



AGENDA MEMORANDUM

Building Standards Board Hearing Appeal - July 26, 2016

DATE: July 12, 2016

TO: Margie C. Rose, City Manager

FROM: Anthony Sanders, Captain - Neighborhood Services/K9, Police Department
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Building Standards Board Hearing Appeal for 4501 Mokry Drive

CAPTION:

Consideration of an appeal filed by Beatrice Rodriguez of the Building Standards Board's decision to require demolition of the residential and accessory structures on property located at 4501 Mokry Drive.

PURPOSE:

Ms. Beatrice Rodriguez has requested the City Council hear and consider an appeal of a decision of the Building Standards Board regarding property located at 4501 Mokry Drive.

BACKGROUND AND FINDINGS:

On Thursday, March 31, 2016 due to the substandard and dilapidated condition of the residential and accessory structures at 4501 Mokry Drive, a hazard to the health, safety, and welfare of the public is henceforth declared. The Building Standards Board ordered the structures at 4501 Mokry Drive to be removed or demolished by owner, lien holder or mortgagee within thirty (30) days. If demolition is not started and completed as required, then the City be authorized to demolish.

Per Section 13-24 of the Code, an owner or occupant may appeal a decision of the board to the city council. Beatrice Rodriguez submitted a notice of appeal in writing on April 11, 2016 and received on April 12, 2016, within 30 days of the board's decision. The City Charter, Article VI, Section 2 states that appeals shall be perfected by filing a sworn notice of appeal with the city secretary within thirty (30) days from the date of the decision.

In addition, Section 13-24(b), of the Code states that all orders of the Board regarding this property are to be suspended pending a decision on this matter by the City Council.

During an appeal, the City Council acts in a quasi-judicial capacity to determine the facts and to determine whether the structure requires demolition. After hearing presentations from staff and from the appellant, the Council can decide to deny the appeal (uphold the Building Standards

Board order) or to sustain the appeal (reversing the Board's order in whole or in part). Under Section 13-24(b), the Council may vary the application of any provision of Chapter 13 of the City Code when the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Code, the Corpus Christi Property Maintenance Code or public interest or when, in its opinion, the decision of the board should be modified or reversed. A decision of the city council to vary the application of any provision of this Code or the Corpus Christi Property Maintenance Code, or to modify an order of the board in whole or in part shall specify in what manner such modification is made, the conditions upon which it is made and the reasons therefore. The decision of the city council shall be final unless the aggrieved party appeals by instituting suit for that purpose in any court having jurisdiction within fifteen (15) days from the date on which the decision of the city council was rendered.

OTHER CONSIDERATIONS:

Not applicable

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Building Standards Board – Code Enforcement, Police Department
Legal Department

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital X Not applicable

RECOMMENDATION:

Deny the appeal by approving the proposed resolution (uphold the Building Standards Board order to demolish the property located at 3769 Wilson Drive within 30 days.)

LIST OF SUPPORTING DOCUMENTS:

1. Resolution - Affirming the Building Standards Board order to demolish the property located at 4501 Mokry within 30 days.
2. Final Order of the Building Standards Board Case No. 62240-100515
3. Minutes of Building Standards Board Meeting March 31, 2016
4. Case Timeline for 4501 Mokry Drive
5. Evidence Photos
6. 4501 Mokry Drive Map & Aerial Photo
7. Notice of Appeal – Beatrice Rodriguez
8. Notice of City Council Meeting - Building Standards Board Appeal
9. Abatement - 4501 Mokry
10. Abatement Photos 9-5-15 & 10-15-15
11. Exterior Condition 6-24-16 & 7-8-16