

## MINUTES

### BUILDING AND STANDARDS COMMISSION

Wednesday, April 17, 1991

4:00 p.m.

**Members present:** Russell Duncan, Donna Doty, Whit Williams, and Lee Birkhead.

**Members absent:** Jan Russell.

**Staff present:** Gene Cravens, Pat Payne, David Hall.

**Visitors:** A. E. Shasteen

The first item of business on the agenda was the calling of the meeting to order at 4:00 p.m.

The second item on the agenda was consideration of minutes from the meeting of November 28, 1990. A motion was made by Whit Williams and seconded by Donna Doty to approve the minutes as presented. Motion carried by the following votes: Ayes: Duncan, Doty, Williams, and Birkhead. Nays: None. Absent: Russell.

The third item on the agenda was consideration of and action on determination of the Building Inspector's decision of the substandard condition of structures located at:

- a. - **820 E. Scott Street**, owned by A. E. Shasteen. Mr. Duncan began by recognizing that Mr. Shasteen was present at the meeting. Then he asked Mr. Hall, the Building Official, to present what his inspections have revealed of the structure.

Mr. Hall began by giving the background on the inspections and his survey of the property in question. On 02/26/90, the previous owner, Mrs. French, came to the office to convey her feelings about the structure and stated she had not known the structure was in such dilapidated condition. On that same day, she signed a waiver allowing the City to demolish and remove the structure and all debris in the Spring Cleanup. Later on March 3, she requested a refund of her money for the waiver because she wanted to sell the property [the refund was granted]. On 08/10/90, the property was sold and deeded to A. E. Shasteen. The structure has been in a deteriorated(ing) condition ever since. On 03/07/91, a notice was mailed to Mr. Shasteen, giving notice to inspect the property. The consent form was not returned allowing for search/inspection of the property. On 03/19/91, Mr. Hall said he inspected the property and took pictures and made a report. On 03/20/91, Mr. Shasteen met with Mr. Hall inquiring about the inspection and conveyed to Mr. Hall at that time that he wished to remodel the property. Mr. Hall

told him the procedure for demolition/removal had begun and they discussed improvements which could be made. Mr. Hall informed him that the structure is in a flood hazard area and is covered by the Flood Prevention Ordinance. Mr. Hall informed him at that time he would research and look into the matter of issuing a permit for renovating according to the guidelines of the Flood Ordinance. The Substandard Structure Ordinance also had to be followed, he said. Mr. Hall talked with Mr. Shasteen again on 04/03/91. At that time he conveyed to Mr. Shasteen that the City was willing to work with him as far as obtaining a remodeling permit if there was compliance with the Flood Prevention Ordinance under the section which outlines any substantial improvements. Mr. Hall invited him to come to the office so they could discuss it. He also informed Mr. Shasteen that he could obtain a Certificate of Elevation from a surveyor [the base floor has to be one foot above the base flood elevation]. Mr. Hall continued by saying that if the guidelines of the Flood Prevention Ordinance were not followed, a building permit would have to be denied, and any appeal of that decision would have to be heard before the Board of Adjustment and Appeals.

Mr. Hall handed photographs to the Board he had taken of the property for their observation; the pictures depicted the exterior and interior of the entire structure.

Mr. Duncan presented two documents to the Board that Mr. Shasteen had presented to him prior to the meeting. One was a surveyor's statement that the structure is .3 of a foot above the BFE (Base Flood Elevation). The other document was an appraisal of the Structure by David Burrows, Jr., Realtor, who stated .."that the structure is of sound nature basically, i.e., that is the 'bone structure' is solid. A visual inspection from a 'drive-by' may not allow the viewer to see this."

Mr. Hall reiterated, the lowest floor elevation has to be one foot above the BFE.

At that time, Mr. Shasteen stated that since Mr. Hall had inspected the property, he had hauled off several loads of rubbish and debris from the property. He continued by saying that he only bought the property in order to clean it up and remodel it in order to enhance a rent house he owns next to it. Mr. Shasteen claimed that the certified letter Mr. Hall mailed to him notifying him that the structure was to be demolished was the same day he met with Mr. Hall [NOTE: The notice was mailed on 04/05/91 with the return receipt dated 04/08/91].

Mr. Duncan asked Mr. Shasteen if it was his desire to rehabilitate the structure rather than having it torn down; Mr. Shasteen replied it is. He said if it were torn down, the land, being next to the creek, would not be worth anything. He also said that he had most of the materials at hand to put into the structure to make it livable. He said with good weather, he could have the structure completed in 60 to 90 days. He

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indicated that the improvements are a "judgement call", in his opinion, according to how much the improvements are valued.

Mr. Birkhead asked Mr. Hall if Mr. Shasteen could go through the Board of Adjustment and Appeals to obtain a waiver on the Flood Plain requirement of one foot above BFE. Mr. Hall said, but he reiterated that Mr. Shasteen had the option of getting an independent appraiser and get the fair market value and submit to him invoices on exactly how much he is going to spend in order to determine the "substantial improvement" (50%) according to the Flood Prevention Ordinance. He explained that the City faces the threat of lawsuits if improvements and construction within the flood plain is not followed according to the requirements of the ordinance.

At that time Mr. Cravens explained that substantial improvement of a structure within the flood plain is not a judgement call. The appraised market value and Mr. Shasteen's total cost of what he will spend on the building has to be considered in order to obtain the 50% substantial improvement guideline according to the ordinance.

Mr. Williams said that there are different way of determining the total cost, i.e., Mr. Shasteen obtaining the materials at a reduced cost and doing the labor himself versus having a contractor to come in and do everything.

Donna Doty questioned Mr. Shasteen about the foundation. Mr. Shasteen said he has acquired concrete/cinder blocks and will use them to improve the foundation and make it more secure.

Mr. Duncan said he had received calls from both David Burrows and from Frank Morris, President of the First State Bank. Mr. Morris told Mr. Duncan that the bank had advanced money for improvements on the project and carries a lien on it. Mr. Morris has assured [the Board] that the house will be put back into a condition that is acceptable to the City.

Whit Williams said, with the assurances that that will be done, he said he would be in favor of at least creating an extension of time that would be reasonable for this work to be done [this is the motion to follow] if Mr. Shasteen follows the 50% improvement requirement [of the Flood Prevention Ordinance]. Mr. Hall said he would have to have that assurance in the file and before any remodeling starts or the City "would be in trouble". Mr. Duncan said that it appeared that the structure could be made habitable and Mr. Shasteen had the desire to do so. With Mr. Shasteen's background and the number of structures he has improved, he would be willing to go along with the structure being reconditioned to be made habitable as long as Mr. Shasteen complies with the requirements of the Flood Prevention Ordinance. Mr. Hall said all invoices for materials and for labor would have to be submitted.

Mr. Williams made a motion to allow Mr. [redacted] [redacted] up to ninety (90) days after issuance of a building permit to bring the structure up to habitable standards. The submission of an appraisal and submission of documents indicating what he has paid for materials and labor will have to be submitted prior to obtaining the permit and he will have to be in compliance with the Flood Prevention Ordinance BFE requirements. All requirements of the Building Code(s) will have to be totally met also. The motion was seconded by Lee Birkhead. Motion carried by the following votes: Ayes: Williams, Doty, Duncan and Birkhead. Nays: None. Absent: Russell. Abstentions: None.

- b. - **514 W. Scott Street**, owned by Caroline Jackson. Mr. Hall said that upon talking with Ms. Jackson, she told him she had not seen the house for at least two years, so she was not aware of the dilapidated condition of the structure. Mr. Hall continued by saying she did not seem interested in it either. The substandard condition of the house was reviewed with the Board. Mr. Hall said lack of maintenance was the cause of the dilapidation. Mr. Duncan asked Mr. Hall if Ms. Jackson sent a letter contesting any action of the Board; he also asked if she were present. Mr. Hall replied no to both questions. He said he had also tried to recontact her at least twice and she did not answer. The condition of the house was shown to be open to the public and a health and fire hazard.

After no further discussion a motion was made by Lee Birkhead and seconded by Donna Doty to allow the owner thirty (30) days after issuance of the order to demolish (Sec. 5-4 [c] **Standards**) (Sec. 5-5 [c] **Orders** [giving a reasonable length of time to demolish]) with the guidelines of the Substandard Structure Ordinance, to remove the structure. If she does not comply at that time, the structure will be demolished by the City (Sec. 5-8 (2) and a lien placed on the property (Sec 5-10 of the Substandard Structures Code, Ordinance No. 442-4-90). Motion carried by the following votes: Ayes: Williams, Doty, Duncan and Birkhead. Nays: None. Absent: Russell. Abstentions: None.

- c. - **1020 Field Street**, owned by Hulien Gooden (according to Deed Records, Cooke County, Texas). After the Board discussed the blighted condition of the structure, Donna Doty made a motion that the owner be given a thirty (30) day notice, after issuance of the Order to demolish (Sec. 5-4 [c] **Standards**) (Sec. 5-5 [c] **Orders** [giving a reasonable length of time to demolish]) with the guidelines of the Substandard Structure Ordinance, to remove the structure. After that time, if the owner has not complied, the structure will be demolished by the City (Sec. 5-8 (2) and a lien placed on the property, according to the Substandard Structures Ordinance, Section 5-10. A second was made by Whit Williams. Motion carried by the following votes: Ayes: Williams, Doty, Duncan and Birkhead. Nays: None. Absent: Russell. Abstentions: None.

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- d. - **709 Myrtle Street**, owned by Kenneth Dor. Snider (according to Deed Records, Cooke County, Texas). Mr. Hall explained that the house is in the Flood Hazard Area and the high water marks from the last flood are still evident inside the structure. There are back taxes owed on the property. After some discussion concerning the property by Board members, a motion was made by Donna Doty and seconded by Whit Williams that the Board allow the owner to comply with the Substandard Structures Code, No. 442.4-90; Section 5-4.(c) **Standards**, to demolish the structure within thirty (30) days from date of the issuance of the Order to demolish (Sec. 505. **Orders** (c)). After that time the City will demolish said structure and a lien shall be placed on the property (Sec's. 5-8(2); 5-10). Motion carried by the following votes: Ayes: Williams, Doty, Duncan and Birkhead. Nays: None. Absent: Russell. Abstentions: None.
- e. - **1102 Field Street**, owned by Joseph Moore, deceased (according to the Deed Records, Cooke County, Texas). Mr. Hall began by saying there are back taxes owed on the property. After review of the pictures and discussion, a motion was made by Whit Williams and seconded by Lee Birkhead that the structure be removed within thirty (30) days by owner (Substandard Structures Code, No. 442.4-90; Section 5-4.(c) **Standards**); if not removed the City will demolish the structure and a lien will be placed upon the property (Sec's. 5-8(2); 5-10, Substandard Structures Code, Ordinance No. 442.4-90). Motion carried by the following votes: Ayes: Williams, Doty, Duncan and Birkhead. Nays: None. Absent: Russell. Abstentions: None.
- f. - **1213 Mill Street**, owned by Mildred J. Love. The Waiver authorizing the City of Gainesville to demolish said structure was received prior to this meeting.
- g. - **1012 Buck Street**, owned by Bernice E. Lane. Mr. Hall presented a letter from Ms. Lane authorizing Mr. Hall to inspect the property even though she could not be there. There are no back taxes on the property. A waiver granting permission to the City of Gainesville to tear down the structure was sent to Ms. Lane, after he talked with her son. (At the time of the meeting, the waiver had not been executed and returned. It was returned later, dated/signed 04/16/91.) A motion (made by Lee Birkhead and second by Donna Doty; motion carried unanimously) was made effecting the order to demolish the structure, but will not be implemented due to the waiver being returned to the City granting permission to demolish.
- h. - **432 N. Schopmeyer Street**, owned by Nola Jarrett Finley. The Waiver authorizing the City of Gainesville to demolish said structure was received prior to the meeting.

Mr. Duncan suggested to the Board that expressions of appreciation be given to residents who have a neat residence that is located within a neighborhood that has several dilapidated structures. He said he feels that that would encourage them to continue keeping their places

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nice and help them know that the City really does care about them. The Board agreed that was a good plan for the near future. Donna Doty suggested that a "before" and "after" project be considered by the City for structures which are renovated and will improve a neighborhood.

Other substandard structures within the City were discussed; i.e. the old Woods Furniture/Lumber Company property (which is in the process of being demolished by the property owner); the property at the corner of Scott and Commerce Street; the Lloyd Fairless property at 306 Harvey Street (heard before the Building and Standards Commission on 11/28/90 and given an extension of time); Curtwood Motel (heard before the Building and Standards Commission on 10/10/90-the Contractor is awaiting his insurance); the Bullard property (the property has been removed with the exception of the foundation and Mr. Bullard has obviously abandoned the project).

After no further business, the meeting was adjourned at 5:25 p.m.

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