



AGENDA MEMORANDUM
Special City Council Meeting - Building Standards Board Hearing Appeal
April 19, 2016

DATE: April 7, 2016

TO: Ronald L. Olson, City Manager

FROM: David Blackmon, Commander – Operations, Police Department
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Building Standards Board Hearing Appeal for 625 Gordon Street

CAPTION:

Consideration of an appeal filed on behalf of Corpus Christi Note Acquisitions, LLC of the Building Standards Board's decision to require demolition of the buildings and structures on property located at 625 Gordon Street.

PURPOSE:

Mr. Timothy Dowling, on behalf of Corpus Christi Note Acquisitions, LLC, has requested that the City Council hear and consider an appeal of a decision of the Building Standards Board regarding property located at 625 Gordon Street.

BACKGROUND AND FINDINGS:

On September 24, 2015, due to the substandard and dilapidated condition of the structures at 625 Gordon, a hazard to the health, safety, and welfare of the public is henceforth declared. The Building Standards Board ordered the structures at 625 Gordon Street 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. Mr. Dowling submitted a notice of appeal in writing on October 23, 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 625 Gordon within 30 days.)

LIST OF SUPPORTING DOCUMENTS:

1. Resolution - Affirming the Building Standards Board order to demolish the property located at 625 Gordon within 30 days.
2. Final Order of the Building Standards Board Case No. 15-568
3. Transcription of Building Standards Board Meeting August 10, 2015
4. Transcription of Building Standards Board Meeting September 24, 2015
5. Case Chronology – Activity Prior to September 24, 2015
6. Case Chronology – Activity After September 24, 2015
7. Location Map – 625 Gordon Aerial Photo
8. Evidence Photos
9. Notice of Appeal – Corpus Christi Note Acquisitions, LLC
10. Notice of Special City Council Meeting
11. Engineer's Report provided by Corpus Christi Note Acquisitions, LLC.
12. Health Department Report - Public Health Inspector Jennifer Richter