

**CITY OF KERRVILLE, TEXAS
BUILDING BOARD OF ADJUSTMENT & APPEALS**

November 1, 2018

MEMBERS PRESENT:

Bruce Motheral, Chair
Art Lenard, Board Member
Michael Walker, Board Member

MEMBERS ABSENT

Benjamin Holloway, Vice-Chair
Jorge Garcia, Board Member
Christina Holcomb, Board Member
James Rector, Board Member
Armando De la Mora, Alternate
Dallas Coon, Alternate

STAFF PRESENT:

Drew Paxton, Executive Director of Development Services
Mike Hayes, City Attorney
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On November 1, 2018, the Kerrville Building Board of Adjustment and Appeals regular meeting was called to order at 3:30 p.m. in the City Hall council chambers, 701 Main Street.

1. VISITORS/CITIZENS FORUM

No one spoke.

2. APPROVAL OF MINUTES

2A. Approval of the minutes from the October 11, 2018 meeting.

Mr. Lenard moved to approve the minutes as amended; motion was seconded by Mr. Holloway and passed 4-0.

3. DISCUSSION

3A. Discussion – Presentation of Board responsibilities - Mike Hayes, City Attorney.

Mr. Paxton announced that Brian Hunt, Chief Building Official, was taking his state plumbing test and would not be at the meeting today.

Mr. Hays presented information on Board of Adjustment and Appeals members' role, including reviewing codes and substandard buildings. The city adopted the comprehensive plan in June 2018. Mr. Hayes gave a quick summary of the high-level roles. The city has unsafe building abatement code in Chapter 26, articles 7 and 8. The code is comparable to other cities across the nation. Even the City of Ingram has to apply standard building codes. Current code in from 1998 and amended in 2010. The fourth amendment basically says, "a man's home is his castle". Amendments to code inform staff and property owners of rights and violations. Due process built in – must be

given notice of violation and time to address issue. City cannot take property without due process unless there are substandard conditions. Mechanisms to enforce code include:

A. Municipal Court

- i. Code Enforcement issues a citation after giving a verbal notice and time to rectify the issue before issuing a citation.
- ii. The issue can go before the BBAA

B. File petition in district court

- i. Home owner can appeal to supreme court

Chapter 26 – Unsafe Buildings

Purpose

Code Enforcement has been active to ensure the safety of homes. Most investigations are complaint driven.

Mr. Paxton discussed some homes that are a danger (pose an imminent danger). He also discussed property maintenance code, saying it is not well accepted by the public. Public health and welfare is the main concern. Most issues are resolved by voluntary compliance. In fiscal year 2018 only three citations went to municipal court for fines. For the elderly, there are non-profit organizations such as Fix It Angel and Christian Men's Job Corp. that may be able to help with certain issues.

Mr. Hayes stated that cases that go before municipal court are due to homeowners who do not comply with the city's request to take care of the issues. City Council is informed of these cases as well. Claiming a building a nuisance is a legal term that puts a burden on the owner to rectify the problem. Utilities can be shut off if necessary. The code gives the right due to emergencies for immediate action (in cases of imminent danger).

The Chief Building Official, Brian Hunt, has responded to three or four vehicles that have ran into buildings and three or four fires. He is also proactive in helping to repair, etc. The city has to notify the owners or lien holders which involves doing some title work.

Violation documents given to owners are also given to this Board. The Board can inspect the property themselves as a group or go by and look. Information should be presented at a board meeting. The city must give notice and publication in the local newspaper of the Board's decision and action filed in property records. The code

**CITY OF KERRVILLE, TEXAS
BUILDING BOARD OF ADJUSTMENT & APPEALS**

November 1, 2018

discusses information/content of notice. Specific code information should be provided in the notice. Owners must be properly informed before coming before this Board. The

Board has the authority to agree or disagree with staff's recommendation and how much time the owner is to be given to resolve the issue. Staff may offer steps for addressing the problems.

The Board also has the authority to secure dangerous properties. City staff can step in and address issues if needed by putting a lien on the property to receive money back that was required for necessary repairs, etc.

The Board should have a copy of Article 8. Article 7 was discussed by Mr. Hayes.

4. STAFF REPORTS

Mr. Paxton reported the next meeting is expected to be held the last week of November or early December.

5. Adjourn

The meeting was adjourned at 4:15 p.m.

ATTEST:



Bruce Motheral, Chair

Brian Hunt, Chief Building Official

