



**Zoning Board of
Adjustment Agenda
May 5, 2022**

Minutes Resolution

Discussion Item

Agenda Description:

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.

- A. Staff Presentation
- B. Owner's Presentation
- C. Those in Favor
- D. Those Against
- E. Owner's Rebuttal

Background Information:

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 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 located at 200 Wayside Drive owned by Cynthia Jones. The first letter was sent certified mail to Ms. Jones on July 27, 2021, regarding the condition of the house and to contact Fire Marshal Kratky to set up a meeting. The letter was signed for on August 4, 2021, by Ms. Jones. city staff did not receive any contact by Ms. Jones by the due date of August 5, 2021.

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

September 9, 2021- Fire Marshal, Kratky, posted Substandard Building signs at 200 Wayside Dr. at the front door of the house 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 for 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, regardless of its structural condition, is unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.
- C. Whenever any building is in such a condition as to make a public nuisance known to the common law or in equity jurisprudence.
- D. Whenever any portion of a building remains on a site after the demolition or destruction of the building.
- E. Whenever any building is abandoned so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- F. 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.
- G. 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.
- H. 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 the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.
- I. Whenever, for any reason, the building, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- J. 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.
- K. Whenever the building has been so 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 an 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.

Financial Information:

Only cost associated with the abatement hearing is the publication expense and mailing of the public hearing notices to property owners within 200 ft. as required by law. Public written notices and the publication was sent out not less than 10 days before the Zoning Board of Adjustment public hearing.

City Contact and Recommendations:

Aaron Maldonado-Director of Development Services

Joey Kratky-City Fire Marshall

Both the Director of Development Services and the Fire Marshall recommend the house to be demolished by a contractor.

Attachments:

1. House Pictures
2. Joshua Fire Department Report
3. Substandard Letter Copies
4. Letter and Citation
5. Posted Sign and Notice
6. Issuance of order building board of appeals