



AGENDA ITEM COMMENTARY

MEETING NAME:	Board of Adjustment
MEETING DATE:	April 1, 2025
ITEM TITLE:	Conduct a Public Hearing on a substandard structure at 514 4th Street Wolfforth, TX 79382: Wolfforth ACS BLK 5 L 10-13.
STAFF INITIATOR:	Tara Tomlinson, Director of Development Services

BACKGROUND:

This commentary applies to the next two agenda items:

- 1. Conduct a Public Hearing on a substandard structure at 514 4th Street Wolfforth, TX 79382: Wolfforth ACS BLK 5 L 10-13.**
- 2. Consider and take appropriate action on a substandard structure at 514 4th Street Wolfforth, TX 79382: Wolfforth ACS BLK 5 L 10-13.**

Over the past year, the City of Wolfforth Code Enforcement has been actively identifying structures that fail to meet the minimum standards necessary to protect life, health, property, safety, and the general welfare of the public from the dangers of substandard buildings. The structure at 514 4th Street was damaged by a fire on October 28, 2021, but no corrective actions were taken. In January 2025, Code Enforcement obtained an administrative warrant to inspect the property, document its condition, and assess the extent of the violations. Notice was sent out March 3, 2025 by certified, return receipt mail to all owners, lien holders, and mortgage holders about Board of Adjustment hearing. One was returned from Freddie Mac Mortgage Company.

The overall findings of the inspection reveal several critical issues that require immediate attention. Fire damage has significantly compromised the structural integrity of the building, affected key components and increased the risk of further deterioration. Additionally, faulty materials have been used throughout the structure, particularly in the roofing and ceiling systems, where defective materials are contributing to instability and potential water infiltration. The lack of proper maintenance has exacerbated these problems, allowing for further degradation of essential components. If these issues are not repaired promptly, there is an increased risk of structural failure, which could lead to significant safety hazards, including the collapse of parts of the building or severe water damage. Addressing these concerns is vital to ensuring the long-term safety and stability of the property.

Attached in the exhibits are photographs that document the following findings, defined under 03.07.015 of the City of Wolfforth Code of Ordinances:

(28) Faulty materials of constructions. All materials of construction, except those which are specifically allowed approved by this article and the building code, and which have been adequately maintained in good and safe condition. (Walls have cracking, leaning, material degradation)

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

- (2) Lack of improper window screens as necessary to prevent the entry of insects.
- (15) Defective or deteriorated flooring or floor supports. (instable)
- (23) All wiring, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good condition and is being used in a safe manner. (Outdated systems, exposed wiring, code violations, etc.)
- (12) General dilapidation or improper maintenance.
- (29) Hazardous or unsanitary premises. Those premises on which an accumulation of weeds, vegetation, junk dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions which constitute fire, health, or safety hazards.
- (30) Inadequate maintenance. Any building or portion thereof which is determined to be an unsafe building as a result of improper or inadequate maintenance.

A substandard structure is defined by the following:

Any building, structure or portion thereof, including any dwelling unit, guest room or suite of rooms, or premises on which the same is located, in which there exists ***any*** of the following listed conditions is a substandard building as defined in section 3.07.005 of this article:

- (1) Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit.
- (2) Lack of or improper window screens as necessary to prevent the entry of insects.
- (3) Lack of or improper kitchen sink in a dwelling unit.
- (4) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
- (5) Lack of adequate heating facilities.
- (6) Lack of or improper operation of required ventilating equipment.
- (7) Lack of minimum amounts of natural light required by the building code.
- (8) Room and space dimensions less than required by the building code.
- (9) Lack of required electrical lighting.
- (10) Dampness of habitable rooms.
- (11) Infestation of insects, vermin or rodents as determined by the health officer
- (12) General dilapidation or improper maintenance.
- (13) Lack of connection to required sewage disposal system.
- (14) Deteriorated or inadequate foundations.
- (15) Defective or deteriorated flooring or floor supports.
- (16) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (17) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
- (18) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

- (19) Members of ceilings, roofs, ceiling and roof supports or other horizontal members, which sag, split, or buckle due to defective material or deterioration.
- (20) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- (21) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.
- (22) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- (23) Electrical wiring. All wiring, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good condition and is being used in a safe manner.
- (24) Hazardous plumbing. All plumbing, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.
- (25) Hazardous mechanical equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good and safe condition.
- (26) Faulty weather protection. Weather protection which shall include but not be limited to the following:
- (A) Deteriorated, crumbling, or loose plaster.
 - (B) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
 - (C) 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.
 - (D) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (27) Fire hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which, in the opinion of the fire marshal or his deputy, is in such a condition as to cause a fire or explosion, or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (28) Faulty materials of construction. All materials of construction, except those which are specifically allowed or approved by this article and the building code, and which have been adequately maintained in good and safe condition.
- (29) Hazardous or unsanitary premises. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions which constitute fire, health, or safety hazards.
- (30) Inadequate maintenance. Any building or portion thereof which is determined to be an unsafe building as a result of improper or inadequate maintenance.
- (31) Inadequate exits. All buildings or portions thereof not provided with adequate exit facilities as required by the building code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction, and which have been adequately maintained and increased in relation to increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.

(32) Inadequate fire protection or firefighting equipment. All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this article, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(33) Improper occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which are not designed or intended to be used for such occupancies.

Proceedings to be followed by the board of adjustment:

On the day of the hearing, the Board of Adjustment will review evidence and hear testimony regarding the property. The board's chair will preside over the proceedings. After evaluating the presented information, the board will determine whether the structure is substandard and set a timeline for the owner, lienholder, or mortgagee to take necessary action.

EXHIBITS:

1. Notice
2. Inspection Report
3. Photos

BOARD ACTION/STAFF RECOMMENDATION:

Hold a public hearing.