



AGENDA MEMORANDUM

Action Item for the City Council Meeting January 11, 2022

DATE: January 11, 2022
TO: Peter Zanoni, City Manager
FROM: Tracey K. Cantu, Interim Director of Neighborhood Services
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Appeal of Building Standards Board Order for Five Dilapidated/Substandard structures

CAPTION:

Resolution upholding the Building Standards Board's order to demolish the five (5) dilapidated / substandard structures identified as:

- Building 1 located at 924 Waco Street
- Building 3 located at 924 Waco Steet also known as 1017 Winnebago
- Building 1 located at 2713 Mary Steet
- Building 2 located at 2713 Mary Street, also known as 2711 Mary Street
- Building 3 located at 2713 Mary Street, also known as 2709 Mary Street

All properties are owned by Marksman Brothers Investments Corpus Christi LLC.

SUMMARY:

Markman Brothers Investments Corpus Christi LLC, A Texas Limited Liability Company, has requested the City Council to hear and consider an appeal of a decision of the Building Standards Board regarding the following five (5) properties located at Building 1 located at 924 Waco Street; Building 3 located at 924 Waco Steet also known as 1017 Winnebago; Building 1 located at 2713 Mary Steet; Building 2 located at 2713 Mary Street, also known as 2711 Mary Street and Building 3 located at 2713 Mary Street, also known as 2709 Mary Street all owned by Marksman Brothers Investments Corpus Christi LLC.

BACKGROUND AND FINDINGS:

The residential structures identified below are owned by Markman Brothers Investments Corpus Christi LLC.

Building Number	Address	Also Known As	Date of No Active Utilities
Building 1	924 Waco Street		May 13, 2020
Building 3	924 Waco Street	1017 Winnebago	July 6, 2021

Building 1	2713 Mary Street		July 25, 2016
Building 2	2713 Mary Street	2711 Mary Street	July 20, 2020
Building 3	2713 Mary Street	2709 Mary Street	January 2, 2019

On October 14, 2021, the Building Standards Board ordered all five structures to be removed or demolished by the owner, lienholder or mortgagee within 30 days due to the substandard and dilapidated condition of each residential structure. If demolition is not started and completed as required, then the City is 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. 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. Markman Brothers Investments Corpus Christi LLC submitted a notice of appeal in writing on November 2, 2021, within 30 days of the decision.

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 uphold the Building Standards Board order or to reverse 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 a suit for that purpose in any court having jurisdiction within 15 days from the date on which the decision of the City Council was rendered.

ALTERNATIVES:

1. Motion to reverse the Board's order in whole or in part.

FISCAL IMPACT:

Non-applicable

Funding Detail:

Fund: **Non-Applicable**

Organization/Activity:

Mission Element:

Project # **(CIP Only):**

Account:

RECOMMENDATION:

Uphold Building Standards Board order to demolish the property located at 924 Waco Street.

LIST OF SUPPORTING DOCUMENTS:

- Resolution – Upholding Building Standards Board order to demolish the properties
- Final Order of Building Standard Board

- Minutes of Building Standards Board Meeting October 14, 2021
- Case Timeline
- Location Map & Aerial photo
- Photos presented to the Board
- Notice of Appeal by Markman Brothers Investments Corpus Christi LLC