



**AGENDA
ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS
MAY 05, 2022
6:30 PM**

The Zoning Board of Adjustment will hold a special meeting on May 5, 2022, at 6:30 pm in the City Hall Council Chambers, 101 S. Main Street, Joshua, Texas.

Individuals may attend the meeting in person, or access the meeting via videoconference, or telephone conference call.

Join Zoom Meeting:

<https://us02web.zoom.us/j/89214429209?pwd=T2NjRkYwakMwb3VybkNRdk1GaDJOQT09>
Meeting ID: 892 1442 9209 Passcode: 060041 or dial 13462487799

A member of the public who would like to submit a question on any item listed on this agenda may do so via the following options:

Online: An online speaker card may be found on the City's website (cityofjoshuatx.us) on the Agenda/Minutes/Recordings page. Speaker cards received will be read during the meeting in the order received by the City Secretary.

By phone: Please call 817/558-7447 ext. 2003 no later than 5:00 pm on the meeting day and provide your name, address, and question. The City Secretary will read your question in the order they are received.

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

B. CITIZENS FORUM

The Zoning Board of Adjustment invites citizens to speak on any topic. However, unless the item is specifically noted on this agenda, the Zoning Board of Adjustment is required under the Texas Open Meetings Act to limit its response to responding with a statement of specific factual information, reciting the City's existing policy, or directing the person making the inquiry to visit with City Staff about the issue. No Board deliberation is permitted. Each person will have 3 minutes to speak.

C. REGULAR AGENDA

1. Receive legal advice and guidance from City Attorney regarding the substandard structure process.
2. Public hearing to consider abatement to cause the repair, vacation, relocation of occupants, removal, demolition or securing of the building in the (R-1) Single Family Residential District, being lots 1 and 2, Block 1, of Brumbach's Addition, Volume 177, Page 365, of the Deed Records of Johnson County, Texas, located at 200 Wayside Street, Joshua, Texas.

Staff Presentation

Owner's Presentation

Those in Favor

Those Against

Owner's Rebuttal

- [3.](#) Discuss, consider, and possible action on abatement to cause the repair, vacation, relocation of occupants, removal, demolition or securing of the building in the (R-1) Single Family Residential District, being lots 1 and 2, Block 1, of Brumbach's Addition, Volume 177, Page 365, of the Deed Records of Johnson County, Texas, located at 200 Wayside Street, Joshua, Texas.

D. ADJOURN

In compliance with the Americans with Disabilities Act, the City of Joshua will provide reasonable accommodations for disabled persons attending this meeting. Requests should be received at least 24 hours prior to the scheduled meeting by contacting the City Secretary's office at 817/558-7447.

CERTIFICATE:

I hereby certify that the above agenda was posted on the 29th day of April 2022, by 1:00 p.m. on the official bulletin board at the Joshua City Hall, 101 S. Main, Joshua, Texas.

Alice Holloway, City Secretary



**Zoning Board of
Adjustment Agenda
May 5, 2022**

Minutes Resolution

Discussion Item

Agenda Description:

Public hearing to consider abatement to cause the repair, vacation, relocation of occupants, removal, demolition or securing of the building in the (R-1) Single Family Residential District, being lots 1 and 2, Block 1, of Brumbach's Addition, Volume 177, Page 365, of the Deed Records of Johnson County, Texas, located at 200 Wayside Street, Joshua, Texas.

- A. Staff Presentation
- B. Owner's Presentation
- C. Those in Favor
- D. Those Against
- E. Owner's Rebuttal

Background Information:

February 18, 2018, at 05:04 AM, The Joshua Fire Department responded to a reported house fire at 200 Wayside Dr. The house suffered heavy fire damage to the top story of the house and some fire damage to the bottom floor. It was determined by the Fire Marshal that it was caused by a possible electrical short.

April 9, 2019- Code Enforcement Officer, Charles Comeaux, started the process of Substandard and Dangerous Building case by mailing a letter to the owner, Cynthia Jones. Ms. Jones did respond to the letter, stating she had an architect working on plans to rebuild the house. Ms. Jones and her contractor did meet with Charles Comeaux and the permit tech regarding the rebuild. The contractor removed a majority of the second story. No other work was performed on the house.

July 27, 2020- a Substandard and Dangerous Buildings process started over with Code Enforcement Officer, Charles Comeaux. A second letter was mailed on August 24, 2020. Mr. Comeaux did not receive any contact back from Ms. Jones.

July 27, 2021- Fire Marshal, Joey Kratky, started a Substandard and Dangerous Building case on the property located at 200 Wayside Drive owned by Cynthia Jones. The first letter was sent certified mail to Ms. Jones on July 27, 2021, regarding the condition of the house and to contact Fire Marshal Kratky to set up a meeting. The letter was signed for on August 4, 2021, by Ms. Jones. city staff did not receive any contact by Ms. Jones by the due date of August 5, 2021.

August 26, 2021- A citation and letter was sent certified mail to Ms. Jones. Postage was signed by Ms. Jones on September 9, 2021. Ms. Jones did not contact city staff by the date on the letter of September the 15, 2021.

September 9, 2021- Fire Marshal, Kratky, posted Substandard Building signs at 200 Wayside Dr. at the front door of the house and on the north side of the house facing 14th Street. Pictures were taken after the signs were posted. A sign was mailed to Ms. Jones deeming the house a Substandard and

Dangerous House by the City of Joshua Ordinance 3.03 Section 3.03.005. Ms. Jones did sign for the letter on October 7, 2021. Ms. Jones did not contact city staff by October 15, 2021, Fire to discuss the property.

Item 2.

September 24, 2021 - Fire Marshal, Kratky, attempted to contact Ms. Jones by email and phone but has not received any response from Ms. Jones.

The City of Joshua Building Official and Fire Marshall feel that the house is Substandard due to the following in the City of Joshua Ordinance 3.03 Section 3.03.005

- A. Whenever any building is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare in the opinion of the building official.
- B. Whenever any building, regardless of its structural condition, is unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.
- C. Whenever any building is in such a condition as to make a public nuisance known to the common law or in equity jurisprudence.
- D. Whenever any portion of a building remains on a site after the demolition or destruction of the building.
- E. Whenever any building is abandoned so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- F. Any building constructed and still existing in violation of any provision of the building code, fire code, life safety code, plumbing code, mechanical code, electrical code, housing code, or International Property Maintenance Code of the city to the extent that the life, health or safety of the public or any occupant is endangered.
- G. Whenever any portion thereof has been damaged by fire, earthquake, wind or flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
- H. Whenever the building, or any portion thereof, because of dilapidation, deterioration or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.
- I. Whenever, for any reason, the building, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- J. Whenever the building, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 or more percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- K. Whenever the building has been so damaged by fire, wind, earthquake, flood or other causes, or has become so dilapidated or deteriorated, as to become an attractive nuisance to children, or a harbor for vagrants, criminals or immoral persons.
- L. Chapters 3 through 7 of the 2015 edition of the International Property Maintenance Code, published by the International Code Council, Inc., attached to Ordinance 653-2016 and incorporated herein for all municipal purposes and as amended herein, are hereby adopted by the city council to the extent they do not conflict with other provisions of this article. For purposes of this article, any building, regardless of its date of construction, which exists in violation of

chapters 3 through 7 of the International Property Maintenance Code to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building and a nuisance.

Item 2.

Financial Information:

Only cost associated with the abatement hearing is the publication expense and mailing of the public hearing notices to property owners within 200 ft. as required by law. Public written notices and the publication was sent out not less than 10 days before the Zoning Board of Adjustment public hearing.

City Contact and Recommendations:

Aaron Maldonado-Director of Development Services

Joey Kratky-City Fire Marshall

Both the Director of Development Services and the Fire Marshall recommend the house to be demolished by a contractor.

Attachments:

1. House Pictures
2. Joshua Fire Department Report
3. Substandard Letter Copies
4. Letter and Citation
5. Posted Sign and Notice
6. Issuance of order building board of appeals















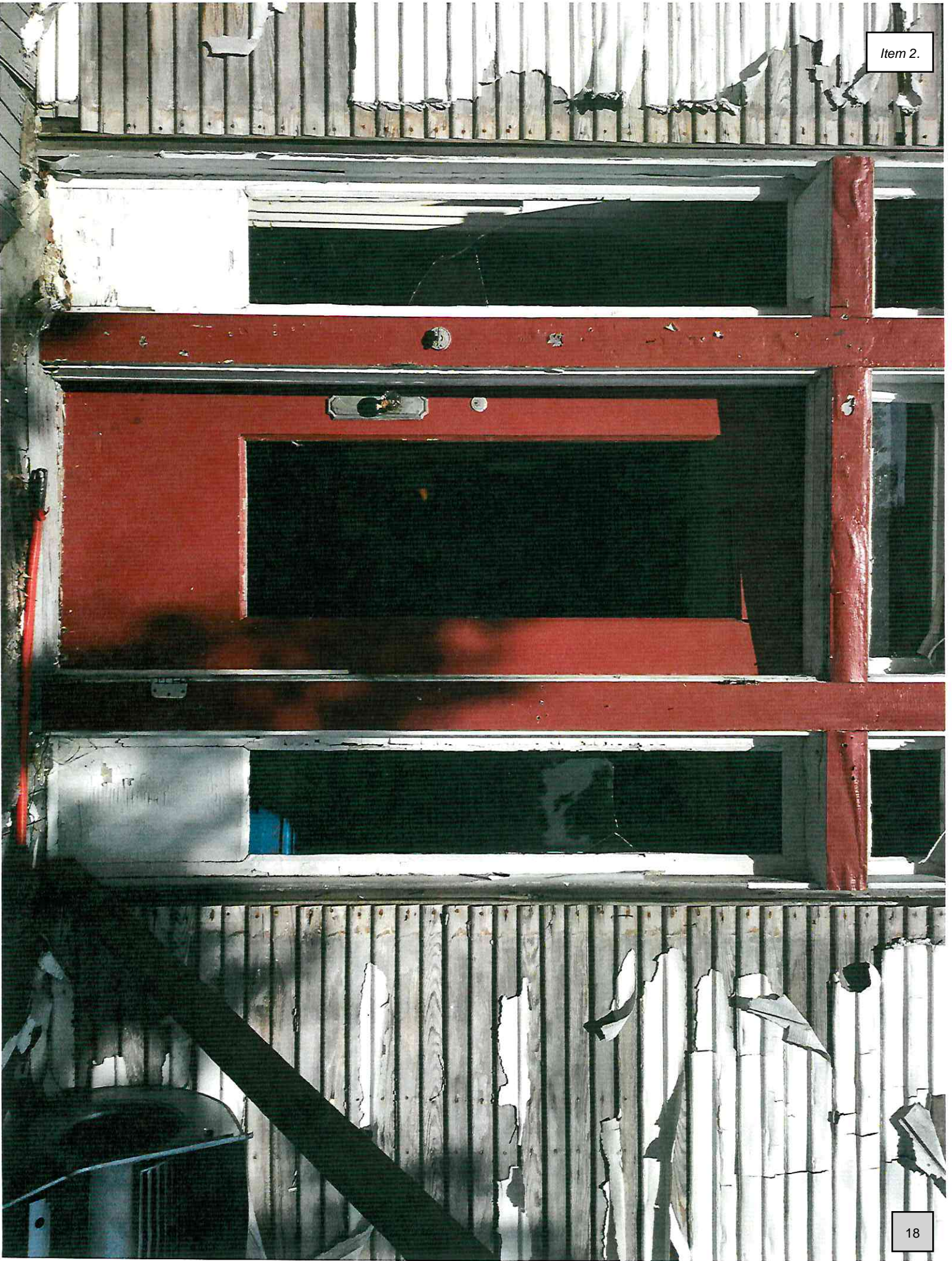




























9-15-2020
C.R.





9-15-10
JL





9-15-2020
cc





9-15-2010
EV



Joshua Fire Department

Station: 77

Location: 200 WAYSIDE ST Joshua TX 76058	Incident Type: 111 - Building fire
Lat/Long: N 32° 27' 35.71" W 97° 23' 9.78"	FDID: NP307 Incident #: 2018-0153 Exposure ID: 30181365 Exposure #: 0 Incident Date: 02/15/2018 Dispatch Run #: 2018026043
Zone: 7700 - 7700 Location Type: 1 - Street address	

Report Completed by:	Kratky , Raymond J	ID: 5640	Date: 02/27/2018
Report Reviewed by:	Baker II , Bruce W	ID: 7700	Date: 03/07/2018
Report Printed by:	Kratky , Raymond J	ID: 5640	Date: 4/8/2019 Time: 09:08

Structure Type: Enclosed building	Property Use: 419 - 1 or 2 family dwelling
Automatic Extinguishment System Present: <input type="checkbox"/>	Detectors Present: <input type="checkbox"/> Cause of Ignition: Cause undetermined after investigation
Aid Given or Received: Automatic aid received	Primary action taken: 11 - Extinguishment by fire service personnel
Additional actions: 86 - Investigate , 81 - Incident command	
Losses	Pre-Incident Values
Property:	Property:
Contents:	Contents:
Total:	Total:
Civilian Injuries: 0	Fire Service Injuries: 0
Civilian Fatalities: 0	Fire Service Fatalities: 0
Total Casualties: 0	Total Fire Service Casualties: 0
Total # of apparatus on call: 4	Total # of personnel on call: 7

Narrative from dispatch:

NARRATIVE (2)

Narrative Title: n/a

Narrative Author: Kratky , Raymond

Narrative Date: 03/07/2018 09:07:43

Narrative Apparatus ID: n/a

Narrative:

Joshua FD was dispatched to 200 Wayside Dr for a reported structure fire. Keene FD and Cleburne FD was automatically dispatched. Weather was 66 degrees Fahrenheit with wind 14 to 20 mph out the west south west. Keene Engine 78 arrived to find a 2 story wood frame house with heavy fire on the rear of the residence. Engine 78 set up Wayside Command. Engine 78 made a quick search of the first floor and Engine 385 started attack on the C-side of the structure from out side of the 2nd story. Engine 78 made an interior attack using a 200' 1 3/4" on the second floor. Engine 78 and Engine 385 was unable to extinguish the fire due to the wind blowing the fire inside the residence and into the attic space. Marshal 177 arrived and started the Investigation process. Marshal Kratky did observe a power line on the ground between wayside Dr and S. Broadway St. Oncor was notified for down power line and to cut service to house fire. Engine 77 laid 700 foot of 4" supply line to Engine 385 from the hydrant at College Street and 16th Street. Fire was controlled within three hours. Units on scene was : Engine 78, Tanker 78, Engine 385, Engine 371, Engine 79, Engine 77, Engine 83, Engine 90, Engine 290, Tanker 74, Tanker 230, Brush 374, Marshal 77, Chief 77, Squad 77, Command 277. Engine and E-177 was used after fire was contained for their CAFS system. Engine 385 and Engine 371 was released back to their cities after fire was contained.

NARRATIVE (3)

Narrative Title: Fire Investigation Narrative

Narrative Author: Kratky, Raymond

Narrative Date: 03/06/2018 17:01:50

Narrative Apparatus ID: n/a

Narrative:

APPARATUS

Unit	M-177	Unit	E-177
Type:	Other apparatus/resource	Type:	Engine
Use:	Suppression	Use:	Suppression
Response Mode:	Lights and Sirens	Response Mode:	Lights and Sirens
# of People	1	# of People	3
Injury Or Onset	-- / -- / -- -- : -- : --	Injury Or Onset	-- / -- / -- -- : -- : --
Alarm	02 /15/2018 05:01:15	Alarm	02 /15/2018 05:01:15
Dispatched	02 /15/2018 05:04:27	Dispatched	02 /15/2018 05:04:27
Enroute	02 /15/2018 05:14:53	Enroute	02 /15/2018 06:14:37
Arrived	02 /15/2018 05:24:24	Arrived	02 /15/2018 06:20:39
Cancelled	-- / -- / -- -- : -- : --	Cancelled	-- / -- / -- -- : -- : --
Cleared Scene	02 /15/2018 11:07:00	Cleared Scene	02 /15/2018 11:17:44
In Quarters	-- / -- / -- -- : -- : --	In Quarters	-- / -- / -- -- : -- : --
In Service	02 /15/2018 11:07:00	In Service	02 /15/2018 11:17:44
Unit	C177	Unit	SQ177
Type:	Chief officer car	Type:	Brush truck
Use:	Suppression	Use:	EMS
Response Mode:	Lights and Sirens	Response Mode:	Lights and Sirens
# of People	1	# of People	2
Injury Or Onset	-- / -- / -- -- : -- : --	Injury Or Onset	-- / -- / -- -- : -- : --
Alarm	02 /15/2018 05:01:15	Alarm	02 /15/2018 05:01:15
Dispatched	02 /15/2018 05:04:27	Dispatched	02 /15/2018 05:04:27
Enroute	02 /15/2018 07:14:41	Enroute	02 /15/2018 08:20:50
Arrived	02 /15/2018 07:24:42	Arrived	02 /15/2018 09:09:45
Cancelled	-- / -- / -- -- : -- : --	Cancelled	-- / -- / -- -- : -- : --
Cleared Scene	02 /15/2018 11:17:44	Cleared Scene	02 /15/2018 11:16:22
In Quarters	-- / -- / -- -- : -- : --	In Quarters	-- / -- / -- -- : -- : --
In Service	02 /15/2018 11:17:44	In Service	02 /15/2018 11:16:22
Number Of People not on apparatus: 0			

FIRE

Acres Burned	None or Less Than One	Acres Burn From Wildland Form	False
Area Of Fire Origin	Undetermined	Heat Source	Undetermined
Item First Ignited	Undetermined	Fire Is Confined To Object Of Origin	
Type Of Material	Undetermined	Cause Of Ignition	Cause undetermined after investigation
Factor Contributing To Ignition	None		
Human Factors Contributing	None		

STRUCTURE FIRE			
Structure Type	Enclosed building	Building Status	In normal use
# Of Stories At Above Grade	2	# Of Stories Below Grade	0
Square Feet	2800	Length	
Width		Floor Of Origin	2
Fire Spread	Confined to building of origin		
Minor Damage	0	Significant Damage	0
Heavy Damage	0	Extreme Damage	0
Item Contributing Most To Spread	Undetermined	Type Of Material Contributing Most To Spread	Undetermined

ARSON		
Agency Name	Agency Address	Agency Phone
Case Status	Availability Of Material First Ignited	
Investigation open		
Entry Method	Extent Of Fire Involvement On Arrival	Container
	Fire through roof	
Property Ownership	Initial Observations	Laboratory Used
Private	Doors locked	

CUSTOM FIELDS FORM	
Mutual Aid Received By?	Keene, Cleburne, Burleson, Godley, Cresson, Station 83, Alvarado, Engine 290&90

Member Making Report (FM Raymond J Kratky): _____

Incident Reviewer (FC Bruce W Baker II): _____

Joshua Fire Department Cause and Origin Report

Item 2.

1. On February 15, 2018 at 05:04 Johnson County Emergency Dispatch notified Joshua Fire Department of a reported structure fire on the corner of Wayside Drive and 14th Street in the City of Joshua, the county of Johnson, Texas.
2. The structure was a two story 2800 SqFt, Victorian style house. The house was built in 1915 according to the Johnson County tax office. The interior of the house was shiplap wood with plaster board over it on the walls and ceilings. There were no smoke detectors inside the residence at the time of the fire. The front of the house faces toward the east on Wayside (Side A). There is a three car garage on the property on the south side of the structure (Side B) that is approximately 28'x22' in size. There is a small shed on the southwest corner of the house (BC Side) about 10'x10' in size.
3. Weather conditions on the morning of February 15, 2018 was 66 degrees Fahrenheit, with 76% humidity and the winds was 14 to 20 mile per hour out of the west southwest.
4. Fire Marshal Joey Kratky responded to the scene and arrived at 05:24 with Keene Fire Department and Cleburne Fire Department already on scene. Marshal Kratky saw heavy fire at the rear of the structure on the second floor. Marshal Kratky did observe a power line laying on the ground on 14th Street between Wayside Dr. and South Broadway St.
5. Fire Marshal Kratky met with Joshua Police Officer Barton on arrival. Officer Barton stated that all the door were locked on their arrival. There was fire on the back upper part of the house. Officers Kristi Session and Officer Bacanskas made entry through front door after forcing entry through the door window. Officer Barton went to the rear of the residence and broke out windows for entry next to the door. Officer Session and Officer Chase Bacanskas retrieved two dogs from the inside of the house. Both dogs were taken to a neighbor's house in good condition.
6. Marshal Kratky found 2 vehicles in the front yard and ran the licenses plate through Johnson County Sheriff Department Dispatch. The vehicles did come back to the occupants of the residence. Marshal Kratky Meet with Officer Session after running the vehicles licenses plates. . Officer Session stated she talked to the home owner on the phone and she was in Austin, Texas at son's house. Officer Session did give Marshal Kratky the homeowner's business card.
7. Marshal Kratky then met with Keene Fire Department Lieutenant Ryan Howerton that was in command of the fire scene. Lt. Howerton stated that his crews were inside and stated they did a search with no one inside of the home.
8. Marshal Kratky took several pictures after talking to Officer Session using Officer's Bartons patrol camera.

Joshua Fire Department
Cause and Origin Report

Item 2.

9. Oncor Electric Company did make scene and pulled the meter from the residence and cut the electrical feeder line that was running to the residence from the electrical pole across 14th Street. Oncor did fix the power line laying on the ground down 14th Street.
10. Marshal Kratky Spoke with an Oncor Electric worker that cut the power line to the house and he stated that there was problems with the line before he cut it down.
11. Marshal Kratky contacted Fire Marshal Paul Bemis of Alvarado and Fire Marshal Stacy Singleton of Burleson for assistance with fire investigation. Fire Marshal Singleton sent out investigator David Butler also.
12. Marshal Kratky, Marshal Bemis, and Investigator Butler examine the exterior of the building finding the most of the heavy charring was on the D side of the residence (West side) on the second floor. There was signs of arcing inside the meter base on the wires coming into the meter from the electric pole. There was no direct flame impingement on the meter base. There was bubbling on the plastic cover of the copper wiring from the bottom of the meter into the house breaker panel box. Marshal Kratky made entry into the laundry room where the main breaker panel box was located at. Several breakers were in the trip position upon examination. Marshal Kratky took off the face plate of the breaker box and noted of bubbling of the plastic covering of the copper wiring coming into the panel box from the meter base.
13. Investigators went outside to the electrical pole to examine the wires running from the electrical pole to the house. Oncor had removed the wires from the pole across 14th street and place it on the ground of the fire scene. Investigators noted that there was melting of plastic sheathing on the wires where they were connected to the power lines. No flame impingement from the fire caused this melting.
14. Marshal Kratky and Investigator Butler went to the second floor using the outside stairs on the C side of the residence. Investigators noted that most of the electrical wiring to the house was ran in the area of where Officer Barton stated where they saw the fire when they arrived. Investigators did not remove much of the debris due to structural stability.
15. Investigators spoke to the homeowner Cynthia Jones when she arrived at the scene at around -8:30. Ms. Jones was in Austin, Texas staying with her son at the time of the fire. Ms. Jones advised investigators she left her house on February 14. 2018 at around 1800 hours. Ms. Jones stated that all the electrical wiring was redone several years ago and brought up to code at that time. Ms. Jones stated that both the garage and the out building had power ran to them underground. Ms. Jones advised investigators that she had no problems with the power in the past. Ms. Jones stated that most of the furniture inside was antiques. Ms. Jones stated that her son William Jones lived there with her and went to Austin, Texas with her to see his older brother. Ms. Jones stated that her husband had passed away two years ago.

Joshua Fire Department
Cause and Origin Report

Item 2.

16. Marshal Kratky checked doors and windows of the first floor and noted that all were closed and locked at the time of the fire. No signs of any forced entry except where the Joshua PD made entry and broke windows.
17. First floor had fire damage in the laundry room and on the side of the house where fire dropped down from the roof line in the wall. The first floor needed to be stabilized due to heavy volume of water on the second floor and outside walls burnt. First floor received mostly water damage from the fire.
18. Cause of the fire is undetermined until insurance investigator has electrical engineer to determine if electrical was the cause of the fire.
19. Homeowners Insurance Company is National Lloyd 1-800-749-6419
PO Box 130059 Dallas, Texas 75313
Cindi Taylor Adjuster for fire claim

Home owner goes through:

Al Beonker Insurance Company
817-306-2300
6030 Jacksboro Hwy Fort Worth, Texas 76135

Homeowner: Cynthia Jones
DL Number: 12861288
Phone#: 817-602-9335

20. Marshal Kratky Did meet with Insurance investigator Edward Roberts with Firensics,inc on Friday February 16,2018 at around 1400 hours.
Phone# 972-955-5244

		INCIDENT/INVESTIGATION REPORT				Case#		Item 2.	
						18-0071			
INCIDENT DATA	Agency Name Joshua Police Department				ORI TX1260500				Date / Time Reported 02/15/2018 05:03 Thu
	Location of Incident 200 Wayside St, Joshua TX 76058-				Premise Type Residence/home		Zone/Tract JOSH, JC		Last Known Secure 02/15/2018 05:03 Thu
	#1 Crime Incident(s) (Com) Assist Other Agency NONE				Weapon / Tools None				Activity
					Entry		Exit		Security
	#2 Crime Incident ()				Weapon / Tools				Activity
Entry					Exit		Security		
#3 Crime Incident ()				Weapon / Tools				Activity	
				Entry		Exit		Security	
MO									
VICTIM	# of Victims 1		Type: INDIVIDUAL		Injury:				
	Victim/Business Name (Last, First, Middle) V1 JONES, CYNTHIA WYNNETTE				Victim of Crime #	DOB 03/10/1964 Age 53	Race W	Sex F	Relationship To Offender Resident
	Home Address 200 Wayside St., Joshua TX 76058-						Home Phone 817-602-9335		
	Employer Name/Address SELFEMPLOYED						Business Phone	Mobile Phone	
	VYR	Make	Model	Style	Color	Lic/Lis	VIN		
OTHERS INVOLVED	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)								
	Type:				Injury:				
	Code	Name (Last, First, Middle)			Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender
	Home Address						Home Phone		
	Employer Name/Address						Business Phone	Mobile Phone	
PROPERTY	Type:				Injury:				
	Code	Name (Last, First, Middle)			Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender
	Home Address						Home Phone		
	Employer Name/Address						Business Phone	Mobile Phone	
	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)								
PROPERTY	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description		Make/Model
		2902	4	290,000.00		1	HOUSE		
Officer/ID# KRATKY, J. (P173)									
Invest ID# (0)						Supervisor WRIGHT, J. (P169)			
Status	Complainant Signature				Case Status Closed		Case Disposition:		Page 1

INCIDENT/INVESTIGATION REPORT

Joshua Police Department

Item 2.

Case # 18-0071

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity

Assisting Officers

SHORT, S. (P181), BACANSKAS, C. (P185), SESSION, K. (P155), BARTON, C. (P184), LEE, C. (P187)

Suspect Hate / Bias Motivated:

NARRATIVE

On the date and time indicated the Reporting Officer generated this report for the offense listed based on information obtained from the reporting party, additional listed person(s), personal observation, and investigation.



July 27, 2021

Jones, Cynthia
P O Box 1407
Joshua, TX 76058

RE: 200 Wayside Street, Joshua, TX 76058
SUBSTANDARD BUILDING VIOLATION NOTICE

Dear Ms. Jones:

The above address was involved in a fire on February 15, 2018 and was heavily damaged on the top story. A recent inspection of the property showed several deficiencies.

Article 3.03 of the Code of Ordinances provides for the abatement of substandard and dangerous buildings that endangers the life, limb, health, property, safety or welfare of the public or the occupants in the City of Joshua. A recent inspection of the property found the building (s) in substandard conditions and will require immediate attention and repairs to the following:

No Roof

Holes to exterior walls

Loose or missing boards

Rotten wood

Broken glass

Building not secured

Weeds growing through the siding of the building

A person commits an offense if the person owns, occupies or controls any property within the corporate limits of the city and fails to comply with the requirements of this article, A city official may cause the property owner to be notified and ordered to abate as required by the date of the notice. Property maintained in violation of this section shall be declared a substandard building and a nuisance.

Please contact me to make arrangements for the repairs or removal of the substandard structure by August 5, 2021 as well as consent to inspect structure as required by Article 3.03.

Sincerely,

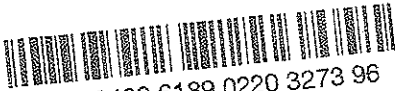
Joey Kratky
Code Enforcement Officer
817-558-4141

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Cynthia Jones
P.O. Box 1407
Joshua, TX. 76058



9590 9402 6189 0220 3273 96

2. Article Number (Transfer from service label)

7020 2450 0000 2685 9871

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Cynthia Jones*☐ Agent☐ Addressee

B. Received by (Printed Name)

Linda Jones

C. Date of Delivery

*8/4/24*D. Is delivery address different from item 1?
If YES, enter delivery address below:☐ Yes☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail Restricted Delivery (00)

Domestic Return Receipt



August 20, 2020

Certified No 7702 2820 0000 7195 5995

Cynthia Jones
P.O. Box 1407
Joshua, Texas 76058

Re: Citation for 200 Wayside St Joshua, TX 76058 SUBSTANDARD STRUCTURE

Sec. 3.03.005 Conditions constituting substandard building

- (a) For the purposes of this article, any building, regardless of the date of its construction, which has any or all of the conditions or defects hereinafter described shall be deemed to be a substandard building, and a nuisance:
- (1) Whenever any building is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare in the opinion of the building official.
 - (2) Whenever any building, regardless of its structural condition, is unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.
 - (3) Any building that is boarded up, fenced or otherwise secured in any manner if:
 - (A) The building constitutes a danger to the public even though secured from entry; or
 - (B) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection (a)(2) above.
 - (4) Whenever any building, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
 - (5) Whenever any building is in such a condition as to make a public nuisance known to the common law or in equity jurisprudence.
 - (6) Whenever any portion of a building remains on a site after the demolition or destruction of the building.



(7) Whenever any building is abandoned so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(8) Any building constructed and still existing in violation of any provision of the building code, fire code, life safety code, plumbing code, mechanical code, electrical code, housing code, or International Property Maintenance Code of the city to the extent that the life, health or safety of the public or any occupant is endangered.

Sec. 3.03.006 Determination by building official

When the building official has inspected or caused to be inspected any building and has found and determined that the building is substandard, the building official may take any or all of the following actions, as he or she deems appropriate:

- (1) Issue notice to the record owner that the building is substandard and must be repaired, listing the deficiencies, or issue notice to the record owner that the building is substandard and the nature and/or extent of the deficiencies make repair infeasible and the building must be demolished;
- (2) Issue citation(s) for violation(s) of this article;
- (3) Secure the building if permitted by section 3.03.013(a); or
- (4) Recommend to the board that abatement proceedings be commenced pursuant to section 3.03.007.

(Ordinance 432-2007, sec. 5, adopted 5/16/07)

Please contact us on this matter by 8/31/2020. If we have not heard from you with a plan of action by this date we will move forward on the demo process.

IMMEDIATE ACTION IS REQUIRED

If you need further information please call me at the number listed below.

Sincerely,

Charles Comeaux\Code Enforcement
City of Joshua, Joshua, Texas

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Cynthia Jones
P.O. Box 1407
Joshua, Texas 76058



9590 9402 3176 7166 3296 87

2. Article Number (Transfer from service label)

7009 2820 0000 7195 5995

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Connie Dixon ☒ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

8-24-20

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

Connie Dixon

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

fail
 Mail Restricted Delivery
 0)

Domestic Return Receipt

200 Wavside



July 21, 2020

Certified Mail # 7009 2820 0000 7195 6022

Cynthia Jones
P.O. Box 1407
Joshua, Texas 76058

Re: 200 Wayside St Junk Vehicles / Substandard Structure

Three vehicles on the property need to be removed.

Sec. 8.05.003 Junked vehicles declared public nuisance

A junked vehicle including a part of a junked vehicle that is located in a place where it is visible at any time of the year from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the city by producing urban blight adverse to the maintenance and continuing development of the city, and is a public nuisance.

Please contact us with updates on the house. We have not heard anything in quite a while. We need to keep moving forward with this project because it is a nuisance to your neighbors and community.

IMMEDIATE ACTION IS REQUIRED

If you need further information please call me at 817-558-7356

Sincerely,

Charles Comeaux\Code Enforcement
City of Joshua, Joshua, Texas

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY															
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> <i>Carrie Nixon</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>															
<p>1. Article Addressed to:</p>		<p>B. Received by (Printed Name) <i>Carrie Nixon</i></p>	<p>C. Date of Delivery <i>7/27/20</i></p>														
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>															
<p>9590 9402 3176 7166 3322 43</p>		<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> In Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> In Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Mail Restricted Delivery (over \$500)	
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<input type="checkbox"/> Mail Restricted Delivery (over \$500)																	
<p>2. Article Number (Transfer from cover sheet) 7009 2820 0000 7195 6022</p>																	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>															



August 25, 2021

Jones, Cynthia
P O Box 1407
Joshua, TX 76058

RE: 200 Wayside Street, Joshua, TX 76058
Issuance of Citation

Dear Ms. Jones:

A letter was letter was sent for a substandard building for 200 Wayside Drive that is owned by Cynthia Jones. The house was damaged in a fire on February 15, 2018. The violations noted that are in need to be taken care of:

- No Roof on the house
- Holes in the exterior walls of house
- Loose or Missing boards on the house
- Rotten Wood
- Broken Glass
- House is not secured
- Weeds going through the siding of the house
- Trash /Rubbish around the house

Sec. 3.03.006 Determination by building official

When the building official has inspected or caused to be inspected any building and has found and determined that the building is substandard, the building official may take any or all of the following actions, as he or she deems appropriate:

- (1) Issue notice to the owner that the building is substandard and must be repaired, listing the deficiencies, or issue notice to the record owner that the building is substandard and the nature and/or extent of the deficiencies make repair infeasible and the building must be demolished;
- (2) Issue citation(s) for violation(s) of this article;
- (3) Secure the building if permitted by section 3.03.013(a); or
- (4) Recommend to the board that abatement proceedings be commenced pursuant to section 3.03.007.

Please contact us on this matter by 09/15/2021. If we do not hear from you with a plan of action by this date we will move forward on the demo process.

Sincerely,

Joey Kratky
City of Joshua Code Enforcement Officer
817-558-4141



August 25, 2021

Jones, Cynthia
P O Box 1407
Joshua, TX 76058

RE: 200 Wayside Street, Joshua, TX 76058
Issuance of Citation

Dear Ms. Jones:

A letter was letter was sent for a substandard building for 200 Wayside Drive that is owned by Cynthia Jones. The house was damaged in a fire on February 15, 2018. The violations noted that are in need to be taken care of:

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Please contact us on this matter by 09/15/2021. If we do not hear from you with a plan of action by this date we will move forward on the demo process.

Sincerely,

Joey Kratky
City of Joshua Code Enforcement Officer
817-558-4141

Joshua Police Department

Citation E279498

Item 2.

County JOHNSON

Date/Time: 08/26/2021 03:02 PM

VIOLATOR

Name: JONES, CYNTHIA W

Address: 200 WAYSIDE DR

City: JOSHUA

State: TX USA

Phone:

Zip: 75058

Hgt:

Wgt:

Sex: F

Eyes:

Hair:

Race: W

2nd Contact:

DL #

Address:

DL Expires:

City:

DL State: TX USA

State: TX USA

Class:

Zip:

CDL: No

Phone:

DOB: 03/10/1964

VEHICLE

Veh Yr:

Veh Tag:

State: TX USA

Color:

Comm Veh: No

Haz Mat: No

Make:

Model: NOT IN LIST

Type:

VIOLATIONS

CITATION VIO 1: Substd Building

LOCATION AND VIOLATION INFORMATION

Location: 200 WAYSIDE DR

Direction of Travel:

Direction of Turn:

Attempted and unable to verify Financial Responsibility: NA

Alleged:

Limit

Spd Det: RADAR

Construction Zone/Workers Present: No

School Zone: No

Arrest: No

Accident: No

Search: No Search

Contraband:

Issued By: OFFICER KRATKY 9401 Officer 2:

I PROMISE TO APPEAR AT JOSHUA MUNICIPAL COURT,

101 SOUTH MAIN, JOSHUA, TEXAS 75058

ON OR BEFORE 09/08/2021 BETWEEN MON-THUR 7:30am-5:30pm or Fri 8:00am-12pm

Signature

This is not a plea of guilty. (Not valid if unsigned)

To pay your ticket online go to:
<https://www.fastgovpay.com/joshua>
 or call:
 1-800-444-1187

Joshua Municipal Court/City Hall
 101 South Main
 Joshua, TX 75058
 817-558-7447

Appear by Date: 09/08/2021
 Mon - Thur 7:30am-5:30pm
 Friday 8:00am - 12pm

IMPORTANT MESSAGE

Annually traffic law violations are recorded as a factor in about 85% of the rural traffic accidents in Texas. Approximately 60% of the traffic deaths in Texas occur on rural highways. The enforcement actions taken against you and any subsequent court actions are intended to secure compliance with the traffic laws by you and all other users of the highways.

Failure to comply with your written promise to appear in court as made on this citation will constitute a separate offense with which you may be charged and result in warrants being issued for your arrest. Failure to appear in court or failure to satisfy a judgement ordering the payment of a fine and cost in the manner ordered by the court may result in the denial of renewal of your driver license.

You may be able to require that this charge be dismissed by successfully completing a driving safety course or motorcycle operator training course. You will lose that right if, on or before your appearance date, you do not provide the court with notice of your request to take the course.

We urge you to contact the Court if you are unable to pay the amount owed without undue hardship to yourself or your dependents. You may request a hearing before a

Track Another Package +

Tracking Number: 9510812106211277419748

Remove X

Your item was picked up at the post office at 2:57 pm on October 7, 2021 in JOSHUA, TX 76058.
The item was signed for by C JONES.

USPS Tracking Plus[™] Available ∨

✓ Delivered, Individual Picked Up at Post Office

October 7, 2021 at 2:57 pm
JOSHUA, TX 76058

Feedback

Get Updates ∨

Text & Email Updates	∨
Proof of Delivery	∨
Tracking History	∨
USPS Tracking Plus [™]	∨
Product Information	∨

See Less ^









NOTICE

POSTED AS SUBSTANDARD PROPERTY

09/09/2021

Date Posted

2021-001

Official Posting Notice

TO THE OWNER(S), TENANT(S), LIEN HOLDER(S), OR INTERSTED PARTIES OF THE HERIN DESCRIBED PROPERTY:

200 Wayside Drive

Address

1 & 2 1 BRUMBACH
Lot Block Addition

You are hereby notified to contact the CITY of JOSHUA Building Official or Fire Marshal at 817-558-7447 within **10 Days** of this notice, to discuss the code violations that exist on the referred property. If no response has been received within **10 Days**, it is the intention of the Building Official to file a formal complaint with the CITY of JOSHUA ZONING BOARD OF ADJUSTMENTS.

DO NOT OCCUPY

Violations of Chapter 3 Sec. 3.03.001 through 3.03.015 of the CITY of JOSHUA Code of Ordinances are subject to a penalty provided by the code and upon conviction, punishable by a fine up to \$1,000. Each offense may be deemed a separate and distinct offense.

Inspectors:

Building Official

Fire Marshal

[Track Another Package +](#)

Tracking Number: 9510812106211277419748

[Remove X](#)

Your item was picked up at the post office at 2:57 pm on October 7, 2021 in JOSHUA, TX 76058.
The item was signed for by C JONES.

USPS Tracking Plus™ Available ✓

✓ Delivered, Individual Picked Up at Post Office

October 7, 2021 at 2:57 pm
JOSHUA, TX 76058

Feedback

[Get Updates ✓](#)[Text & Email Updates](#)[Proof of Delivery](#)[Tracking History](#)[USPS Tracking Plus™](#)[Product Information](#)[See Less ^](#)



JOSHUA
306 N BROADWAY ST
JOSHUA, TX 76058-3075
(800)275-8777

10/04/2021

11:16 AM

Product	Qty	Unit Price	Price
Priority Mail® 0-Day 1			\$8.70
Window FR Env			
Joshua, TX 76058			
Flat Rate			
Expected Delivery Date			
Tue 10/05/2021			
Tracking #:			
9510 8121 0621 1277 4197 48			
Insurance			\$0.00
Up to \$50.00 included			
Signature			\$3.45
Confirm			
Total			\$12.15

Grand Total: \$12.15

Debit Card Remitted \$12.15
Card Name: VISA
Account #: XXXXXXXXXXXXX3241
Approval #: 075269
Transaction #: 085
Receipt #: 031626
Debit Card Purchase: \$12.15
AID: A0000000980840 Chip
AL: US DEBIT
PIN: Verified

USPS is experiencing unprecedented volume
increases and limited employee
availability due to the impacts of
COVID-19. We appreciate your patience.

Text your tracking number to 28777 (2USPS)
to get the latest status. Standard Message
and Data rates may apply. You may also



March 28, 2022

PROPERTY OWNER
Jones, Cynthia W ETVIR Larry M

Via US Mail and CM, RRR
#[70171000000010119859]

Location: 200 Wayside Street, Joshua, TX. 76058

LEGAL DESCRIPTION

Johnson County, Texas. Being lots 1 And 2, Block 1, of Brumbach's Addition, An Addition To The City of Joshua, Johnson County, Texas, According To The Plat Thereof Recorded In Volume 177, Page 365, Of The Deed Records Of Johnson County, Texas.

Jones, Cynthia W ETVIR Larry M:

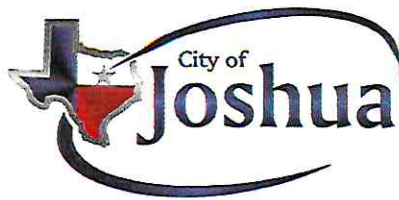
According to the real property records of Johnson County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property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

On or about September 09, 2021, an inspection of the real property at 200 Wayside Street, Joshua, Texas, 76058 was conducted by me, Aaron Maldonado, Building Official for the City of Joshua, Texas. Following that inspection and acting as the City's Building Inspector, I found the property was unsafe and unsanitary, and found that the structure on the Property should be demolished.

NOTICE OF VIOLATION AND NOTICE TO ABATE

Jones, Cynthia W ETVIR Larry M is hereby notified that the above-referenced location (200 Wayside Street Joshua, Texas) is in substandard condition and in violation of the Code of Ordinances of the City of Joshua, Texas and Chapter 214 of the Texas Local Government Code.

Specifically, as the Building Inspector, I inspected the Property on September 09, 2021 and generated a report with reference to the Property. Based upon that inspection, the Property is deemed to be unsafe and substandard and unfit for human habitation, and it is found to constitute a public nuisance for failing to comply with the minimum standards as outlined in the City Code of Ordinances and the 2015



International Property Maintenance Code as adopted by the City, including the following referenced sections:

VIOLATION NO. 1:

Section International Property Maintenance Code 108.1.5

Dangerous structure or premises. For the purpose of this code, any structure or premises that has conditions or defects shall be considered dangerous as described as any portion of a building, structure, or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodge.

VIOLATION NO. 1:

Section Code of Ordinances Article 3.03

Provides for the abatement of substandard and dangerous buildings that endangers the life, limb, health, property, safety or welfare of the public or the occupants in the City of Joshua. A recent inspection of the property found the building in substandard conditions and will require immediate attention.

Based upon these findings, I, Aaron Maldonado, Building Official of Joshua, hereby recommend that: The structure located at 200 Wayside Street, be demolished.


A HEARING HAS BEEN SET FOR MAY 5, 2022 AT JOSHUA CITY HALL, 101 S. MAIN STREET, JOSHUA, TEXAS 76058 AT 6:30 P.M., WHEREIN YOU AS THE OWNER, LIEN HOLDER, OR MORTGAGEE WILL BE REQUIRED TO SUBMIT PROOF OF THE SCOPE OF ANY WORK THAT MAY BE REQUIRED TO COMPLY WITH THE CITY'S ORDINANCES AND THE TIME IT WILL TAKE TO REASONABLY PERFORM THE WORK.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING ACTION, FILING A LIEN AGAINST THE PROPERTY, AND ORDERING OTHER REMEDIAL ACTION, UP TO AND INCLUDING VACATING, SECURING, REPAIRING, AND/OR DEMOLITION AND REMOVAL OF THE SUBSTANDARD STRUCTURE ON THE PROPERTY.

The City appreciates your attention to this matter and to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments, or concerns regarding this notice.

Sincerely,




Aaron Maldonado
Building Official
City of Joshua, Texas

Cc: Mike Peacock, City Manager
City of Joshua

Terrance S. Welch, City Attorney
City of Joshua

Johnson County Clerk – Real Property Recording
PO. Box 1986
Cleburne, Texas 76033

Issuance of order by building board of appeals**(a) Findings of board.**

(1) No violation. If the board, by a majority vote, finds upon evidence presented at the public hearing that the building is not in violation of standards set out in section 3.03.005, the board shall order that the enforcement action cease; provided, however, that such order shall neither prevent the building official from instituting a new enforcement action for other violations the building official alleges have been determined to exist, nor shall such order prevent the building official from instituting a new enforcement action for the same violations if the building official later determines that the conditions as determined by the board have materially changed as to such violations.

(2) Violations may be repaired. If the board, by a majority vote, finds upon evidence presented at the public hearing that the building is in violation of standards set out in section 3.03.005, that such conditions can reasonably be remedied by repair within a reasonable time, and that the owner, lienholder, or mortgagee is financially able and is willing to conduct or cause such repairs to be made within a reasonable time, the board shall identify the specific violations found to exist, and order that the owner, mortgagee or lienholder repair such violations, and, if necessary to the public safety, vacate, secure, or relocate the occupants, at the cost of the owner, lienholders, or mortgagees, within such reasonable times as determined by the board to be appropriate, as provided herein.

(3) Violations, building must be demolished. If the board, by a majority vote, finds upon evidence presented at the public hearing that the building is in violation of standards set out in section 3.03.005, and that such conditions cannot reasonably be remedied by repair, or that neither the owner, the lienholder, nor the mortgagee are financially able or willing to conduct or cause such repairs to be made within a reasonable time, the board shall identify the specific violations found to exist, and order that the owner, mortgagee or lienholder remove or demolish the structure, and, if necessary to the public safety, vacate, secure, or relocate the occupants, at the cost of the owner, lienholders, or mortgagees, within such reasonable times as determined by the board to be appropriate, as provided herein, or order such other relief as is permitted by this section.

(b) Time allowed to complete work.

(1) Unless the owner, lienholder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within thirty (30) days, the order shall require the owner, lienholder or mortgagee of the building to, within thirty (30) days, and the lienholder or mortgagee to within an additional thirty (30) days if the owner does not comply, take one or more of the following actions:

- (A) Vacate the building;
- (B) Secure the building from unauthorized entry;
- (C) Repair the violations; and/or
- (D) Remove or demolish the building.

(2) If the owner, lienholder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within thirty (30) days and the board allows the owner, lienholder or mortgagee more than thirty (30) days to repair, remove or demolish the building, the board shall establish specific time schedules as the board determines are appropriate for the commencement and performance of the work and shall require the owner, lienholder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed.

(3) The board may not allow the owner, lienholder or mortgagee more than ninety (90) days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder or mortgagee:

- (A) Submits a detailed plan and time schedule for the work at the hearing; and
- (B) Establishes at the hearing that the work cannot be reasonably completed within ninety (90) days because of the scope and complexity of the work.

(4) If the board allows the owner, lienholder or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove or demolish the building, the board shall require the owner, lienholder or mortgagee to regularly submit progress reports to the building official to demonstrate that the owner, lienholder or mortgagee has complied with the time schedules established for commencement and performance of the work.

The order may require that the owner, lienholder or mortgagee appear before the board or the building official:

- (A) To demonstrate compliance with the time schedules; and
- (B) If the owner, lienholder or mortgagee owns property, including structures and improvements on property, within the city's boundaries that exceeds one hundred thousand dollars (\$100,000.00), to post cash or a surety bond or letter of credit or third party guarantee to cover the cost of the work ordered by the board.

(c) Contents of order. The order of the board must contain at a minimum:

- (1) An identification, which is not required to be a legal description, of the building and the property on which it is located;
- (2) A description of each violation of minimum standards present at the building;
- (3) A description of each of the ordered actions, including a statement that the owner may repair, if determined feasible by the board, or demolish or remove at his option; and
- (4) A statement that the city will vacate, secure, remove or demolish the building or relocate the occupants of the building if the ordered action is not taken within the time allowed.



**Zoning Board Of
Adjustment Agenda
May 5, 2022**

Minutes Resolution

Action Item

Agenda Description:

Discuss, consider, and possible action on abatement to cause the repair, vacation, relocation of occupants, removal, demolition or securing of the building in the (R-1) Single Family Residential District, being lots 1 and 2, Block 1, of Brumbach's Addition, Volume 177, Page 365, of the Deed Records of Johnson County, Texas, located at 200 Wayside Street, Joshua, Texas.

Background Information:

February 18, 2018, at 05:04 AM, The Joshua Fire Department responded to a reported house fire at 200 Wayside Dr. The house suffered heavy fire damage to the top story of the house and some fire damage to the bottom floor. It was determined by the Fire Marshal that it was caused by a possible electrical short.

April 9, 2019- Code Enforcement Officer, Charles Comeaux, started the process of Substandard and Dangerous Building case by mailing a letter to the owner, Cynthia Jones. Ms. Jones did respond to the letter, stating she had an architect working on plans to rebuild the house. Ms. Jones and her contractor did meet with Charles Comeaux and the permit tech regarding the rebuild. The contractor removed a majority of the second story. No other work was performed on the house.

July 27, 2020- a Substandard and Dangerous Buildings process started over with Code Enforcement Officer, Charles Comeaux. A second letter was mailed on August 24, 2020. Mr. Comeaux did not receive any contact back from Ms. Jones.

July 27, 2021- Fire Marshal, Joey Kratky, started a Substandard and Dangerous Building case on the property located at 200 Wayside Drive owned by Cynthia Jones. The first letter was sent certified mail to Ms. Jones on July 27, 2021, regarding the condition of the house and to contact Fire Marshal Kratky to set up a meeting. The letter was signed for on August 4, 2021, by Ms. Jones. city staff did not receive any contact by Ms. Jones by the due date of August 5, 2021.

August 26, 2021- A citation and letter was sent certified mail to Ms. Jones. Postage was signed by Ms. Jones on September 9, 2021. Ms. Jones did not contact city staff by the date on the letter of September the 15, 2021.

September 9, 2021- Fire Marshal, Kratky, posted Substandard Building signs at 200 Wayside Dr. at the front door of the house and on the north side of the house facing 14th Street. Pictures were taken after the signs were posted. A sign was mailed to Ms. Jones deeming the house a Substandard and Dangerous House by the City of Joshua Ordinance 3.03 Section 3.03.005. Ms. Jones did sign for the letter on October 7, 2021. Ms. Jones did not contact city staff by October 15, 2021, Fire to discuss the property.

September 24, 2021 - Fire Marshal, Kratky, attempted to contact Ms. Jones by email and phone but has not received any response from Ms. Jones.

The City of Joshua Building Official and Fire Marshall feel that the house is Substandard due to the following in the City of Joshua Ordinance 3.03 Section 3.03.005

Item 3.

- A. Whenever any building is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare in the opinion of the building official.
- B. Whenever any building, regardless of its structural condition, is unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.
- C. Whenever any building is in such a condition as to make a public nuisance known to the common law or in equity jurisprudence.
- D. Whenever any portion of a building remains on a site after the demolition or destruction of the building.
- E. Whenever any building is abandoned so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- F. Any building constructed and still existing in violation of any provision of the building code, fire code, life safety code, plumbing code, mechanical code, electrical code, housing code, or International Property Maintenance Code of the city to the extent that the life, health or safety of the public or any occupant is endangered.
- G. Whenever any portion thereof has been damaged by fire, earthquake, wind or flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
- H. Whenever the building, or any portion thereof, because of dilapidation, deterioration or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.
- I. Whenever, for any reason, the building, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- J. Whenever the building, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 or more percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- K. Whenever the building has been so damaged by fire, wind, earthquake, flood or other causes, or has become so dilapidated or deteriorated, as to become an attractive nuisance to children, or a harbor for vagrants, criminals or immoral persons.
- L. Chapters 3 through 7 of the 2015 edition of the International Property Maintenance Code, published by the International Code Council, Inc., attached to Ordinance 653-2016 and incorporated herein for all municipal purposes and as amended herein, are hereby adopted by the city council to the extent they do not conflict with other provisions of this article. For purposes of this article, any building, regardless of its date of construction, which exists in violation of chapters 3 through 7 of the International Property Maintenance Code to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building and a nuisance.

Financial Information:

Only cost associated with the abatement hearing is the publication expense and mailing of the public hearing notices to property owners within 200 ft. as required by law. Public written notices and the publication was sent out not less than 10 days before the Zoning Board of Adjustment public hearing.

Item 3.

City Contact and Recommendations:

Aaron Maldonado-Director of Development Services

Joey Kratky-City Fire Marshall

Both the Director of Development Services and the Fire Marshall recommend the house to be demolished by a contractor.