



City of Benbrook

Appeals Commission

DATE: 06/25/2019	REFERENCE NUMBER: AC-19-01	SUBJECT: Consideration of staff's recommendation to demolish all structures located at 1023 Bryant Street and is legally described as Lot 8, 3-A, Block 32, Benbrook Lakeside Addition. The property is zoned "B" One-Family District. [PUBLIC HEARING]	PAGE: 1 of 3
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Project Name: Demolition of structures 1023 Bryant

Request Type: Recommendation by staff to demolish all structures

Site Description: 0.39 acres or 16,875sqft
Lot 8-3A, Block 32, Benbrook Lakeside Addition

Location: 1023 Bryant Street

Zoning District: "B" One-Family District

Property Owner: Elisha Lane
1023 Bryant Street

Applicant Ryan Studdard, Chief Building Official
City of Benbrook, TX

Background

On April 10, 2018, a fire damaged the home located at 1023 Bryant St. The home sustained significant structural damage, including the loss of the attic, roof and roof framing members.

Throughout the rest of 2018, Izzy Rivera, the former Benbrook Chief Building Official, worked with the Elisha Lane, property owner, to gain property compliance. However, due to a lack of progress, the City formally notified Ms. Lane in writing on January 14, 2019 of the substandard property condition and necessary corrective action. On February 6, 2019, the City received a letter from Sharon Fulgham, Attorney at Law, representing Ms. Lane requesting an extension to March 15, 2019 to bring the property into compliance, which the City granted.

On April 10, 2019, Ryan Studdard, present Benbrook Chief Building Official, notified Ms. Lane that the March 2019 deadline had come and passed without property compliance. To provide the homeowner every opportunity to gain compliance, the City granted Ms. Lane an additional 30-day extension. Unfortunately, the 30-day extension lapsed with no progress made. On June 13, 2019, notice of the public hearing was mailed and emailed to the property owner and listed mortgage company, notifying them of the June 25, 2019 public hearing and staff recommendation of demolition of the substandard structure.

Staff Analysis

Per Sec. 15.44.060 E. Burden of Proof. At the public hearing, the owner, lienholder or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this chapter and the time it will take to reasonably perform the work.

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Per Sec. 15.44.060 F Conduct of Public Hearing. At the public hearing, the owner of the building, and all other interested persons may make their appearance and be heard. Any evidence may be received and considered by the commission. The chairman of the commission, or in his or her absence, any officer designated by rules adopted by the commission to preside at meetings, shall preside and shall determine all questions of order. The hearing may be adjourned from day to day or continued upon a majority vote of the commission.

15.44.070 - Order of appeals commission.

A. Findings of the Commission. If the commission, by a majority vote, finds upon evidence presented at the public hearing that the building is in violation of standards set out in Section 15.44.040, the commission may order that the building be repaired, vacated, removed or demolished, secured, or the occupants relocated, by the owner, mortgagee or lienholder within a reasonable time as provided in this chapter.

B. Time Allowed to Complete Work.

1. The order must require the owner, lienholder or mortgagee of the building to within thirty days;
 - a. Secure the building from unauthorized entry; and/or
 - b. Repair, remove or demolish the building unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within thirty days.
2. If the commission allows the owner, lienholder or mortgagee more than thirty days to repair, remove or demolish the building, the commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the commission.
3. The commission may not allow the owner, lienholder or mortgagee more than ninety days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder or mortgagee:
 - a. Submits a detailed plan and time schedule for the work at the hearing; and
 - b. Establishes at the hearing that the work cannot be reasonably completed within ninety days because of the scope and complexity of the work.
4. If the commission allows the owner, lienholder or mortgagee more than ninety days to complete any part of the work required to repair, remove or demolish the building, the commission shall require the owner, lienholder or mortgagee to regularly submit progress reports to the building official to demonstrate that the owner, lienholder or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder or mortgagee appear before the commission or the building official to demonstrate compliance with the time schedules.

C. Contents of Order. The order of the commission must contain at minimum:

1. An identification, which is not required to be a legal description, of the building and the property on which it is located; and
2. A brief description of the violation of minimum standards present in the building; and
3. A description of the ordered actions, including a statement that the owner may repair, if feasible, or demolish or remove at his option; and

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4. A statement that the city will vacate, secure, remove or demolish the building or relocate the occupants of the building if the ordered action is not taken within the time allowed, and charge the cost to the property; and
5. If the commission has determined that the building will endanger persons or property, or if the building is a dwelling with ten or fewer dwelling units, a statement that the city may repair the building and charge the costs to the property if the ordered action is not taken within the time allowed.

Due to the fire on April 10, 2018 at 1023 Bryant St., the property is in violation of City Ordinance Chapter 15.44 for a Substandard Structure. Presently, a majority of the roof and structural framing members are missing or compromised. Staff finds that, per Sec. 15.44.040 Substandard Buildings Declared, this building is not habitable and is a public blight. Its current condition has caused complaints from surrounding residents concerning the look and condition. Structures in this condition not only are unsightly and unsafe, but they also tend to be a target for vagrant and criminal activity.

Staff Recommendation

Move to order that the attached Order of the Appeals Commission be implemented.

Attachments:

1. Pictures
2. Title Search
3. Order of the Appeals Commission