

MINUTES

BOARD OF ADJUSTMENTS

Tuesday, April 18, 1989

10:00 a.m.

Members present: Ben Turbeville, Robert Boone, Jerry Dietz, Don Hawkins and David Wright.

Members absent: James Canaday.

Staff present: Gene Cravens, Pat Payne, and Gilbert Villa.

Visitors: List attached.

The meeting was called to order at 10:06 a.m by Chairman Don Hawkins.

The **second item of business** on the agenda was presentation of the oath of office to newly appointed Board of Adjustment and Appeals member, Joyce Rigler, by Chairman Don Hawkins.

The **third item of business** on the agenda was presentation and approval of the Minutes from the March 21, 1989, Board of Adjustment and Appeals meeting. Ben Turbeville made a motion to accept the minutes as presented with a second by Jerry Dietz. Motion carried by the following votes: Ayes: Boone, Wright Turbeville, Hawkins, Rigler and Dietz. Nays: None. Absent: Canaday.

The **fourth item of business** on the agenda was a public hearing considering the decision of the Building Inspector requiring the demolition of a substandard structure owned by Alburn Stephens located in a mobile home park on North Clements Street, North of Highway 82. Mr. Hawkins asked Mr. Villa to express his intentions of requiring the demolition. Mr. Villa responded by saying that the structure is in very bad repair and can be seen from Highway 82, Highway 77 and is very visible to surrounding properties. He continued by saying he had visited with Mr. Stephens twice and Mr. Stephens indicated he does not have the means to clear the property and clean it up. Mr. Stephens would not authorize the City to tear down the structure, therefore, the condemnation suit was instigated. Mr. Villa said several neighbors had complained about the unsightly area around the structure, which is also a safety and health hazard. He further said he had sent Mr. Stephens two registered letters, which were acknowledged. All options seem to have been expended.

Mr. Hawkins asked if anyone was present to represent Mr. Stephens; there was no one. [NOTE: Mr. Stephens was not present for the public hearing.] Mr. Hawkins asked Mr. Cravens if he had any comments. Mr. Cravens stated that under Section Three of the Substandard Structures Ordinance, the Board of Appeals has the authority to determine that substantial justice be done; i.e. ordering condemnation and/or destruction by the City of property which is substandard and hazardous.

Mr. Hawkins asked if anyone in the audience would like to speak either for or against the decision of the Building Inspector. Jo Leverett spoke stating she lives directly to the south of Mr. Alburn's property. She explained that although she understood that Mr. Alburn has said he couldn't afford to fix up or remove the structure, she said he does pay his lot rent of \$85.00 per month and he told her that he is still making payments on the mobile home and it would not be paid for until the summer of 1990.

Bob McLeroy, a partner in the McLeroy Medical Clinic, spoke next. He said because the clinic is across the road from Mr. Alburn's property, it "...looks like a tornado hit us, and in fact that's [what he thought at first]...and looked closer and saw that the structure was intact, the wood frame." He further stated, "It's an impressively, ratty looking area. It just needs to be cleaned out."

Mr. Hawkins asked for further comments or discussion by the Board. Mr. Turbeville asked if it were torn down and Mr. Alburn can't pay for it, can it be put against his property. He was also asked by Mr. Hawkins if the City were to destroy the structure and there is a lien against it, does the lender have to be notified. He suggested that a letter be written to the lender and have them to come and look at the structure. Mr. Hawkins inquired if there would be any liability recourse by the lender back to the City if the structure were torn down without notifying the lender.

Mr. Cravens said he felt that the lender should be notified of the Board's decision, give them the option of coming to get it [structure], giving them a specified number of days, and if they don't after the elapsed time, then the City can go ahead with demolition. Mr. Hawkins said the City Attorney should look at all aspects of the matter before any tangible action is taken.

After no further discussion on the matter, a motion was made by Robert Boone and seconded by Ben Turbeville, pending proper notification and legal counsel with the City Attorney, that immediate action be taken to eliminate [demolition of the property] the problem. Motion carried by the following vote: Ayes: Boone, Hawkins, Dietz, Rigler, Turbeville and Wright. Nays: None. Absent: Canaday.

After no further business, the meeting was adjourned at 10:20 a.m.