



**MINUTES
ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS
MAY 05, 2022
6:30 PM**

The Zoning Board of Adjustment will hold a special meeting on May 5, 2022, at 6:30 pm in the City Hall Council Chambers, 101 S. Main Street, Joshua, Texas.

Individuals may attend the meeting in person, or access the meeting via videoconference, or telephone conference call.

Join Zoom Meeting:

<https://us02web.zoom.us/j/89214429209?pwd=T2NjRkYwakMwb3VybkNRdk1GaDJOQT09>
Meeting ID: 892 1442 9209 Passcode: 060041 or dial 13462487799

Members Present:

Jerry Moore
Glen Waldon
Jeremy Morris
Jennifer Hancock

Staff Present:

Michael Martin
Aaron Maldonado
Alice Holloway

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

Jerry Moore announced a quorum and called the meeting to order at 6:30 PM.

B. CITIZENS FORUM

The Zoning Board of Adjustment invites citizens to speak on any topic. However, unless the item is specifically noted on this agenda, the Zoning Board of Adjustment is required under the Texas Open Meetings Act to limit its response to responding with a statement of specific factual information, reciting the City's existing policy, or directing the person making the inquiry to visit with City Staff about the issue. No Board deliberation is permitted. Each person will have 3 minutes to speak.

NA

C. REGULAR AGENDA

1. Receive legal advice and guidance from City Attorney regarding the substandard structure process.

Attorney Michael Martin explained the outline of the procedure of the process of a substandard case.

Jerry Moore called the meeting into executive session at 6:35 pm.

Jerry Moore called the meeting back into regular session at 6:45 pm.

2. Public hearing to consider abatement to cause the repair, vacation, relocation of occupants, removal, demolition or securing of the building in the (R-1) Single Family Residential District, being lots 1 and 2, Block 1, of Brumbach's Addition, Volume 177, Page 365, of the Deed Records of Johnson County, Texas, located at 200 Wayside Street, Joshua, Texas.

Staff Presentation

Owner's Presentation

Those in Favor

Those Against

Owner's Rebuttal

Jerry Moore opened the public hearing at 6:56 pm.

Development Services Director Aaron Maldonado read the following statement:

On February 18, 2018, at 05:04 AM, The Joshua Fire Department responded to a reported house fire at 200 Wayside Dr. The house suffered heavy fire damage to the top story of the house and some fire damage to the bottom floor. It was determined by the Fire Marshal that it was caused by a possible electrical short.

April 9, 2019- Code Enforcement Officer Charles Comeaux started the process of the Substandard and Dangerous Building case by mailing a letter to the owner, Cynthia Jones. Ms. Jones did respond to the letter, stating she had an architect working on plans to rebuild the house. Ms. Jones and her contractor did meet with Charles Comeaux and the permit tech regarding the rebuild. The contractor removed a majority of the second story. No other work was performed on the house.

July 27, 2020- a Substandard and Dangerous Buildings process started over with Code Enforcement Officer Charles Comeaux. A second letter was mailed on August 24, 2020. Mr. Comeaux did not receive any contact back from Ms. Jones.

July 27, 2021- Fire Marshal, Joey Kratky, started a Substandard and Dangerous Building case on the property at 200 Wayside Drive owned by Cynthia Jones. The first letter was sent by certified mail to Ms. Jones on July 27, 2021, regarding the house's condition and to contact Fire Marshal Kratky to set up a meeting. The letter was signed on

August 4, 2021, by Ms. Jones. City staff did not receive any contact from Ms. Jones by the due date of August 5, 2021.

August 26, 2021- A citation and letter were sent by certified mail to Ms. Jones. Ms. Jones signed the postage on September 9, 2021. Ms. Jones did not contact city staff by the date on the letter of September 15, 2021.

September 9, 2021- Fire Marshal, Kratky, posted Substandard Building signs at 200 Wayside Dr. at the house's front door and on the north side of the house facing 14th Street. Pictures were taken after the signs were posted. A sign was mailed to Ms. Jones deeming the house a Substandard and Dangerous House by the City of Joshua Ordinance 3.03 Section 3.03.005. Ms. Jones did sign the letter on October 7, 2021. Ms. Jones did not contact city staff by October 15, 2021, Fire to discuss the property.

September 24, 2021 - Fire Marshal, Kratky, attempted to contact Ms. Jones by email and phone but has not received any response from Ms. Jones.

The City of Joshua Building Official and Fire Marshall feel that the house is Substandard due to the following in the City of Joshua Ordinance 3.03 Section 3.03.005

A. Whenever any building is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare, in the opinion of the building official.

B. Whenever any building is in such a condition as to make a public nuisance known to the common law or in equity jurisprudence.

C. Whenever any portion of a building remains on a site after the demolition or destruction of the building.

D. Whenever any building is abandoned to constitute such building or portion thereof an attractive nuisance or hazard to the public.

E. Any building constructed and still existing in violation of any provision of the building code, fire code, life safety code, plumbing code, mechanical code, electrical code, housing code, or International Property Maintenance Code of the city to the extent that the life, health or safety of the public or any occupant is endangered.

F. Whenever any portion thereof has been damaged by fire, earthquake, wind or flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.

G. Whenever the building, or any portion thereof, because of dilapidation, deterioration, or decay; faulty construction; the removal, movement, or instability of any portion of the ground necessary for supporting such building; the deterioration, decay, or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.

H. Whenever, for any reason, the building, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

I. Whenever the building, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 or more percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

J. Whenever the building has been damaged by fire, wind, earthquake, flood, or other causes, or has become so dilapidated or deteriorated as to become an attractive nuisance to children or a harbor for vagrants, criminals, or immoral persons. L. Chapters 3 through 7 of the 2015 edition of the International Property Maintenance Code, published by the International Code Council, Inc., attached to Ordinance 653-2016 and incorporated herein for all municipal purposes and as amended herein, are hereby adopted by the city council to the extent they do not conflict with other provisions of this article. For purposes of this article, any building, regardless of its date of construction, which exists in violation of chapters 3 through 7 of the International Property Maintenance Code to the extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building and a nuisance.

Fire Marshal Joey Kratky stated that the owner of property did contact the fire marshal last month and stated that her trial date on lawsuit regarding the house has been moved to September.

The owner was not present.

Jerry Moore closed the public hearing at 6:47 pm.

3. Discuss, consider, and possible action on abatement to cause the repair, vacation, relocation of occupants, removal, demolition or securing of the building in the (R-1) Single Family Residential District, being lots

1 and 2, Block 1, of Brumbach's Addition, Volume 177, Page 365, of the Deed Records of Johnson County, Texas, located at 200 Wayside Street, Joshua, Texas.

Glen Walden stated that the property is a health hazard, there is no fence, and it is a nuisance to the neighbors.

Glen Walden moved to issue an order to the property owner to demolish the property within 30 days. Jerry Morris seconded the motion. The motion passed unanimously.

D. ADJOURN

Jerry Moore adjourned the meeting at 6:59 pm.

Jerry Moore, Board of Adjustment

Attest:

Alice Holloway, City Secretary

Approved: July 7, 2022