

**MINUTES OF THE REGULAR MEETING  
SUBSTANDARD BUILDING BOARD  
OF THE CITY OF NORTH RICHLAND HILLS, TEXAS,  
HELD AT THE COUNCIL WORKROOM, 4301 CITY POINT DRIVE  
NOVEMBER 9, 2021**

The Substandard Building Board of the City of North Richland Hills, Texas met on the 9<sup>th</sup> day of November 2021 at 6:00 p.m. in the Council Workroom.

|                |                   |                                   |
|----------------|-------------------|-----------------------------------|
| Present:       | Daniel Caulkins   | Place 1                           |
|                | Bill Wait         | Place 2                           |
|                | John Cope         | Place 3                           |
|                | Michael Gist      | Place 4                           |
|                | Brian Crowson     | Place 6, Chairman                 |
|                | Robert McCary     | Place 7                           |
| Absent:        | Jeff Arwine       | Place 5                           |
| Staff Members: | Stefanie Martinez | Director of Neighborhood Services |
|                | Maleshia McGinnis | City Attorney                     |
|                | Thomas McMillian  | Assistant City Attorney           |
|                | Clayton Comstock  | Director of Planning              |
|                | Audrey Cappallo   | Executive Secretary               |
|                | Rayneice Horne    | Code Compliance Officer           |
|                | Candice Simmons   | Code Compliance Officer           |
|                | Matthew Hall      | Code Compliance Officer           |

**A. CALL TO ORDER**

Chairman Crowson called the meeting to order at 6:01 p.m.

Before proceeding forward, Chairman Crowson sworn in Stefanie Martinez, Candice Simmons, Matthew Hall and Rayneice Horne and Albert Horst.

**B.1 PUBLIC COMMENTS - AN OPPORTUNITY FOR CITIZENS TO ADDRESS THE SUBSTANDARD BUILDING BOARD ON MATTERS WHICH ARE SCHEDULED ON THIS AGENDA FOR CONSIDERATION BY THE BOARD, BUT NOT SCHEDULED AS A PUBLIC HEARING. IN ORDER TO ADDRESS THE SUBSTANDARD BUILDING BOARD DURING PUBLIC COMMENTS, A PUBLIC MEETING APPEARANCE CARD MUST BE COMPLETED AND PRESENTED TO THE RECORDING SECRETARY PRIOR TO THE START OF THE SUBSTANDARD BUILDING BOARD MEETING.**

Chairman Crowson informed the Board that no one had signed up to speak during public comments.

**C.1 APPROVE OF MINUTES OF THE AUGUST 10, 2021 SUBSTANDARD BUILDING BOARD MEETING.**

**MR. ROBERT McCARY MOVED TO APPROVE THE MINUTES OF THE AUGUST 10, 2021 SUBSTANDARD BUILDING BOARD MEETING. MR. BILL WAIT SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 6-0.**

**C.2 SBB 2021-83 PUBLIC HEARING AND CONSIDERATION WHETHER THE STRUCTURES AND ACCUMULATION ON THE PROPERTY LOCATED AT 7220 RIVIERA DRIVE, KNOWN AS LOT 15, BLOCK 21 OF THE NORTH RICHLAND HILLS ADDITION IN THE CITY OF NORTH RICHLAND HILLS, TARRANT COUNTY, TEXAS IS A NUISANCE WITHIN THE MEANING OF THE CITY'S ORDINANCES AND ORDER TO ABATE.**

**APPROVED**

Chairman Crowson called on Stefanie Martinez, Director of Neighborhood Services, to present the case.

Ms. Martinez presented an aerial map of the property located at 7220 Riviera Drive and property is zoned R-2 single family.

Ms. Martinez provided the Board with an overview of action taken to date for the structure located at 7220 Riviera Drive.

- July 29, 2019 case initiated, violation confirmed. Attempted contact was unsuccessful and a notice of violation letter was posted on the front door and mailed to Yvan Lopez for accumulation and outdoor storage throughout the property.
- August 14, 2019 Officer Candice Simmons posted a Neighborhood Initiative Program (NIP) application on the front door at the property address, 7220 Riviera Drive. The Neighborhood Initiative Program (NIP) was created to help pair volunteers with North Richland Hills homeowners who are unable to complete necessary repairs to their homes.
- August 29, 2019 Officer Simmons inspected the property 7220 Riviera Drive remained in violation.
- October 28, 2019 violation remained another notice of violation letter was mailed to Mr. Lopez establishing an additional 10 days deadline to comply.

- January 3, 2020 the property 7220 Riviera Drive remained in violation, with some progress.
- February 10, 2020 the property at 7220 Riviera remained in violation, Officer Simmons posted a door hanger requesting a call back from Mr. Lopez needing to inspect the rear yard.
- February 24, 2020 the property 7220 Riviera is still in violation.
- March 5, 2020 the property 7220 Riviera is still in violation.
- March 17, 2020 the property 7220 Riviera is still in violation.
- May 11, 2020 the property 7220 Riviera is still in violation.
- May 28, 2020 the property 7220 Riviera is still in violation.
- June 15, 2020 the property 7220 Riviera is still in violation.
- July 17, 2020 the property 7220 Riviera is still in violation but with some progress.
- August 11, 2020 the violation remained another notice of violation letter was mailed to Mr. Lopez establishing an additional 10 days deadline to comply.
- August 25, 2020 the property 7220 Riviera is still in violation.
- September 10, 2020 the property 7220 Riviera is still in violation.
- September 22, 2020 the property 7220 Riviera is still in violation.
- October 7, 2020 the property 7220 Riviera is still in violation.
- October 20, 2020 the violation remained another notice of violation letter was mailed to Mr. Lopez establishing an additional 10 days deadline to comply.
- November 2, 2020 the property 7220 Riviera is still in violation.
- December 8, 2020 the property 7220 Riviera remained in violation, with some progress.
- January 4, 2021 the property 7220 Riviera is still in violation but with some progress, another notice of violation letter was mailed to Mr. Lopez establishing an additional 10 days deadline to comply.
- January 20, 2021 Officer Rayneice Horne observed some progress in front of the garage, unable to determine progress in the rear yard, the gate was not open a photo was taken.
- February 3, 2021 Officer Simmons was given access to a neighboring property, she observed the rear yard to be full of junk and trash/debris photos were taken.
- February 24, 2021 Probable Cause Affidavit issued to Yvan Lopez for accumulation and outside storage.

- April 6, 2021 the property 7220 Riviera is still in violation.
- May 11, 2021 the property 7220 Riviera is still in violation.
- July 7, 2021 the property 7220 Riviera is still in violation but with some progress. Judge Bass gave Mr. Lopez 7 days to complete the cleanup of the property during his show cause hearing.
- July 15, 2021 the property 7220 Riviera is still in violation.
- August 10, 2021 Officer Horne was given access to the rear yard by Mr. Lopez, the property 7220 Riviera is still in violation photos were taken.
- October 13, 2021 Officer Simmons posted on the front door the Notice and Order but Notice and Order were mailed by regular and certified mail on October 12, 2021.
- October 22, 2021 Officer Horne posted on the front door the Notice of Hearing.
- November 9, 2021- Officer Simmons/Horne re-inspected the property but no photos taken.

Ms. Martinez presented several photos of the property. Photos included:

- Photos of both the Notice and Order and Notice of Hearing posted at 7220 Riviera.
- Photo taken of accumulation on side of house. Photo taken on July 29, 2019 by Code Officer C. Simmons.
- Photo taken of accumulation in the driveway. Photo taken on July 29, 2019 by Code Officer C. Simmons.
- Photo taken of accumulation on side of house. Photo taken on October 20, 2020 by Code Officer C. Simmons.
- Photos taken of accumulation of various items, trash and debris stored in the rear of property. Photos taken on February 3, 2021, April 6, 2021, May 10, 2021, July 7, 2021, and August 10, 2021.

Ms. Martinez advised the Board that it is the opinion of staff that the property is in violation of each portion of the NRH Code of Ordinances referenced in this presentation and is a public nuisance. Staff recommends that the Substandard Building Board find the property in a nuisance and order that:

- The items and conditions identified in violation of Chapter 34, Section 34-33 be removed within 30 days.
- The items and conditions identified in violation of Chapter 34, Section 34-33 (17) be repaired or removed within 30 days.

- If the owner fails to comply with such order, authorize the City to enter on to the property and abate the nuisance and remove the debris with costs to be assessed against the property owner. The City will place a lien on the property for the amount owed plus any accrued interest.
- A civil penalty be assessed against the property for failure to remove the accumulation from the property in accordance with Chapter 98, Sec 98-470 in the amount of \$270.00 which is \$10.00 per day that the property remained in violation of the Ordinances of the City of North Richland Hills since the Notice and Order was issued on October 13, 2021.

Chairman Crowson asked Ms. Martinez if the property owner had been cited for the violation. Ms. Martinez responded that the property owner was cited over the summer. He was order by the Judge to remove the accumulation within 7 days and she did not know if a fine was added. Code Officer Simmons replied he was fined. Chairman Crowson asked Code Officer Simmons if the fine had been paid. Code Officer Simmons replied she did not know if the fine had been paid by the property owner.

Chairman Crowson asked the Board if they had any questions for the city.

Chairman Crowson opened the public hearing and asked for anyone wishing to speak on the item to come forward. No one stepped forward.

Chairman Crowson closed the public hearing.

Chairman Crowson asked the Board if they had any questions or if they needed to discuss.

Mr. John Cope complimented City Staff for their patience and persistence on giving the property owner so many opportunities to try to do the right thing. The city has bent over backwards trying to help and even trying to find a program to assist the homeowner. He is proud on how the City approached this case. Ms. Martinez replied Thank you.

**MR. JOHN COPE MOVED TO ENTER THE FOLLOWING ORDER FOR SBB 2021-83 DETERMINING THE PROPERTY LOCATED AT 7220 RIVIERA DRIVE KNOWN AS BLOCK 21, LOT 15, NORTH HILLS ADDITION, NORTH RICHLAND HILLS, TARRANT COUNTY, TEXAS THAT THE SINGLE FAMILY RESIDENTIALLY ZONED PROPERTY IS HEREBY FOUND TO BE IN VIOLATION OF THE SPECIFIC NUISANCE ORDINANCE BY REASON OF CONDITIONS SET FORTH IN THE NOTICES OF THIS HEARING. SUCH NOTICES ARE HEREBY INCORPORATED IN THIS ORDER; AND THE ITEMS AND CONDITIONS IDENTIFIED IN VIOLATION OF CHAPTER 34, SECTION 34-33 BE REMOVED WITHIN 30 DAYS; AND IF THE PROPERTY OWNER FAILS TO COMPLY FULLY WITH THIS ORDER, THE CITY IS AUTHORIZE TO ENTER ON TO THE PROPERTY AND ABATE THE NUISANCE; REMOVE THE DEBRIS WITH COSTS TO BE ASSESSED AGAINST THE PROPERTY OWNER WITHOUT ANY FURTHER NOTICE GIVEN TO THE OWNER. THE CITY WILL PLACE A LIEN ON THE PROPERTY FOR THE AMOUNT OWED PLUS ANY ACCRUED INTEREST. A CIVIL PENALTY BE ASSESSED AGAINST THE PROPERTY FOR FAILURE TO REMOVE THE ACCUMULATION FROM THE PROPERTY IN ACCORDANCE WITH CHAPTER 98, SEC 98-470 IN THE AMOUNT OF \$270.00 WHICH IS \$10.00**

**PER DAY THAT THE PROPERTY REMAINED IN VIOLATION OF THE ORDINANCES OF THE CITY OF NORTH RICHLAND HILLS SINCE THE NOTICE AND ORDER WAS POSTED AT THE PROPERTY ON OCTOBER 13, 2021. MR. ROBERT McCARY SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 6-0.**

**C.3 SBB 2021-84 PUBLIC HEARING AND CONSIDERATION WHETHER THE RESIDENTIAL BUILDING, ACCESSORY BUILDING, AND ACCUMULATION ON THE PROPERTY LOCATED AT 1 COUNTRY PLACE DRIVE, KNOWN AS ABSTRACT 1266 TRACT 7A02A RICHARDSON, STEPHEN SURVEY IN THE CITY OF NORTH RICHLAND HILLS, TARRANT COUNTY, TEXAS ARE SUBSTANDARD OR A NUISANCE WITHIN THE MEANING OF THE CITY'S ORDINANCES AND ORDER REPAIR OR DEMOLITION AND/OR REMOVAL OF ACCUMULATION.**

**APPROVED**

Chairman Crowson called on Stefanie Martinez, Director of Neighborhood Services, to present the case.

Ms. Martinez presented an aerial map of the property located at 1 Country Place Drive. The property is zoned Agriculture. Ms. Martinez also presented a Diagram Map with the layout of the property.

Ms. Martinez provided the Board with an overview of action taken to date for the structure located at 1 Country Place Drive.

- December 9, 2020 - citizen complaint received in regards to roof caving in on vacant house. Officer Matthew Hall observed "no trespassing" signs posted, five vehicles located and parked legally on the circular driveway. He was unable to determine current status of structures due to vegetation and location or if the RV's were occupied.
- January 6, 2021 - Officer Hall spoke with property owner, Douglas Bolling. He stated the RV was removed and the property was vacant. The owner allowed Officer Hall entry onto the property. Officer Hall observed both the primary and accessory structures were substandard. He identified two junk motor vehicles, accumulation of household items, clothes, construction debris, building materials, trash, litter and debris scattered throughout the property. Photos were taken. The owner explained to Officer Hall his plans to secure the property with gate and desire to sell the property.
- February 8, 2021- the property 1 Country Place remained in violation.
- March 10, 2021 – the property 1 Country Place remained in violation.

- May 4, 2021 - the property remained in violation. Officer Hall issued a notice of violation via USPS to the address listed with Tarrant Appraisal District records. The deadline to comply with that notice of violation was May 18, 2021.
- May 14, 2021 – The property owner applied for a demolition permit.
- September 9, 2021 - the property remained in violation with the exception of the removal of one junk motor vehicle. The white truck had been removed from the property.
- September 24, 2021 – the property remained in violation. Officer Hall has had numerous conversations with the owner, Doug Bolling since the initial inspection. Mr. Bolling plans on selling the property as is and does not plan on repairing or demolishing anything on the property. Mr. Bolling stated the property was awarded to him through his late father's estate.
- October 12, 2021 – The Notice and Order was mailed certified and regular to the property owner.
- October 13, 2021– Officer Hall posted the Notice and Order on the front brick column of the property. Photo taken.
- October 22, 2021 – The Notice of Hearing was mailed certified and regular to the property owner. Officer Hall posted the notice on the front brick column of the property. Photo taken.
- November 9, 2021- Officer Hall re-inspected the property and took photos. These photos were passed around for the Board to view.

Ms. Martinez presented several photos of the property. Photos included:

- Photo of the Notice and Order posted on the front brick column at the residential property.
- Photo Notice of Hearing on the front brick column at the residential property.
- Photo taken of the front entry from the street through the columns. Photo taken 12/09/20 by Code Officer M. Hall.
- Photo taken of the property of single family structure. Photo taken 01/06/21 by Code Officer M. Hall.
- Additional photos taken of the single family structure. Photos taken 01/06/21 by Code Officer M. Hall.
- Photo taken of the accessory building located on the side of the main structure. Photo taken January 6, 2021 by Code Officer M. Hall.
- Additional photos taken of the accessory building. Photos taken January 6, 2021 by Code Officer M. Hall.

- Photo taken of backside of the main residential structure. Photo taken on May 04, 2021 by Code Officer M. Hall.
- Photo taken of the balcony of the main residential structure that has already failed. Photo taken on May 04, 2021 by Code Officer M. Hall.
- Additional photos of the resident. Photos taken on May 04, 2021 by Code Officer M. Hall.
- Photo taken of the back of the residential structure that has failed. Photo taken on May 04, 2021 by Code Officer M. Hall.
- Photo taken of accumulation and appliance that sits on the property. Photo taken on January 6, 2021 by Code Officer M. Hall.
- Photo taken of the property. Those are the steps leading down from parking area. Photo taken on May 04, 2021 by Code Officer M. Hall.
- Additional photos of the structure. Photos taken 10/13/21 by M. Hall

Ms. Martinez advised the Board that she will defer at this time until the property owner has had a chance to speak to the Board and then she will come back up to present staff recommendation to the Board.

Chairman Crowson asked the Board if they had any questions for the city.

Chairman Crowson asked if residents were living on the property. Ms. Martinez stated she believes it was a family member but Mr. Crowson would need to confirm that with Mr. Bolling.

Chairman Crowson asked the Board if anyone else had any questions for the city.

Mr. Gist asked Ms. Martinez if there was a timeframe on the demolition permit. Ms. Martinez responded all permits issued through Planning are good for 90 days. Mr. Gist asked so the demolition permit has expired. Ms. Martinez replied yes.

Mr. Cope asked if there was any evidence that the property is being marketed. Ms. Martinez replied not that she is aware of.

Chairman Crowson asked the Board if anyone else had any questions for the city.

Chairman Crowson opened the public hearing and asked for anyone wishing to speak on the item to come forward.

Before proceeding forward, Chairman Crowson swore in the property owner, Doug Bolling.

Doug Bolling, the property owner stepped forward. Mr. Bolling stated the property had belonged to his late father. The condition of the property now is pretty much the same condition his father lived in for years. Once he got the property, his niece lived in the RV at the property and when he got the complaint, he moved her out. At the beginning of



the year, Mr. Bolling had spoken to some investors. They were going to get demolition permit and they were going to flip the property. They were dragging their feet, employees were getting sick and things did not work out this year. As of right now, Mr. Bolling signed a listing agreement with Grapevine Realty. They are going to get everything cleaned up and get going to clear out the property completed. The plan is to get a buyer to buy the property and build a new house on the property.

Chairman Crowson asked Mr. Bolling how big is the property. Mr. Bolling responded about an acre and a third. Most of which is downhill and a Little Bear Creek. Chairman Crowson asked Mr. Bolling if he was the executor. Mr. Bolling replied he acquired the property from his father about a year and half before he passed away. Chairman Crowson asked Mr. Bolling how long his father had been deceased. Mr. Bolling replied just at 2 years.

Chairman Crowson asked Mr. Bolling how much time does he think he needs to get everything done. Mr. Bolling replied two to three months. He has quotes on dumpsters and tractors. He has quotes on everything he would need to clear the property. He said they have police out there several times and people have ran sack the place several times. The properties are going to get bulldozed away. Chairman Crowson asked if it was Mr. Bolling plans to demolition the structures. Mr. Bolling replied yes at that was the recommendation of the real estate agent. In order to sell it and for someone to want to buy the property, the structures would need to be demolished.

Chairman Crowson asked the Board if anyone else had any questions.

Mr. Gist asked Mr. Bolling if he had a contract with a realtor. Mr. Bolling replied yes. Mr. Gist asked Mr. Bolling if he had a timeframe to that he had agreed to with the realtor. Mr. Bolling replied yes, and it is all documented on his phone on what the realtor would like to see happen. His realtor is working with him on getting somethings cleaned up. Some garage structures will need to be removed so that it is clear enough that a buyer might want to buy the property and do the rest of the clearing to build a new house on the property. Mr. Gist asked Mr. Bolling if there is time that he is going to make decision to move forward. Mr. Bolling replied he would like it done by the end of the year but he knows from other people talking about timeframes, it may be in the first quarter of next year. Mr. Gist asked if Mr. Bolling had made arrangements with someone about cleaning up the property. Mr. Bolling replied he had a person who pulled the permit and this person was going to buy the place but in the end, he was unable to buy the place. We might have him still demolish the property but we have not made any agreements on that portion as of yet. In addition, we are unsure about the status of the permit and if a new or additional, permits will need to be pulled.

Chairman Crowson asked the Board if anyone else had any questions.

Mr. Cope asked Mr. Bolling when he first received notice from the City that the property needed to be cleaned up. Mr. Bolling replied November of last year. Code Officer Matthew had contacted him regarding the RV on the property and he stated he would talk to his relatives about getting the RV off the property and he was able to get that resolved at the first of the year. In January, February Code Officer Hall inspected the

place and that is when we got the first notice of the violations of the property. It is not that we were not aware of how bad it was out there. Mr. Cope asked Mr. Bolling why it has not been taken care of. Mr. Bolling replied at that time he had a guy that pulled permits and that guy was going to buy the property. He rather disappeared for a little bit as his girlfriend and mother were sick. Months went by as he was trying to figure out what was going on and we are here today. Mr. Cope responded that he has had the property for two years and he knew of its conditions. He had been formally notified several months and still nothing has been done. Mr. Bolling responded that they were trying to get money to have all this work done but there were some Mechanic liens on the property. We were able to get all the liens cleared up and he got a clear title report now. He can now go to the bank and get financing for all the things that need to get done at the property. The hold up the last 4 months has been waiting on the attorneys of the estate to clear up the liens. Mr. Cope asked Mr. Bolling if he notified the city of what was going on. Mr. Bolling replied that he believes through this process he has spoken to Code Officer Matthew where we were and what my issues were. He has gotten to know him very well.

Chairman Crowson asked Mr. Bolling that he said earlier that it would take two to 3 months to clean up the property, does that still sound like reasonable timeframe. Mr. Bolling replied if he had it his way he would like to have it cleared by the end of the year. He has been told he is being too ambitious. There are a lot construction debris out there, as his family comes from a line of bricklayers. The accumulation has been there for 40 something years.

Chairman Crowson asked the Board if anyone else had any questions.

Mr. McCary asked Mr. Bolling if he is going to start cleaning now. Mr. Bolling replied yes. His plan is to go to the bank within the week and get the money to start getting clearing the property.

Ms. Martinez advised the Board that it is the opinion of staff that the property is in violation of each portion of the NRH Code of Ordinances referenced in this presentation and is a public nuisance. Staff recommends that the Substandard Building Board find the structures at property to be a substandard and order that:

- All required permits (demolition permit) be obtained within 15 days of the board order.
- The buildings be repaired or demolished within 30 days of the board order.
- If the property owner fails to bring the property into compliance within the allowed timeframe, authorize the City to enter the property and abate the nuisance to include the demolition of the structures and assess the cost of such action against the property without any further notice given to the owner. The costs, together with interest accruing at 10% per annum, will be assessed as a charge against the land and a personal obligation of the Owner. If the City is not promptly reimbursed for its expenses, the City will place a lien on the property for the amount owed plus any accrued interest.

In regards to the accumulation, it is the opinion of staff that this property is in violation of each portion of the NRH Code of Ordinances referenced in this presentation and is a public nuisance. Staff recommends that the Substandard Building Board find the property to be in violation of the specific nuisance ordinance and order that:

- The items and conditions identified in violation of Chapter 34, Section 34-33 be removed within 30 days.
- If the owner fails to comply with such order, authorize the City to enter on to the property and abate the nuisance and remove the debris and remove the inoperative vehicle with costs to be assessed against the property owner. The City will place a lien on the property for the amount owed plus any accrued interest.
- A civil penalty be assessed against the property for failure to remove the accumulation from the property in accordance with Chapter 98, Section 98-470 in the amount of \$2,700.00 which is \$100.00 per day that the property remained in violation of the Ordinances of the City of North Richland Hills since the Notice and Order was posted at the property on October 13, 2021.

Ms. Martinez informed the Board that staff could ask for \$1,000.00 per day, per city ordinance and state statute but based on everything we have reduced the recommendation down to \$2,700.00 instead of the \$27,000.00 that could be assessed.

Chairman Crowson asked the Board if they had any more questions.

Chairman Crowson closed the public hearing.

The Board discussed different timeframe and options.

**MR. DANIEL CAULKINS MOVED TO ENTER THE FOLLOWING ORDERS FOR SBB 2021-84 DETERMINING THE PROPERTY LOCATED AT 1 COUNTRY PLACE DRIVE KNOWN AS TRACT 7A02A ABSTRACT NO. 1266 OF THE STEPHEN RICHARDSON SURVEY, IN THE CITY OF NORTH RICHLAND HILLS, TARRANT COUNTY, TEXAS THAT THE SINGLE FAMILY RESIDENTIAL AND ACCESSORY STRUCTURES ARE HEREBY FOUND TO BE SUBSTANDARD BUILDINGS BY REASON OF CONDITIONS SET FORTH IN THE NOTICES OF THIS HEARING. SUCH NOTICES ARE HEREBY INCORPORATED IN THIS ORDER AND THE CONDITIONS IN VIOLATION SHALL BE REPAIRED WITHIN 60 DAYS. IT IS HEREBY ORDERED ALL REQUIRED PERMITS BE OBTAINED WITHIN 30 DAYS; AND ALL REPAIRS TO THE STRUCTURES MUST BE COMPLETED WITHIN 60 DAYS; OR IF THE STRUCTURES ARE NOT REPAIRED WITHIN 60 DAYS, THE STRUCTURES SHALL BE DEMOLISHED AND ALL DEBRIS REMOVED FROM THE PROPERTY. IF THE PROPERTY OWNER FAILS TO BRING THE PROPERTY INTO COMPLIANCE WITHIN THE ALLOWED TIMEFRAME, AUTHORIZE THE CITY TO ENTER THE PROPERTY AND ABATE THE NUISANCE TO INCLUDE THE DEMOLITION OF THE STRUCTURES AND ASSESS THE COST OF SUCH ACTION AGAINST THE PROPERTY WITHOUT ANY FURTHER NOTICE GIVEN TO THE OWNER. THE COSTS, TOGETHER WITH INTEREST ACCRUING AT**

**10% PER ANNUM, WILL BE ASSESSED AS A CHARGE AGAINST THE LAND AND A PERSONAL OBLIGATION OF THE OWNER.**

**MOTION TO APPROVE CARRIED 6-0.**

**MR. DANIEL CAULKINS MOVED TO ENTER THE SECOND ORDER FOR SBB 2021-84 DETERMINING THE PROPERTY LOCATED AT 1 COUNTRY PLACE DRIVE KNOWN AS TRACT 7A02A ABSTRACT No. 1266 OF THE STEPHEN RICHARDSON SURVEY, IN THE CITY OF NORTH RICHLAND HILLS, TARRANT COUNTY, TEXAS IS HEREBY FOUND TO BE IN VIOLATION OF THE SPECIFIC NUISANCE ORDINANCE BY REASON OF CONDITIONS SET FORTH IN THE NOTICES OF THIS HEARING. SUCH NOTICES ARE HEREBY INCORPORATED IN THIS ORDER; AND THE TERMS AND CONDITIONS IDENTIFIED IN VIOLATION OF CHAPTER 34, SECTION 34-33 BE REMOVED WITHIN 30 DAYS OF THE BOARD ORDER; AND IF THE OWNER FAILS TO COMPLY WITH SUCH ORDER AUTHORIZE THE CITY TO ENTER ON TO THE PROPERTY AND ABATE THE NUISANCE AND REMOVE THE DEBRIS AND REMOVE THE INOPERATIVE VEHICLE WITH COSTS TO BE ASSESSED AGAINST THE PROPERTY OWNER. THE CITY WILL PLACE A LIEN ON THE PROPERTY FOR THE AMOUNT OWED PLUS ANY ACCRUED INTEREST. A CIVIL PENALTY BE ASSESSED AGAINST THE PROPERTY FOR FAILURE TO REMOVE THE ACCUMULATION FROM THE PROPERTY IN ACCORDANCE WITH CHAPTER 98, SEC 98-470 IN THE AMOUNT OF \$2,700.00 WHICH IS \$100.00 PER DAY THAT THE PROPERTY REMAINED IN VIOLATION OF THE ORDINANCES OF THE CITY OF NORTH RICHLAND HILLS SINCE THE NOTICE AND ORDER WAS POSTED AT THE PROPERTY ON OCTOBER 13, 2021. MR. ROBERT McCARY SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 6-0.**

**C.4 SBB 2021-85 PUBLIC HEARING AND CONSIDERATION WHETHER THE ACCESSORY BUILDING ON THE PROPERTY LOCATED AT 6320 SKYLARK CIRCLE, KNOWN AS LOT 6, BLOCK 11 OF THE MEADOW LAKES ADDITION IN THE CITY OF NORTH RICHLAND HILLS, TARRANT COUNTY, TEXAS IS SUBSTANDARD WITHIN THE MEANING OF THE CITY'S ORDINANCES AND ORDER DEMOLITION AND/OR REMOVAL OF ACCESSORY STRUCTURE.**

**APPROVED**

Chairman Crowson called on Stefanie Martinez, Director of Neighborhood Services, to present the case.

Ms. Martinez presented an aerial map of the property located at 6320 Skylark Circle. The property is zoned R-2.

Ms. Martinez provided the Board with an overview of action taken to date for the structure located at 6320 Skylark Circle.

- August 30, 2021 – A citizen complaint received in regards to a structure being built on the side of the house without a permit.
- August 31, 2021 – Code Officer Simmons observed construction work at the property and took photos. Simmons informed Building Inspections of the construction activity. It was verified the activity and construction was ongoing without a building permit. Building Inspector Gary Taylor visited the site and placed a stop work notice on the door requesting an onsite inspection. No contact was made with the property owner at that time.
- September 11, 2021 – A citizen complaint was received that work on the structure was in progress without a permit. Code Officer Matthew Hall met with the contractor, Mr. Lopez, and the homeowner Mr. Horst, and explained that a permit is required for the work being done. Mr. Horst acknowledged the previously issued stop work notice placed on the door yet proceeded with construction.
- September 20, 2021- A complaint was received that work on the structure was in progress. Code Officer Simmons and Building Inspector Gary Taylor met with the contractor on site. The work was complete on the lean-to structure. Inspector Taylor explained to the contractor that the structure was illegal and would need to be removed. At that time, the contractor informed Mr. Taylor that the homeowner would have to hire someone else to remove the structure. The contractor was informed by Inspector Taylor that the structure would have to be removed by Monday, September 27<sup>th</sup> or citations would be issued. The contractor went inside the structure to get the homeowner; however, the homeowner was too busy to come out at that time. Code Officer Simmons returned to the property later that same day and hand delivered a Notice of Violation to Mr. Lopez and Mr. Horst stating that the structure was to be removed by September 27, 2021.
- September 22, 2021 – Mr. Horst applied for a building permit via the online portal. The permit was denied by Plans Examiner Mary Lou Salas due to fire-resistant construction, lack of construction plans, engineering on the footings, blocking egress windows and the cover is encroaching into the side yard setback.
- September 27, 2021 – Code Officer Simmons and Building Official Dave Pendley inspected the property. The structure remained. No one answered the door and no contact with the property owner was made at that time. Due to the fact that the structure remained in violation, a Probable Cause Affidavit was issued to the owner, Albert Horst.
- October 22, 2021 – Mariella Horst visited City Hall and spoke with Neighborhood Services Director Stefanie Martinez. Mrs. Horst explained her husband was out of town and worked a lot. She was trying to gather information regarding the court summons. During our conversation, Director Martinez explained that the notice of the November 9, 2021 Substandard Building Board hearing was to be mailed out, however, since she was in the office a copy was provided to her. Mrs. Horst also signed for a copy of the notice acknowledging the hearing. It was also

explained that the court hearing was a separate process from the SBB hearing. Director Martinez also walked Mrs. Horst to Building Inspections to meet with Mary Lou Salas as Mrs. Horst stated she had not received an email from Ms. Salas outlining the possible alterations or changes to the structure to comply with the building codes.

- Ms. Salas explained that she had sent the email and confirmed the email address. Ms. Salas also stated she would send the email again and included Mr. Horst's email address. A meeting was tentatively scheduled for a building inspector, Director Martinez and the Horsts for the following week at the property to discuss possible modifications to the structure.
- Director Martinez then walked Mrs. Horst to Municipal Court to meet with Court Administrator Rebecca Vinson. Mrs. Vinson explained that the summons was to Mr. Horst and that it was imperative that he communicate with the courts to schedule a hearing. She further explained that she could not discuss the specifics with Mrs. Horst since the summons was for Mr. Horst. She also explained that it was a virtual hearing and if Mr. Horst allowed, Mrs. Horst might be able to join him in the same room for the virtual hearing.
- October 26, 2021 – Director Martinez and Building Official Dave Pendley met with Mrs. Horst at the property to inspect the lean-to structure. It was explained what might bring the structure into compliance.
- October 27, 2021 – Mr. Horst appeared in virtual court and met with Interim Prosecutor Nathan Eastland as well as Code Officer Simmons and Director Martinez. Director Martinez again informed Mr. Horst and the court what would need to be modified on the structure for compliance. A follow-up court hearing is scheduled for Wednesday, November 3, 2021 to ensure the violation has been abated by the property owner.

Ms. Martinez informed that what has not been updated on this presentation is that the following Wednesday staff met with Mr. Horst and the structure remained.

Ms. Martinez presented several photos of the property. Photos included:

- Photos of both the Notice and Order and Notice of Hearing. The Notice of Hearing has Ms. Horst signature where she signed for the document in office.
- Photo taken of the Notice and Order posted on the front door. Photo taken on October 13, 2021 by Code Officer C. Simmons.
- Photo taken of the lean to structure that is between the single family structure and the fence on the property line. Photo taken on September 20, 2021 by Code Officer C. Simmons.
- Another photo taken of the side of the lean to structure that abuts against the single family homes. Photo taken on September 20, 2021 by Code Officer C. Simmons.

- Photo taken is a view from the street of the construction occurring on August 30, 2021. Photo taken by Code Officer M. Hall.

Ms. Martinez advised the Board that she will defer at this time until the property owner has had a chance to speak to the Board and then she will come back up to present staff recommendation to the Board.

Chairman Crowson asked if Ms. Martinez did a title search on the property and if the property is in both the husband and wife's name. Ms. Martinez replied yes, the property is in both of their names.

Chairman Crowson asked if the structure was attach to the fence. Ms. Martinez replied that the structure is not attach to the actual fence posts but the post that abuts to each other's post to the structure.

Chairman Crowson asked the Board if they had any questions for the city.

Mr. Wait asked Ms. Martinez has anything been done to the structure to bring it into compliance. Ms. Martinez replied not to her knowledge since last Wednesday.

Mr. Cope asked Ms. Martinez if she could tell whether or not the windows were blocked, as far as the egress from the home. Based on the photo, the top of the structure looks like it goes over the window but I could not tell effectively if that blocks the egress from the home through the window. Ms. Martinez responded that she could state that it is one solid window, what she observed. There are additional windows on the home that are separate from this one.

Chairman Crowson asked Ms. Martinez if any permits had been pulled for this. Ms. Martinez replied no. A permit was applied for but was denied by the Building Inspectors. Chairman Crowson asked Ms. Martinez was it denied because it was unacceptable. Ms. Martinez replied yes. They did not meet quite a few items and she can read those items into the record if the Board would like to know the items that the permit was denied. Chairman Crowson responded yes, please. Ms. Martinez read the first item for disapproved was the cover was encroaching onto 10' minimum side yard setback per R2 zoning. A hold was place on it because it was in violation of 2018 IRC-Fire Resistant Construction Section R302.1 and Table R302.1(1). HOLD: 2. Need to provide actual construction plans. (Photos Not Acceptable) in order to verify compliance with 2018 Building Codes. HOLD: 3. Need to Provide Engineering on the Footings. HOLD: 4. Cannot block egress windows. Need to provide floor plan in order to verify that windows are not bedroom windows. Those are the comments by the Plan Examiner.

Chairman Crowson asked the Board if they had any more questions for the City.

Chairman Crowson opened the public hearing and asked for anyone wishing to speak on the item to come forward.

Mr. Albert Horst, property owner, stepped forward. Mr. Horst stated he want to work with the city has been trying to work with the city from the get go. They built the structure to relative to cover and to prevent rain pouring on the bikes. Their kids bikes were stolen

out from the front yard. They use to put their bikes under the overhang and do not have room in the garage without running them over. His wife was upset about it so the idea was to build a simple cover on the side to be able to put the bikes in. We called up our contractor so we could be able to do that. As for permits he actually mentioned, as we were also do other projects to the house at that time, that a permit would be required for this. Chairman Crowson asked Mr. Horst if his contractor was registered with the City of North Richland Hills. Ms. Horst replied in certain areas. In addition, he received an email with some modification and if a permit would be needed and it said no since the structure is 144 square feet and not attached to the house. It actually turns out that the structure to begin with did not need a permit. The City was a bit mistaken in thinking this required a permit. The other thing is we wanted to make sure that we complied with the Homeowner Association. The Homeowner Association and Rita Wright Oujesky has a leadership role in that. They got the Homeowner Association approval and they figured that was sufficient. They did get a complaint from their neighbor. He did not like esthetics of it, which was unfortunate. They tried to make it as nice as possibly. He tried going through Homeowner Association Board route and it went to Construction Board. They agreed it was nice and met the community standards. We thought we were good to go. If the Board will look at some of the notes, on October 30, 2021 there was a complaint issue. On September 11, 2021, there was a stop work order. He never saw this. Mr. Horst asked if the City had a photo of the Stop Work Order on this door. He stated he know they have a photo that was later put on his door. Mr. Horst said he is sure the City posted it on his property but he never saw it. He does not want to state who is wrong in this matter. He did receive a letter, which was the first notice, and the date of the letter is September 11, 2021 but it actually postmarked September 13, 2021 and he really did not know what to do with it because the compliance date said September 3, 2021 but letter was dated September 11, 2021. After receiving the letter around the September 15<sup>th</sup> or 16<sup>th</sup>, no work was be done at the property. The City did come out on September 20<sup>th</sup> and since the City Attorney is here, he will share information that Inspector Gary Taylor entered onto his property, opened the fence and went back there without his permission. The pictures shown earlier are pictures they took opening my fence with anyone's permission. He told Code Officer Simmons when she came out and saw the picture that they came onto his property and opened his fence without permission. He stated he had video of this happening. This went against his 4<sup>th</sup> Amendment right. He stated Code Officer Simmons told him that Inspector Gary Taylor is allowed to do that. He has a big problem with that. In San Francisco something similar to this occurred and it was ruled that the Code Officer that they could not come onto a property without a warrant or the owner's permission. It was ruled unanimously that it was unacceptable. He stated he has known Oscar Trevino since he was 12 years of old and would let him in house but he could not come onto his property unless he was given permission. Again this is not necessary relevant but wanted to bring it to the City Attorney's attention. Back to the notes, where they stayed Mr. Lopez was working on the property. He was not. There were other projects that he was working on with roof over the balcony, the fence. It was just a long list that we were having him to do at the time and he has the receipts. He was not working on the property as the property was essentially finished. He received a hand written note from Code Officer Simmons giving him a week to remove the structure, as it was not allowed. He was not



told why it was not allowed. As soon as he got that written notice, he contacted an attorney. Unfortunately, there are not a lot of attorneys that are well verse in the thousands of pages code within North Richland Hills. All he did was a consultation with the attorney and stated he could not help him unless he wanted to pay lots of money for him to argue with the City and his recommendation would just go to the city and get a permit. A permit application was submitted and I think that is where the violations are coming form. As I had no idea what I was going filling out the application. The attorney told him the City could get him for not applying for a permit, and he could be cited for it. He went into the office as he could not sign into the portal and was drawing plans using a Microsoft pen. He sent the Permits Department some photos and he was told by the Permits Department that he could not send photos that he had to send plans. He does not know how to draw plans. Chairman Crowson responded that is why you have a contractor as they provide the plans and submitted to the Permits department when they apply for the permit. Mr. Horst responded that he might not have had the best contractor but all the violations are stemming from the drawings he submitted to the Permits department. As he has spoken to Building Official Dave Pendley and he was told that, he would need to move the structure in 3 feet. This structure is sturdy and drilled into the ground with concrete to the post. They are stating fire hazard but not stating specifics but it has shingles that you would put on your house. When the city came out, they really did not have any issues with that. Ultimately, what this comes down to is that I have neighbor that does not like the look of it. He tried going through the Homeowners Association and it did not work out for him there. He does know a lot about the City codes and permits from his previous work and he trying to go through that route now. He knows city staff is just doing their job and he knows we got off on the wrong foot. Stefanie has been helpful in working with us. However, when they say you have one week to demolish the structure and what recourse does he have. He wants to work with the city and he knows the reason for the codes is to make sure everyone is safe. He is not going to build something that would put his family in danger. He is hoping to come to some resolution. This has been a lot more than he expected.

Chairman Crowson asked Mr. Horst if he had any kind of plan of action to do what the city is asking him to do. Mr. Horst replied yes in 3 feet verse 6 feet, which was not part of this Board meeting. I'm happy to comply with them. He would like to argue that the distance away is the same distance as my grill is to the fence line that was approved prior to me buying the house. He does want his property rights respected. He believes many wires were crossed especially the neighbor who wants the structure gone.

Chairman Crowson asked the Board if anyone else had any questions.

Mr. Caulkins informed Mr. Horst that he is a contractor and wanted him know a few things that what the city seems to be communicating to him and some of his concerns. One of the things I heard in this meeting is the setback requirement. The reason they have setback requirements most of the times is for fire safety. As we do not want structures on the property, line and if a fire starts you do not want a fire to cross to property to another. Looking at the photos, that gives him some concerns. There is a process and go through the City. City staff is great and they are here to support and help our citizens. His recommendation is probably disassemble the structure, savage what

you can and go to the City and come up with a plan that will work and meet the city code requirements. Mr. Caulkins stated that all the international building codes are online and accessible. It is easy to navigate through.

Chairman Crowson asked for anyone wishing to speak in opposition of the property please step forward. Mr. Mike Groomer stepped forward.

Mr. Groomer stated his address of 6324 Skylark Circle, North Richland Hills, Texas and he is the neighbor that does not like the esthetics. He would rather be anywhere else then here, as he does not like to fight with his neighbors. They have been neighbors for about 5 to 6 years. He has several concerns about this structure. He does not disagree with anything the staff reports has said. In his opinion, what is missing in the presentation is that this structure has blocked all the emergency access from the front of Mr. Horst property. There is no other access except through his house. Heaven forbid there is an emergency at the house and they have to try to get pass the structure. In addition, the structure is encroaching the property line and on the fence. It does not make a difference but he paid 100% for the fence. It is not tied to the fence but it about 6 inches from the fence. The latest rain we have had, I can see it is channeling water behind the fence. It is also encroaching on the 5 foot utility easement per the plat. These are some of the issues that concerns him about this structure. He probably should correct Mr. Horst a little bit on that; the Homeowner Association did not approve this. We do not have a strict architecture in the HOA documents. They determined there was no reason to consider this as an architecture feature. Mr. Horst stated he was not invited to any of these meetings with the Homeowner Association. He also encouraged Mr. Horst, to avoid this whole issue, not to encroach on the easement on the side yard. He did not want Mr. Horst to face any fines or this action. He tried persuading Mr. Horst. Chairman Crowson asked the Board if they had any questions.

Chairman Crowson asked Ms. Martinez if there is a utility easement between the houses. Ms. Martinez replied she is not aware of a specific easement or utility easement. She does know there are required setbacks for that area. Ms. Martinez stating Clayton Comstock, Director of Planning, is available and he can probably can address your questions better.

Chairman Crowson sworn in Mr. Clayton Comstock, Director of Planning.

Mr. Comstock informed the Board that he could pull up the plat for this property to view if there are actually easements on the property but off hand he is not aware of an utility easement on this property but he can pull up the plat to verify rather quickly. Chairman Crowson stated only if it is relevant for the case for the city. He said he thought utility easements are located in the rear of the property and not on the side yard. Mr. Comstock replied that is normally the case but there are times there are side yard easements either for utility, draining and other infrastructures.

Mr. Comstock stated on setbacks, this is zoned R-2 and it has a 10 foot and 6 foot setback. His understanding that the zoning and setbacks are not per viewed by this Board. This Board is more focus on the building and structures but just for reference and

context, 10 foot and 6 foot setbacks are for zoned R-2. Mr. Horst was referencing what does and does not require a permit. He wants to make sure that is clear as well and what the difference is between a permanent accessory building and a temporary accessory building. A permanent accessory building it is constructed as such that it is permanent such into the ground. There is some kind of columns or structure built into the ground. It is very difficult to move. It is also one, if you look at the zoning standard that has to meet those setback requirements of 10 foot and 6 foot. A temporary accessory building is defined as one is constructed in such a manner that is shall be portable, easily transportable and capable of being moved without disassembling or damaged. This requires a 3 foot setback. When we looked at this structure, one of the comments on the plan review that we made to the applicant that those post to the ground makes this structure a permanent structure and so it has to meet the 10 foot or 6 foot setback requirement depending on which side yard it is.

Chairman Crowson asked Mr. Horst if his pool was on the side of the house. Mr. Horst responded that the pool is in the back of the house. He stated if his structure is on the easement so is the fence so the fence should have to come down too. He stated he wanted to address one other thing regarding emergency access to the pool. He said there is a gate there, they can come right through the gate, and it is not as if the structure is blocking anything. There still the same access as before when you open the gate and go straight to the back.

Chairman Crowson asked the Board if they had any questions for Mr. Comstock.

Mr. Gist asked Mr. Comstock who is responsibility is it to pull a permit, the homeowners or the contractor. Mr. Comstock replied it is the contractor responsibility. Ultimately, it is the homeowners, if no application has been applied for and a stop work is placed. It is responsibility of the homeowner to have a contractor that is licensed and have they come in to apply for a permit.

Ms. Martinez apologized to the Board that she wanted to circulate the Disapproval plans from Planning Department. The Board viewed disapproval plans.

Mr. Cope asked Ms. Martinez if he understood correctly one of the materials on the structure is not flame resistant. Ms. Martinez replied that was described in the disapproval plans for the Permit from the Planning Department but that is not what we are asking you to consider at todays hearing. We are asking that consider the accessory structure to be substandard based on general standards not specifically to the fire hazard or suppression or fire resistant materials. She was just explaining when she read that in to the record that is why the permit was essentially denied and why the structure was not allowed. Mr. Cope asked Ms. Martinez if that is considered as an unwaiverable issue. Ms. Martinez replied yes based on that it is part of the building code requirement.

Ms. Martinez advised the Board that it is the opinion of staff that the property is in violation of each portion of the NRH Code of Ordinances referenced in this presentation and is a public nuisance. Staff recommends that the Substandard Building Board find the lean-to structure at to be substandard and order that:

Staff recommends that the Substandard Building Board find the lean-to structure at property to be a substandard and order that:

- The building to be reduced to comply with the ordinances or removed within 7 days of the board order.
- If the property owner fails to bring the property into compliance within the allowed timeframe, authorize the City to enter the property and abate the nuisance to include the removal of the lean-to structure and assess the cost of such action against the property without any further notice given to the owner. The costs, together with interest accruing at 10% per annum, will be assessed as a charge against the land and a personal obligation of the Owner. If the City is not promptly reimbursed for its expenses, the City will place a lien on the property for the amount owed plus any accrued interest.

Mr. Cope stated to Ms. Martinez that he is unclear how this structure can be brought into compliance. He asked Ms. Martinez if she could explain that. Ms. Martinez replied what they have recommended in the past that this structure needs to be a temporary structure. It can't be a permanent structure that is anchored to the ground in this condition. It would either need to be made temporary or structured removed. In its current condition, it is a permanent structure as it is anchored to the ground. It would have to be brought back 6 feet from the property line, if it is going to be considered a permanent structure and it still would have to be reviewed as it is a permanent structure and not temporary. A temporary structure would not require a permit. So if it is brought back 6 feet and she believes after the review from Permits, it may be approved. If they want to keep it in the current condition that it is, it will not be approved.

Chairman Crowson asked if Ms. Martinez could describe a temporary structure. Ms. Martinez responded. Her explanation of a temporary structure is those Rubbermaid buildings that you can snap together or even a tough shed that are not anchored into the ground. Those are examples of temporary structures. The fact that this is anchored into the ground with concrete posts, is what makes this a permanent structure.

Chairman Crowson asked the Board if they had any more questions for the City.

Mr. Caulkins asked what the setback requirements on a temporary structure. Ms. Martinez replied 3 feet.

Mr. McCary asked Ms. Martinez what is the size of the current structure. Ms. Martinez replied 8 feet across and about 17 feet long. Mr. McCary asked you had stated earlier that if it is under 144 square feet no permit is needed. Ms. Martinez replied for a temporary structure but because it is, a permanent structure anchored to the ground a permit is needed. Mr. McCary responded so if it over 144 square feet a permit is needed. Ms. Martinez deferred the question to Mr. Comstock. Mr. Comstock responded that if it is 144 square feet or less and it is temporary no permit is needed. If it is over

200 square feet and temporary, you still needs a permit. If it is anchored to the ground that is considered permanent and requires a permit.

Mr. Crowson asked if the structure is on a cement slab. Ms. Martinez replied there is no cement slab but those posts are individually concreted to the ground.

Chairman Crowson asked the Board if they had any more questions for the City.

Chairman Crowson swore in Mariella Horst. Ms. Horst stated her address as 6320 Skylark Circle, North Richland Hills, Texas.

Ms. Horst explained to the Board that she spoke to Ms. Martinez and she came by the house and was told if she cut it back 6 feet she should be ok. She was happy about that as they could go in and modify that and it should be over. I asked her if I have to do anything else and she said no you do not need a permit and that should be fine. The next day they contacted her husband and stated 3 feet. They keep saying permanent. We tried to make this nice and paid a lot of money. We did not want to put up a text or a plastic something to cover our kids bikes. She went to home depot to look at these temporary structures and they are all covered and closed. To her it is more dangerous as it looks like gates everywhere. Ours is just like a cover and not fully enclosed. My understanding is having it open is more safe. She has different discussions with the City and they are always getting different answers. We are doing this for our kids. I want it safe for everybody. At the same time, we are told one thing and next day it is a different thing.

Ms. Martinez addresses Ms. Horst discussions with city staff. Ms. Martinez stated that she, and Dave Pendley met with Ms. Horst at the property and at that time at the end of October, Mr. Pendley did state that if the structure was brought back 3 feet from the property line however after it was reviewed and it was seen that it was permanent structure due to be anchored to the ground that it wasn't going to be allowed. It would have to be the 6 feet and not the 3 feet. That is what we discussed the following day after we had with Ms. Horst on the property. They had discussed that with Mr. Horst during a court hearing. We have gone over that again here in this meeting. The confusion is that if it were a temporary structure the 3 feet is acceptable from the property line but if a permanent structure, which this is, were it would have to be 6 feet from the property line. She hopes she clarified that for everyone.

Chairman Crowson closed the public hearing.

Chairman Crowson asked the Board if they had any questions or if they needed to discuss.

Mr. Cope asked Ms. McGinnis, City Attorney, in regards to the Boards authority, which is limited. The Board is presented a question on whether or not a structure is substandard and his understanding is the Board does not have the authority to grant a variance or anything in that nature is that correct. Ms. McGinnis replied that is correct. The Boards

authority is to determine whether or not the structure before you is substandard. Based on the evidence presented, if you believe that a permit is required, then you include that as a requirement in the order and then from there it is handled by the Permits Department. That is not something the Board needs to address in terms of what is required per the permit. It means if the evidence shows that permit is required for the structure then you place that in the order and they have to apply for the permit. It is not an approval process or a waiver process, it just an application for a permit and that is then handled by the Permitting Department.

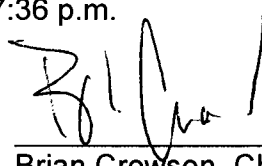
The Board discussed different timeframe.

**MR. DANIEL CAULKINS MOVED TO ENTER THE FOLLOWING ORDERS FOR SBB 2021-85 DETERMINING THE PROPERTY LOCATED AT 6320 SKYLARK CIRCLE KNOWN AS LOT 6, BLOCK 11, MEADOW LAKES ADDITION, IN THE CITY OF NORTH RICHLAND HILLS, TARRANT COUNTY, TEXAS THAT THE ACCESSORY LEAN-TO STRUCTURE IS HEREBY FOUND TO BE A SUBSTANDARD BUILDING BY REASON OF CONDITIONS SET FORTH IN THE NOTICES OF THIS HEARING. SUCH NOTICES ARE HEREBY INCORPORATED IN THIS ORDER; AND IT IS HEREBY ORDERED ALL REQUIRED PERMITS BE OBTAINED WITHIN 14 DAYS; AND ALL MODIFICATIONS TO THE LEAN-TO STRUCTURE MUST BE COMPLETED WITHIN 14 DAYS; OR IF THE LEAN TO STRUCTURE IS NOT MODIFIED TO BE IN COMPLIANCE WITHIN 14 DAYS THE STRUCTURE SHALL BE DEMOLISHED AND ALL DEBRIS REMOVED FROM THE PROPERTY. AND IF THE PROPERTY OWNER FAILS TO BRING THE PROPERTY INTO COMPLIANCE WITHIN THE ALLOWED TIMEFRAME, AUTHORIZE THE CITY TO ENTER THE PROPERTY AND ABATE THE NUISANCE TO INCLUDE THE DEMOLITION OF THE LEAN TO STRUCTURE AND ASSESS THE COST OF SUCH ACTION AGAINST THE PROPERTY WITHOUT ANY FURTHER NOTICE GIVEN TO THE OWNER. THE COSTS, TOGETHER WITH INTEREST ACCRUING AT 10% PER ANNUM, WILL BE ASSESSED AS A CHARGE AGAINST THE LAND AND A PERSONAL OBLIGATION OF THE OWNER. IF THE CITY IS NOT PROMPTLY REIMBURSED FOR ITS EXPENSES, THE CITY WILL PLACE A LIEN ON THE PROPERTY FOR THE AMOUNT OWED PLUS ANY ACCRUED INTEREST.**

**MOTION TO APPROVE CARRIED 6-0.**

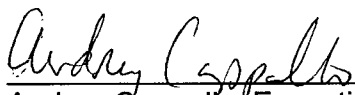
**D. ADJOURNMENT**

Chairman Crowson adjourned the meeting at 7:36 p.m.



\_\_\_\_\_  
Brian Crowson, Chairman

ATTEST:



\_\_\_\_\_  
Audrey Cappallo, Executive Secretary