

MINUTES
BOARD OF APPEALS OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 29 April 2019

1. CALL TO ORDER: Chairman Cheryl Maxwell at 6:01PM
2. QUORUM CHECK: Jacob Jenkins, Code Enforcement Officer

Members Present:
Mat Matecko, Vice-Chairman
John Hudson, Member
Lori Putt, Member
Cheryl Maxwell, Chairman
William Fitzpatrick, Member
Michael Murray, Member
Mary Andrews, Member

Present:
Kim Turner- City Manager
Jaclyn Redmon- Building Official
Michael Cassata-Development Services Director
Carlos Garcia- 209 Hillview, Property Owner
Bradley Fenlon- 442 De Soto, Property Owner
Coy Zumwalt Jr- 600 West Oak, Property Owner
Marian Trevino- 126 Doris, Resides at Property

3. MINUTES OF PREVIOUS MEETING:

Regular Meeting – 25 March 2019

Member Putt moved to approve the minutes as presented. Member Hudson seconded the motion. The minutes were unanimously approved without correction on a 7/0 vote.

4. NEW BUSINESS:

- A. **Re-Hearing:** Purpose of the re-hearing is to determine whether the property owner at 209 Hillview, Universal City, Texas has complied with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015.

City staff gave an update to the Board concerning the property and answered questions from the Board. The property owner was present at the meeting and answered questions from the Board.

Member Matecko made a motion stating, " I find that the property owner(s), lienholder, or mortgagee of 209 Trudy, Universal City Texas has complied, or working on complying with the Board of Appeals Order Requiring Abatement of Public Nuisance and Dangerous Structure.

Based on the report from City staff, I move that the Board of Appeals grant an extension to the property owner of 209 Trudy to have a 90-day timeline submitted and approved by the City for all repairs by May 27, 2019.

The motion was seconded by Member Andrews and the motion was approved on a 6-1 vote. Members Andrews, Fitzpatrick, Hudson, Matecko, Maxwell, and Putt voted in favor. Member Murray voted against the motion.

- B. **Re-Hearing:** Purpose of the re-hearing is to determine whether the property owner at 145 Rifle Gap, Universal City, Texas has complied with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015 and the Order from the January 28, 2019 meeting.

Item was taken off agenda.

- C. **Re-Hearing:** Purpose of the re-hearing is to determine whether the property owner at 514 W Lindbergh, Universal City, Texas has complied with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015 and the Order from the March 25, 2019 meeting.

Item was taken off agenda.

- D. **Re-Hearing:** Purpose of the re-hearing is to determine whether the property owner at 442 De Soto, Universal City, Texas has complied with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015 and the Order from the March 25, 2019 meeting.

City staff gave an update to the Board concerning the property and answered questions from the Board. The property owner was present at the meeting and answered questions from the Board.

Member Matecko made a motion stating, "I find that the property owner(s), lienholder, or mortgagee of 442 De Soto, Universal City Texas has not complied with the Board of Appeals Order Requiring Abatement of Public Nuisance and Dangerous Structure. Because the dangerous structure and public nuisance still exist, along with the accessory structure and fence, I move to authorize the City of Universal City to proceed with abatement of the dangerous structure and public nuisance.

Additionally, as provided by law, the dangerous structure and public nuisance may not be abated by the City any earlier than 27 May 2019. Upon completion of the abatement by the City, the City is further authorized to assess a lien against the property to recover its expenses associated with the abatement in accordance with applicable law.

Member Hudson seconded the motion, and the motion was approved on a 7-0 vote.

- E. **Re-Hearing:** Purpose of the re-hearing is to determine whether the property owner at 209 Trudy, Universal City, Texas has complied with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015 and the Order from the March 25, 2019 meeting.

City staff gave an update to the Board concerning the property and answered questions from the Board. The property owner was not present at the meeting.

Member Fitzpatrick made a motion stating, " I find that the property owner(s), lienholder, or mortgagee of 209 Trudy, Universal City Texas has not complied with the Board of Appeals Order Requiring Abatement of Public Nuisance and Dangerous Structure. Because the dangerous structure and public nuisance still exist, along with the accessory structure and fence, I move to authorize the City of Universal City to proceed with abatement of the dangerous structure and public nuisance.

Additionally, as provided by law, the dangerous structure and public nuisance may not be abated by the City any earlier than 27 May 2019. Upon completion of the abatement by the City, the City is further authorized to assess a lien against the property to recover its expenses associated with the abatement in accordance with applicable law.

Member Andrews seconded the motion, and the motion was approved on a 7-0 vote.

- F. Re-Hearing:** Purpose of the re-hearing is to determine whether the property owner at 8411 Collingwood, Universal City, Texas has complied with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015 and the Order from the March 25, 2019 meeting.

Item was taken off agenda.

- G. Re-Hearing:** Purpose of the re-hearing is to determine whether the property owner at 600 West Oak, Universal City, Texas has complied with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015 and the Order from the March 25, 2019 meeting.

City staff gave an update to the Board concerning the property and answered questions from the Board. The property owner was present at the meeting and answered questions from the Board.

Member Putt made a motion stating, " I find that the property owner(s), lienholder, or mortgagee of 600 West Oak, Universal City Texas has not complied with the Board of Appeals Order Requiring Abatement of Public Nuisance and Dangerous Structure. Because the dangerous structure and public nuisance still exist, along with the accessory structure and fence, I move to authorize the City of Universal City to proceed with abatement of the dangerous structure and public nuisance.

Additionally, as provided by law, the dangerous structure and public nuisance may not be abated by the City any earlier than 27 May 2019. Upon completion of the abatement by the City, the City is further authorized to assess a lien against the property to recover its expenses associated with the abatement in accordance with applicable law.

Member Hudson seconded the motion, and the motion was approved on a 7-0 vote.

- H. Re-Hearing:** Purpose of the re-hearing is to determine whether the property owner at 411 E Aviation, Universal City, Texas has complied with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015 and the Order from the March 25, 2019 meeting.

Item was taken off agenda.

- I. Public Hearing:** Purpose of the public hearing is to determine whether the structure at 13510 Forum Rd, Universal City, Texas complies with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015

Chairman Maxwell opened the public hearing at 6:52PM. City staff gave an update to the Board concerning the property and answered questions from the Board. The property owner was not present at the meeting. There were no further comments for or against the property. Chairman Maxwell closed the public hearing at 6:58PM.

- J. Consider:** Outcome of the Public Hearing to determine whether the property owner (s), lienholder, or mortgagee at 13510 Forum Rd, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures.

Member Putt made a motion stating, " I make the following findings of fact and motion regarding the primary structure and accessory structures/ fence at 13510 Forum Rd:

"That the conditions of the property commonly described as 13510 Forum Rd, CB 5047R BLK 18 LOT 17 (Oro De Coronado Unit-1), Universal City, Bexar County, Texas 78148 (Bexar County Property ID#295203) constitutes a public nuisance in need of abatement, specifically:

- 1. The primary structure is damaged due to a structure fire on November 13, 2018. A structural engineer's report to be submitted and proper repairs made to the entire structure, as required by the engineer and contractor, to bring the building up to current code. The roof, fascia, soffit, and siding are damaged and in need of replacement and proper repair. All electrical, plumbing, and mechanical issues that will also need to be addressed, by an approved State Licensed trade. The structure either needs to be properly repaired or demolished.**
- 1. If the house is demolished, then the fence and all accessory structures will be in violation of Zoning Ordinance 581 and will also need to be removed.**
- 2. If the building is demolished, then all plumbing and electrical will need to be properly capped off by a State Approved Plumber/Electrician. The foundation and all flatwork will also need to be removed if the house is demolished.**
- 3. The structures and property, as they continue to exist, are a fire hazard, nuisance to adjacent properties, a danger to the surrounding neighborhood, and it violates City Ordinances 581 and 370-N-2015 as amended.**

Based on the finding of fact and the reports presented, I move that the Board of Appeals order that all the structures at the subject property be demolished. The current and/or proposed property owner(s) can still be allowed to work with the City to submit all required paperwork before May 20, 2019 to make corrections to the violations. The owner of the property will also show Right of Possession; either by a deed for the property, or lease agreement.

If it is shown that enough progress has been made by the May 20, 2019 Board of Appeals meeting, the Board will reconsider the case and may rescind the demolition order and grant a 90-day timeline for the repairs to be completed. If no progress has been made, the Board will make the render a final decision to demolish the structure.

Member Hudson seconded the motion, and the motion was approved on a 7-0 vote.

- K. Public Hearing:** Purpose of the public hearing is to determine whether the structure at 322 W Lindbergh, Universal City, Texas complies with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015

Item was taken off agenda.

- L. Consider:** Outcome of the Public Hearing to determine whether the property owner (s), lienholder, or mortgagee at 322 W Lindbergh, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures.

Item was taken off agenda.

- M. Public Hearing:** Purpose of the public hearing is to determine whether the structure at 126 Doris, Universal City, Texas complies with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015

Chairman Maxwell opened the public hearing at 7:05PM. City staff gave a report on the property and answered Board questions. Marian Trevino was present at the meeting, who resides at the property. The property owner Joellen Golden has been deceased since September 2016. The property has not been officially been probated. Ms. Trevino answered Board questions concerning the property. There were no further comments for or against the property. Chairman Maxwell closed the public hearing at 7:16PM.

- N. Consider:** Outcome of the Public Hearing to determine whether the property owner (s), lienholder, or mortgagee at 126 Doris, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures.

Member Matecko made a motion stating, "I make the following findings of fact and motion regarding the primary structure and accessory structures/ fence at 126 Doris:
"That the conditions of the property commonly described as 126 Doris Drive, CB 5047A BLK

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LOT 28 (Rose Garden Est), Universal City, Bexar County, Texas 78148 (Bexar County Property ID#294678) constitutes a public nuisance in need of abatement, specifically:

1. The property owner will need to schedule a walkthrough of the entire property, with the Building Official and if it is determined that foundation/structure is damaged, then a structural engineer's report will need to be submitted and proper repairs made as required by the engineer.
2. Any damaged structures will need be properly repair or demolished. All electrical, plumbing, and mechanical issues that will also need to be addressed, by an approved State Licensed trade.
3. All junk vehicles will need to be brought to code or be removed from Universal City.
4. All garbage/debris/brush need to be removed from the property and properly disposed of.
5. The structures and property, as they continue to exist, are a fire hazard, nuisance to adjacent properties, a danger to the surrounding neighborhood, and it violates City Ordinances 581 and 370-N-2015 as amended.

Based on the finding of fact and the reports presented, I move that the Board of Appeals order that all the structures at the subject property be demolished. The current and/or proposed property owner(s) can still be allowed to work with the City to submit all required paperwork before May 17, 2019 to make corrections to the violations. The owner of the property will also show Right of Possession; either by a deed for the property, or lease agreement.

The property owner will need to schedule a walkthrough of the entire property, to be completed by May 17, 2019, with the Building Official and if it is determined that foundation/structure is damaged, then a structural engineer's report will need to be submitted and proper repairs made as required by the engineer.

If it is shown that enough progress has been made by the May 20, 2019 Board of Appeals meeting, the Board will reconsider the case and may rescind the demolition order and grant a 90-day timeline for the repairs to be completed. If no progress has been made, the Board will make the render a final decision to demolish the structure.

Member Hudson seconded the motion, and the motion was approved on a 7-0 vote.

O. Public Hearing: Purpose of the public hearing is to determine whether the structure at 807 Highgate, Universal City, Texas complies with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015

Item was taken off agenda.

P. Consider: Outcome of the Public Hearing to determine whether the property owner (s), lienholder, or mortgagee at 807 Highgate, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures.

Item was taken off agenda.

5. UPDATE ON CASES

6. ADJOURNMENT:

The meeting adjourned at 7:27PM.

