

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

Whereas, the Building Standards Board (the "Board") held a public hearing on November 29, 2018, at 1:30pm regarding property located at 5029 Williams Drive and after making certain findings ordered the structure or premises be removed or demolished by the owner, lien holder or mortgagee, within thirty (30) days pursuant to the attached Final Order of the Building Standards Board Case No. 103560-071018; and

Whereas, the owner of 5029 Williams Drive (the "Appellant") filed a written notice of appeal of the Board's order with the City Secretary's Office on December 12, 2018, in accordance with Section 13-24(a) City of Corpus Christi Code of Ordinances (the "Code") and Article VI, Section 2 of the City Charter (the "Charter"); and

Whereas, Section 13-24(a) of the Code and Article VI, Section 2 of the Charter authorize the City Council to hear Appeals of the Board's decision; therefore, this Council properly has jurisdiction of this appeal; and

Whereas, after hearing the evidence, the City Council makes the following findings related to the property located at 5029 Williams Drive:

1. The Code Enforcement division of the Police Department complied with the procedural requirements for eliminating substandard conditions pursuant to Section 13-22 of the Code; and
2. The Board held a public hearing on September 27, 2018, at 1:30pm. The owner Alma Leticia Suazo appeared as well as Gregorio Esparza. Mr. Esparza identified himself as Ms. Suazo's boyfriend and spoke on her behalf. Mr. Esparza produced a letter written by Commander David Blackmon, dated August 25, 2016, which he stated was the last communication received from the City regarding the property. He believed the previous board order had been vacated. Mr. Esparza stated it was Ms. Suazo's intent to convert the structure to a low traffic commercial rental property for added income and that she had already begun the process of requesting loans. He promised that if allowed more time Ms. Suazo would come up with a plan at the next Building Standards Board meeting. Assistant City Attorney Yvette Aguilar clarified that Ms. Suazo must submit a detailed plan and time schedule for the work at the next hearing and establish that the work cannot reasonably be completed within 90 days in order for the board to grant more than 90 days to repair pursuant to Section 214.001(j) of the Local Government Code. After considering the testimony and reviewing the documentation and information submitted by City staff and after affording the owner and/or other interested parties the opportunity to address

- the Board and present testimony, documentation and information, the Board tabled the case to the next meeting and ordered that Ms. Suazo submit a full set of construction plans for approval to the City within 30 days; and
3. The Board held a public hearing on November 29, 2018, at 1:30pm. The owner Alma Leticia Suazo appeared as well as Gregorio Esparza. Mr. Esparza stated they met with Development Services staff and were told the lot needed to be replatted in order to maintain the structure on the front of the property and it would have to be a commercial structure. Mr. Esparza requested more time in order to replat the property. Mike Guerrero from Development Services informed the Board he did meet with Mr. Esparza on November 26, 2018, and that replatting could take two to three months. He also clarified that there is a possibility the property may not be able to be replatted, but this information could only be determined once a full set of plans is submitted to Development Services. Ms. Suazo also addressed the Board restating her intent to convert this into a commercial structure. No specific construction plans for the structure were submitted and no time frame for repairs or cost of repairs were submitted to the Board. After considering the testimony and reviewing the documentation and information submitted by City staff and after affording the owner and/or other interested parties the opportunity to address the Board and present testimony, documentation and information, the Board found that the structure or premises could not be repaired because of the refusal of the owner or its intrinsic state of disrepair or both and is dilapidated or substandard and ordered removal or demolition by the owner, lienholder or mortgagee, within 30 days; and
 4. The structure has a door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of this City as related to the requirements for existing buildings and therefore is considered dangerous and deemed substandard pursuant to section 108.1.5 of the International Property Maintenance Code as adopted by the City of Corpus Christi Code of Ordinances (the "IPMC"); and.
 5. The walking surface of an aisle, passageway, stairway, exit or other means of egress of the buildings and structures is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress and therefore is considered dangerous and deemed substandard pursuant to section 108.1.5 of the IPMC; and
 6. The buildings and structures are clearly unsafe for its use and occupancy and therefore are considered dangerous and deemed substandard pursuant to section 108.1.5 of the CCPMC; and
 7. The buildings and structures are neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might

- play in the building or structures to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building and structure for committing a nuisance or an unlawful act and therefore are considered dangerous and deemed substandard pursuant to section 108.1.5 of the CCPMC; and
8. The buildings and structures have been constructed, exits or are maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety and therefore are considered dangerous and deemed substandard pursuant to section 108.1.5 of the CCPMC; and
 9. The buildings and structures, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay damage, faulty construction or arrangement, inadequate light, ventilation, electrical, mechanical or plumbing system, or otherwise, are determined by the code official to be unsanitary, unfit for human habitation, or in such a condition that it is likely to cause sickness or disease, including all conditions conducive to the harboring of rats or mice or other disease-carrying animals or insects reasonably calculated to spread disease and therefore are considered dangerous and deemed substandard pursuant to section 108.1.5 of the CCPMC; and
 10. The buildings and structures, because of a lack of sufficient or proper fire resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, are determined by the code official to be a threat to life or health and therefore are considered dangerous and deemed substandard pursuant to section 108.1.5 of the CCPMC; and
 11. The photos attached of 5029 Williams Drive further support the finding that the buildings and structures are dangerous and substandard; and
 12. Pursuant to Section 101.3 of the IPMC the spirit and purpose of the Code is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Further existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required in the IPMC; and
 13. The Appellant has not alleged or establish that an error was committed by the Board; and
 14. The Appellant has failed to establish that the Board's decision would have caused undue hardship.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

Section 1. The Council declares the recitals in the above paragraphs are true and correct.

Section 2. The Appellant's appeal is hereby denied.

Section 3. The Board's attached order requiring the owner, lien holder or mortgagee to demolish the buildings and structures on the property located at 5209 Williams Drive is upheld.

Section 4. Not applicable unless amendment is made to specifically adopt in place of the aforementioned Sections 2 and 3:

The Board's attached Order is modified as follows:

PASSED AND APPROVED this _____ day of _____, 2019 at a Regular Meeting of the City Council of the City of Corpus Christi, Texas.

ATTEST:

THE CITY OF CORPUS CHRISTI

Rebecca Huerta
City Secretary

Joe McComb
Mayor

The above resolution was passed by the following vote:

Joe McComb _____
Roland Barrera _____
Rudy Garza _____
Paulette M. Guajardo _____
Gil Hernandez _____
Michael Hunter _____
Ben Molina _____
Everett Roy _____
Greg Smith _____

ATTEST:

CITY OF CORPUS CHRISTI

Rebecca Huerta
City Secretary

Joe McComb
Mayor

Corpus Christi, Texas

_____ day of _____, 2019



Code Enforcement Division
Police Department



DATE: November 29, 2018

CERTIFIED LETTER # 7017 3380 0000 6318 1947

OWNER: Alma Leticia Suazo
ADDRESS: 5029 Williams Dr.
CITY STATE ZIP: Corpus Christi, Texas 78411-4749

RE: 5029 Williams
ADD' Gardendale #2
LOT: 7
BLOCK: 2

The Building Standards Board met at **1:30 p.m., Thursday, November 29, 2018** in the Council Chambers, 1201 Leopard, to hear matters concerning the substandard building(s) located at the above referenced property. A final order of the Board's decision made on that date is enclosed. The period of time allowed you to comply with the decision of the Board commences from the date of the enclosed order.

The owner or occupant, or his/her duly authorized agent, may appeal the decision of this Board to the City Council. Such appeal must be perfected by filing a sworn notice of appeal with the City Secretary within thirty (30) days from the date of notice of the Board's written decision which is the date of this letter. This appeal must state specifically any error alleged to have been committed by the Board or that the decision of the Board would cause undue hardship and state the reasons for the hardship. Prior to the institution of any appeal in a court of law by an aggrieved person from a decision of the Board, appeal must first be perfected to the City Council. 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.

It may be necessary for you to obtain the proper permits before initiating demolition or repairs as required by the Board. A permit can be obtained at Development Services located at 2406 Leopard Street, Corpus Christi Texas. Please contact Code Enforcement Division located at 1201 Leopard Street prior to obtaining the permit(s).

Please contact Diana T. Garza, Building Standards Board Liaison, if you have any questions regarding this matter. She can be reached at (361) 826-3009.

Sincerely,
Diana T. Garza
Building Standards Board Liaison
Code Enforcement Division

Attachment: Board Order
Case number: 103560-071018



**FINAL ORDER OF THE
BUILDING STANDARDS BOARD
Case No. 103560-071018**



Property Owner(s)

OWNER: Alma Leticia Suazo

ADDRESS: 5029 Williams Dr.

CITY STATE ZIP- Corpus Christi, Texas 78411-4749

RE: 5029 Williams

LOT: 7

BLOCK: 2

ADD' N: Gardendale #2

This final order is issued pursuant to the authority granted to the Building Standards Board ("Board") of the City of Corpus Christi, ("City"), Nueces County, Texas in accordance with the Charter of the City, Chapter 13 of the City's Code of Ordinances ("Code") and the Texas Local Government Code.

On **November 29, 2018**, the City of Corpus Christi Building and Standards Board held a public hearing and made the following findings regarding the building located at the above referenced property:

1. Pursuant to the provisions of Chapter 13 of the Code, on **July 10, 2018**, an inspection for substandard conditions was made of the building(s) or structure(s) located within the City at the above referenced property;
2. On **July 11, 2018** a notice of violation(s) and request to correct the violation(s) was sent to the owner and all known interested parties. Additionally, on **October 9, 2018** and **October 10, 2018** notice of violation(s) was posted in the Corpus Christi Caller Times;
3. Thirty days elapsed since the notice of violation(s) was provided and such violation(s) were not cured;
4. Code Official, Diana T. Garza, filed a complaint with the Chairman regarding the above listed property **November 15, 2018**, and the public hearing was held not less than ten days and not more than 45 days after the complaint was filed;
5. Notice of the public hearing was sent to the owner and all known interested parties on **November 15, 2018** which was at least ten day prior to the public hearing. Additionally, on **November 13, 2018** and **November 14, 2018** notice of the public hearing was posted in the Corpus Christi Caller Times;
6. After considering the testimony and reviewing the documentation and information submitted by City Staff and after affording the owner and/or other interested parties the opportunity to address the Board and present testimony, documentation and information the Board finds the building located at the above referenced property is substandard and/or constitutes a nuisance.
7. The City of Corpus Christi will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the action ordered below is not taken within the allotted time.
8. In the event there are items of personal property in the premises to be demolished, the owner is ordered to remove personal property from the premises within 30 days. If such items of personal are not removed from the premises within 30 days, they shall be placed in storage for a period of 90 days. During this period they may be redeemed by the owner after all costs incurred in placing the items in storage and all accumulated storage fees have been paid. In the event the property is not redeemed within 90 days the City may cause the same to be sold at auction. The proceeds of the sale shall be used to pay for any costs incurred in the storage of the property and any excess amount shall be set off against the cost of demolition to be charged to the owner.

The Board further finds:

- The substandard building shall be ordered secured by the owner, lien holder or mortgagee from unauthorized entry within 30 days.

OR

___ The substandard building or structure can reasonably be repaired by the owner, lien holder or mortgagee, so as to be in compliance with this code, therefore it shall be ordered repaired within thirty (30) days. Repairs must be in compliance with City Ordinance Section 13-22 (G).

___ The substandard building or structure can reasonably be repaired by the owner, lien holder or mortgagee, so as to be in compliance with this code, therefore it shall be ordered repaired within ___ (31 days to 90 days) days. Repairs must be in compliance with City Ordinance Section 13-22 (G). Further, the owner, lien holder or mortgagee shall secure the property in a reasonable manner from unauthorized entry while the work is being performed and work shall be commenced and performed in accordance with the time schedules established by the Board, to wit:

___ The substandard building or structure is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public, therefore it shall be ordered to be vacated within ___ days. The building or structure shall be placarded to prevent occupancy until the building or structure is brought up to all minimum standards of this code within thirty (30) days.

___ The substandard building or structure is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public, therefore it shall be ordered to be vacated within ___ days. The building or structure shall be placarded to prevent occupancy until the building or structure is brought up to all minimum standards of this code within ___ days. Work shall be commenced and performed in accordance with the time schedules established by the Board, to wit:

✓ The structure or premises cannot be repaired because of the refusal of owner or its intrinsic state of disrepair or both and is dilapidated or substandard, therefore, it shall be ordered removed or demolished by the owner, lien holder or mortgagee, within thirty (30) days.

___ The structure or premises cannot be repaired because of the refusal of owner or its intrinsic state of disrepair or both and is dilapidated or substandard, therefore, it shall be ordered removed or demolished by the owner, lien holder or mortgagee, within ___ (31 days to 90 days) days.

OR

The Board finds that the owner, lien holder or mortgagee has submitted a detailed plan and time schedule for the work and the owner, lien holder or mortgagee has established that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work; therefore:

___ The owner, lien holder or mortgagee is required to regularly submit progress reports to the Board to demonstrate compliance with the time schedules established for commencement and performance of the work, to wit:

___ The owner, lien holder or mortgagee shall report monthly to the code enforcement office with progress reports.

___ The above listed property, including structures or improvements on the property, exceeds \$100,000, in total value the owner, lien holder or mortgagee shall post a cash or surety bond in an amount adequate to cover the cost of repairing, removing or demolishing the building or structure not later than the 30th day from the date of this order.

Joel De La Garza FOR/AGAINST
Lee R. Hassman FOR/AGAINST
Tim Honea FOR/AGAINST
Gary K. Adams FOR/AGAINST

Craig S. Loving FOR/AGAINST
Lillian T. Helms FOR/AGAINST
Dante C. Miller FOR/AGAINST

Date Filed 12/4/18

11:15am

Ordered this 29th day of November 2018.

Signed under authority of the Board:
Chairperson

Rebecca Huerta
City Secretary

Signed under the authority of the Board:
Vice-Chairperson

Filed .. City Secretary DATE TIME



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7/10/2018
D T Garza



5029 Williams
7/10/2018
D T Garza



5029 Williams
7/10/2018
D T Garza



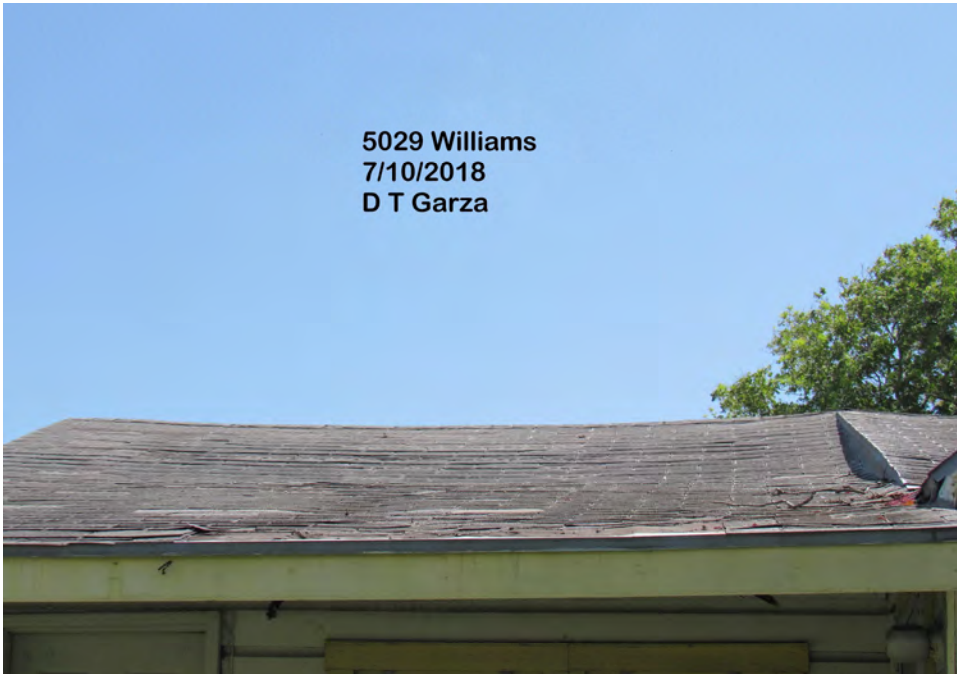
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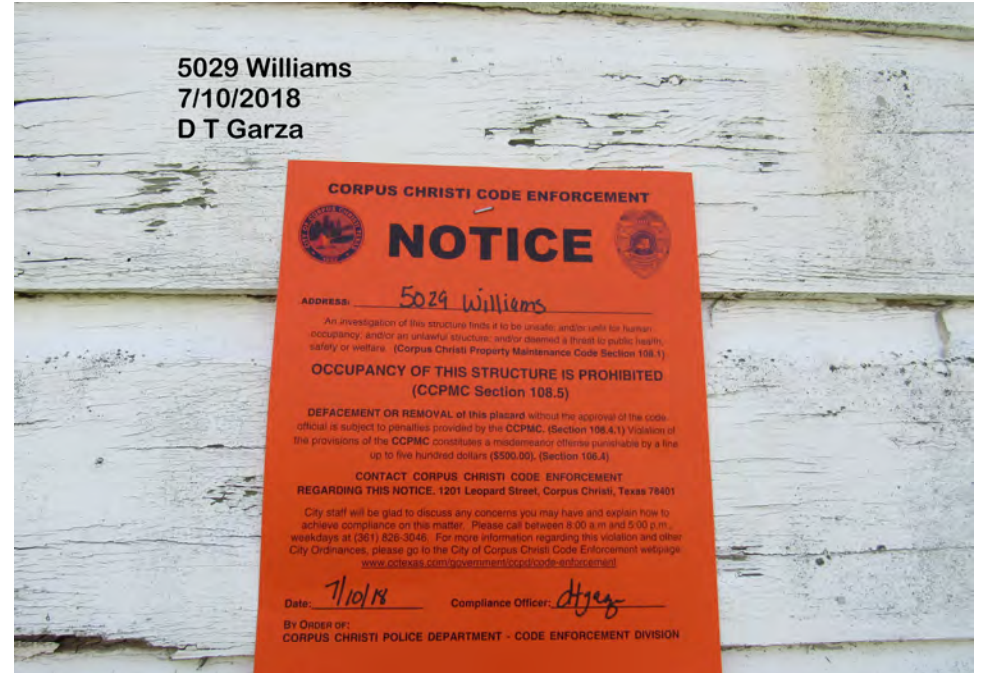
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