

# HEWITT TEXAS

## **BOARD OF ADJUSTMENTS**

Jim Winton – Chairman

Douglas Bergen

Bradley T. Turner

Scott Hedges

R. Don Vardeman

Charles “Chuck” Howard

VACANT SEAT

## **CITY STAFF**

Bo Thomas – City Manager

Miles Whitney – City Engineer

Tracy Lankford – Community Development Director

Brittney Cantu – Zoning Secretary

Board of Adjustment meetings are held as needed on the third Thursday of each month at 6PM in the City of Hewitt Council Chambers located at 200 Patriot Court, Hewitt, Texas 76643.

# HEWITT TEXAS

## MINUTES OF THE BOARD OF ADJUSTMENT February 21<sup>st</sup>, 2019 – 6:00PM

**Members Present:** Douglas Bergen, Brad Turner, Don Vardeman, Scott Hedges

**Members Absent:** Chairman Jim Winton, Charles “Chuck” Howard

**Staff Present:** Tracy Lankford, Community Development Director  
Brittney Cantu, Zoning Secretary

1. **Call of Board of Adjustments Meeting to Order.** *Douglas Bergen, acting as Chairman in the absence of Jim Winton, called the meeting to order at 6PM.*
2. **Consider approval of minutes for the November 16, 2017 Board of Adjustment regular meeting.** *A motion was made by Don Vardeman, seconded by Brad Turner, to approve the minutes as submitted but allow for corrections. All four in favor, motion passed.*
3. **Public Hearing: Request for a variance to the Zoning Ordinance for Lots 1A and 2 Block 1 Four Seasons Addition.** a) Consider a request for a variance, by Russ Davis, RG Plus, LLC. To the Zoning Ordinance, Section 1.304(B) Other construction requirements for Lots 1A and 2 Block 1 Four Seasons Addition, Hewitt Texas. The request is to the minimum 80 percent brick requirement in the R-4 Zoning District. b) Consider a request for a variance, by Russ Davis, RG Plus, LLC. To the Zoning Ordinance, Section 2.104 (C)(3) General conditions requirement, for Lots 1A and 2 Block 1 Four Seasons Addition, Hewitt Texas. The request is to the minimum required garage requirements in the R-4 Zoning District. *Speaking in favor: Russ Davis, owner of RG Plus LLC, general contractor on project and owner of property, residing at 367 Broughton Dr, Woodway, Texas. This project is an expansion of property that had already been approved for the variance request in June 2016. These final lots will be in conjunction with the lots from the June 2016 requests. With this*

*expansion, there was a better creation of ingress and egress by creating access to both Panther Way and Hewitt Drive. Mr. Davis wants to ensure that the property will all have the same consistency with the requirements for brick and covered parking. Bradley Turner asked if this expansion would have more units, Mr. Davis stated that while this property will have more acreage, therefore more units, but the density will remain the same. able to accommodate around 175 units, he will have closer to 150 units. Acting Chairman Douglas Bergen called for all of those against the project to come speak, no one came forward. Public hearing closed at 6:05PM.*

- 4. Discussion and possible action: Consider a request for a variance, by Russ Davis, RG Plus, LLC. To the Zoning Ordinance, Section 1.304(B) Other construction requirements for Lots 1A and 2 Block 1 Four Seasons Addition, Hewitt Texas. The request is to the minimum 80 percent brick requirement in the R-4 Zoning District.** *Acting Chairman Douglas Bergen asked for the City's recommendation on this project. Tracy Lankford, Director of Community Development, reminded members of the first request being approved in June of 2016, and that the City does recommend this request as presented. A motion was made to recommend approval by Don Vardeman, seconded by Scott Hedges. All four in favor, motion carries, variance approved.*
- 5. Discussion and possible action: Consider a request for a variance, by Russ Davis, RG Plus, LLC. to the Zoning Ordinance, Section 2.104 (c) (3) General conditions requirement, for Lots 1A and 2 Block 1 Four Seasons Addition, Hewitt Texas. The request is to the minimum required garage requirements in the R-4 Zoning District.** *Russ Davis asked if any members had any questions regarding project. Don Vardeman asks if this was covered parking in leu of garages, answer yes. Acting Chairman Douglas Bergen asks for the City's recommendation on this project. Tracy Lankford says the City recommends this project as presented. Scott Hedges asks if this variance approval will set presentence for future construction on allowing for items that may have not been allowed but felt obligated to approve due to approval of this project. Tracy Lankford stated that the City is built out on, this land is the only vacant land left for this type of structure to be built. Instead of 50% garages, 50% covered parking is being proposed. A motion was made to recommend*

*approval by Scott Hedges, seconded by Brad Turner. All four in favor, motion carries, variance approved.*

6. **Adjourn.** *A motion was made by Brad Turner, seconded by Don Vardeman to adjourn the meeting at 6:12PM. All four in favor, motion passed.*

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Chairman

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Date Approved

  
Brittney Cantu, Zoning Secretary

## NOTICE OF VIOLATION

Notice Date: August 14, 2019

Record Title Owner: Fabian Valderrama and Pearl Valderrama

Record Mortgagee/Lienholders: None.

Victor Levane  
PO Box 365  
Star, Texas 76880-0365  
*Via Certified Mail No. 7018 2290 0001 0008 7836, RRR  
and First Class U.S. Mail*

Fabian F. Valderrama  
PO Box 863  
Carrizozo, New Mexico 88301-0863  
*Via Certified Mail No. 7018 2290 0001 0008 7850, RRR  
and First Class U.S. Mail*

Re: Notice of Violation of City of Hewitt Ordinance Requirements on Property  
Located at 104 Saddle Horn Dr., Hewitt, Texas also known as Hewitt Mobile  
Home Block B Lot 24 Acres 0.0868

Dear Sirs:

Your property is in violation of the City of Hewitt regulations regarding dangerous buildings, Chapter 14-300 of the Code of Ordinances of the City of Hewitt, Texas. You are hereby notified that the Board of Adjustment of the City of Hewitt, Texas will hold a hearing on the 19<sup>th</sup> day of September, 2019, at 6:00 p.m. (which is more than 10 days from the date of this Notice) at the City Hall Meeting Room, in Hewitt, Texas, located at 200 Patriot Court, Hewitt, Texas 76643. At the hearing, the Board of Adjustment will make its own determination as to whether your property is in violation based on the information presented to it and enter an appropriate order. You are invited to attend the hearing.

At the hearing, the owner, and any lienholder or mortgagee, will be given a right to be heard on the violations, and shall be required to submit proof of the scope of any work that may be required to comply with the regulations and the time it will take to reasonably perform the work. If the Board of Adjustment finds the property to be in violation, the Board of Adjustment will enter an order directing action to bring the property into compliance. Unless the owner or lienholder establishes at the hearing that

the work needed to bring the property into compliance cannot reasonably be performed within 30 days, the Board of Adjustment shall require the owner or lienholder to secure, repair, remove, or demolish the building within 30 days. The maximum time that the Board of Adjustment may give for compliance may not exceed 90 days.

Please be advised that the Board of Adjustment has the power, under Section 14-305 of the City's Code of Ordinances and under Chapters 54 and 214 of the Texas Local Government Code to order the building to be secured, repaired, vacated, demolished, and/or to order that the tenants be relocated. A civil penalty of up to \$1,000.00 per day (\$10.00 per day for a property used as an actual homestead) for each violation may be assessed against the property and /or property owner if the property owner fails to comply with the order. In addition, a lien may be placed on the property if the City ends up doing the work itself for the expenses it incurs in doing so. A lien may also be placed on the property for unpaid civil penalties assessed.

The following minimum standard violations will be presented to the Board of Adjustment by the Code Enforcement Officer or his designee:

[see attached inspection reports]

This violates Section 14-300 of the Code of Ordinances of the City of Hewitt.

According to the real property records of McLennan County, the last known owners were Fabian Valderrama and Pearl Valderrama. If you have inherited or otherwise have an interest in the property you must comply to protect your interest.

Inspection Date: July 31, 2019

Required Action Indicated by Condition: Demolition of structure. If the Board finds that demolition of the structure is required, it will order the structure to be demolished and removed within 30 days of the order unless you prove to the Board that more time is needed. If the Board finds that the demolition of the structure is required and no owner or lienholder appears at the hearing, the structure will be ordered to be demolished and removed within 30 days.

Sincerely,



Michael W. Dixon  
City Attorney  
City of Hewitt, Texas

Structure Inspection for Possible Dilapidated, Dangerous, and/or Unsafe Status

Inspection Date: 7-31-19

Location: 104 Saddlehorn Dr.

Occupied or Vacant? Vacant

If occupied, occupants and their interest in the property:

N/A

Last known Owner: Fabian Valderrama

Structural

- Y Deteriorated or inadequate foundations.
- Y Defective or deteriorated flooring or floor supports.
- Y Flooring or floor supports of insufficient size or condition to carry imposed loads with safety.
- Y Members of walls, partitions, or other vertical supports that split, lean, list, or buckle or which allow moisture penetration due to defective material or deterioration.
- Y Members of walls, partitions, or other vertical supports that are of insufficient size or condition to carry imposed loads with safety.
- Y Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle or which allow moisture penetration due to defective material or deterioration.
- Y Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size or condition to carry imposed loads with safety.
- N/A Fireplaces or chimneys that list, bulge, or settle, due to defective material or deterioration.
- Y Portions of roof or walls collapsed.
- Y Structure fails to provide protection from the elements.
- Y Elements of structure, due to deterioration, present a risk of the whole or part of the element falling on anyone entering the structure.

Y Other structural defects due to deterioration or inadequate maintenance, or due to violation of Building Codes:

*Due to many years of being vacant, no maintenance, structure is collapsing.*

Narrative of Inspector on Structural Issues:

*Structure is collapsing. Total Hazard.*

Habitability

Connection to water service Y or  N

Connection to sewer service  Y or N

Adequate protection from elements Y or  N

Structure subject to infestation by vermin and insects  Y or N

Fire hazard  Y or N

Other habitability issues:

*Uninhabitable*

Is structure fit for human habitation? Y or  N

Inspector Narrative on Habitability:

*Structure is beginning to collapse. Uninhabitable.*

Nuisance to the Public

- Y Structure creates a habitat for vermin and insects.
- Y Structure creates a fire hazard
- Y Structure is an attractive nuisance for children
- Y Premises overgrown with vegetation that is entangled with the structure.
- Y Dilapidated state of structure presents a risk of injury to anyone entering the structure
- Y Structure in such a state of disrepair and deterioration as to likely affect neighboring residents' enjoyment of their properties
- Y Structure is unsecured
- Other:

Inspector Narrative on Nuisance Issues:

Is repair feasible? N

If not, is the recommendation that the structure be demolished? Y or N

Official Performing the Inspection:

Signature: *Amador Zapata*

Date: 7-31-19

Exhibits----photographic support for report.

Structure Inspection for Possible Dilapidated, Dangerous, and/or Unsafe Status

Inspection Date: 7/31/2019

Location: 104 SADDLE HORN DR.

Occupied or Vacant? VACANT

If occupied, occupants and their interest in the property:

Last known Owner:

Structural

- YES Deteriorated or inadequate foundations.
- YES Defective or deteriorated flooring or floor supports.
- YES Flooring or floor supports of insufficient size or condition to carry imposed loads with safety.
- YES Members of walls, partitions, or other vertical supports that split, lean, list, or buckle or which allow moisture penetration due to defective material or deterioration.
- YES Members of walls, partitions, or other vertical supports that are of insufficient size or condition to carry imposed loads with safety.
- YES Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle or which allow moisture penetration due to defective material or deterioration.
- YES Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size or condition to carry imposed loads with safety.
- NA Fireplaces or chimneys that list, bulge, or settle, due to defective material or deterioration.
- YES Portions of roof or walls collapsed.
- YES Structure fails to provide protection from the elements.
- YES Elements of structure, due to deterioration, present a risk of the whole or part of the element falling on anyone entering the structure.

\_\_\_\_ Other structural defects due to deterioration or inadequate maintenance, or due to violation of Building Codes:

ENTIRE STRUCTURE HAS DEGRADED TO A POINT OF  
COLLAPSE

Narrative of Inspector on Structural Issues:

STRUCTURE HAS PARTIALLY COLLAPSED. HAS NO WATER  
OR PLUMBING FIXTURES AND ELECTRICAL

Habitability

Connection to water service Y or  N

Connection to sewer service  or N

Adequate protection from elements Y or  N

Structure subject to infestation by vermin and insects  or N

Fire hazard  or N

Other habitability issues:

STRUCTURE IS NOT HABITABLE

Is structure fit for human habitation? Y or  N

Inspector Narrative on Habitability:

UNSAFE FOR HABITATION

Nuisance to the Public

- YES Structure creates a habitat for vermin and insects.
- YES Structure creates a fire hazard
- YES Structure is an attractive nuisance for children
- YES Premises overgrown with vegetation that is entangled with the structure.
- YES Dilapidated state of structure presents a risk of injury to anyone entering the structure
- YES Structure in such a state of disrepair and deterioration as to likely affect neighboring residents' enjoyment of their properties
- YES Structure is unsecured
- \_\_\_\_\_ Other:

Inspector Narrative on Nuisance Issues:

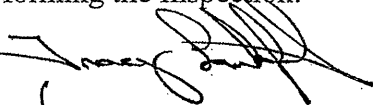
Is repair feasible?

NO

If not, is the recommendation that the structure be demolished?  Y or N

Official Performing the Inspection:

Signature:



Date:

7/31/2019

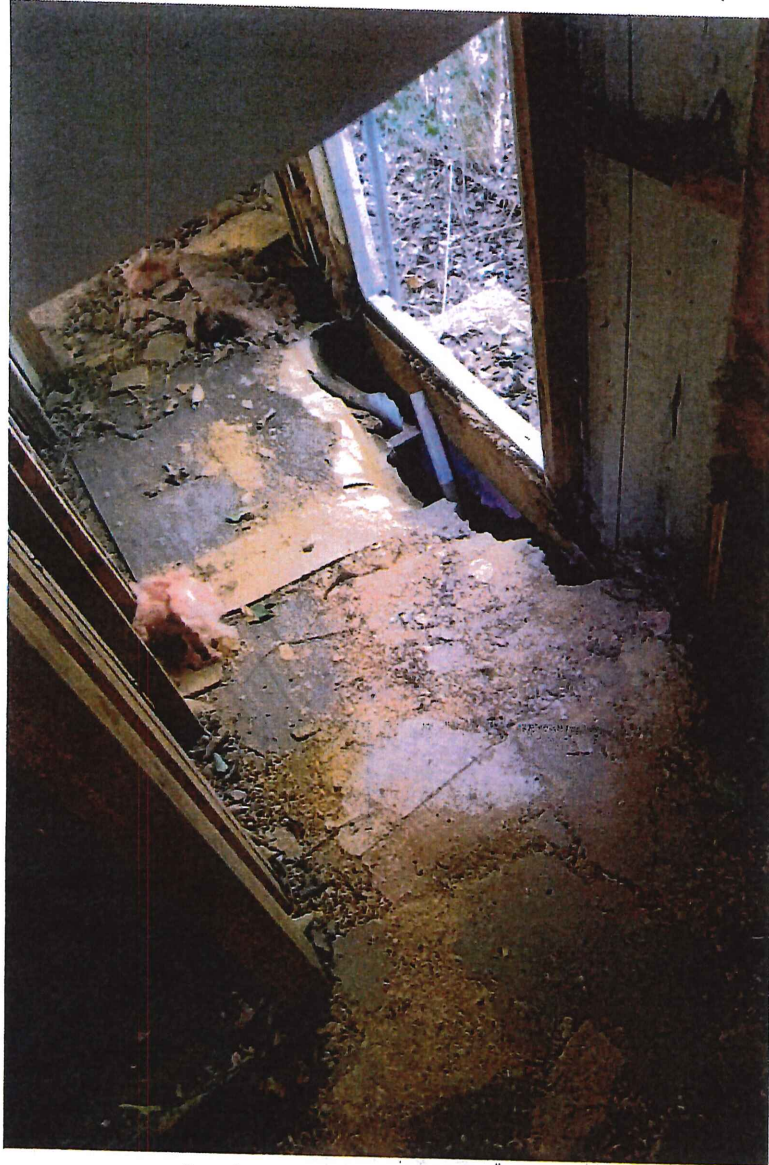
Exhibits----photographic support for report.

TOP



BACK ROOM

TOP



FLOOR AT BACK DOOR



KIT SINK AREA

TOP



LIVING ROOM AND KITCHEN CEILINGS



TOP



LIVING ROOM LOOKING AT FRONT DOOR



FRONT BEDRM.

TOP

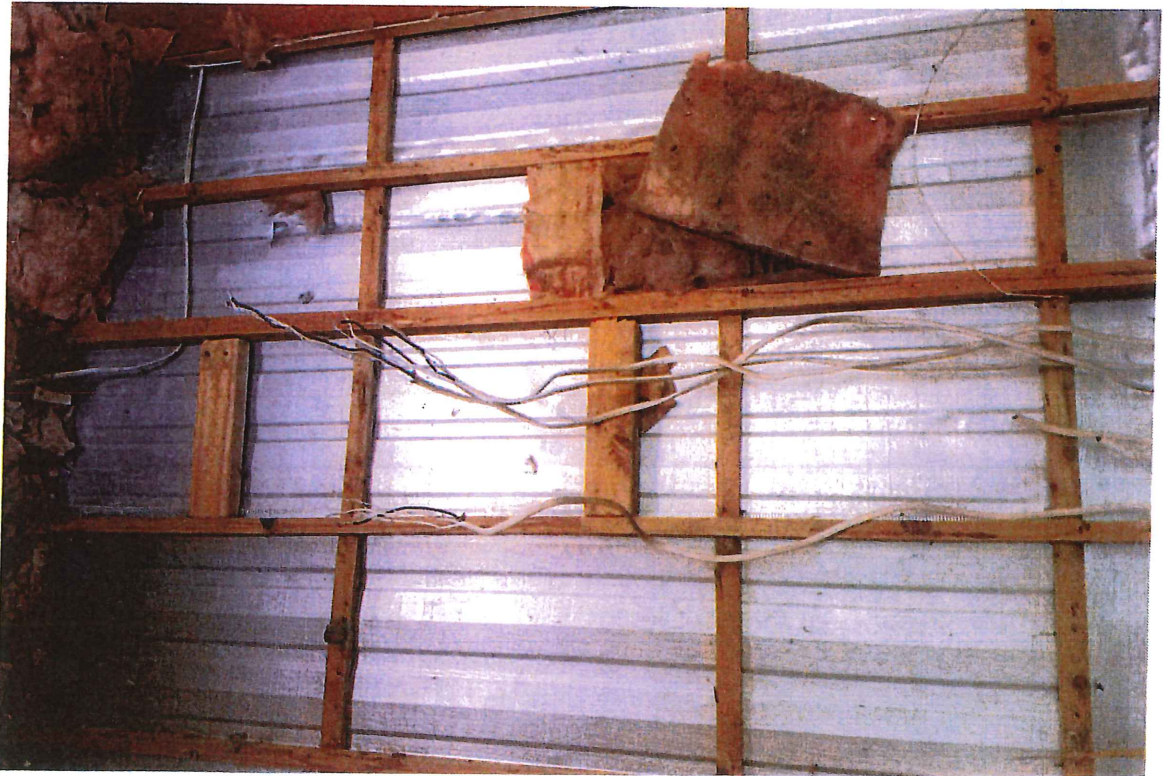


VIEWS AT YARD FROM INSIDE STRUCTURE



BATH ROOM CEILING

TOP



ELECTRICAL PANEL MISSING

TOP



BACK OF STRUCTURE



INTERIOR BEDROOM WALL

TOP



FRONT VIEW FROM STREET



ELECTRIC POLE ON GROUND

TOP



VIEWS FROM DRIVE WAY

Structure Inspection for Possible Dilapidated, Dangerous, and/or Unsafe Status

Inspection Date: 7/31/2019

Location: 104 SADDLE HORN DR.

Occupied or Vacant? VACANT

If occupied, occupants and their interest in the property:

Last known Owner:

Structural

- YES Deteriorated or inadequate foundations.
- YES Defective or deteriorated flooring or floor supports.
- YES Flooring or floor supports of insufficient size or condition to carry imposed loads with safety.
- YES Members of walls, partitions, or other vertical supports that split, lean, list, or buckle or which allow moisture penetration due to defective material or deterioration.
- YES Members of walls, partitions, or other vertical supports that are of insufficient size or condition to carry imposed loads with safety.
- YES Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle or which allow moisture penetration due to defective material or deterioration.
- YES Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size or condition to carry imposed loads with safety.
- NA Fireplaces or chimneys that list, bulge, or settle, due to defective material or deterioration.
  
- YES Portions of roof or walls collapsed.
- YES Structure fails to provide protection from the elements.
- YES Elements of structure, due to deterioration, present a risk of the whole or part of the element falling on anyone entering the structure.

\_\_\_\_ Other structural defects due to deterioration or inadequate maintenance, or due to violation of Building Codes:

ENTIRE STRUCTURE HAS DETERIORATED TO A POINT OF  
COLAPSE

Narrative of Inspector on Structural Issues:

STRUCTURE HAS PARTIALLY COLLAPSED, HAS NO WATER  
OR PLUMBING FIXTURES AND ELECTRICAL

Habitability

Connection to water service Y or  N

Connection to sewer service  or N

Adequate protection from elements Y or  N

Structure subject to infestation by vermin and insects  or N

Fire hazard  or N

Other habitability issues:

STRUCTURE IS NOT HABITABLE

Is structure fit for human habitation? Y or  N

Inspector Narrative on Habitability:

UNSAFE FOR HABITATION

Nuisance to the Public

- YES            Structure creates a habitat for vermin and insects.
- YES            Structure creates a fire hazard
- YES            Structure is an attractive nuisance for children
- YES            Premises overgrown with vegetation that is entangled with the structure.
- YES            Dilapidated state of structure presents a risk of injury to anyone entering the structure
- YES            Structure in such a state of disrepair and deterioration as to likely affect neighboring residents' enjoyment of their properties
- YES            Structure is unsecured
- \_\_\_\_\_        Other:

Inspector Narrative on Nuisance Issues:

Is repair feasible?

NO

If not, is the recommendation that the structure be demolished?  Y or N

Official Performing the Inspection:

Signature:



Date:

7/31/2019

Exhibits----photographic support for report.

TOP



BACK ROOM

FLOOR AT BACK DOOR



TOP

KIT SINK AREA



TOP



LIVING ROOM AND KITCHEN CEILINGS



TOP



LIVING ROOM LOOKING AT FRONT DOOR



FRONT PORCH

TOP



FRONT VIEW FROM STREET



ELECTRIC POLE ON GROUND

TOP



VIEWS FROM DRIVE WAY

TOP



VIEWS AT YARD FROM INSIDE STRUCTURE

TOP



BATH ROOM CEILING



ELECTRICAL PANEL MISSING

TOP



BACK OF STRUCTURE



INTERIOR BEDROOM WALL