



## MEETING MINUTES

### Building and Standards Commission

Thursday, April 16, 2015

4:00 PM

City Hall, 200 Rusk Street, Council Chambers

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Members Present: Robbie Baugh, Jock Conner, John Hendrik, Thomas Robinson, and Buster Bezner

Members Absent: Jess Cason and Michael Blake

Staff Present: Julia Smith, Linda Ames, Dale Alexander, Jennifer Ekstrand, Mike Doughty, JoAnn Mendez and William Strakos

Visitors Present: Dora Colunga, Sasha Colunga, Mauricio Colunga, Anna Jones, and Stephen Harlow

Chair: Thomas Robinson

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#### **Item 1 – Call to Order**

Chair Robinson called the meeting to order at 4:00 pm.

#### **Item 2 - Approval of Minutes from: March 19, 2015**

Chair Robinson moved to approve the minutes from the March 19, 2015, Building and Standards Commission (“BSC”) Hearing as presented by staff, and Commissioner Hendrik seconded the motion. All present voted AYE. Motion carried unanimously.

#### **Item 3 – CASE #15-0018**

Chair Robinson read the item into the record:

CASE #15-0018

111 Blanton

Dilapidated/Substandard Structure

Building Official Smith requested the removal of *Item 3 [111 Blanton]*, *Item 6 [1103 E Broadway]*, *Item 4 [724 mill]*, *Item 5 [720 Mill]*, and *Item 9 [703 Ritchey]*. These structures have been removed from the agenda at the owners’ request and will be demolished voluntarily.

#### **Item 7 – CASE #15-00036**

Chair Robinson read the item into the record:

CASE #15-00036

606 Railroad

Dilapidated/Substandard Structure

BO Smith informed the Commission that 606 Railroad and the next case on the agenda, 530 Railroad, are owned by the same owner, Sasha Colunga, who is present with her parents. BO Smith also pointed out that both structures are in the FEMA-designated floodway and consequently are subject to more stringent criteria. She explained that these criteria would be addressed at the end of the presentation.

BO Smith presented the case related to 606 Railroad by beginning with the code violation history of the property as follows:

- May 2010 - Trash and Debris
- February 2015 - Substandard Structure

BO Smith then introduced Building Inspector Mike Doughty, who described the different and provided pictures of the various building standards violations of the structure that lead to its extreme dilapidated condition. He summarized the issues as follows:

*Faulty Weather Protection*

- Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors (including broken or missing windows or doors)
- Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering
- Broken, rotted, split or buckled exterior wall or roof coverings

*Fire Hazard*

- Hazardous Mechanical Equipment
- Combustible Materials
- Hazardous Wiring

*Inadequate Sanitation*

- Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit
- Lack of adequate heating facilities
- No heating facilities inside the structure
- Lack of required electrical lighting and power
- Infestation of insects, vermin or rodents as determined by the building official or health officer
- Dampness of habitable rooms
- General dilapidation or improper maintenance

*Structural Hazards*

- Deteriorated or inadequate foundations
- Defective or deteriorated flooring or floor supports
- Members of walls, partitions or other vertical supports that split, list, lean or buckle due to defective material or deterioration

- Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

Though the property owner at one time expressed a desire to repair the structures (both at 606 and 530 Railroad), construction in a floodway is severely limited. BO Smith explained that the structures are on properties located in the floodway (the definition for floodway is determined by FEMA and codified in the City Ordinance, Part II, Chapter 15, Article II, Division 5, Ordinance #1190, Sec. 15-54). Because the floodway is an extremely hazardous area due to the volume and velocity of flood waters which carry debris, potential projectiles and erosion potential, it is heavily regulated for protection of public health and safety. Specifically, the following Code provision applies to any proposed construction in a floodway:

“Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. In addition; the criteria is much tighter when it is in the floodway as it states in floodway code.”

Given that a significant amount of work would be necessary to bring the structures up to current building codes, the definition of “Substantial Improvement” comes into play. The Code states:

“*Substantial Improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds forty (40) percent of the market value of the structure before ‘start of construction’ of the improvement. This term includes structures which have incurred ‘substantial damage’, regardless of the actual repair work performed....”

Commissioner Conner asked, “For clarification, do these FEMA designations supersede local building codes?”

BO Smith responded, “Yes, that is correct. The City Codes are based on the federally mandated floodways.”

BO Smith summarized the case as follows:

- 1/30/2015  
Initial inspection and conversation with owner on premises
- 2/5/2015  
Notice of Violation sent Certified USPS mail

- 2/26/2015  
Owner visited staff offices; scheduled meeting with BO Julie Smith to discuss zoning
- 3/3/2015  
Staff executed administrative search warrant  
Owner visited staff offices; staff explained ordinance violation and FEMA-designated floodway ramifications along with options to save structure
- 3/4/2015  
Notice of public hearing posted on premises; notice sent to owner via certified USPS mail  
Letter and voluntary abatement agreements sent to owner via certified USPS mail

Staff recommended the Building and Standards Commission find the structures (residence and accessory) located at 606 Railroad dilapidated/substandard based on the following:

*Faulty weather protection*

- Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors including broken or missing windows or doors
- Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering
- Broken, rotted, split or buckled exterior wall or roof coverings

*Fire hazard*

- Hazardous mechanical equipment
- Hazardous or unsanitary premises
- Hazardous wiring

*Inadequate sanitation*

- Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit
- Lack of hot and cold running water to plumbing fixtures in a dwelling unit
- Lack of adequate heating facilities
- Lack of required electrical lighting and power
- Dampness of habitable rooms
- Infestation of insects, vermin or rodents as determined by the building official
- General dilapidation and improper maintenance
- Lack of connection required to sewage disposal system

*Structural Hazards*

- Defective or deteriorated flooring and/or floor supports
- Members of walls, partitions or other vertical supports that split, list, lean or buckle due to defective material or deterioration
- Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration
- FEMA designated floodway

and therefore a nuisance. Staff recommended the BSC order the owner to abate the nuisance and demolish or move the structures within 30 days. If the owner failed to abate the nuisance within 30 days, the City should demolish the structures and clean and grade the lot.

Commissioner Conner asked, "For clarification, in the February meeting on these properties, the floodway was not an issue, correct?"

BO Smith responded, "The floodway was always an issue. These properties did not come to BSC as a case in February; they were pulled from the agenda in order to confirm the floodway findings."

Chair Robinson invited the owner to testify.

Sasha Colunga introduced herself to the Commission. She told the Commission that she is the owner of both properties presented today. She also explained that she always kept up with the outside of the properties; however, she had not been able to keep up with the inside of the structures. In the past, she dealt with Code Enforcement Officer Chip Matthews and believes he misrepresented the status of the structures to her.

She further explained the importance, historically, of the structures to her family. One of the properties was the first one her parents purchased after moving to the United States, and she grew up in that house. Her caretaker lived in the other. Because of this history, she strongly wanted to rehabilitate both properties (where they are located now) or to move them out of the floodway in order to preserve them.

Commissioner Bezner asked, "Are you wanting to relocate both houses? Do you understand that you cannot leave the houses in the floodway? We don't have the authority to give you permission to leave them. If you are willing to relocate them, you can obtain the permits for this."

Sasha Colunga responded that she understood.

Commissioner Hendrik then asked, "Do you know how much it will cost and do you have a location to move them to? How much time do you need?"

Sasha Colunga answered, "I do have a location in town and also one outside of Gainesville they can go to, if I can get the time to relocate."

Commissioner Bezner asked BO Smith how much time the BSC could give Ms. Colunga to move the structures.

BO Smith said the BSC had the authority to grant up to 90 days.

Commissioner Conner asked whether the structures, if moved to a location in town, had to be brought up to current building codes before moving.

BO Smith explained that she had two options:

*Option 1 - Move to a lot within the city limits.*

Ms. Colunga would have to pull the moving and remodeling permit (to bring the structure up to code after it is moved) at the same time.

*Option 2 – Move the property outside of city limits.*

Ms. Colunga would then only need to pull a moving permit.”

Commissioner Robinson explained to Ms. Colunga, “If it is in town there will be an extensive amount of work to be done to bring it up to code; outside of town, not quite so much. It is your choice and for you to consider.’

Sasha Colunga responded, “I have considered both. I have a place in Callisburg that I have strongly considered.”

Chair Robinson called for a motion.

Commissioner Baugh moved, as recommended by staff, to find the structures (residence and accessory) located at 606 Railroad dilapidated/substandard based on the following:

*Faulty weather protection*

- Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors including broken or missing windows or doors
- Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering
- Broken, rotted, split or buckled exterior wall or roof coverings

*Fire hazard*

- Hazardous mechanical equipment
- Hazardous or unsanitary premises
- Hazardous wiring

*Inadequate sanitation*

- Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit
- Lack of hot and cold running water to plumbing fixtures in a dwelling unit
- Lack of adequate heating facilities
- Lack of required electrical lighting and power
- Dampness of habitable rooms

- Infestation of insects, vermin or rodents as determined by the building official
- General dilapidation and improper maintenance
- Lack of connection required to sewage disposal system

*Structural Hazards*

- Defective or deteriorated flooring and/or floor supports
- Members of walls, partitions or other vertical supports that split, list, lean or buckle due to defective material or deterioration
- Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration
- FEMA designated floodway

and therefore a nuisance. Commissioner Baugh further moved to order the owner to abate the nuisance and demolish or move the structures within 30 days. If the owner fails to abate the nuisance within 30 days, the City would demolish the structures and clean and grade the lot.

Commissioner Conner seconded the motion. All present voted AYE. Motion carried unanimously.

**ITEM #8 – CASE #15-00037**

Chair Robinson read the next item on the agenda into the record:

**CASE #15-00037**

530 Railroad

Dilapidated/Substandard Structure

BI Mike Doughty presented the code violation history of the residence as follows:

- **October 2012**
  - Property Maintenance-Exterior Structure
  - Property Maintenance-Dilapidated Acc. Structure
- **November 2012**
  - Property Maintenance-Window & Doors Missing
  - Property Maintenance-Dilapidated Roof
  - Electrical Systems Hazards
- **December 2012**
  - Remodel permit pulled; no inspections called in nor work completed

He next presented the following building code violations contributing to the overall dilapidation of the structures:

*Faulty Weather Protection*

- Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors (including broken or missing windows or doors)

- Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering
- Broken, rotted, split or buckled exterior wall or roof coverings

*Fire Hazard*

- Hazardous Mechanical Equipment
- Combustible Materials
- Hazardous Wiring

*Inadequate Sanitation*

- Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit
- Lack of adequate heating facilities
- No heating facilities inside the structure
- Lack of required electrical lighting and power
- Infestation of insects, vermin or rodents as determined by the building official or health officer.
- Dampness of habitable rooms.
- General dilapidation or improper maintenance.

*Structural Hazards*

- Deteriorated or inadequate foundations.
- Defective or deteriorated flooring or floor supports.
- Members of walls, partitions or other vertical supports that split, list, lean or buckle due to defective material or deterioration.
- Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

BO Smith presented the case summary as follows:

- 1/30/2015  
Initial inspection and conversation with owner on premises
- 2/5/2015  
Notice of Violation sent Certified USPS mail
- 2/26/2015  
Owner visited staff offices; scheduled meeting with BO Julie Smith to discuss zoning
- 3/3/2015  
Staff executed administrative search warrant  
Owner visited staff offices; staff explained ordinance violation and FEMA-designated floodway ramifications along with options to save structure
- 3/4/2015  
Notice of public hearing posted on premises; notice sent to owner via certified USPS mail

Letter and voluntary abatement agreements sent to owner via certified USPS mail

BO Smith recommended that the Building and Standards Commission find the structures (residence and accessory) located at 530 Railroad are dilapidated/substandard based on the following:

*Faulty weather protection*

- Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors including broken or missing windows or doors
- Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering
- Broken, rotted, split or buckled exterior wall or roof coverings

*Fire hazard*

- Hazardous mechanical equipment
- Hazardous or unsanitary premises
- Hazardous wiring

*Inadequate sanitation*

- Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit
- Lack of hot and cold running water to plumbing fixtures in a dwelling unit
- Lack of adequate heating facilities
- Lack of required electrical lighting and power
- Dampness of habitable rooms
- Infestation of insects, vermin or rodents as determined by the building official
- General dilapidation and improper maintenance
- Lack of connection required to sewage disposal system

*Structural Hazards*

- Defective or deteriorated flooring and/or floor supports
- Members of walls, partitions or other vertical supports that split, list, lean or buckle due to defective material or deterioration
- Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration
- FEMA designated floodway

Staff recommended the BSC order the owner to abate the nuisance and demolish or move the structures within 30 days. If the owner fails to abate the nuisance within 30 days, the City shall demolish the structures and clean and grade the lot.

Chair Robinson called for a motion.

Commissioner Conner moved, as recommended by staff, to find the structures (residence and accessory) located at 530 Railroad dilapidated/substandard based on the following:

**Faulty weather protection**

- Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors including broken or missing windows or doors.
- Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering
- Broken, rotted, split or buckled exterior wall or roof coverings

**Fire hazard**

- Hazardous mechanical equipment
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**Inadequate sanitation**

- Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit
- Lack of hot and cold running water to plumbing fixtures in a dwelling unit
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- Lack of required electrical lighting and power
- Dampness of habitable rooms
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- General dilapidation and improper maintenance
- Lack of connection required to sewage disposal system

**Structural Hazards**

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and therefore a nuisance. Commissioner Conner further moved to order the owner to abate the nuisance and demolish or move the structures within 30 days. If the owner fails to abate the nuisance within 30 days, the City would demolish the structures and clean and grade the lot.

Commissioner Baugh seconded the motion. All present voted AYE. Motion carried unanimously.

**Item 6 – Adjourn Regular Hearing**

Chair Robinson moved to adjourn the hearing. Commissioner Baugh seconded the motion. All present voted AYE. Motion carried unanimously.

The meeting adjourned at 4:28pm

Signature of Chairman: Thomas P. Robusci Date: 7.16.15

Signature of Secretary: Linda May Am Date: 7.16.15