



AGENDA MEMORANDUM

Action Item for the City Council Meeting January 11, 2022

DATE: January 11, 2022

TO: Peter Zaroni, City Manager

FROM: Tracey K. Cantu, Interim Director of Neighborhood Services
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Appeal of Building Standards Board Order for 1301 N Water Street

CAPTION:

Resolution upholding the Building Standards Board's order to demolish the dilapidated/ substandard structure located at 1301 N Water Street and owned by 8058 MKII LLC

SUMMARY:

8058 MKII 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 property located at 1301 N Water Street.

BACKGROUND AND FINDINGS:

The property at 1301 N Water is owned by 8058 MKII LLC. The structure at 1301 N Water is an accessory structure.

Due to the substandard and dilapidated condition of the accessory structure at 1301 N Water Street, On October 14, 2021, the Building Standards Board ordered the structure at 1301 N Water to be removed or demolished by the owner, lienholder or mortgagee within 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. 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. 8058 MKII 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 1301 N Water Street.

LIST OF SUPPORTING DOCUMENTS:

- Resolution – Upholding Building Standards Board order to demolish the property located at 1301 N Water Street within 30 days.
- Final Order of Building Standard Board Case No. V156713-052121
- Minutes of Building Standards Board Meeting October 14, 2021
- Case Timeline for 1301 N Water Street
- Location Map & 1301 N Water Street Aerial photo
- Photos presented to the Board
- Notice of Appeal by 8058 MKII LLC