



**CITY OF KERRVILLE**  
**BUILDING BOARD OF ADJUSTMENT & APPEALS AGENDA**  
**REGULAR MEETING, OCTOBER 26, 2023 03:00 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**1. CALL TO ORDER**

**2. MINUTES**

2A. Approval of Meeting Minutes from the September 29, 2023 meeting

**3. PUBLIC HEARING**

4A. Unsafe Structure Located at 516 W. Water Street

4B. Unsafe Structure Located at 608 Stephen Street

4C. Unsafe Structure Located at 421 Fifer Street

**4. STAFF REPORT**

**5. ADJOURNMENT**

The facility is wheelchair-accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of the meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: 10/20/2023, At 04:45 PM and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Kesha Franchina, TRMC

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Deputy City Secretary, City of Kerrville, Texas



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND  
APPEAL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** 2A. Approval of Meeting Minutes from the September 28, 2023 meeting  
**AGENDA DATE OF:** September 28, 2023    **DATE SUBMITTED:** October 20, 2023  
**SUBMITTED BY:** Aaron Barnes, Interim Chief Building Official  
**EXHIBITS:**

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**MEMBERS PRESENT:**

Mack Edmiston, Board Member

Jennifer Hyde, Board Member

Daniel Lowery, Board Member

Caleb Mizell, Board Member

Bob Rue, Board Member

Wayne Uecker, Alternate, *arrived at 3:16 p.m.*

**MEMBERS ABSENT:**

None

**STAFF PRESENT:**

Guillermo Garcia, Executive Director for Innovation

Aaron Barnes, Interim Chief Building Official

Dorothy Miller, Recording Secretary

**1.    CALL TO ORDER:**

On September 28, 2023, the Kerrville Building Board of Adjustment and Appeals regular meeting was called to order at 3:00 p.m. in the City Hall council chambers, 701 Main Street.

**2.    ELECTION OF OFFICERS**

**2A.** Election of Chair and Vice Chair by BBAA members

Guillermo Garcia explained the ordinance and process regarding electing officers.

Bob Rue moved to nominated Jennifer Hyde for chair; motion was seconded by Daniel Lowery and passed 4-1.

Daniel Lowery moved to nominate Bob Rue for vice chair; motion was seconded by Jennifer Hyde and passed 5-0.

**3. APPROVAL OF MINUTES**

**3A.** Approval of the minutes from the August 24, 2023 meeting.

Bob Rue moved to approve the minutes as presented; motion was seconded by Daniel Lowery and passed 5-0.

**4. CONSIDERATION AND ACTION**

**4A.** Recommend adoption of the 2021 International Property Maintenance Code

Guillermo Garcia stated the Board will be reviewing the International Property Maintenance Code and discussed some minor administrative changes.

Aaron Barnes presented a power point regarding the 2021 International Property Maintenance Code and discussed the following:

Amendments:

(1) Section 103 Code Compliance Agency is deleted in its entirety.

(2) Section 107 is amended in its entirety to read as follows:

- (a) Section 107. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IPMC.

(3) Section 109 Violation is deleted in its entirety to read as follows:

- (a) Misdemeanor. Any violation of this article is a misdemeanor as provided in section 1-8 of this Code
- (b) Fines. The penalty for a violation of this article shall be a fine of not less than \$100.00 but not exceeding \$2,000.00 for each violation.
- (c) Cost of abatement. Upon conviction of a violation of this article, the court shall in addition to any fine levied assess against the defendant the costs incurred by city in abating the nuisance.
- (d) Entity officer liability. The partners, officers, commissioners, managers, agents, trustees, and employees of any private partnership, trust, corporation, company, business, or other entity which owns or occupies property that violates this article shall be jointly and severally liable with the owner or occupier for the penalties provided in this section.

*(continued)*



(4) Section 110 Stop Work Order is deleted in its entirety to read as follows:

(a) Section 110 Notice of Violation

- (1) Notice to owner required. After the city health official has determined that a property violates any of the provisions of this article, the city health official or his designee shall promptly notify the owner of the property of the violation.
  - (2) Methods of notice. Written notice of a violation of this article must be given in person, or by letter, return receipt requested. If personal service cannot be obtained, or the owner's post office address is unknown, notice may be given by:
    - (a) Publication in the city's official newspaper at least once;
    - (b) Posting notice on or near the front door of each building on the property to which the violation relates; or
    - (c) Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.
  - (3) A statement that if the owner of the property does not comply with this article on or before the seventh day after the date of the notice, the city may:
    - (a) Do the work or make the improvements required to comply with this article;
    - (b) Pay for the work or improvements; and
    - (c) Charge the expenses to the owner; and
  - (4) A statement that the owner may appear at the office of the city health official on or before the seventh day after the date of the notice to show cause why the violations should not or cannot be remedied within the time required.
- (b) Notice to owner of additional violations. Notice of a subsequent violation of this article is not required if:
- (1) The original notice was:
    - (a) Mailed or emailed to the owner or posted on the property; and
    - (b) Contained a statement that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city may correct the violation and assess the expense against the property without further notice; and
  - (2) On or before the first anniversary of the date of the original notice, the owner commits another violation of this article of the same kind or nature as the original violation which poses a danger to the public health and safety.
- (c) Notice of violations after change in ownership. Even if ownership of property previously found in violation of this article is transferred to another owner, notice of a subsequent violation of this article is not required if:
- (1) The original notice was:
    - (a) Mailed to the owner or posted on the property; and
    - (b) Contained a statement that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city may correct the violation and assess the expense against the property without further notice;
  - (2) On or before the first anniversary of the date of the original notice, another violation covered by the notice occurs;
  - (3) The property owner to whom the original notice was issued has transferred or conveyed his ownership interest to another person; and
  - (4) The city has not been informed in writing of the change in the property ownership by the owner.
- (d) Validity of refused or unclaimed notice. If notice is mailed to the property owner but returned to the city by the U.S. Postal Service as "refused" or "unclaimed," the notice shall be considered valid and delivered.
- (e) Determination of owner and owner's address. For purposes of this article, the owner of property in violation of this article and the owner's address shall be determined by the records of Kerr Central Appraisal District.

(5) Section 111 Unsafe Structures and Equipment is deleted in its entirety.

(6) Section 113 Demolition is deleted in its entirety.

- (a) Cost of such demolition or emergency repairs definition is deleted.

*(continued)*

- (8) 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of ~~JURISDICTION TO INSERT HEIGHT IN INCHES~~12-inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 114.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.
- (9) 302.4.1 Defense of violation is added
- (a) Regularly cultivated ornamental, fruit-bearing, vegetable-bearing, or flowering plants, bushes, or trees;
  - (b) Regularly cultivated crops grown on property that is classified as agriculture exempt according to the tax rolls of the county;
  - (c) Pasture lands on property that is classified as agriculture exempt according to the tax rolls of the county;
  - (d) Heavily wooded property or property with steep slopes, on which mowing equipment cannot reasonably be used; or
  - (e) Property which the city health official determines should be exempted because of the lack of harm to the public health, safety, and welfare.
- (10) 302.8 Motor vehicles is deleted in its entirety.
- (11) 304.1.1(8) is deleted in its entirety and items are renumbered.
- (12) 304.7 Roofs and drainage is deleted in its entirety.
- (13) 304.14 Insect screens is deleted in its entirety.
- (14) 308.3.1 Garbage facilities is deleted in entirety.
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- (15) 308.3.2 Containers renumbered as 308.3.1.

- (17) 402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one-and two-family dwellings, shall be lighted at all times ~~with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm) to all coverage of the areas served.~~ In other than residential occupancies, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied ~~with not less than 1 footcandle (11 lux)~~ at floors, landings and treads.
- (18) 602.3 Heat Supply. Delete and replace with: An occupied commercial structure that includes dwelling units or sleeping units must maintain a temperature of at least 68°F (20°C) in all habitable areas, bathrooms, and toilet rooms.
- (19) 602.4 Occupiable workspace. Deleted and replaced with: Except as otherwise provided, an occupied commercial structure with indoor occupiable work spaces must maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.
- (a) Add section 602.4.1 Processing, storage, and operation. A commercial structure with areas that require cooling or special temperature conditions is not required to maintain the temperature in Section 602.4.
  - (b) Add section 602.4.2 Physical activities. Areas within a commercial structure where persons are primarily engaged in vigorous physical activities are not required to maintain the temperature in Section 602.4.
- (20) 604.2 Service is deleted and replaced with: In accordance with NFPA 70, the size and usage of appliances and equipment determines the need for additional electrical facilities. A dwelling unit must be served by an electrical service with a rating of at least 60 amperes.
- (21) 604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the ~~International Building~~Electrical Code.

- (22) 604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the ~~International Building~~Electrical Code.

Mack Edmiston moved to recommend adoption of the 2021 International Property Maintenance Code as presented; motion was seconded by Bob Rue and passed 5-0.

**4B. Recommend adoption of the amendments to the IBC, IRC, IECC, IPC, IMC, IFGC, IEBC, ISPSC, IPMC**

Guillermo Garcia presented a power point regarding the amendments to the IBC, IRC, IECC, IPC, IMC, IFGC, IEBC, ISPSC, and IPMC and discussed the following:

Amendments:

IBC

**(a) International Building Code, 2021 Edition**

(1) Section 103 is amended in its entirety to read as follows:

- (a) Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."

(2) Section 113 is amended in its entirety to read as follows:

- (a) Section 113. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IBC.

IRC

(1) Section 103 is amended in its entirety to read as follows:

- (a) Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."

(2) R105.2 is amended by deleting exemptions 2 and 5 under "Building".

(3) Section 112 is amended in its entirety to read as follows:

- (a) Section 112. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IRC.

#### IECC

**(c) International Energy Conservation Code, 2021 Edition**

(1) Section C110 is amended in its entirety to read as follows:

- (a) Section C110. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IECC.

#### IEBC

**(d) International Existing Building Code, 2021 Edition**

(1) Section 115 Unsafe Structures and Equipment is deleted in its entirety

#### IMC

(1) Section 103 is amended in its entirety to read as follows:

- (a) Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."

(2) Section 113 is amended in its entirety to read as follows:

- (a) Section 113. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IMC.

(3) Section 114 Board of Appeals is deleted in its entirety.

## ISPSC

- (1) Section 103 is amended in its entirety to read as follows:
  - (a) Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."
- (2) Section 111 is amended in its entirety to read as follows:
  - (a) Section 111. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the ISPSC.
- (3) Section 112 Board of Appeals is deleted in its entirety

## IPC

- (1) Section 103 is amended in its entirety to read as follows:
  - (a) Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."
- (2) Section 113 is amended in its entirety to read as follows:
  - (a) Section 113. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IPC.
- (3) Section 114 Board of Appeals is deleted in its entirety

## IFGC

(1) Section 103 is amended in its entirety to read as follows:

- (a) Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."

(2) Section 114 Board of Appeals is deleted in its entirety to read as follows:

- (a) Section 114. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IFGC

Bob Rue moved to recommend adoption of the amendments to the IBC, IRC, IECC, IPC, IMC, IFGC, IEBC, ISPSC, IPMC as presented; motion was seconded by Caleb Mizell and passed 5-0.

## 5. **STAFF REPORT**

Guillermo Garcia discussed the following:

1. Next BBAA meeting will be Thursday, October 26<sup>th</sup>
  - a) Unsafe structures
    - 516 W. Water St.
    - 608 Stephen St.
    - 421 Fifer St.

## 6. **ADJOURNMENT**

The meeting adjourned at 3:44 p.m.

ATTEST:

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Jennifer Hyde, Chair

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Dorothy Miller, Recording Secretary





**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND  
APPEAL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** 3A. Unsafe Structure located at 516 W. Water Street  
**AGENDA DATE OF:** August 24, 2023      **DATE SUBMITTED:** October 20, 2023  
**SUBMITTED BY:** Aaron Barnes, Interim Chief Building Official  
**EXHIBITS:** Chief Building Official Property Survey Report

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**SUMMARY STATEMENT:**

On April 10, 2023, Code Enforcement received a call about a potentially unsafe structure located at 516 W. Water Street. After an investigation, it was found that the property was in a poor state due to a structural fire. The Chief Building Official and Deputy Fire Marshal were called to further investigate and found the structure to be unsafe and a health hazard to the public.

On May 18, 2023, the Chief Building Official in coordination with the Deputy Fire Marshal declared the structure to be unsafe as per Sec. 26-233 Emergency Action. Under this section, the Chief Building Official ordered the structure to be secured, a notice was posted on the property, and a notification letter was sent to the property owner.

The Chief Building Official proceeded to communicate to the property owner (deceased), mortgagee, and lienholders via a letter of notification and by posting in the local newspaper a notification of a public hearing to appear before the Building Board of Adjustment and Appeals.

The Chief Building Official will present evidence that the structure is unsafe, dilapidated, dangerous, and a public nuisance due to the health hazard to the public. Sec. 26-242 Application Standards apply:

- (1) The building, dwelling, or any part is likely to partially or fully collapse
- (7) The building has been damaged by fire, ..., or other cause to such an extent that it has become dangerous to the public health, safety, and welfare.

City staff provided a copy of the notice per code, however, in preparation to proceed with demolition of the property it was discovered that a legal form (Lis Pendens) was needed to record the proceeding within the county property record. Therefore, the process for declaration and order to demolish the structure needed to be restarted.

**RECOMMENDED ACTION:**

Order to demolish the structure located at 516 W. Water Street and remove it from the premises within 30 days.





## City of Kerrville

701 MAIN STREET • KERRVILLE, TEXAS 78028 • 830.257.8000 • KERRVILLETX.GOV

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October 10, 2023

VIA CMRRR#7017 1450 0001 5907 4096

Jackie Smith Luckenbach  
516 West Water Street North  
Kerrville, Texas 78028

VIA ATTACHMENT TO FRONT DOOR

Jackie Smith Luckenbach  
516 West Water Street North  
Kerrville, Texas 78028

***Re: Notice of Public Hearing Regarding Your Property***

Dear Mr. Hardemon:

According to records of the Kerr County Appraisal District, you are the responsible owner(s) of property located at 516 West Water Street North; Westland Block 28, Lot 4 in Kerrville, Kerr County, Texas.

City of Kerrville staff became aware of and inspected the above-referenced property. During that inspection, staff found that the condition of the property is in violation of one or more of the City of Kerrville's Municipal Code of Ordinances Sections 26-242.

The City of Kerrville's Building Board of Adjustment and Appeals (the "BBAA") is composed of seven (7) citizens appointed by the City Council to hear and make determinations regarding property conditions alleged to violate the City of Kerrville's Municipal Code of Ordinances. Consideration of the alleged conditions of the above-referenced property by the BBAA has been scheduled for a public hearing on **Thursday, October 26, 2023, at 3:00 p.m.** The meeting will be held in the **City Council Chambers on the first floor of the Kerrville City Hall** located at **701 Main Street, Kerrville, Kerr County, Texas**. At the hearing the BBAA will make a determination whether or not the structure(s) on the above-referenced property is/are unsafe and, if found to be unsafe, consider any and all available remedies, including, but not limited to, ordering repair or demolition, vacation of the property, securing the property, shutting off public utilities, and/or the assessment of civil penalties.

You must attend this public hearing to present argument and any previously submitted evidence that your structure(s) is/are not dangerous, or can be made safe. You may appear in person or through an authorized representative. You will be allowed the opportunity to present your argument and any previously submitted evidence, and to rebut and test the City's evidence and argument by cross-examination or other appropriate means.

Representatives from the City's Building Services and Fire departments will present their inspection reports, detailing specific building standard violations, to the BBAA. Copies of these inspection reports are enclosed with this notice.

**Any bids, plan of remediation, timeline or supporting documentation you wish to present to the BBAA must be received by the City's Development Services Department at least ten (10) business days prior to the meeting, by 5pm on Monday, October 16, 2023. You must provide twelve (12) copies of any documentation submitted.** At the hearing, you must be prepared to present the BBAA with a previously submitted proof of the scope of any work required to remedy the violations on your property, including a written plan for remediation and the reasonable timeframe needed to complete such work. If the Commission finds that the property violates the City of Kerrville Municipal Code of Ordinances, the BBAA may give you the opportunity to remedy the violation, including the removal of the rubbish and debris. Please also note that if you fail to remedy the condition of the property within the timeframe ordered by the BBAA, the City may remediate your property and bill you for the cost. If payment arrangements are not made for the invoice, then a lien will be filed on the subject property.

If you require accommodations to present your case as scheduled, such as sign language interpretation, TDD or other translation or accessibility information, please contact Aaron Barnes at (830) 258-1177 at least 72 hours before the scheduled time of the meeting so that your request may be accommodated.

Si necesita adaptaciones para presentar su caso según lo programado, como interpretación de lenguaje de señas, TDD u otra información de traducción o accesibilidad, comuníquese con Aaron Barnes al (830) 258-1177 al menos 72 horas antes de la hora programada de la reunión para que su solicitud pueda ser atendida.

If you have any questions regarding this notice, please contact Aaron Barnes by phone at (830) 258-1177 or by email at [Aaron.Barnes@kerrvilletx.gov](mailto:Aaron.Barnes@kerrvilletx.gov).

Sincerely,



William L. Tatsch  
Assistant City Attorney

Enclosures

Building Official Report

What to Submit Prior to the Meeting Handout

Contractor Checklist



Jackie Smith Luckenbach

October 10, 2023

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cc: **Via Regular Mail**

Rob Kelly, Kerr County Judge

Bob Reeves, Kerr County Tax Assessor-Collector

Tanya Shelton, Kerr County Auditor

700 Main Street

Kerrville, Texas 78028

**Via Regular Mail**

Jessica Carlile, KISD Tax Assessor-Collector

329 Earl Garrett

Kerrville, Texas 78028

# Chief Building Official Structure Survey Report

Case # CE-2023-153

PROPERTY ADDRESS: 516 West Water Street, Kerrville, Kerr County, Texas 78028

SPECIFICATIONS: No. Rooms 6

No. Stories: 1 No. Structures: 1

## STRUCTURAL USE

- ☒ Residential/Single Family
- ☐ Mixed Use
- ☐ Commercial
- ☐ Residential/Multi Family
- ☐ Accessory Structure(s)

## CONSTRUCTION

- ☐ Box
- ☒ Frame
- ☐ Masonry
- ☐ Mobile/Manufactured Home

## OCCUPANCY

- ☐ Occupied
- ☒ Vacant
- ☐ Open

## FINDINGS

The Structure is in violation of the following minimum standards set forth in Kerrville City, Texas's Municipal Ordinance number 26-242:

The Board shall use the following standards in determining whether to declare a building unsafe and ordering the building to be vacated, secured, repaired, removed, demolished, and/or the occupants relocated:

....

- (1) The building or any part thereof was constructed or maintained in violation of any provision of the building codes, or any other applicable ordinance or state or federal law.

....

- (5) The non-supporting coverings of walls, ceilings, roofs, or floors are 50 percent or more damaged or deteriorated.

....

- (7) The building or any part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety, and welfare.

## COMMENTS

The Fire at this address completely destroyed the master bedroom, making its way into adjacent rooms damaging and charring the interior and exterior wall structures making them susceptible to collapse. It also made its way into the attic consuming the entire roof structure compromising its integrity. Additionally, the fire burned the wall (interior and exterior with the Electrical service and distribution panel compromising the wiring in the immediate area as well as the circuits to the house, requiring a full service rebuild and likely building rewire with new devices conforming to current adopted code. There is severe smoke damage to all other rooms not directly affected by fire. The continued presence of large holes in the roof exposing the interior structure to continued weathering and presents a danger to public health, safety, and welfare. Between the structural, and electrical damage to the structure along with the continued weathering from holes in the roof, and additional smoke damage throughout this building is 51% or more damaged.

**DETERMINATION**

- ☒ 1. It has been determined upon inspection and investigation that the structure is dangerous, unsafe, or a hazard to public health and must be secured and:
- ☐ Be vacated OR ☒ Remain unoccupied; and
- ☐ Be repaired OR ☒ Be demolished.
- ☐ 2. It has been determined that utilities are currently connected and must be disconnected.
- ☐ 3. It has been determined that the structure is unsecured and must be boarded up or otherwise secured in a manner that will prevent unauthorized entry.

  
Signature

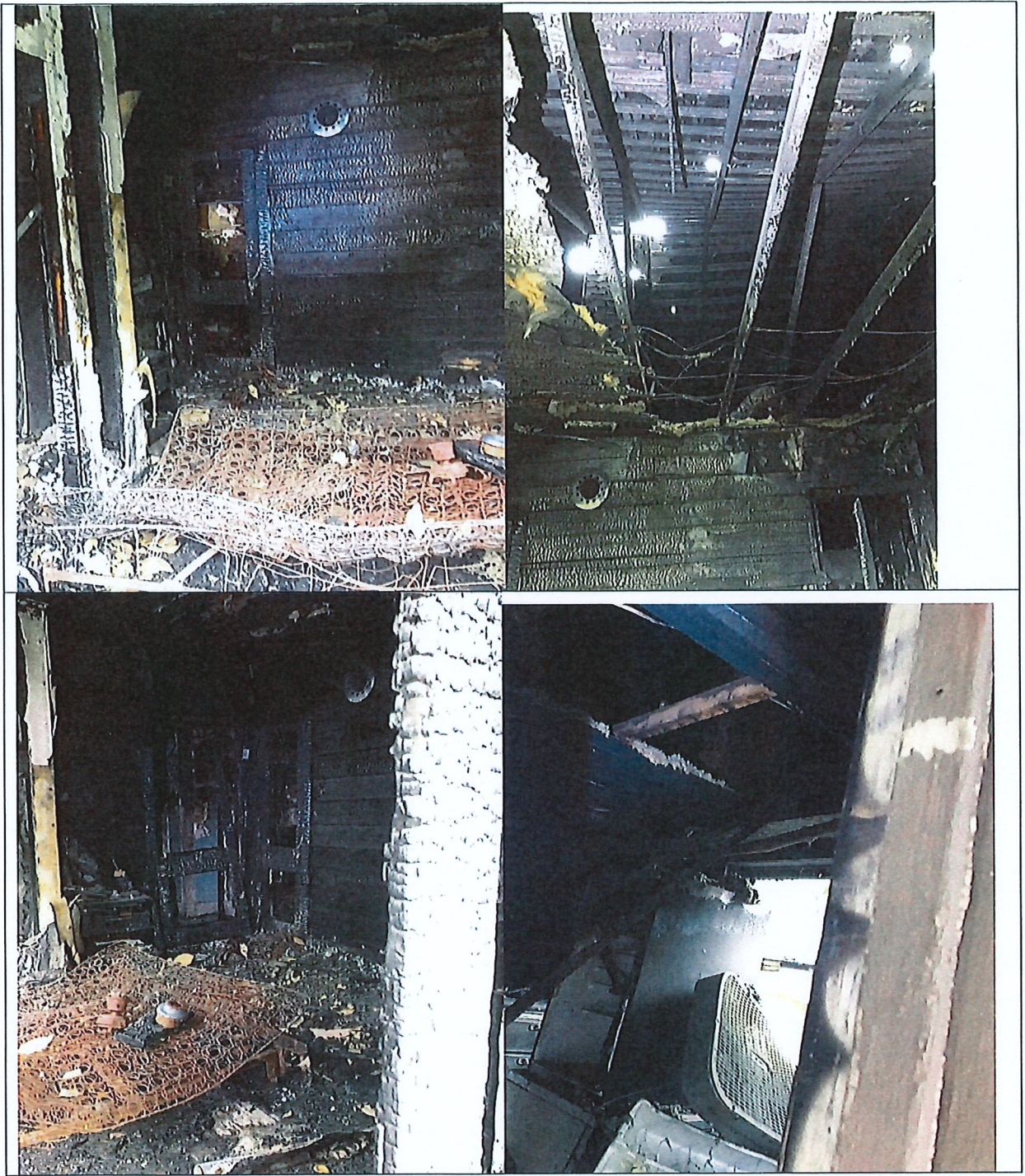
Aaron Barnes  
Printed Name

10/3/2023  
Date

















**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND  
APPEAL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** 3B. Unsafe Structure located at 608 Stephen St.  
**AGENDA DATE OF:** October 26, 2023      **DATE SUBMITTED:** October 20, 2023  
**SUBMITTED BY:** Aaron Barnes, Interim Chief Building Official  
**EXHIBITS:** Chief Building Official Property Survey Report

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**SUMMARY STATEMENT:**

On August 29<sup>th</sup>, 2023, Interim Chief Building Official Aaron Barnes and Code Enforcement Manager Donna Bowyer of the City of Kerrville executed a search warrant on the report that there are violations creating an unsafe structure at 608 Stephen St., Kerrville Texas, 78028. A hearing will be held before the Building Board of Adjustment and Appeals to determine whether the structure is an unsafe structure pursuant to the provisions of Chapter 26 Buildings and Building Regulations, Article VIII - Unsafe Building Abatement; Chapter 58, Article V-Sanitary Maintenance of Property; Chapter 46, Article IV – Junked Vehicles; and Chapter 50, Fire Prevention and Protection, Article I of the City of Kerrville Code of Ordinances.

The Chief Building Official will present evidence that the structure is unsafe, dangerous, and a public nuisance due to the health hazard to the public. Sec 58-105 and 50-3 Application Standards apply:

- (1) Excessive rubbish, trash, and debris were found throughout the exterior and interior of the property. The excessive rubbish, debris, trash, and debris create an unsanitary situation that creates a public nuisance and is illegal.
- (2) The conditions of the excess rubbish, trash, and debris present a clear fire hazard on the property. The conditions that exist increase the hazard or menace of fire to a greater degree than is normal. A condition exists that will prevent the suppressing or extinguishing of fires that may obstruct, delay, hinder, or interfere with the operations of the fire department or prevent the egress of occupants in the event of a fire.

**RECOMMENDED ACTION:**

Order to remove/abate all of the excess rubbish, trash and debris from property both interior and exterior.



## City of Kerrville

701 MAIN STREET • KERRVILLE, TEXAS 78028 • 830.257.8000 • KERRVILLETX.GOV

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October 10, 2023

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**CMRRR#7017 1450 0001 5907 4102**

Richard and Alice Trevino  
608 Stephen Street  
Kerrville, Texas 78028

**VIA ATTACHMENT TO FRONT DOOR**

Richard and Alice Trevino  
608 Stephen Street  
Kerrville, Texas 78028

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**CMRRR#7017 1450 0001 5907 4119**

Richard and Alice Trevino  
432 Hugo Street  
Kerrville, Texas 78028

***Re: Notice of Public Hearing Regarding Your Property***

Dear Mr. and Mrs. Trevino:

According to records of the Kerr County Appraisal District, you are the responsible owner(s) of property located at 608 Stephen Street; Westland Block 47, Lot 3 in Kerrville, Kerr County, Texas.

City of Kerrville staff became aware of and inspected the above-referenced property. During that inspection, staff found that the condition of the property is in violation of one or more of the City of Kerrville's Municipal Code of Ordinances Sections 58-103.

The City of Kerrville's Building Board of Adjustment and Appeals (the "BBAA") is composed of seven (7) citizens appointed by the City Council to hear and make determinations regarding property conditions alleged to violate the City of Kerrville's Municipal Code of Ordinances. Consideration of the alleged conditions of the above-referenced property by the BBAA has been scheduled for a public hearing on **Thursday, October 26, 2023, at 3:00 p.m.** The meeting will be held in the **City Council Chambers on the first floor of the Kerrville City Hall** located at **701 Main Street, Kerrville, Kerr County, Texas**. At the hearing, the BBAA will determine whether or not the above-referenced property is unsafe and, if found to be unsafe, consider any and all available remedies, including, but not limited to, ordering cleaning of the property and/or the assessment of civil penalties.



You must attend this public hearing to present argument and any previously submitted evidence that your property is not in violation of the City of Kerrville Municipal Code of Ordinances. You may appear in person or through an authorized representative. You will be allowed the opportunity to present your argument and any previously submitted evidence and to rebut and test the City's evidence and argument by cross-examination or other appropriate means.

Representatives from the City's Building Services and Fire departments will present their inspection reports detailing specific property violations to the BBAA. Copies of these inspection reports are enclosed with this notice.

**Any bids, plan of remediation, timeline or supporting documentation you wish to present to the BBAA must be received by the City's Development Services Department at least ten (10) business days prior to the meeting, by 5pm on Monday, October 16, 2023. You must provide twelve (12) copies of any documentation submitted.** At the hearing, you must be prepared to present the BBAA with a previously submitted proof of the scope of any work required to remedy the violations on your property, including a written plan for remediation and the reasonable timeframe needed to complete such work. If the Commission finds that the property violates the City of Kerrville Municipal Code of Ordinances, the BBAA may give you the opportunity to remedy the violation, including the removal of the rubbish and debris. Please also note that if you fail to remedy the condition of the property within the timeframe ordered by the BBAA, the City may remediate your property and bill you for the cost. If payment arrangements are not made for the invoice, then a lien will be filed on the subject property.

If you require accommodations to present your case as scheduled, such as sign language interpretation, TDD or other translation or accessibility information, please contact Aaron Barnes at (830) 258-1177 at least 72 hours before the scheduled time of the meeting so that your request may be accommodated.

Si necesita adaptaciones para presentar su caso según lo programado, como interpretación de lenguaje de señas, TDD u otra información de traducción o accesibilidad, comuníquese con Aaron Barnes al (830) 258-1177 al menos 72 horas antes de la hora programada de la reunión para que su solicitud pueda ser atendida.

Richard and Alice Trevino

October 10, 2023

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If you have any questions regarding this notice, please contact Aaron Barnes by phone at (830) 258-1177 or by email at [Aaron.Barnes@kerrvilletx.gov](mailto:Aaron.Barnes@kerrvilletx.gov).

Sincerely,



William L. Tatsch  
Assistant City Attorney

Enclosures

Building Official Report

cc: **Via Regular Mail**

Rob Kelly, Kerr County Judge  
Bob Reeves, Kerr County Tax Assessor-Collector  
Tanya Shelton, Kerr County Auditor  
700 Main Street  
Kerrville, Texas 78028

**Via Regular Mail**

Jessica Carlile, KISD Tax Assessor-Collector  
329 Earl Garrett  
Kerrville, Texas 78028



# Chief Building Official Property Survey Report

Case # CE-2022-260

PROPERTY ADDRESS: 608 Stephen St. Kerrville, TX 78028

## FINDINGS

The Property and Structure is in violation of the following minimum standards set forth in Kerrville City, Texas's Municipal Ordinance number 58-105 and 50-3

### *Ordinance 58-105*

- (a) *Weeds and brush.* It shall be unlawful for any person owning or occupying property in the city to allow weeds or brush to grow on the property to a height exceeding 12 inches, or regardless of height, to remain on the property in an unsightly manner . . . .
- (b) *Other nuisances.* It shall be unlawful for any person owning or occupying property in this city:
  - (1) To allow holes or other places on the property to exist where water may accumulate and become stagnant;
  - (2) To allow stagnant water to accumulate and remain on the property;
  - (3) To allow filth, carrion, putrescible waste, or any impure or unwholesome matter to accumulate and remain on the property; or
  - (4) To allow rubbish, debris, trash, earth and construction materials, or any other unsightly, objectionable, or unsanitary matter to accumulate and remain on the property.

### *Ordinance 50-3*

- (a) *Adoption.* The International Fire Code, 2018 Edition ("IFC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Fire Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this section, subject to the amendments prescribed herein. A copy of the IFC shall remain on file in the office of the city secretary, within the department of development services, and in the office of the Fire Marshal.

### *International Fire Code 2018 Edition 304.2*

Storage. Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety, or welfare.


## COMMENTS

Excessive rubbish, trash, and debris were found throughout the exterior and interior of the property. The rubbish, trash, and debris create an unsanitary and unsafe condition. The conditions that exist increase the hazard or menace of fire to a greater degree than is normal. A condition exists that will prevent the suppressing or extinguishing of fires that may obstruct, delay, hinder, or interfere with the operations of the fire department or prevent the egress of occupants in the event of a fire. The amount of debris throughout creates an environment that can harbor infestation of rodent, insect and other unsanitary pests.

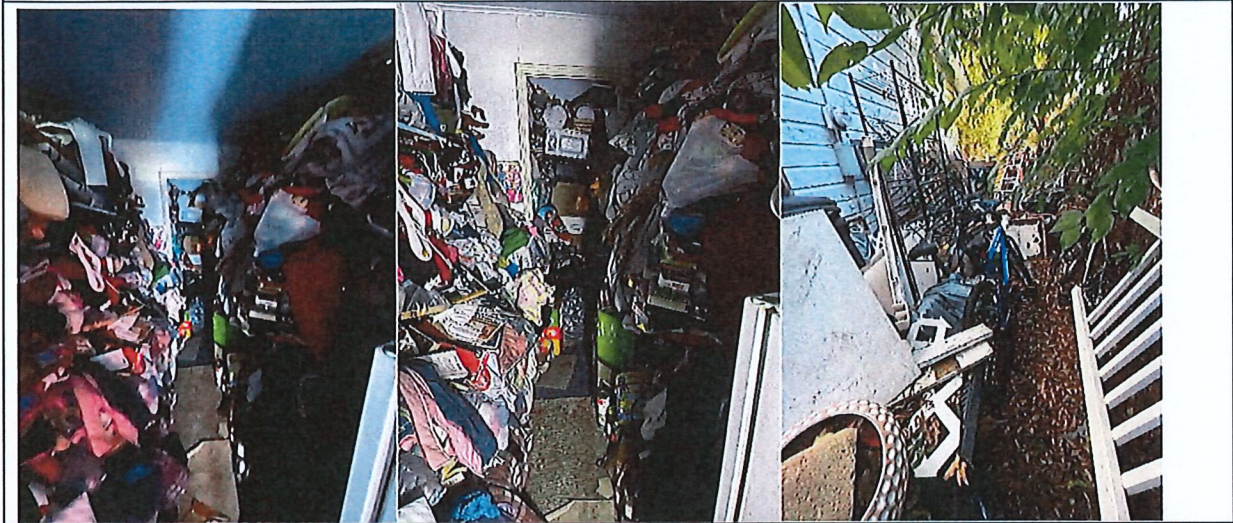
**DETERMINATION**

It has been determined upon inspection and investigation that the property is in violation of Ordinance Number 58-105 and the property owner must :

- ☒ Mow
- ☒ Empty stagnant water
- ☒ Remove filth, carrion, and/or waste from both the property and the interior of the structure
- ☒ Remove rubbish, debris, and/or trash from both the property and the interior of the structure
- ☒ Remove construction materials.

	<u>Aaron Barnes</u>	<u>10/03/2023</u>
Signature	Printed Name	Date









**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND  
APPEAL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** 3C. Unsafe Structure located at 421 Fifer St.  
**AGENDA DATE OF:** October 26, 2023      **DATE SUBMITTED:** October 20, 2023  
**SUBMITTED BY:** Aaron Barnes, Interim Chief Building Official  
**EXHIBITS:** Chief Building Official Property Survey Report

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**SUMMARY STATEMENT:**

On September 27<sup>th</sup>, 2023, Interim Chief Building Official Aaron Barnes and Code Enforcement Manager Donna Bowyer of the City of Kerrville executed a search warrant on the report that there are violations creating an unsafe structure at 421 Fifer St., Kerrville Texas, 78028. A hearing will be held before the Building Board of Adjustment and Appeals to determine whether the structure is an unsafe structure pursuant to the provisions of Chapter 26 Buildings and Building Regulations, Article VIII - Unsafe Building Abatement; Chapter 58, Article V-Sanitary Maintenance of Property; Chapter 46, Article IV – Junked Vehicles; and Chapter 50, Fire Prevention and Protection, Article I of the City of Kerrville Code of Ordinances.

The Chief Building Official will present evidence that the structure is unsafe, dangerous, and a public nuisance due to the health hazard to the public. Sec 58-105 and 50-3 Application Standards apply:

- (1) Excessive rubbish, trash, and debris were found throughout the exterior of the property. The excessive rubbish, debris, trash, and debris create an unsanitary situation that creates a public nuisance and is illegal.
- (2) The conditions of the excess rubbish, trash, and debris present a clear fire hazard on the property. The conditions that exist increase the hazard or menace of fire to a greater degree than is normal. A condition exists that will prevent the suppressing or extinguishing of fires that may obstruct, delay, hinder, or interfere with the operations of the fire department or prevent the egress of occupants in the event of a fire.

**RECOMMENDED ACTION:**

Order to remove/abate all of the excess rubbish, trash and debris from property both interior and exterior.





## City of Kerrville

701 MAIN STREET • KERRVILLE, TEXAS 78028 • 830.257.8000 • KERRVILLETX.GOV

October 10, 2023

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**CMRRR#7017 1450 0001 5907 4300**

Hermon L. Hardemon  
414 Fifer Street  
Kerrville, Texas 78028

**VIA ATTACHMENT TO FRONT DOOR**

Mr. Hermon L. Hardemon  
421 Fifer Street  
Kerrville, Texas 78028

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**CMRRR#7017 1450 0001 5907 4317**

Hermon L. Hardemon  
421 Fifer Street  
Kerrville, Texas 78028

***Re: Notice of Public Hearing Regarding Your Property***

Dear Mr. Hardemon:

According to records of the Kerr County Appraisal District, you are the responsible owner(s) of property located at 421 Fifer Street; ABS A0376 Young, SUR 119, Acres .06 in Kerrville, Kerr County, Texas.

City of Kerrville staff became aware of and inspected the above-referenced property. During that inspection, staff found that the condition of the property is in violation of one or more of the City of Kerrville's Municipal Code of Ordinances Sections 58-103.

The City of Kerrville's Building Board of Adjustment and Appeals (the "BBAA") is composed of seven (7) citizens appointed by the City Council to hear and make determinations regarding property conditions alleged to violate the City of Kerrville's Municipal Code of Ordinances. Consideration of the alleged conditions of the above-referenced property by the BBAA has been scheduled for a public hearing on **Thursday, October 26, 2023, at 3:00 p.m.** The meeting will be held in the **City Council Chambers on the first floor of the Kerrville City Hall** located at **701 Main Street, Kerrville, Kerr County, Texas**. At the hearing, the BBAA will determine whether or not the above-referenced property is unsafe and, if found to be unsafe, consider any and all available remedies, including, but not limited to, ordering cleaning of the property and/or the assessment of civil penalties.

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If you have any questions regarding this notice, please contact Aaron Barnes by phone at (830) 258-1177 or by email at [Aaron.Barnes@kerrvilletx.gov](mailto:Aaron.Barnes@kerrvilletx.gov).

Sincerely,



William L. Tatsch  
Assistant City Attorney

Enclosures

Building Official Report

cc: ***Via Regular Mail***

Rob Kelly, Kerr County Judge  
Bob Reeves, Kerr County Tax Assessor-Collector  
Tanya Shelton, Kerr County Auditor  
700 Main Street  
Kerrville, Texas 78028

***Via Regular Mail***

Jessica Carlile, KISD Tax Assessor-Collector  
329 Earl Garrett  
Kerrville, Texas 78028

# Chief Building Official Property Survey Report

Case # CE-2022-395

PROPERTY ADDRESS: 421 Fifer St. Kerrville, TX 78028

## FINDINGS

The Property and Structure is in violation of the following minimum standards set forth in Kerrville City, Texas's Municipal Ordinance number 58-105 and 50-3

### *Ordinance 58-105*

- (a) *Weeds and brush.* It shall be unlawful for any person owning or occupying property in the city to allow weeds or brush to grow on the property to a height exceeding 12 inches, or regardless of height, to remain on the property in an unsightly manner . . . .
- (b) *Other nuisances.* It shall be unlawful for any person owning or occupying property in this city:
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  - (2) To allow stagnant water to accumulate and remain on the property;
  - (3) To allow filth, carrion, putrescible waste, or any impure or unwholesome matter to accumulate and remain on the property; or
  - (4) To allow rubbish, debris, trash, earth and construction materials, or any other unsightly, objectionable, or unsanitary matter to accumulate and remain on the property.

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### *International Fire Code 2018 Edition 304.2*

Storage. Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety, or welfare.


## COMMENTS

Excessive rubbish, trash, and debris were found throughout the exterior of the property. The rubbish, trash, and debris create an unsanitary and unsafe condition. The conditions that exist increase the hazard or menace of fire to a greater degree than is normal. A condition exists that will prevent the suppressing or extinguishing of fires that may obstruct, delay, hinder, or interfere with the operations of the fire department or prevent the egress of occupants in the event of a fire. The amount of debris throughout creates an environment that can harbor infestation of rodent, insect and other unsanitary pests.

### DETERMINATION

It has been determined upon inspection and investigation that the property is in violation of Ordinance Number 58-105 and the property owner must :

- ☐ Mow
- ☐ Empty stagnant water
- ☒ Remove filth, carrion, and/or waste from both the property and the interior of the structure
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- ☒ Remove construction materials.

	<u>Aaron Barnes</u>	<u>10/03/2023</u>
Signature	Printed Name	Date



