:04 p.m.

Mr. Petrie stated they have had since October 6th, almost two months, to get an engineer here. He stated there are plenty of great structural engineers within 20, 30 minutes of this town; downtown Fort Worth is full of them. Mr. Petrie asked about the liability that the City will incur with his property next door. He said no one owns a property a foot away from it like he does. He asked that any continuance be denied and go right to demolishing this building.

Vice Chairman Cokenour stated he was going to make a motion that we go ahead and carry the City's recommendation to tear it down. Ms. Russell reminded the Chairman whether anyone else wanted to say anything since he had reopened the public hearing. As there were no other speakers, Chairman Mosier re-closed the public hearing at 7:06 p.m.

Ms. Russell inquired if anyone else on the Board wanted to speak since there were some who had hardly said anything.

Board discussion included: 23 years was long enough; whether it could be demolished in a way that would not cost the City money; that they will be given adequate time and if they do not demo it within that time then the City will have to take care of it; and whether 60 days was adequate.

Vice Chairman Cokenour made a motion that the building needs to be demolished in 60 days.

Ms. Russell asked that if Mr. Cokenour is making findings, that he go on the record as to whether he believes the property is substandard and a public nuisance, and to go on the record as to whether the City would be authorized to demolish the building if the owner fails to do so within the time ordered.

Vice Chairman Cokenour stated he does feel like the building is substandard. He stated without engineering reports, without asbestos abatement, without all this stuff, they had 23 years to get it done. He stated the fake wall between Bealls and Kmart was a bad deal that should have never happened. He stated he thought the cost of repairing the building would be astronomical trying to get it to today's codes, so he feels like it needs to be demolished within 60 days.

Ms. Russell confirmed, so there is a clear motion for the record, whether the Board finds the property is substandard and a public nuisance.

Vice Chairman Cokenour made a motion to find that the building is substandard and ready to be demolished, and that it should be demolished by the property owner within 60 days or the City will take over and put a lien, and they will demolish it, and that the property does need to be secured.

The Board questioned whether the property was presently secured. Both Code Enforcement Officers Garcia and Weaver stated that it is not secured. Mr. Cokenour restated that it needs to be secured. There were other Board comments, so Ms. Russell reminded the Board there was a motion going on and Mr. Cokenour confirmed the aforementioned was his motion.

Vice Chairman Roger Cokenour moved to find that the building is substandard and ready to be demolished, and that it should be demolished by the property owner within 60 days or the City will take over and put a lien, and they will demolish it, and that the property does need to be secured. Board Member Damon Bethurum seconded the motion. Motion carried.

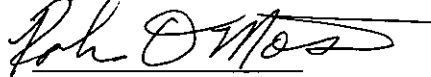
Yes: (5) Robin Mosier, Roger Cokenour, Gary Sebastian, Jim Carlson, Damon Bethurum

Absent: (0)

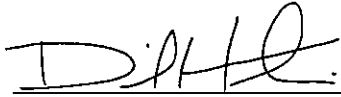
ADJOURNMENT

Chairman Mosier adjourned the meeting at 7:10 p.m.

Presented and approved on February 11th, 2026


Robin Moser, Chairman

Attest:



David Hawkins, AICP
Director of Planning and Development