

3114 FINDLEY



BUILDING AND STANDARDS BOARD AGENDA ITEM # 4 FOR
WEDNESDAY, JUNE 30, 2010

CODE COMPLIANCE DIVISION

MEMORANDUM

June 21, 2010

TO: The Honorable Chairman and Board Members

THROUGH: John Neal – Interim Director for Code Compliance

FROM: Bill Stern., Deputy Building Official

SUBJECT: 3114 Findley Avenue, El Paso, Texas, 79905

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated April 27, 2010. The single family dwelling was built in 1916. The structures were found open, abandoned and being used as harborage by unwanted persons. The accessory structure was found with extensive damage due to lack of maintenance. The exterior walls are deteriorated; the plaster coating has fallen exposing the underlying adobe. There is trash, weeds and debris throughout the property.
- 2) A certified condemnation letter was mailed to Carmen R. Garcia.
- 3) Certified notices of the public hearing scheduled for June 30, 2010, were mailed to the owners and all interested parties on June 14, 2010.
- 4) As of June 7, 2010, \$595.61 in taxes is owed.

The owner has been notified of the property maintenance violations at this property, to date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

- 1) That the structures are substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structures' certificate of occupancy be revoked; and
- 4) That the original structure can be rehabilitated; and
- 5) That the main structure be secured within thirty (30) days and maintained secure; and
- 6) That the deteriorated addition and the accessory structure be demolished within thirty (30) days; and
- 7) That the premises be cleaned within 30 days and maintained clean of all weeds, trash, and debris; and
- 8) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

DEVELOPMENT SERVICES DEPARTMENT
February 25, 2010

NOTICE OF VIOLATION

Carmen R. Garcia
3114 Findley Ave
El Paso, Texas 79905-3505

Re: 3114 Findley Ave
Blk: 3 Miraflor
Lot: 7
Zoned: A-3
Case Number
BSC10-00054
Mail Receipt #:
7006 2150 0003 5255 7420

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.106.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.106.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.106.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

8.50.106.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **3114 Findley Ave, El Paso, Texas** is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks.
[Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.

- b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

Nellie Avalos
Building Inspector

MA/rg

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **30th day of June, 2010** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the buildings located on the property at **3114 Findley Avenue**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 7, Block 3, of MIRAFLORES ADDITION to the City of El Paso, El Paso County, Texas

are unsafe and dangerous, because of the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

According to the real property records of the County of El Paso, Texas, Matilde Rosales de Garcia (the "**Owner**"), 3114 Findley Avenue, El Paso, Texas, 79905, is listed as the owner of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

The Owner of said property is hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said building should not be declared a nuisance and ordered to be abated. The Owner, lien holders, mortgagees, or any other person having an interest in the property is hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Title 18, as mandated by Section 18.50 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the Owner, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to the Commission at this hearing.

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of the Commission the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said building in an amount not to exceed \$1,000.00 a day for each violation, or \$10.00 a day if the Owner shows that the property is the Owner's lawful homestead; and
- III) appoint a receiver as permitted by state law; and
- IV) any other remedies permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Cynthia Osborn
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Inspector
Development Services Department

I certify that a true and correct copy of the foregoing Notice regarding the property at 3114 Findley Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Matilde Rosales de Garcia
3114 Findley Avenue
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3114 Findley Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Carmen R. Garcia
c/o Socorro Garcia
1352 Belvidere St.
El Paso, Texas 79912

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3114 Findley Avenue was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3114 Findley Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3114 Findley Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3114 Findley Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3114 Findley Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 3114 Findley Avenue El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: April 27, 2010

REP. DISTRICT: 8

ADDRESS: 3114 Findley Avenue

ZONED: A-3

LEGAL DESCRIPTION: Lot 7, Block 3, of MIRAFLORES ADDITION to the City of El Paso, County Of El Paso, Texas, and State of Texas, known as 3107 Findley Street.

OWNER: Carmen R. Garcia

ADDRESS: 3114 Findley Avenue
El Paso, TX 79905

BUILDING USE: Single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Unable to determine.

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: N/A

CONDITION: N/A

FLOOR STRUCTURE: Concrete slab on grade

CONDITION: Unable to determine. A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: Adobe w/plaster covering.

HEIGHT: 8' to 10'

THICKNESS: 12" to 16"

CONDITION: Poor. Due to lack of maintenance and exposure to the elements, several notable cracks found on the wall system. A structural engineer should be hired to evaluate structural elements of the building and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: Adobe w/wood frame and plaster covering, sheetrock ceilings.

CONDITION: Poor. The walls and ceilings will need to be repaired, plastered and painted. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

ROOF STRUCTURE: Flat roof, wood framing with rolled composition.

CONDITION: Poor. A registered roofing contractor or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

DOORS, WINDOWS, ETC.: Wood frame doors and windows with wrought iron.

CONDITION: Poor. Will need to repair or replace all doors and windows, so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Windows and doors need replacing or repairs done to make them operational.

PLUMBING: A licensed plumber should be hired to replace system.

ELECTRICAL: A licensed electrician should be hired to bring system up to code.

MECHANICAL: A licensed mechanical contractor should be hired to bring system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This is an open and abandoned single-family residence. The exterior walls are showing signs of advanced deterioration. The original structure should be secured within thirty (30) days; the deteriorated addition and accessory structure should be demolished within thirty (30) days and the property cleaned of all weeds, trash and debris.

Nellie Avalos

Building Inspector

**CITY OF EL PASO
ENVIRONMENTAL SERVICES**



M E M O R A N D U M

DATE: March 2, 2010

TO: William Stern C.B.O., Chief Building Inspector

FROM: Enrique Acosta SR, Environmental Inspector

SUBJECT: Condemnation Report COD10-04265, 3114 Findley

RE: 3114 Findley 3 Mirafior Lot 7

An inspection of the property was conducted on March 2, 2010 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04.340 - ACCUMULATIONS

There is one pile of dirt, trash/debris and one appliance in backyard.

SECTION 9.04.360 – VEGETATION AND WEEDS

Sidewalk, and side yard.

SECTION 9.16 - NUISANCE

One accessory structure in visible decay. Also, main dwelling shows great decay along the structure side yard

SECTION 9.16.010 – DESIGNATED

Rear door and windows make property accessible.

SECTION 9.28 -RAT CONTROL

None observed.