



AGENDA MEMORANDUM

Action Item for the City Council Meeting September 24, 2019

DATE: September 4, 2019

TO: Peter Zanoni, City Manager

FROM: Brandi Moss, Captain – Code Enforcement Division, Police Department
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Building Standards Board Hearing Appeal for 5029 Williams

CAPTION:

Resolution denying Alma Leticia Suazo's appeal, thereby upholding Building Standards Board order to demolish the dilapidated/substandard buildings and structures on the property located at 5029 Williams.

SUMMARY:

Ms. Alma Leticia Suazo has requested the City Council to hear and consider an appeal of a decision of the Building Standards Board regarding property located at 5029 Williams Dr. in City Council District 3.

BACKGROUND AND FINDINGS:

An initial inspection was conducted on July 10, 2018 and the building was deemed substandard. A notice of violation was sent to the owner which the owner did not comply by August 26, 2018. A complaint was filed with the Building Standards Board (BSB) on September 13, 2018 by Code Enforcement and the case was presented to the BSB on September 27, 2018. The Board gave the owner 30 days to submit a full set of construction plans for approval to the City. The owner did not submit any plans.

On November 28, 2018, due to the substandard and dilapidated condition of the residential and accessory structure at 5029 Williams, a hazard to the health, safety, and welfare of the public henceforth declared. The Building Standards Board ordered the structure at 5029 Williams 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. Alma Leticia Suazo submitted a notice of appeal in writing on December 12, 2018, 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 the course of the appeal process, the hearing had to be rescheduled due to conflicts.

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 the 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 date on which the decision of the City Council was rendered.

ALTERNATIVES:

Sustain the appeal (reversing the Board's order in whole or in part).

RECOMMENDATION:

Deny the appeal by approving the proposed resolution (uphold Building Standards Board order to demolish the property located at 5029 Williams)

LIST OF SUPPORTING DOCUMENTS:

1. Resolution – Affirming the Building Standards Board order to demolish the property located at 5029 Williams within 30 days.
2. Final Order of Building Standard Bard Case No. 103560-071018
3. Minutes of Building Standards Board Meeting September 27, 2018 and November 29, 2018
4. Case Timeline for 5029 Williams
5. Case Overview for 5029 Williams
6. Location Map & 5029 Williams Aerial photo
7. Evidence Photos
8. Notice of Appeal – Alma Leticia Suazo
9. Notice of City Council meeting – Building Standards Board Appeal
10. Documents presented to board by Appellant