



AGENDA MEMORANDUM

Action Item for the City Council Meeting February 23, 2021

DATE: January 29, 2021

TO: Peter Zaroni, City Manager

FROM: Liza Lopez, Code Compliance Program Manager, Code Enforcement Division,
Police Department
(Lizac@cctexas.com) (361.826.3170)

Building Standards Board Hearing Appeal for 626 Glazebrook Street
--

CAPTION:

Resolution denying Samer Hamed's appeal, thereby upholding Building Standards Board order to demolish the dilapidated/substandard buildings and structures on the property located at 626 Glazebrook Street.

SUMMARY:

Mr. Samer Hamed has requested the City Council to hear and consider an appeal of a decision of the Building Standards Board regarding property located at 626 Glazebrook Street.

BACKGROUND AND FINDINGS:

On January 24, 2019, a Substandard case was presented to the Building Standards Board in which Mr. Hamed had a representative appear on his behalf. Code Enforcement recommendation to the Board was to demolish. The Building Standard Board rejected City Staff's recommendation and the case was tabled to allow the owner to obtain permits and present a plan of action on the next scheduled meeting.

On July 25, 2019, the case was presented to the Building Standards Board. Mr. David Walker, an Architect, appeared as a representative on behalf of the owner. Mr. Walker explained they were having issues with a previously hired engineer and had since hired a new engineer. Code Staff recommended demolition; however, the Building Standards Board tabled the case for 60 days to allow permits be obtained and a detailed timeline be presented at the next board hearing. A fence was also required to be erected to secure the property within 21 days.

On September 26, 2019, the case was presented to the Building Standards Board. Mr. Walker stated he applied for a permit a week prior but did not have one yet. Mr. Walker indicated the plan was to restore the building but did not have a detailed timeline. Mr. Walker stated the owner would be starting construction within 2 weeks of getting the permit and hoped to have the

project complete within 2 to 3 months. Code Staff recommendation was demolition, however the Building Standards Board required substantial work and repairs be completed within 60 days. The Board clarified substantial work meant windows, roofing, doors and insulation were to be completed by next meeting. The fence was to remain a perimeter around the premises to prohibit entry.

On November 11, 2019, Development Services issued a Stop Work Order due to work being performed without permits. On November 22, 2019, a Commercial Permit was issued by Development Services for restoration of the original four-plex that was previously damaged by fire.

On November 19, 2020, the case was presented to the Building Standards Board. This meeting was conducted through WebEx. Mr. Hamed did not appear, but his brother Shauky Hamed represented in behalf of his brother. Mr. Hamed was given the opportunity to delay the start of the case until later in the meeting so that Samer Hamed could be present but Shauky declined delay of the case. Code Officer Diana T Garza informed the board that the roofing permit issued on 2018 and the permit for repairs issued on November 22, 2019 had both expired and work had not been started. The building did not have windows, leaving the structure open to the elements. The fence surrounding the property was not secure and there were no signs posted prohibiting entry. Mr. Shauky Hamed could not provide a reason that his brother did not comply with the Boards previous order to have windows, roofing, doors and insulation completed by November 21, 2019. Due to the substandard and dilapidated condition of the residential structure at 626 Glazebrook Street, a hazard to the health, safety, and welfare of the public is henceforth declared. The Building Standards Board ordered the structure at 626 Glazebrook 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. Samer Hamed submitted a notice of appeal in writing on December 10, 2020, 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.

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:

1. 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 626 Glazebrook Street).

LIST OF SUPPORTING DOCUMENTS:

1. Resolution – Affirming the Building Standards Board order to demolish the property located at 626 Glazebrook Street within 30 days.
2. Final Order of Building Standard Board Case No. V106167-082118
3. Minutes of Building Standards Board Meetings:
 - a. January 24, 2019
 - b. July 25, 2019
 - c. September 26, 2019
 - d. November 19, 2020
4. Case Timeline for 626 Glazebrook St.
5. Property History for 626 Glazebrook St.
6. Location Map & 626 Glazebrook St. Aerial photo
7. Evidence Photos:
 - a. 1/18/2018
 - b. 8/21/2018
 - c. 9/25/2018
 - d. 5/3/2019 (2 sets of photos)
 - e. 9/13/2019
 - f. 11/11/2019
 - g. 12/26/2019
 - h. 5/20/2020
 - i. 10/16/2020
 - j. 11/9/2020
8. Notice of Appeal – Samer Hamed
9. Notice of City Council meeting – Building Standards Board Appeal