

AGENDA  
PUBLIC HEARING  
BOARD OF ADJUSTMENT  
COMMISSION

**WEDNESDAY, July 28, 2021 @**

**6:00PM**

Paul Ramirez  
Sammye Moore

Barry Simmons  
Keith Stumbaugh

Mario Muraira  
Carlos Varela

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ADJUSTMENT COMMISSION OF THE CITY OF FREEPORT, TEXAS WILL MEET IN A PUBLIC HEARING ON WEDNESDAY, JULY 28, 2021 6:00 PM IN THE FREEPORT COUNCIL CHAMBERS, 430 N. BRAZOSPORT BLVD. FREEPORT, TEXAS TO DISCUSS THE FOLLOWING OR CONSIDERATION OF THE BELOW LISTED ITEMS.

**THE GENERAL PUBLIC MAY ALSO JOIN THE PUBLIC MEETING REMOTELY BY TELECONFERENCE BY DIALING:**

**(US): 978-990-5000 AND USING ACCESS CODE 522390#**

**OR**

**AUDIO VISUAL CONFERENCE CALLS USING:**

**PCs, Macs®, Chromebooks™, iOS and Android™ phones and tablets.**

**International dial-in numbers: [https://fccdl.in/i/planners\\_boa\\_072821](https://fccdl.in/i/planners_boa_072821)**

**For users wanting to view and listen to the City Council meeting via a web browser go to [https:// join.freeconferencecall.com/planner\\_boa\\_072821](https://join.freeconferencecall.com/planner_boa_072821)**

**Enter access code 522390# and the online meeting ID: planners\_boa\_072821**

**For additional assistance connecting to the meeting text 'Call Me' to the Dial-In number above and you will be called into the conference. Message and rates may apply**

**THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:**

**CALL TO ORDER:** *The Chairperson will call the meeting to order, declare a quorum if present, and declare notices legally posted pursuant to Open Meetings Act.*

**INVOCATION:** (Commission Member)

**PLEDGE OF ALLEGIANCE:** (Commission Member)

**BOARD OF ADJUSTMENTS BUSINESS**

**REGULAR SESSION:**

1. Consider and take possible action to elect a Chairperson.
2. Consider and take possible action to approve the meeting minutes for June 30, 2020
3. Consider and take possible action regarding variance request by Charles Zube  
Request to build privacy fence exceeding 6 ft limitation set forth by ordinance.

**OPEN PUBLIC HEARING:**

**PUBLIC HEARING:**

**DISCUSS AND TAKE POSSIBLE ACTION ON** the question of declaring building and improvements located on the following real properties lying and situated within the corporate limits of the City to be a **DANGEROUS/UNSAFE BUILDING** and for **ENTRY OF AN ORDER OF CONDEMNATION:**

**PROPERTY #1**

**LEGAL DESCRIPTION:**

A0089 JNO MCNEEL, BLK I-11, TRACT 14  
ACRES 0206 (two story residential structure)  
ADDRESS/LOCATION:  
3434 Bowie Lane, Freeport, Texas 77541

**PROPERTY #2**

LEGAL DESCRIPTION:  
BLK 561, LOTS 23-24 Velasco Townsite  
(single family residential structure)

ADDRESS/LOCATION.  
323 N. Avenue D, Freeport, Texas 77541

**CLOSE PUBLIC HEARING:**

**TAKE ACTION ON PUBLIC HEARING:**

**ADJOURNMENT**

NOTE: ITEMS NOT NECESSARILY DISCUSSED IN THE ORDER THEY APPEAR ON THE AGENDA.  
THE BOARD OF ADJUSTMENTS AT ITS DISCRETION MAY TAKE ACTION ON ANY OR ALL OF  
THE ITEMS LISTED.

**CERTIFICATION**

I certify that this Notice of Meeting was posted on the outside bulletin board at the City of Freeport, Texas, 200 West 2<sup>nd</sup> Freeport Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time:

**By July 23, 2021 at 5:30 PM and remained so posted at least 72 hours before meeting was convened.**

If during the course of the meeting covered by this notice, The Board of Adjustments Commission should determine that a closed or executive meeting or session of the Board of Adjustments Commission or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas open meetings act, Texas government code § 551.001 will be held by the Board of Adjustments Commission at the date, hour and place given in this notice as the Board of Adjustments Commission may conveniently meet in such closed or executive meeting or session or consult with the attorney for the city concerning any and all subjects and for any and all purposes permitted by the act, including, but not limited to, the following sanctions and purposes:

Texas Government Code Section: § 551.071 – Private consultation with the attorney for the City.

ACCESSIBILITY STATEMENT This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Building/Code Secretary's Office at (979) 233-3526 x 1109

  
Yvette Ruiz  
City of Freeport

**State of Texas**

**County of Brazoria**

**City of Freeport**

BE IT REMEMBERED that the Board of Adjustments of Freeport met on Tuesday, June 30, 2020 at 6:00 p.m. at the Freeport Police Department 430 Brazosport Blvd. Council Chambers for the purpose of considering the following agenda items:

Board of Adjustments:

Tim Closs - absent  
Mario Muraira  
Keith Stumbaugh

Raul Ramirez  
Sammy Moore  
Carlos Varela

Staff:

Tim Kelty, City Manager  
Stephanie Russel, Asst City Manager  
Yvette Ruiz, Building Secretary  
Billy Shoemaker- Building/Code

Visitors

David McGinty  
Sam Reyna  
Edward Garcia  
Ruben Renobato

Vivian Alford  
Tom Allen  
Melanie Oldham  
Nicole Mireles

**Open Meeting.**

Called the meeting to order at 5:59 p.m.

**Consideration of approving the minutes of January 28, 2020**

On a motion by Keith Stumbaugh, seconded by Raul Ramirez, with all present voting "Aye", the Board of Adjustments unanimously approved the minutes of January 28, 2020

**OPEN PUBLIC HEARING: 6:01 pm**

**PUBLIC HEARING:**

**DISCUSS AND TAKE ACTION ON CONSIDERATION OF APPLICATION FOR  
VARIANCE SECTION 211.009 OF THE TEXAS LOCAL GOVERNMENT CODE  
RELATED TO FOLLOWIGN REAL PROPERTY  
BLOCK 80, LOT 11 514 WEST 1ST FREEPORT, TEXAS  
APPLICANT SEEKS TO BUILD A HOME THAT DOES NOT MEET MINIMUM  
SQUARE FOOTAGE REQUIRED BY ORDINANCE.**

**CLOSE PUBLIC HEARING: 6:36 pm**

**TAKE ACTION ON PUBLIC HEARING:**

On a motion by Raul Ramirez, seconded by Mario Muraira motion passes to allow applicant to build a home that does not meet minimum square footage required by ordinance

**Adjourn**

On a motion by Keith Stumbaugh , seconded by Mario Muraira, the meeting was adjourned at 6:45 p.m.

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Yvette Ruiz  
City of Freeport, Texas



## Board of Adjustment Agenda Item # 3

**Title:** Variance request by Charles Zube, 57 Marlin Ln.(Bridge Harbor) to build privacy fence exceeding 6 ft. limitation set forth by ordinance.

**Date:** July 28, 2021

**From:** Henry Rivas – Interim Building Official

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**Staff Recommendation:**

Approve Variance request

**Item Summary:**

Review all documents

**Background Information:**

First request for this variance at this address

**Special Considerations:**

Straight Fence Company will be the contractor and understand they are an approved contractor with the City of Freeport

**Financial Impact:**

None

**Board or 3<sup>rd</sup> Party recommendation:**

**Supporting Documentation:**

Copy of associated paperwork will be attached.

PAID  
JUN 28 2021  
BY: 42

REQUEST FOR A VARIANCE TO THE  
BOARD OF ADJUSTMENTS  
CITY OF FREEPORT, TEXAS  
FEE: \$150.00 Plus Actual Cost

NOTICE: The Board of Adjustments will meet on the first Tuesday of the month. Any items to go on the agenda of that meeting MUST BE SUBMITTED IN FULL WITH ALL FEES PAID BEFORE THE FIFTEENTH (15TH) DAY OF THE PREVIOUS MONTH.

APPLICATION IS HEREBY MADE TO THE BOARD OF ADJUSTMENTS FOR A VARIANCE TO THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FREEPORT FOR THE FOLLOWING PROPERTY:

APPLICANT: CHARLES ZUBE TELEPHONE: 713 202 1565  
MAILING ADDRESS: 1511 BETHLEHEM S  
HARRO, TX 77018  
APPLICANT'S INTEREST IN PROPERTY: OWNER

LEGAL DESCRIPTION OF THE PROPERTY:

LOT: 57 BLOCK: \_\_\_\_\_ SUBDIVISION: BRIDGE HARBOR  
ACRES: \_\_\_\_\_ SURVEY: \_\_\_\_\_ ABSTRACT: \_\_\_\_\_  
STREET ADDRESS: 57 MARLIN LANE ZONING: 3-5-10 CTC  
FREEPORT, TX. 77541

A VARIANCE IS REQUESTED FOR: BUILD 8' PRIVATE FENCE TO SCREEN  
MY HOME FROM COMMERCIAL FISHING OPERATION. I HAVE  
ATTACHED SEVERAL SUPPORTING DOCUMENTS INCLUDING A  
LETTER. THANKS CHARLES ZUBE M713-202-1565

THIS CANNOT BE ACCOMPLISHED ACCORDING TO THE COMPREHENSIVE ZONING ORDINANCE BECAUSE:

SIGNATURE OF APPLICANT



DATE: 6/28/2021

PRINT NAME OF APPLICANT: CHARLES ZUBE

FURTHER INFORMATION IS AVAILABLE ON PAGE 2 OF THIS FORM.

10-360-101



# Property Owner Authorization

I hereby certify that I am the owner, or duly authorized agent of the owner, for the purposes of this application. The application fee of \$150.00, to cover the cost of this variance request application, has been paid to the City of Freeport, on JUNE 28TH, 20 21. I also certify that I have been informed and understand the regulations regarding variances as specified in the Code of Ordinance of the City of Freeport. I understand it is necessary for me or my authorized agent to be present at all proceedings.

Owner's signature: CJH

Owner's name: CHARLES ZUBE

Address: 57 MARLIN LANE

City, State, Zip: FREEPORT, TX 77541

Phone number: 713-262-1585

In lieu of representing this request myself as owner of the subject property, I hereby authorize the person designated below, to act in the capacity as my agent for the application, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person with the City (and vice versa) in processing and responding to requirements, information or issues relative to this request.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Name printed or typed

\_\_\_\_\_  
Signature of Agent

\_\_\_\_\_  
Name printed of typed

Address of Agent: \_\_\_\_\_

Agent's Phone Number: \_\_\_\_\_

City of Freeport

Freeport City Council Members

June 28/2021

Request for Privacy Fence Variance

Dear Sirs,

Please consider my request for a variance to build an 8' privacy fence on my property located at 57 Marlin Lane Freeport, TX 77541. We have previously turned in a building permit which was denied citing a 6' max build height.

My request is based on a need for security and privacy from the Commercial Fishing operation located next door to our home. A-1 Deep Sea Charters is located beside my home their address is 56 Marlin Lane. A-1 Deep Sea Charters loads their boat in the pre-dawn hours and depart at 6am which puts their charter guests arriving in the dark and walking between the houses. A-1 has no way of knowing who their anglers will be thus exposing my family and property to a transient population of early morning and afternoon traffic.

Due to existing elevations, paving and our elevated rear deck sight lines over a 6' fence would still exist and not create the privacy we so desperately seek. Installing an 8' fence would block sight lines from the adjoining property allowing for a secured property for my family and pets. My request is to install an 8' privacy fence on existing top of concrete on my property. In the Bridge Harbor community there are several 8' fences, not sure how long they have existed however they are in place.

Straight Fence Company will be my contractor and I understand they are an approved contractor in Freeport with current liability insurance on file with the City of Freeport.

I am attaching several supporting documents for your review. A survey of my property, drawing of proposed fence, location of fence, web site location for A-1 Deep Sea Charters and map of A-1 Deep Sea location.

Please let me know if I can provide any additional information or meet City officials to explain my request of variance and location.

Thanks in advance for your consideration.



Charles & Millie Zube

57 Marlin Lane

Freeport, TX. 77541

Mobile 713-202-1585

## Zube, Charles

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**From:** Charles Zube <czube57@gmail.com>  
**Sent:** Monday, June 28, 2021 9:09 AM  
**To:** Zube, Charles





200 WEST SECOND STREET / FREEPORT, TEXAS 77541 / PHONE (979) 233-3526 / FAX (979) 233-2172

## PERMIT APPLICATION

Applicant's Name: CHARLES ZUBE

Owners Name: CHARLES ZUBE

Owners Address: 57 MARLIN LANE FREEPORT, TX 77541

## JOB INFORMATION

Contractor's Name: STRAIGHT FENCE COMPANY

Work Location: 57 MARLIN LANE FREEPORT TX 77541

Description of Job CONSTRUCT APPROXIMATELY 50' OF PRIVATE FENCE 8' TALL WITH 2 STEP DOWN TO 6' THEN 4' PER ATTACHED DRAWING AND QUOTE

Valuation of Job: \$ 4,785.00 Permit Fee: \$ \_\_\_\_\_

Type of permits needed:  Building  Electrical  Mechanical  Plumbing

Demolition  House moving  Safety

Phone numbers: Owner of Property CHARLES ZUBE 713 202 1565

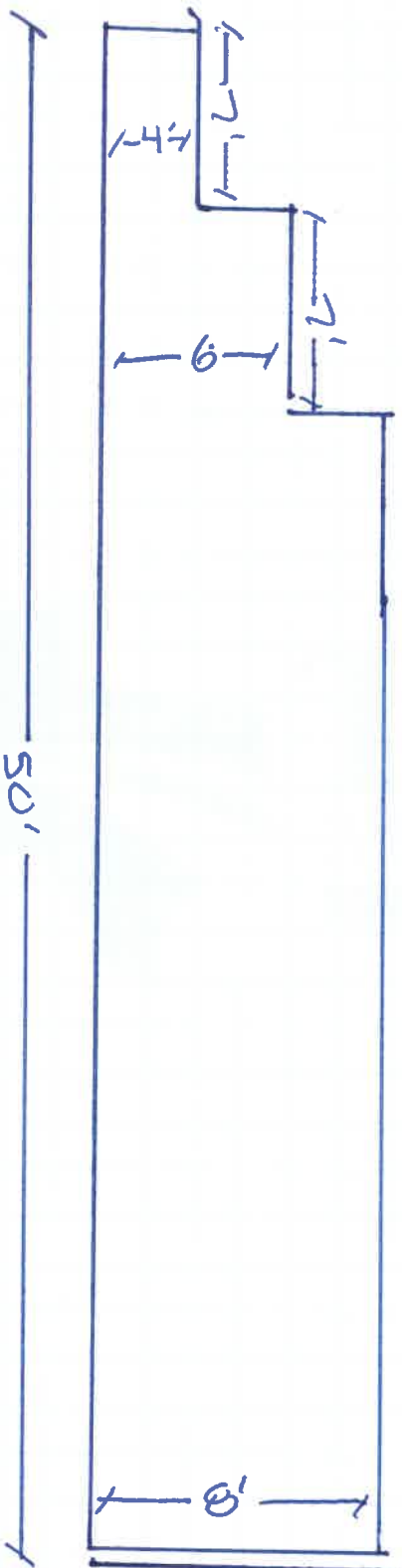
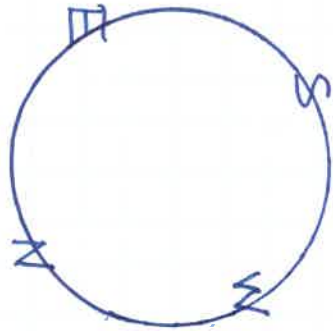
Contractor STRAIGHT FENCE CO. TUMMET 979-481-2985

Plans turned in with application:  Yes  No

Type:  Drawings  Prints

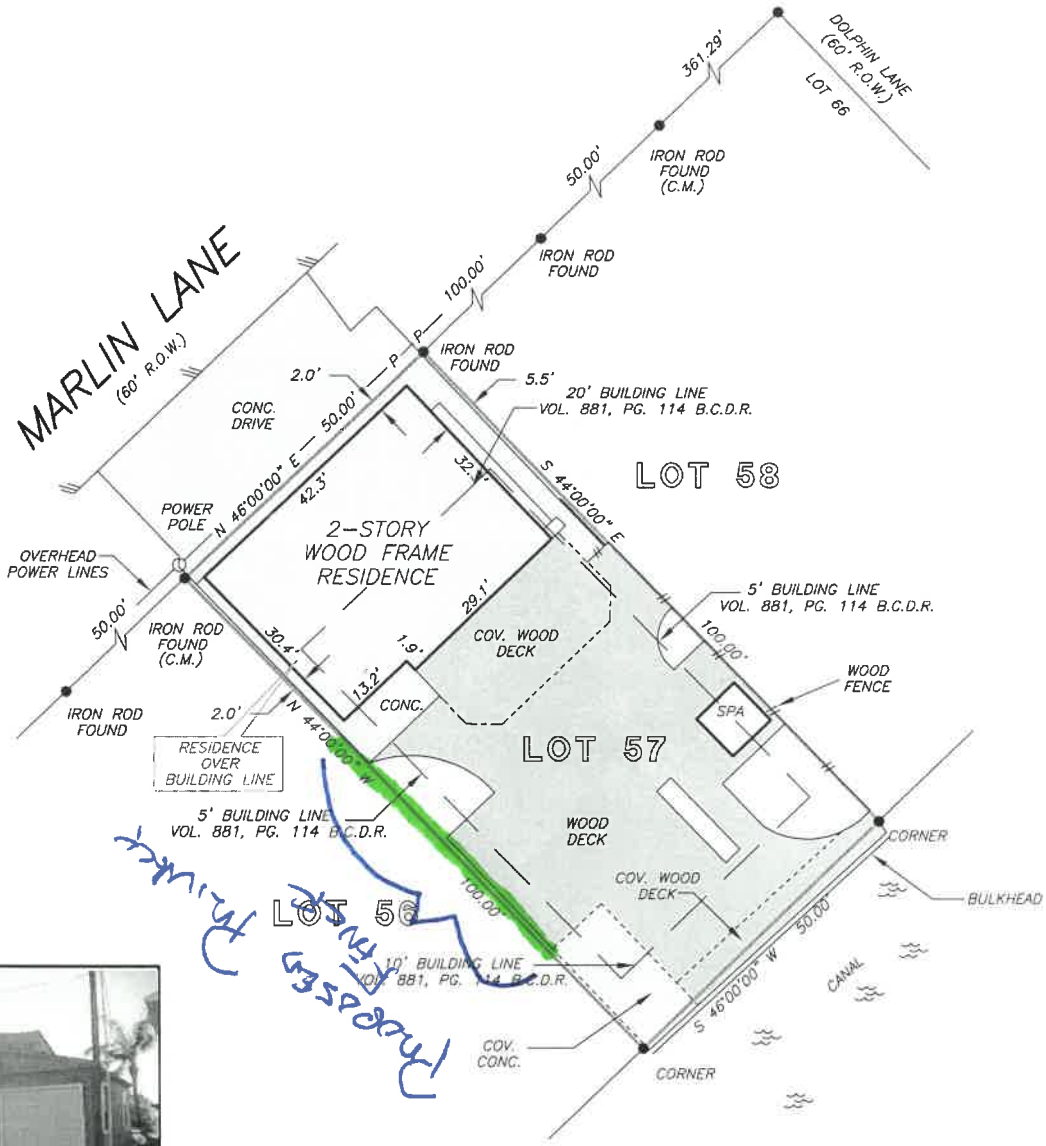
Date of Application: 6 / 18 / 2021

Applicants Signature: C Zube



WOOD PICKET DRIVEWAY FENCE  
 ON CONCRETE IN FLANGES  
 ON DIRT SET IN CONCRETE

JUST TO SCALE  
 6/17/2021  
 CF ZUMB  
 M 713-202-1585



THIS PROPERTY LIES WITHIN THE 100 YEAR FLOOD PLAIN AS PER FIRM PANEL NO. 48039C 0785 1 MAP REVISION: 05/4/92 ZONE VE BASED ONLY ON VISUAL EXAMINATION OF MAPS. INACCURACIES OF FEMA MAPS PREVENT EXACT DETERMINATION WITHOUT DETAILED FIELD STUDY

A SUBSURFACE INVESTIGATION WAS BEYOND THE SCOPE OF THIS SURVEY

RECORD BEARING: VOL. 9, PG. 31 B.C.P.R.

DRAWN BY: MV

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON. THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY AND ABSTRACTING PROVIDED IN THE ABOVE REFERENCED TITLE COMMITMENT WAS RELIED UPON IN PREPARATION OF THIS SURVEY.

TERRANCE MISH  
PROFESSIONAL LAND SURVEYOR  
NO. 4981  
JOB NO. 08-01980  
FEBRUARY 27, 2008



Charter Title Company  
  
ANN GALBRAITH  
713-871-9700



PRECISION SURVEYORS, INC.

1-800-LANDSURVEY 281-496-1586  
1-800-526-3787 FAX 281-496-1867  
14925 MEMORIAL DRIVE SUITE B100 HOUSTON, TEXAS 77079



## BOARD OF ADJUSTMENT ITEM # 1

**Title:** Consideration of Unsafe Structure

**Date:** 7/28/2021

**From:** Henry Rivas, Building Official

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**Staff Recommendation:** Approve the property at 323 North Avenue D to be deemed unsafe and the property owner to mitigate the violations in a specific time frame or remove the structure either by the owner or the City of Freeport.

**Item Summary:** Guillermo & Mary Garcia are the owners of 323 North Avenue D. (both owners are deceased). This structure was found to be unsafe because of the numerous code violations: Building and structures with openings such as missing windows, doors, garage doors, holes in the roof are at a greater of risk of wind damage.

304.1 General-the exterior of the structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare. 304.9 Overhang extension should be in good repair. 304.13 Window and door frames shall be kept in sound condition and weather tight. 304.7 Roofs and drainage shall be sound, tight, and not have defects that admit rain causing deterioration to the walls and structural elements. 304.6 Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. 108.5 Dangerous Structure or Premise states that the structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal, or movement of some portion of the ground necessary for the support, or for any other reason, is likely partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way. 304.5 Foundation wall shall be free from holes, breaks, and loose or rotting material, and maintained weatherproof and properly surface coated where required to prevent deterioration. This structure has a large hole in the roof causing structural damage to the walls and floor and foundation. The windows are broken out and the doors have been kicked in. Boards have been put in the place of doors. The eaves and overhangs are rotten. This house has been burnt and caused the structure elements to be unsafe. Also, all the electrical wiring would need to be replaced. The house is full of mold and debris causing it to be a rodent herbage.

**Background Information:** This structure is an 1868 sq ft single family residence that was built in 1969. There have been several letters sent to the owner and to Willy Garcia the son of Mary & Guillermo Garcia requesting that the structure be brought up to code. The first violation notice was issued on 9/20/2017 and there have been numerous letters since. The structure was boarded up several times but each time it was broken into. The City obtained an Administrative Search Warrant on 5/20/2021 to inspect the interior of the structure and reports were generated by the Building Official, Fire Marshall, and the Health Inspector. There are numerous pictures to show the code violations.

**Special Considerations:** The financial impact. There were bids secured and low bid was around \$8,860 to demolish the house and clean up the property.

**Financial Impact:** None if the owner were to repair it or remove it. If the city be forced to remove the structure, all cost associated with the removal will be billed to the ownership and a lien will be levied against the property.

**Board or 3<sup>rd</sup> Party recommendation:** Approve the structure to be fixed in an allowed time, or to deem the structure to be demolished.

**Supporting Documentation:** Pictures and a report from the Building Official, Fire Marshall, and the Building Inspector.





REPORT OF INSPECTION

Date of Inspection: May 20, 2021

Case #: V013387-011921

Address: 323 NORTH AVENUE D FREEPORT TEXAS 77541

Legal: VELASCO (FREEPORT0, BLOCK 561, LOT 23-24)

The following report will inform you of the conditions found at the above listed property. A list of definitions is provided to assist you with the terminology used in the report.

**BUILDING OFFICIAL:** The Building Official appointed pursuant to the Standard Code adopted by Section 150.025 of the Code of Ordinance.

**BUILDING:** A structure such as a house, garage/carport, storage shed, office or store, parking shelter and mechanical shelters.

**STRUCTURE:** That which is built or constructed.


**UNSAFE BUILDING:** Any building or structure that has any conditions, such that the life, health, or safety of its occupants and/or the general public is endangered.

AN INSPECTION OF THE PROPERTY WAS MADE BY THE BUILDING OFFICIAL AND THE FOLLOWING DEFICIENCIES WERE FOUND AT THE TIME OF THE INSPECTION:

- 1. **Open structure:** open/broken windows or doors.
- 2. **Unstable structure:** rotten, broken, and/or termite infested structural members such as beams, roof rafters, ceiling and joist, sills, top plates and studs.
- 3. **Roof failure:** roof leaking, sagging, missing all or part of roof.
- 4. **Structural failure:** collapse or threat of collapse concerning walls, beams, headers, floor and ceiling joist.
- 5. **Foundation failure:** breaking, cracking, moving, or settling of slab, pier, beam, or footing that has caused damage to the structure.
- 6. **Absence of fixtures:** sinks, lavatories, water closets.
- 7. **Absence of plumbing:** venting, water and waste lines missing or in need of repair.
- 8. **Absence of power distribution equipment:** electrical service panel, breakers, wiring, outlets, fixtures missing or in need of repair.
- 9. **Building must be vacated within thirty (30) days of receiving this notice.**

Pursuant to Chapter 150 of the Code of Ordinances of the City of Freeport, you are hereby directed to abate the unsafe structure on the referenced property or appeal to the Board of Adjustment of the City of Freeport, Texas by filing a written request for a hearing with the Board within 10 days of this notice. If compliance is not met the City of Freeport shall Hold a Civil Abatement Hearing regarding the ordinance violation/s. If you fail to appear at this hearing City staff may be ordered to enter the property and abate the unsafe structure or cause such abatement.

Please be advised that the unsafe structure must be completely abated within the 10 day period per the violation notice. To avoid the City of Freeport from taking civil abatement action Partial abatement is not acceptable.

  
Building Official, City of Freeport

  
Date

Repair or Demolish	<input checked="" type="checkbox"/>	Type of Structure	
Demolish Only	<input type="checkbox"/>	Single Family House	<input checked="" type="checkbox"/>
Zoning	<input type="checkbox"/>	Multi-Family House (Duplex)	<input type="checkbox"/>
Non-Conforming	<input type="checkbox"/>	Garage Apartment	<input type="checkbox"/>
Front Setback	<input type="checkbox"/>	Garage	<input checked="" type="checkbox"/>
Side Setback	<input type="checkbox"/>	Storage Building	<input type="checkbox"/>
Rear Setback	<input type="checkbox"/>	Commercial Building	<input type="checkbox"/>
Use	<input type="checkbox"/>	Apartment Complex	<input type="checkbox"/>



# City of Freeport

200 West 2nd  
Freeport, Texas 77541

REPORT ADDRESS 323 N. Ave D		INSPECTOR Henry Rivas	
LEGAL DESCRIPTION: <i>Village Victory Freeport</i>	LOT <i>28-24</i>	FREEPORT	BLK. 4 PARK <i>561</i>
OWNER <i>Mary &amp; Guillermo Garcia</i>	OWNER'S ADDRESS <i>315 N. Ave D</i>	CITY/STATE/ZIP <i>Freeport TX 77541</i>	
	323 N AVE D	FREEPORT, TX.77541-5336	

## PROPERTY CONDITION REPORT

PICTURES TAKEN:	Y OR N Y	ACCEPTABLE			REASON CODE	COMMENT CODES
		YES	NO	N/A		
<b>Building</b>						
	Condition		X		AB,C,MD,H	
<b>Yard</b>						
	Condition		X		OV	
<b>Utilities</b>						
	Electric		X		H,NR	
	Gas		X		MI	
	Water		X		MI	
<b>Roof</b>						
	Covering		X		C,H,	
<b>Walls</b>						
	Exterior		X			
	Interior		X		C,NR	
	Ceilings		X		C,MO,NR,	
<b>Windows/Doors</b>						
	Secured		X		NR	
	Condition		X		NR	
<b>Foundation</b>						
	Exterior		X		L	
	Interior		X		L,C,H	
<b>Plumbing</b>						
			X		NR,	
<b>Electrical</b>						
			X		NR,	

**REASON CODES:**

AB-Abandoned	C-Collapsed	I-Incomplete	MO-Mold	NR-Needs Repair
AS-Asbestos	D-Deteriorated	L-Leaning	OU-Outdated	
B-Broken	H-Hazardous	MI-Missing	OV-Overgrown	

**COMMENT CODES:**

The structure is severely damaged and not fit for habitation.

**BUILDING OFFICIAL COMMENTS:**

SIGNATURE: *Henry Rivas*

Henry Rivas, CITY OF FREEPORT BUILDING INSPECTOR

DATE: 5/20/2021



**CITY OF FREEPORT  
FREEPORT FIRE & EMS DEPARTMENT**

**131 East 4<sup>th</sup> Street  
Freeport, Texas 77541  
Phone (979) 233-2111  
Fax (979) 233-4103**

**Christopher Motley  
Chief / EMC**

**Mike Praslicka  
Deputy Chief  
EMS Coordinator**

**Micheal Dumas  
Deputy Chief  
Fire Marshal**

***Office of the Fire Marshal***

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**May 20, 2021**

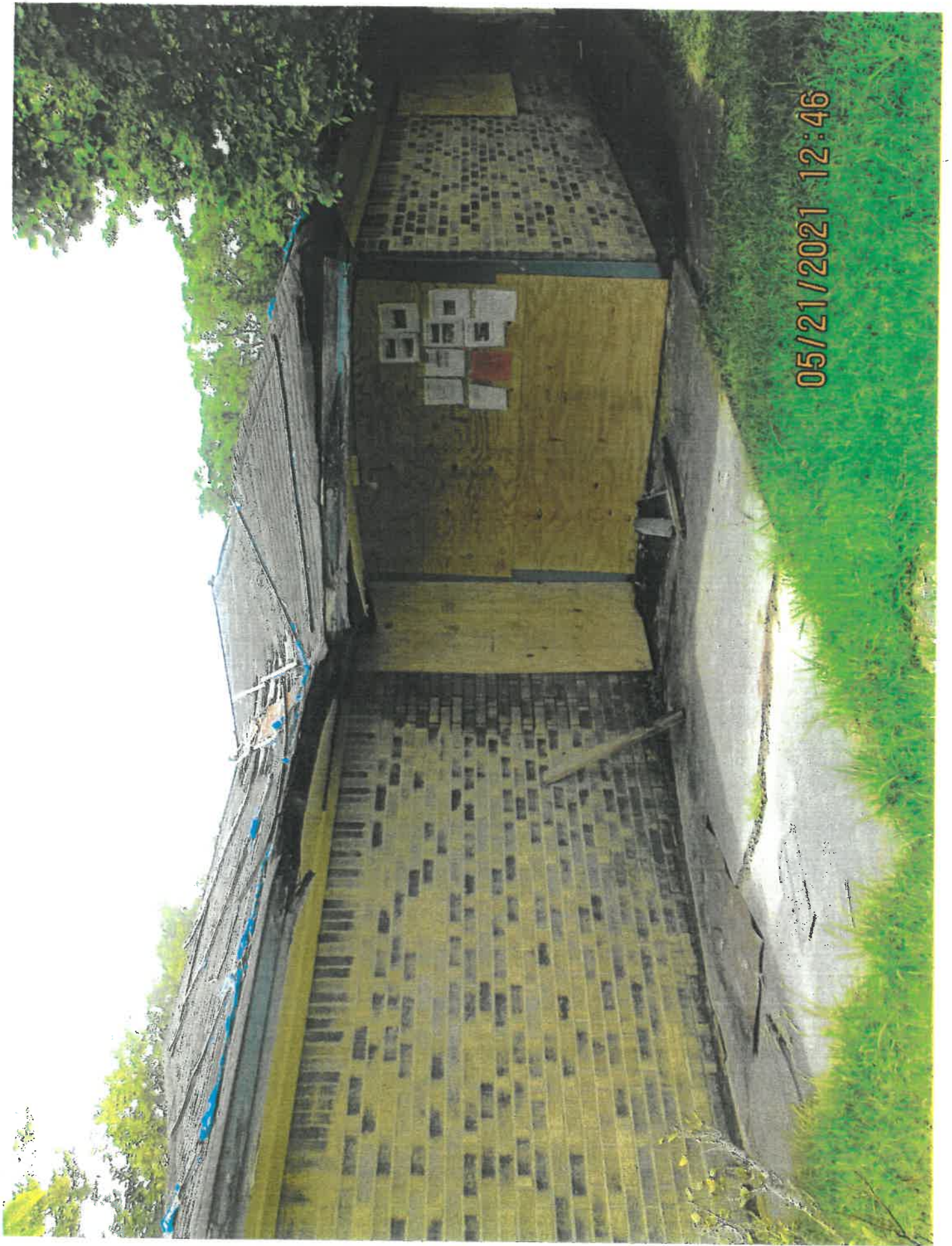
**Subject: 323 N Ave D. Freeport, Tx 77541**

**Building Official Bill Shoemaker,**

**In reference to the address above the structure constitutes a clear and inimical threat to human life, safety or health. The structure is unsafe and is a fire hazard because of the degree to which the structure is in disrepair, lack of maintenance, insanitary, vermin, contains filth and contamination, and has comprised structural supports. This structure is in violation of the adopted International Fire code 22015ed. Section 110 and Property Maintenance Code 2015ed. section 108.**

**Respectfully,**

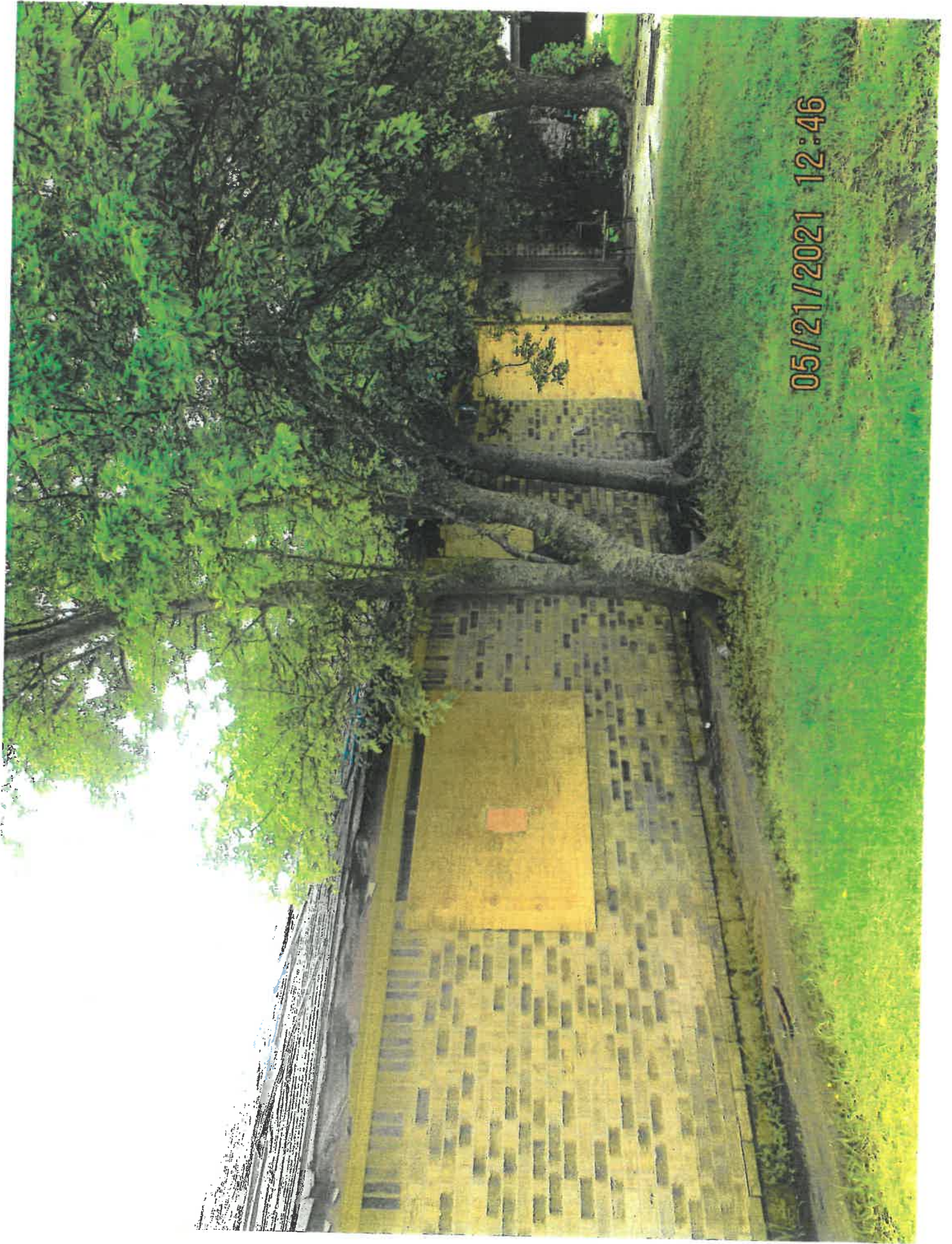
**Micheal R Dumas  
*Micheal Dumas*  
Deputy Chief- Fire Marshal  
Freeport Fire & EMS Department**



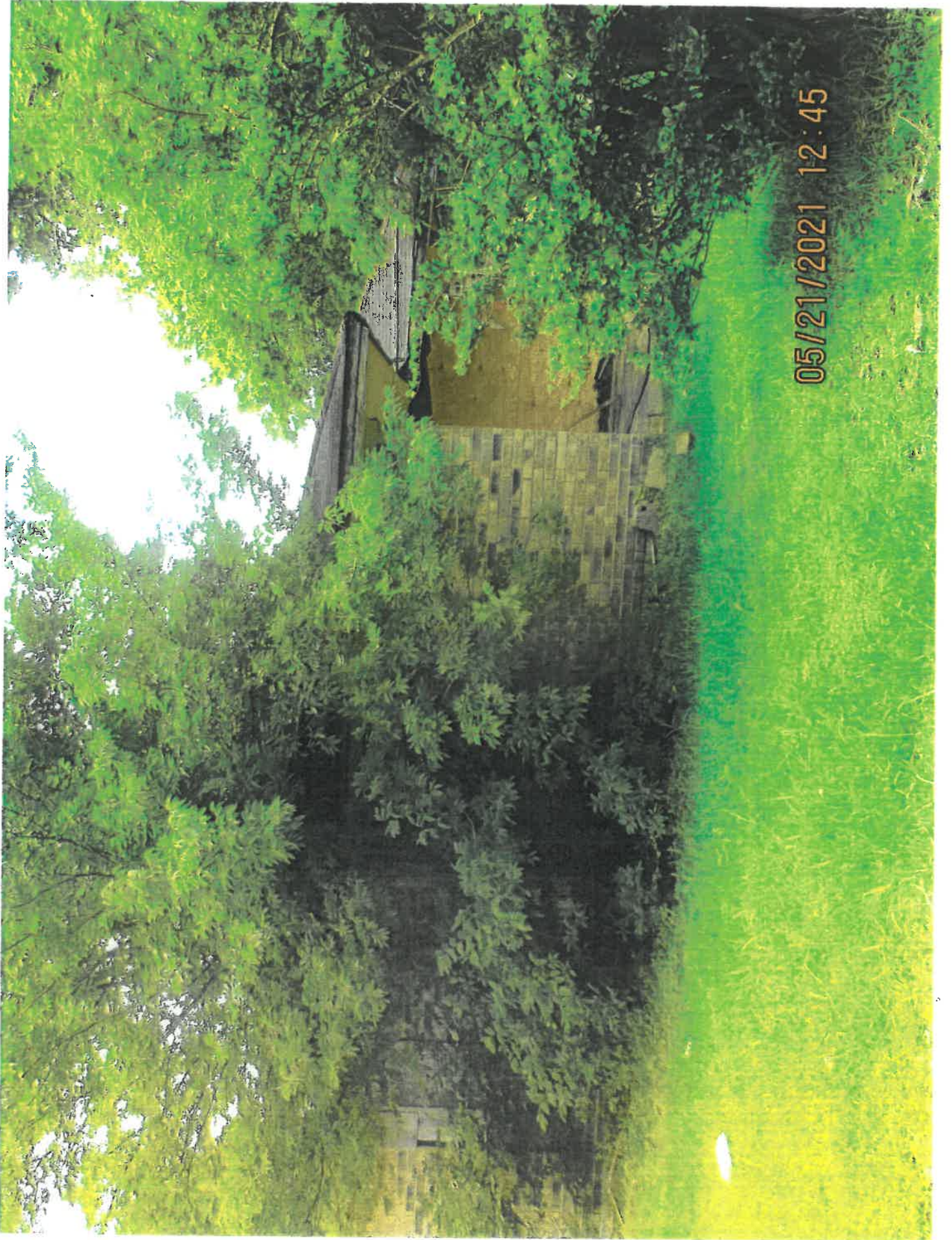
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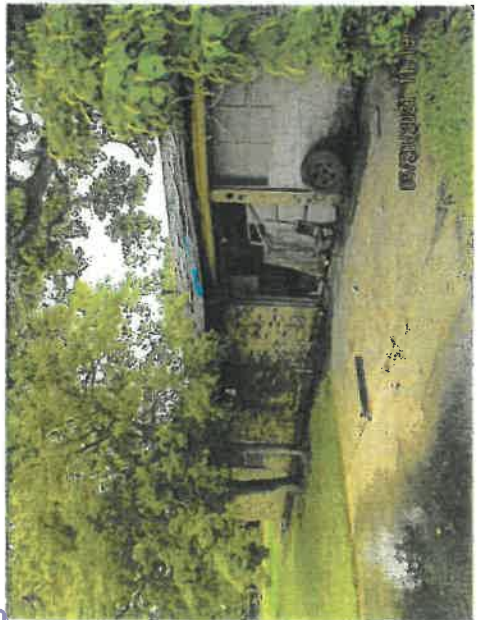
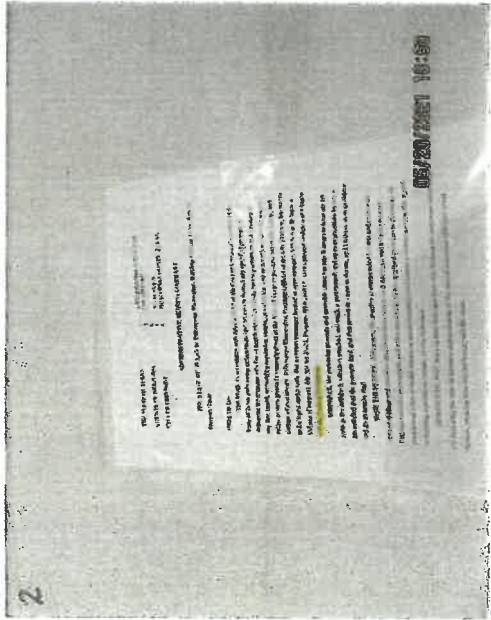
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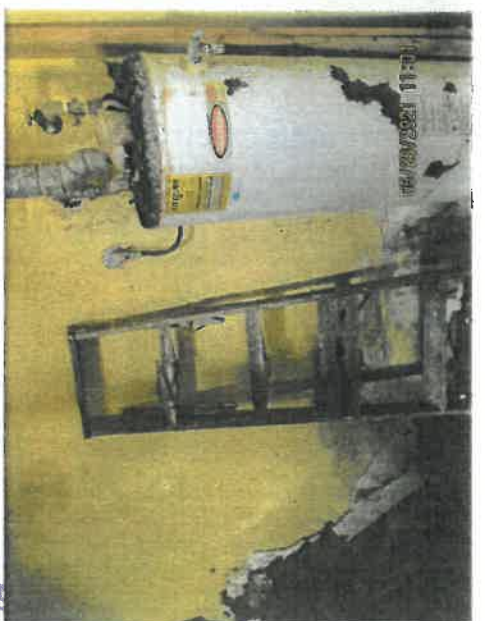
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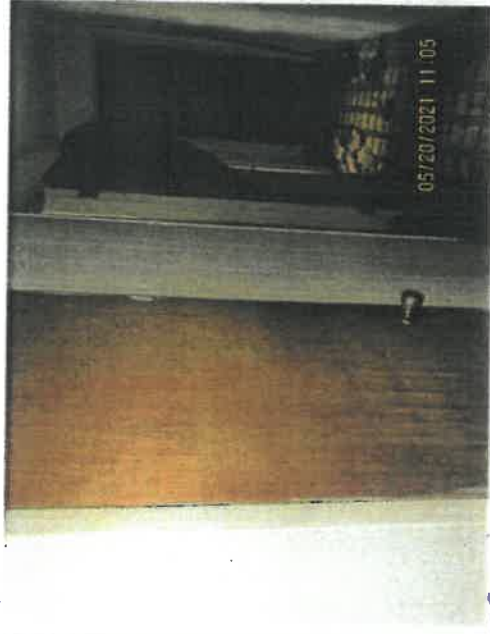
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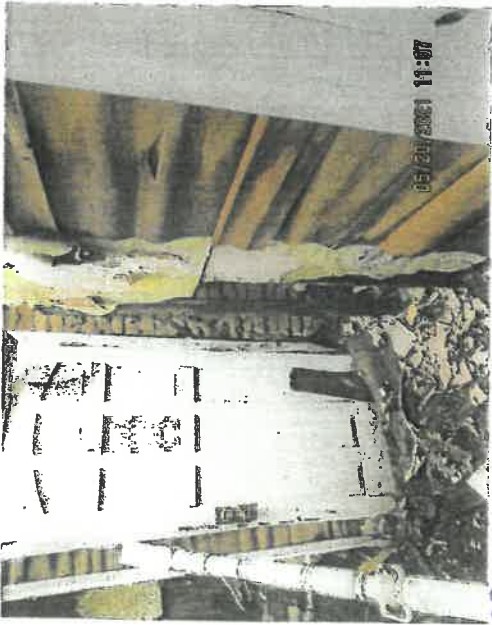
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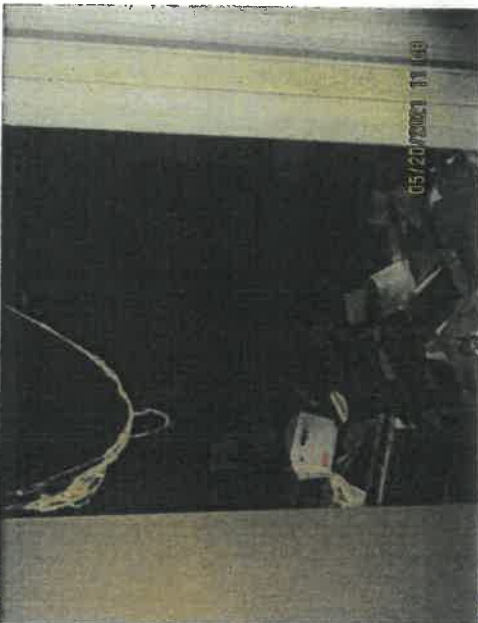
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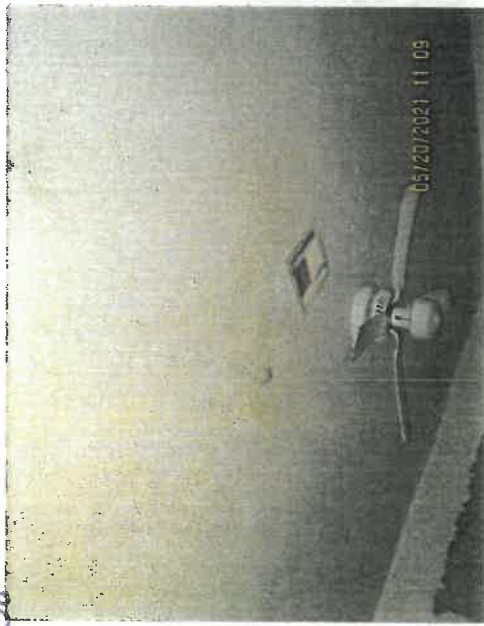
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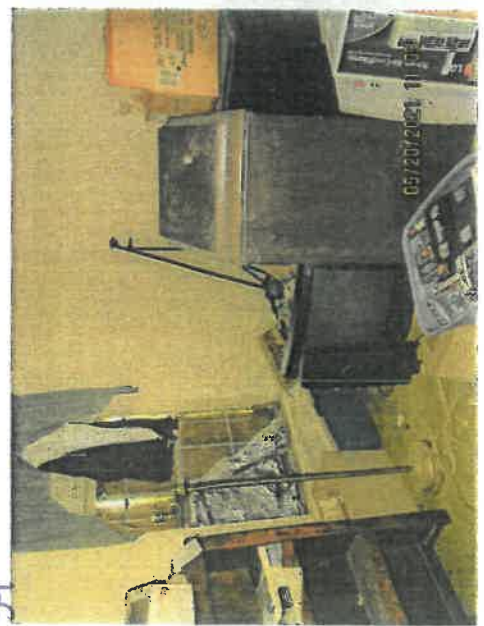
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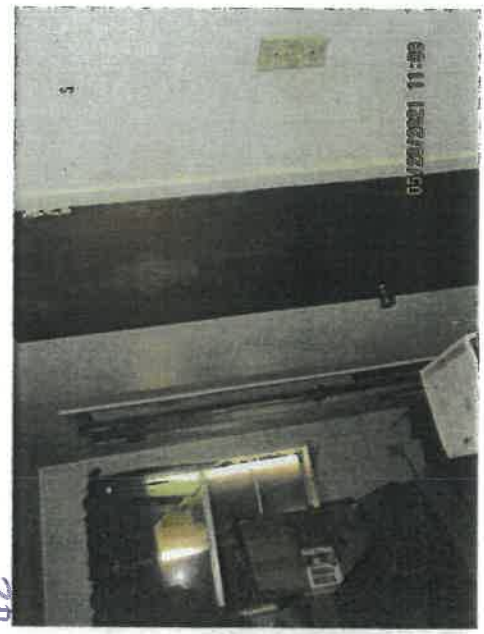
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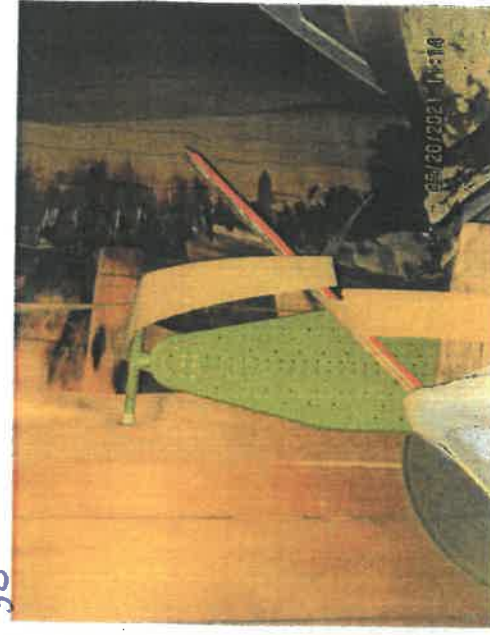
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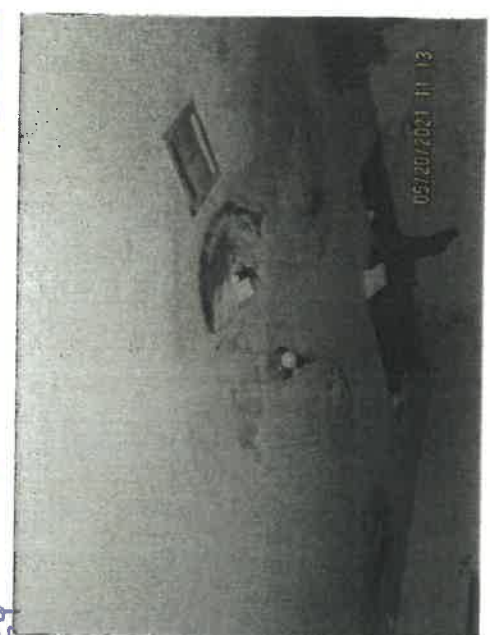
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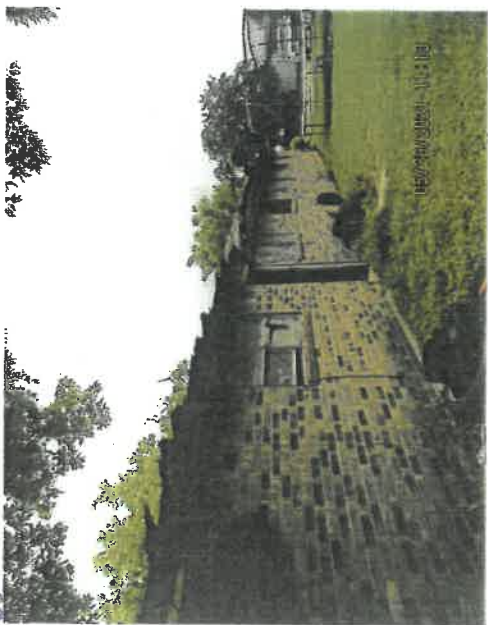
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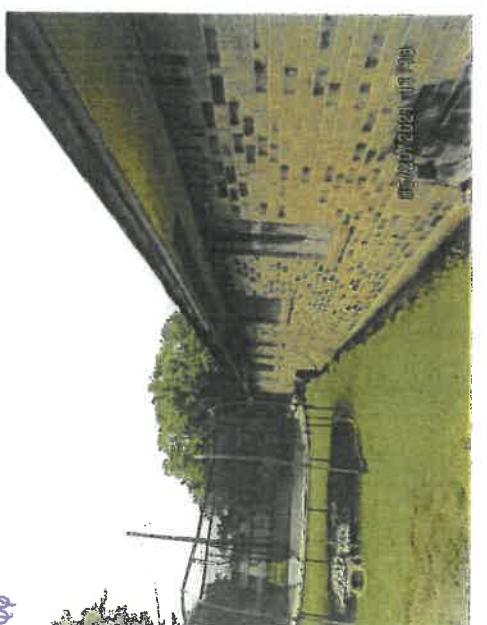
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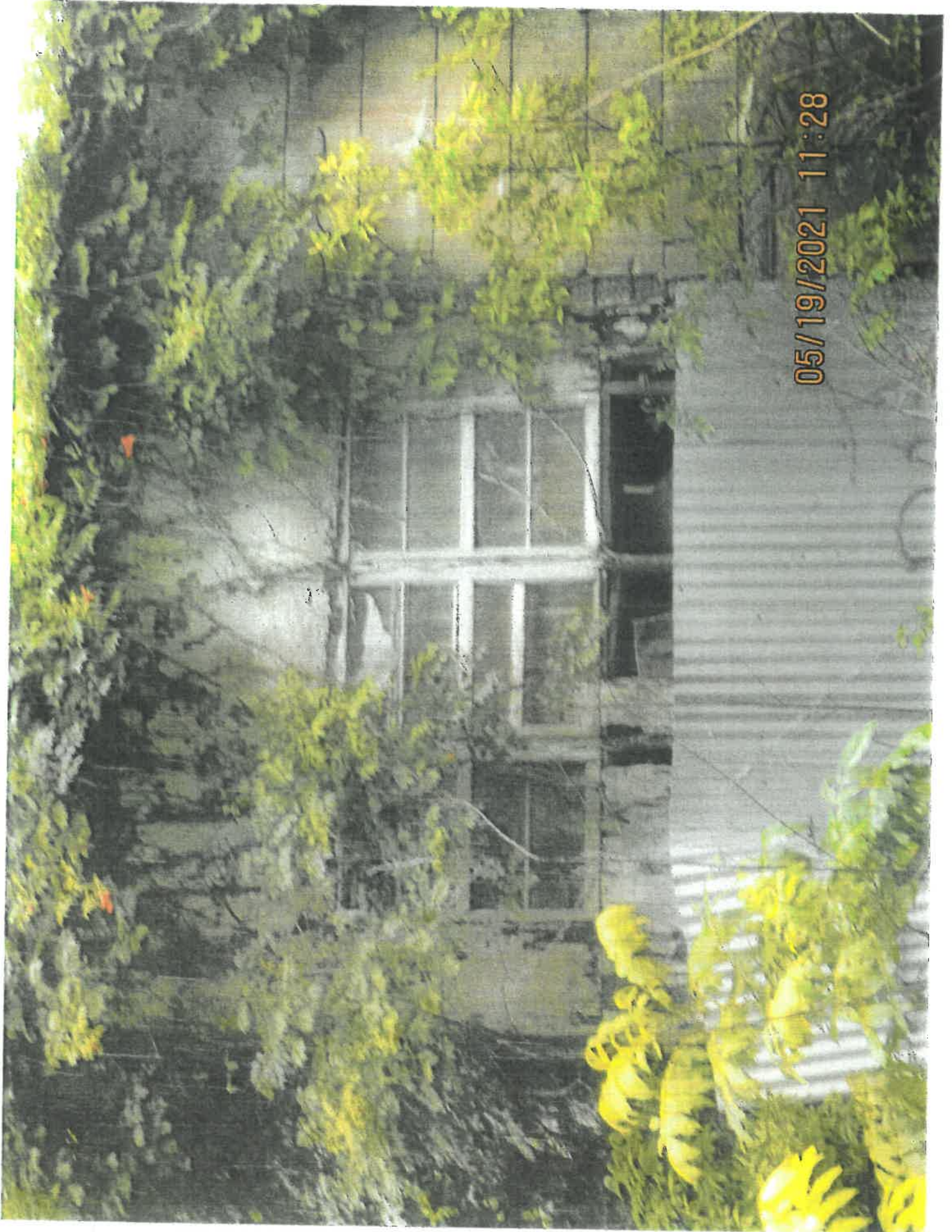
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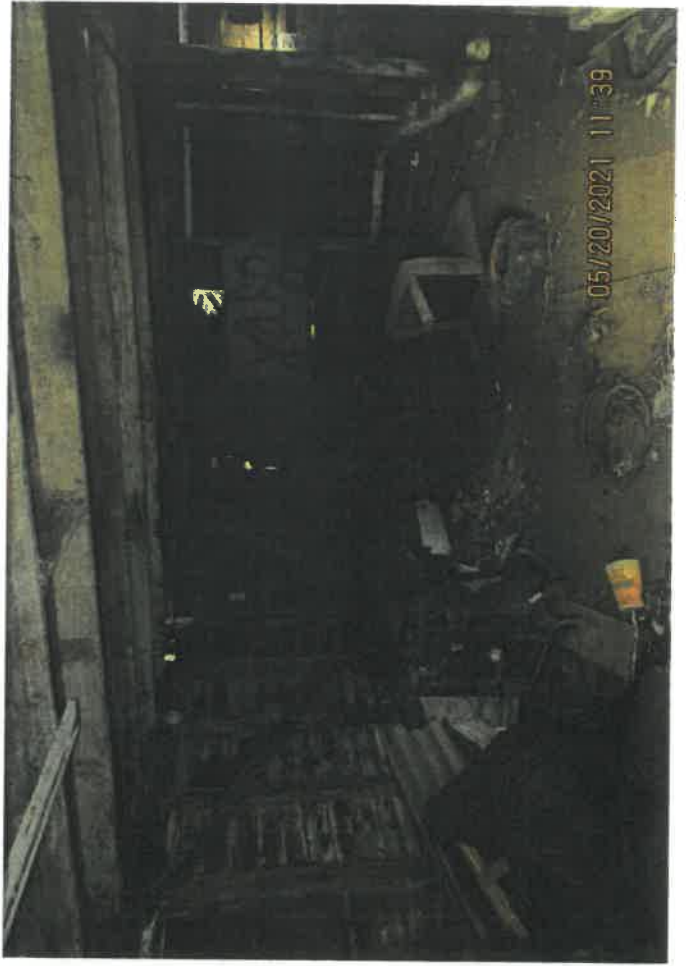


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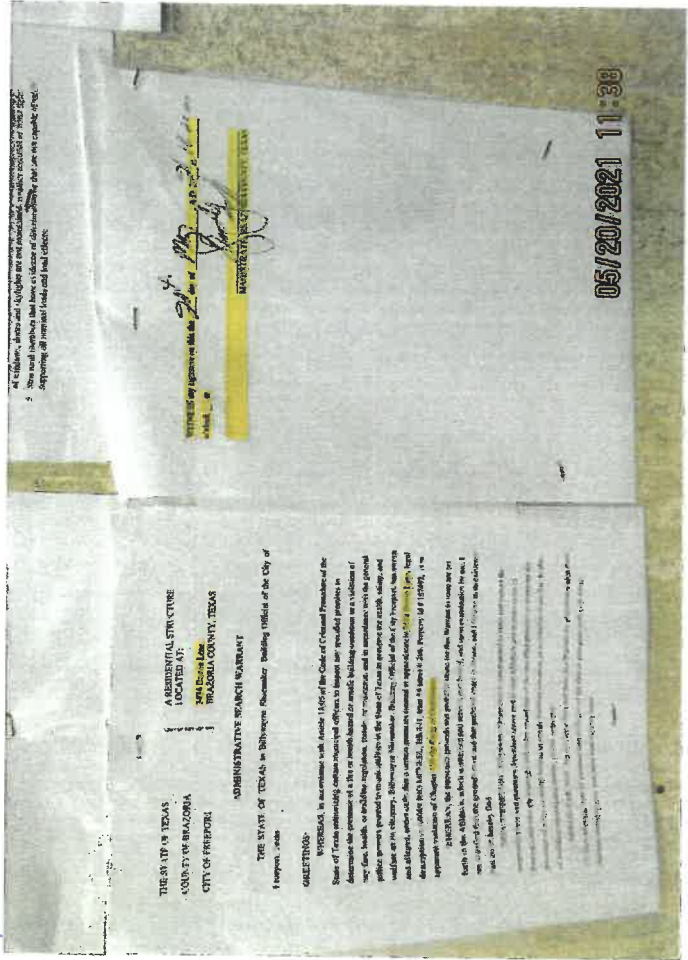
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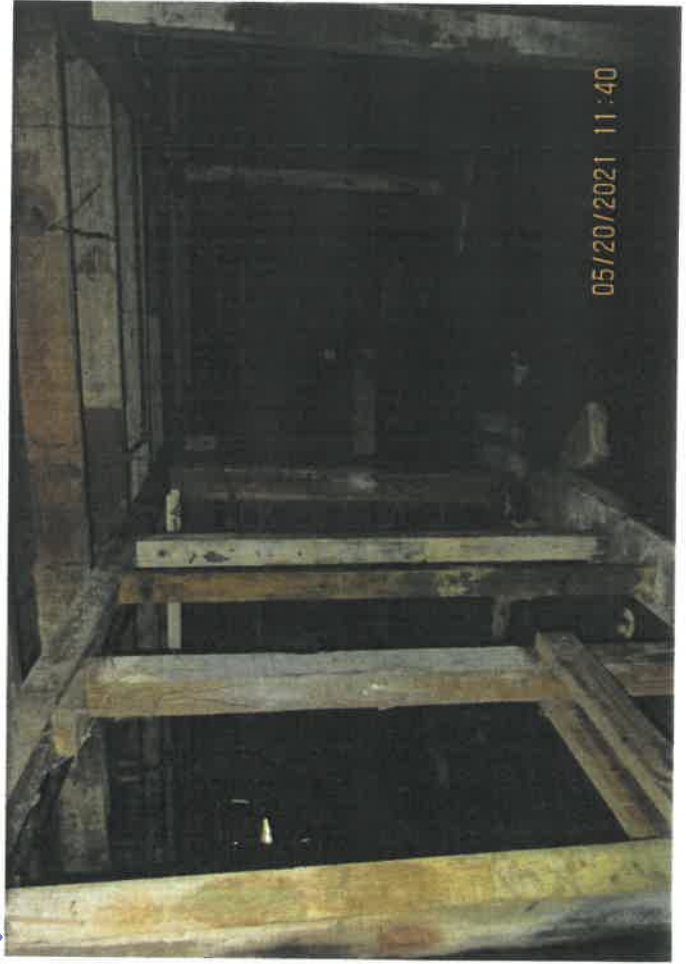
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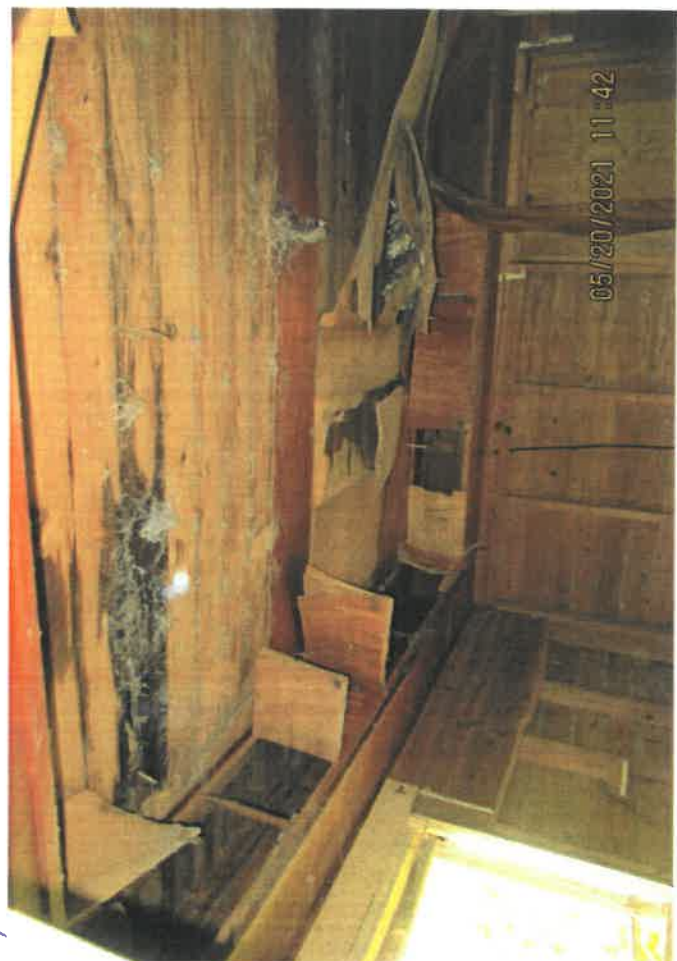
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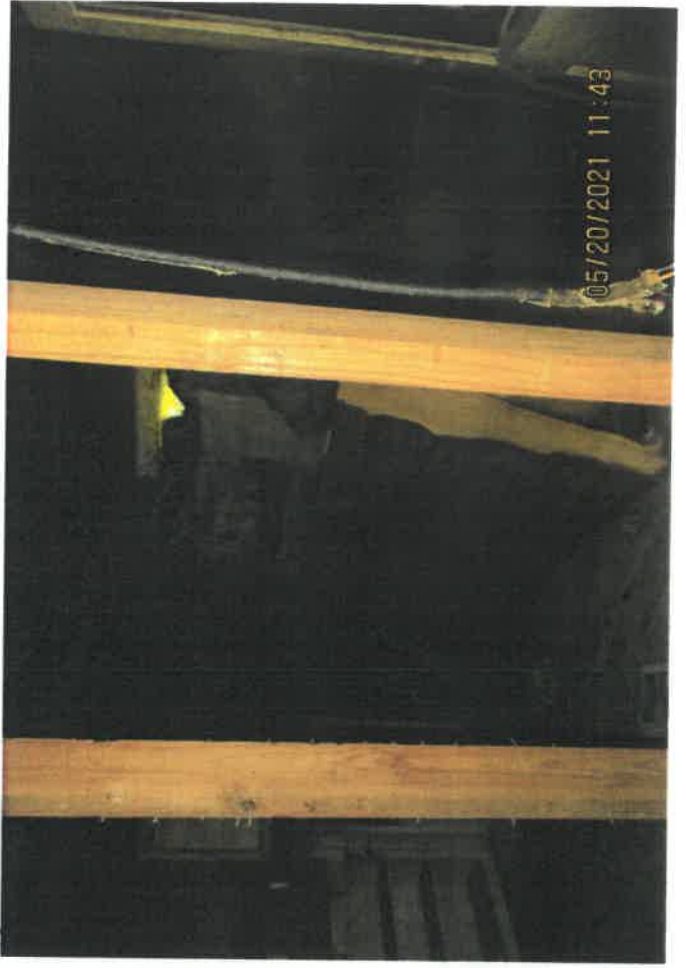


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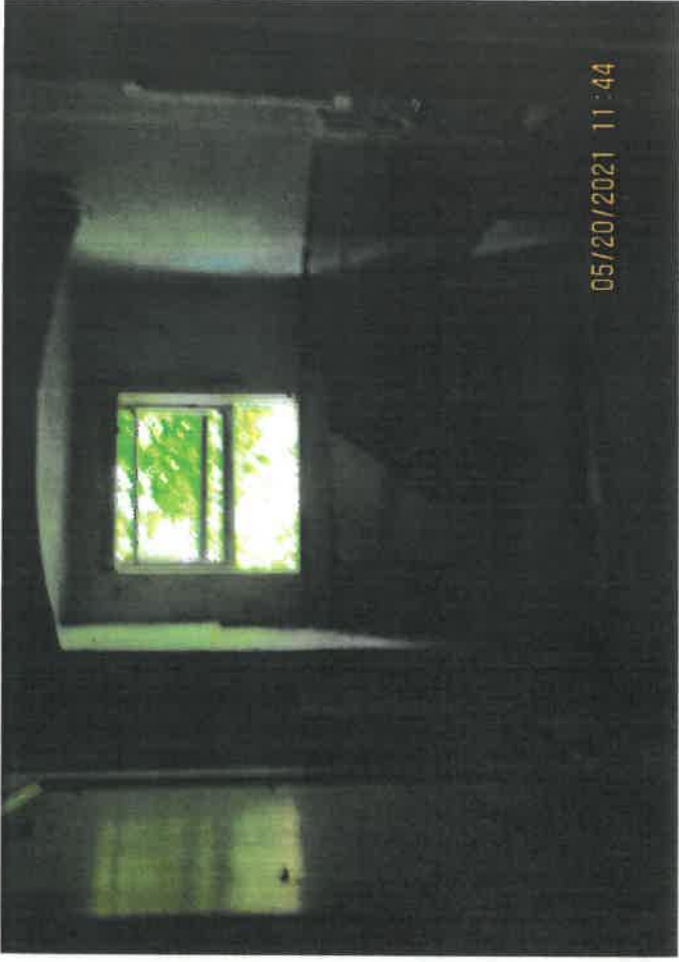
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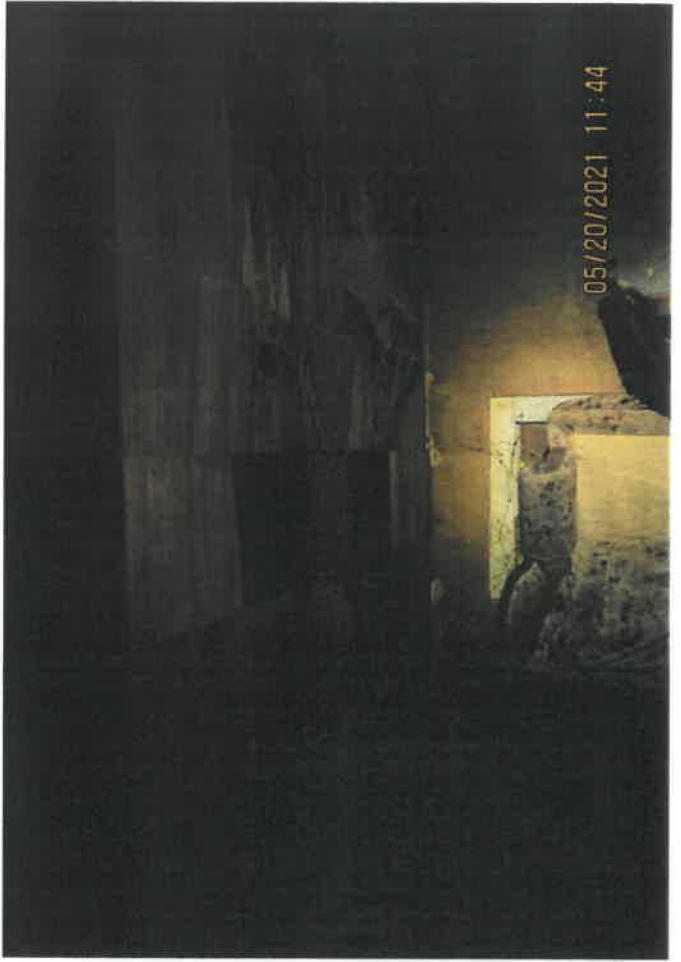
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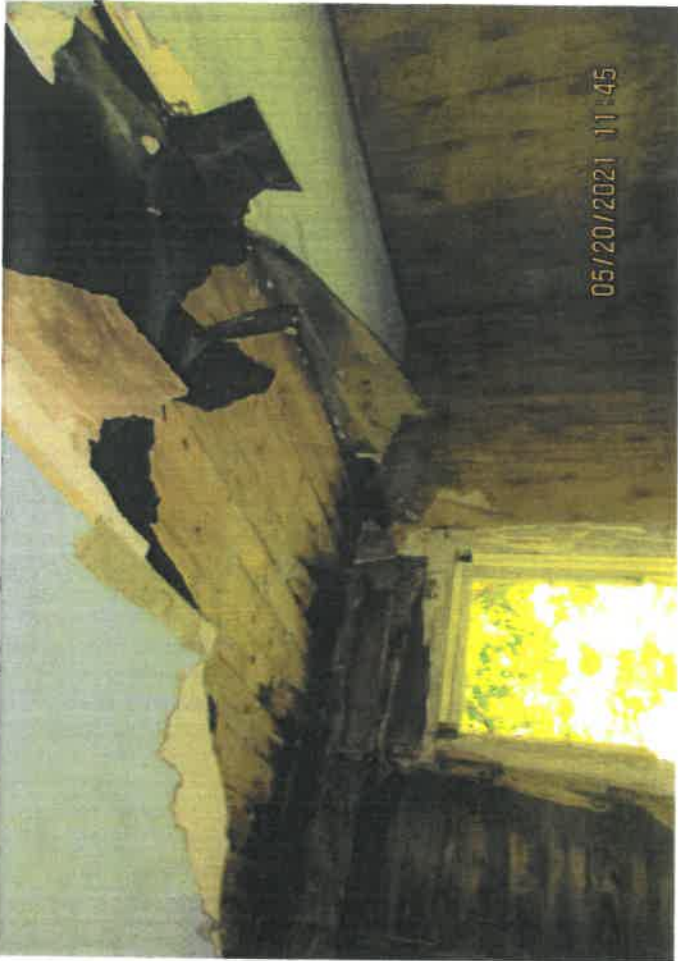
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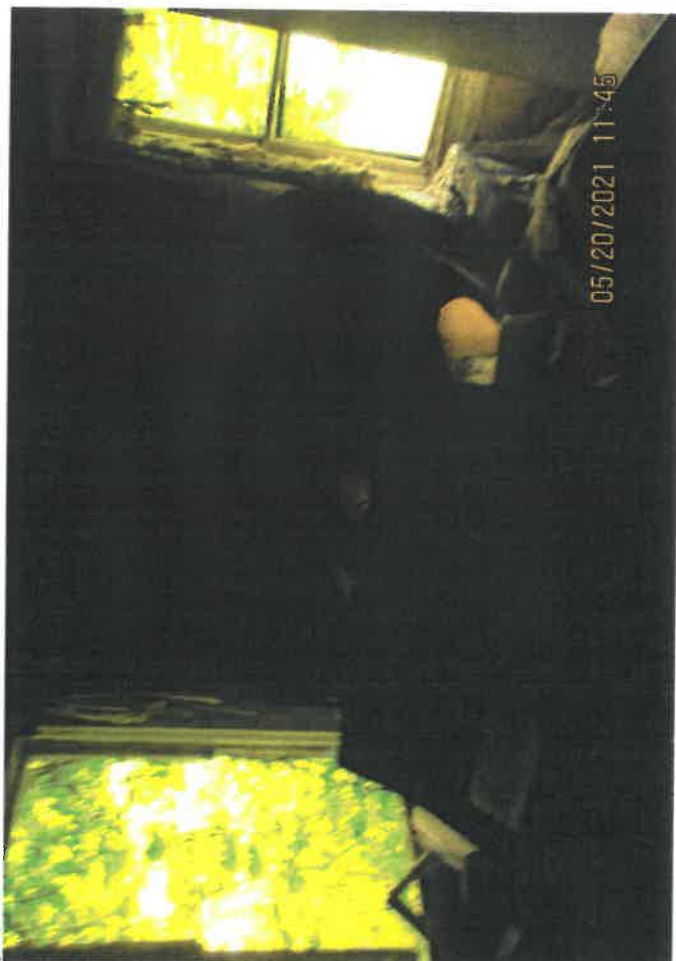


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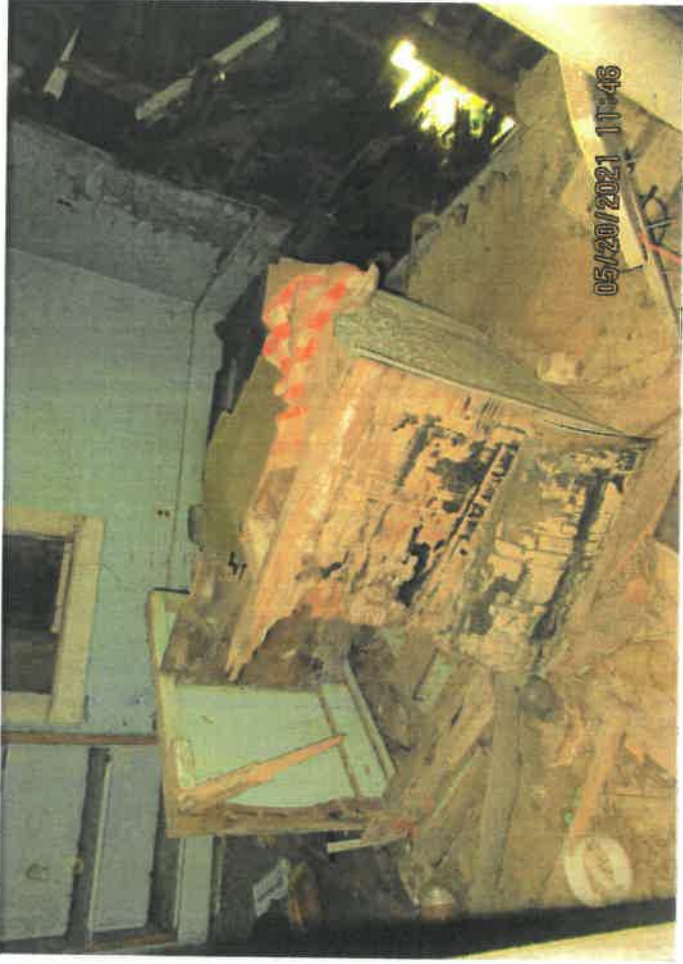
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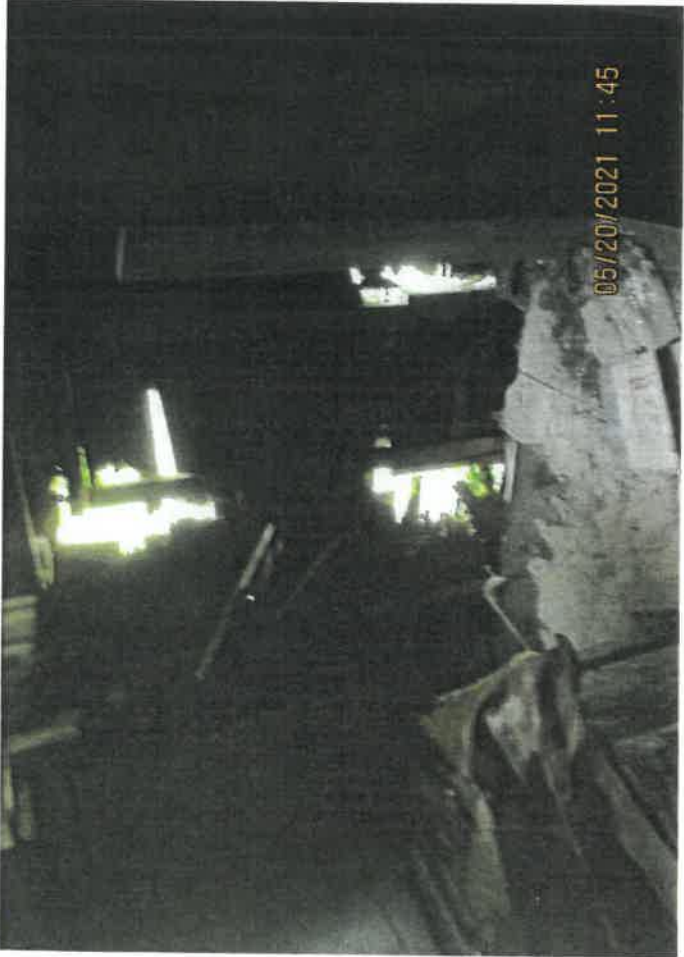
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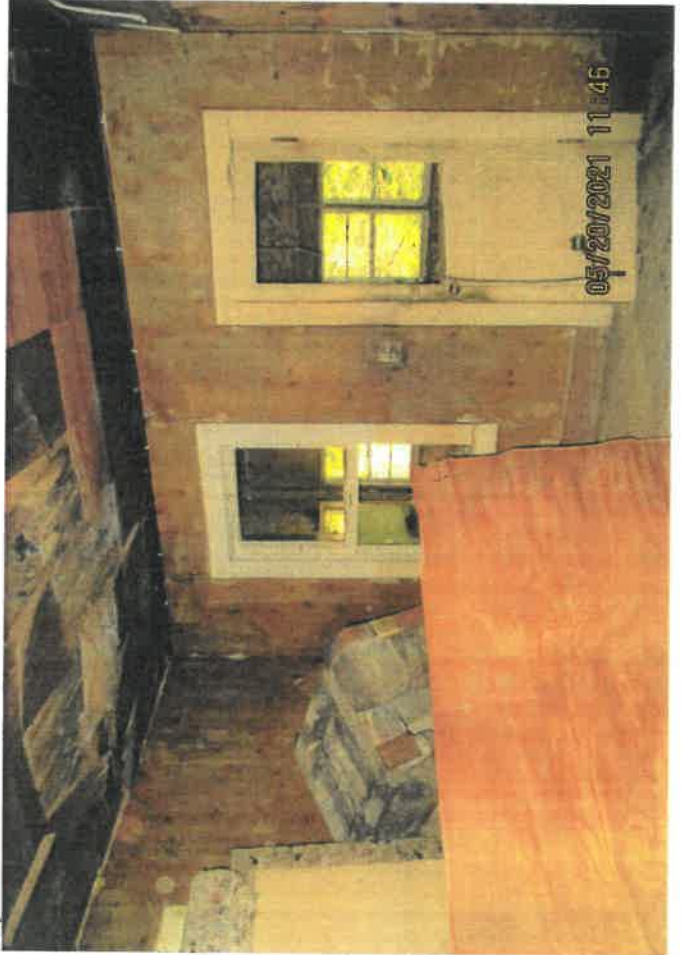
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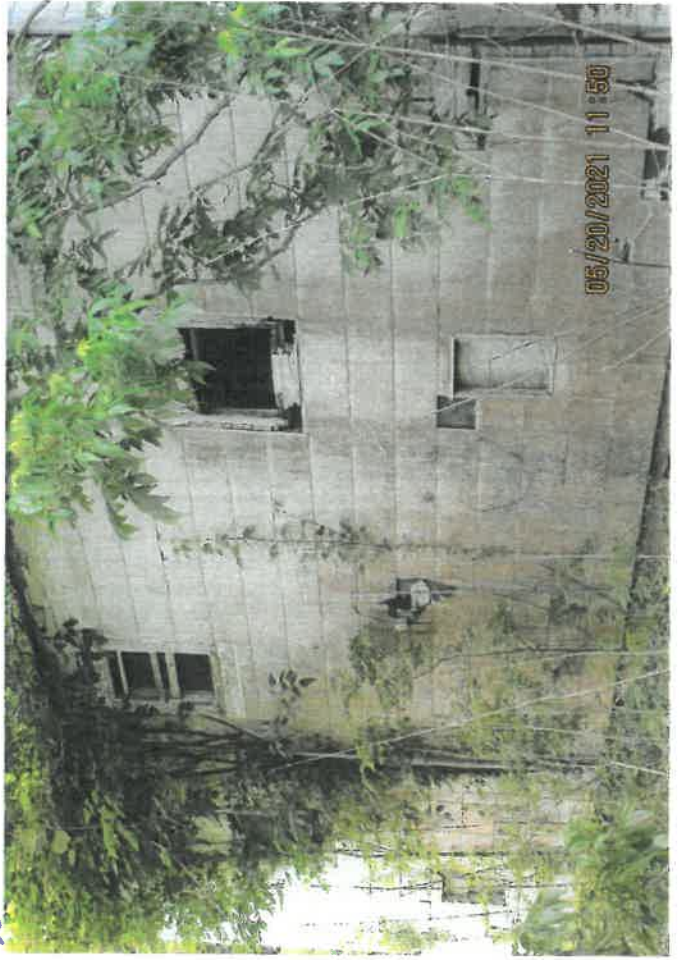
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## BOARD OF ADJUSTMENT ITEM # 2

**Title:** Consideration of Unsafe Structure

**Date:** 7/28/2021

**From:** Henry Rivas, Building Official

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**Staff Recommendation:** Approve the property at 3434 Bowie Lane to be deemed unsafe and the property owner to mitigate the violations in a specific time frame or remove the structure either by the owner or the City of Freeport.

**Item Summary:** Dennis Webster McKay is the owners of 3434 Bowie Lane. This structure was found to be unsafe because of the numerous code violations: Building and structures with openings such as missing windows, doors, garage doors, holes in the roof are at a greater of risk of wind damage.

304.1 General-the exterior of the structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare. 304.9 Overhang extension should be in good repair Building and structures with openings such as missing windows, doors, garage doors, holes in the roof are at a greater of risk of wind damage.304.13 Window and door frames shall be kept in sound condition and weather tight. 304.7 Roofs and drainage shall be sound, tight, and not have defects that admit rain causing deterioration to the walls and structural elements. 304.6 Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. 108.5 Dangerous Structure or Premise states that the structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal, or movement of some portion of the ground necessary for the support, or for any other reason, is likely partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way. 304.5 Foundation wall shall be free from holes, breaks, and loose or rotting material, and maintained weatherproof and properly surface coated where required to prevent. This structure is wide open with structural damage to the walls and floor. The windows are broken out and the doors have been kicked in. The eaves and overhangs are rotten. This house has been wide open causing it to be a public nuisance. Also, all the electrical wiring would need to be replaced. The electrical and plumbing would need to be repaired. The roof is leaking and sagging and is missing parts of it.

**Background Information:** This structure is 696 sq ft single family residence that was built in 1950. There have been several letters sent to the owner requesting that the structure be brought up to code. The violation notice was issued on 02/02/2021, and there have been numerous letters since. The structure has never been boarded up by the owner. On 5/20/2021 and Administrative Search Warrant was issued to inspect the interior of the structure and reports were generated by the Building Official, Fire Marshall, and the Health Inspector. There are numerous pictures to show the code violations.

**Special Considerations:** The financial impact would be that the city secure bids to demolish and clean up the property. There is also a accessory structure that would need to be removed.

**Financial Impact:** None if the owner were to repair it or remove it. If the city remove the structure, all cost associated with the removal will be billed to the ownership and a lien will be levied against the property.

**Board or 3<sup>rd</sup> Party recommendation:** Approve the structure to be fixed in an allowed time, or to deem the structure to be demolished.

**Supporting Documentation:** Pictures and a report from the Building Official, Fire Marshall, and the Building Inspector.



## REPORT OF INSPECTION

Date of Inspection: May 20, 2021

Case #: B013420-020221

Address: 3434 BOWIE LANE FREEPORT TEXAS 77541

Legal: A0089 JNO MCNEEL, BLOCK I-11, TRACT 14, ACRES 0.206

The following report will inform you of the conditions found at the above listed property. A list of definitions is provided to assist you with the terminology used in the report.

**BUILDING OFFICIAL:** The Building Official appointed pursuant to the Standard Code adopted by Section 150.025 of the Code of Ordinance.

**BUILDING:** A structure such as a house, garage/carport, storage shed, office or store, parking shelter and mechanical shelters.

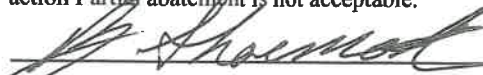
**STRUCTURE:** That which is built or constructed.

**UNSAFE BUILDING:** Any building or structure that has any conditions, such that the life, health, or safety of its occupants and/or the general public is endangered.

**AN INSPECTION OF THE PROPERTY WAS MADE BY THE BUILDING OFFICIAL AND THE FOLLOWING DEFICIENCIES WERE FOUND AT THE TIME OF THE INSPECTION:**

- 1. **Open structure:** open/broken windows or doors.
- 2. **Unstable structure:** rotten, broken, and/or termite infested structural members such as beams, roof rafters, ceiling and joist, sills, top plates and studs.
- 3. **Roof failure:** roof leaking, sagging, missing all or part of roof.
- 4. **Structural failure:** collapse or threat of collapse concerning walls, beams, headers, floor and ceiling joist.
- 5. **Foundation failure:** breaking, cracking, moving, or settling of slab, pier, beam, or footing that has caused damage to the structure.
- 6. **Absence of fixtures:** sinks, lavatories, water closets.
- 7. **Absence of plumbing:** venting, water and waste lines missing or in need of repair.
- 8. **Absence of power distribution equipment:** electrical service panel, breakers, wiring, outlets, fixtures missing or in need of repair.
- 9. **Building must be vacated within thirty (30) days of receiving this notice.**

Pursuant to Chapter 150 of the Code of Ordinances of the City of Freeport, you are hereby directed to abate the unsafe structure on the referenced property or appeal to the Board of Adjustment of the City of Freeport, Texas by filing a written request for a hearing with the Board within 10 days of this notice. If compliance is not met the City of Freeport shall Hold a Civil Abatement Hearing regarding the ordinance violation/s. If you fail to appear at this hearing City staff may be ordered to enter the property and abate the unsafe structure or cause such abatement. Please be advised that the unsafe structure must be completely abated within the 10 day period per the violation notice. To avoid the City of Freeport from taking civil abatement action Partial abatement is not acceptable.

  
 Building Official, City of Freeport

5/25/21  
 Date

Repair or Demolish	<input checked="" type="checkbox"/>	<b>Type of Structure</b>	
Demolish Only	<input type="checkbox"/>	Single Family House	<input checked="" type="checkbox"/>
Zoning	<input type="checkbox"/>	Multi-Family House (Duplex)	<input type="checkbox"/>
<b>Non-Conforming</b>	<input type="checkbox"/>	Garage Apartment	<input type="checkbox"/>
Front Setback	<input type="checkbox"/>	Garage	<input checked="" type="checkbox"/>
Side Setback	<input type="checkbox"/>	Storage Building	<input checked="" type="checkbox"/>
Rear Setback	<input type="checkbox"/>	Commercial Building	<input type="checkbox"/>
Use	<input type="checkbox"/>	Apartment Complex	<input type="checkbox"/>



**CITY OF FREEPORT  
FREEPORT FIRE & EMS DEPARTMENT**

**131 East 4<sup>th</sup> Street  
Freeport, Texas 77541  
Phone (979) 233-2111  
Fax (979) 233-4103**

**Christopher Motley  
Chief / EMC**

**Mike Praslicka  
Deputy Chief  
EMS Coordinator**

**Micheal Dumas  
Deputy Chief  
Fire Marshal**

***Office of the Fire Marshal***

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**May 20, 2021**

**Subject: 3434 Bowie Freeport, Tx 77541**

**Building Official Bill Shoemaker,**

**In reference to the address above the structure constitutes a clear and inimical threat to human life, safety or health. The structure is unsafe and is a fire hazard because of the degree to which the structure is in disrepair, lack of maintenance, insanitary, vermin, contains filth and contamination, and has comprised structural supports. This structure is in violation of the adopted International Fire code 22015ed. Section 110 and Property Maintenance Code 2015ed. section 108.**

**Respectfully,**

**Micheal R Dumas  
*Micheal Dumas*  
Deputy Chief- Fire Marshal  
Freeport Fire & EMS Department**



# City of Freeport

200 West 2nd  
Freeport, Texas 77541

REPORT ADDRESS 3434 BOWIE		INSPECTOR Henry Rivas	
LEGAL DESCRIPTION: VICTORY	LOT 14	FREEPORT	BLK. 4 PARK 1-11
OWNER Dennis Webster M.		OWNER'S ADDRESS 3434 Bowie	CITY/STATE/ZIP Freeport TX
		3434 Bowie	FREEPORT, TX.77541-5336

## PROPERTY CONDITION REPORT

PICTURES TAKEN:	Y OR N Y	ACCEPTABLE			REASON CODE	COMMENT CODES
		YES	NO	N/A		
<b>Building</b>						
	Condition		X		AB,AS,C,H,L	
<b>Yard</b>						
	Condition		X		OV	
<b>Utilities</b>						
	Electric		X		H,NR	
	Gas		X		MI	
	Water		X		MI	
<b>Roof</b>						
	Covering		X		C,H	
<b>Walls</b>						
	Exterior		X		NR	
	Interior		X		C,NR	
	Ceilings		X		C,MO,NR	
<b>Windows/Doors</b>						
	Secured		X		NR	
	Condition		X			
<b>Foundation</b>						
	Exterior		X		L	
	Interior		X		L,C,H	
<b>Plumbing</b>						
			X		NR	
<b>Electrical</b>						
			X		NR	

**REASON CODES:**

AB-Abandoned	C-Collapsed	I-Incomplete	MO-Mold	NR-Needs Repair
AS-Asbestos	D-Deteriorated	L-Leaning	OU-Outdated	
B-Broken	H-Hazardous	MI-Missing	OV-Overgrown	

**COMMENT CODES:**

The structure is severely damaged and not fit for habitation.  
Termite infested.

**BUILDING OFFICIAL COMMENTS:**

SIGNATURE: \_\_\_\_\_

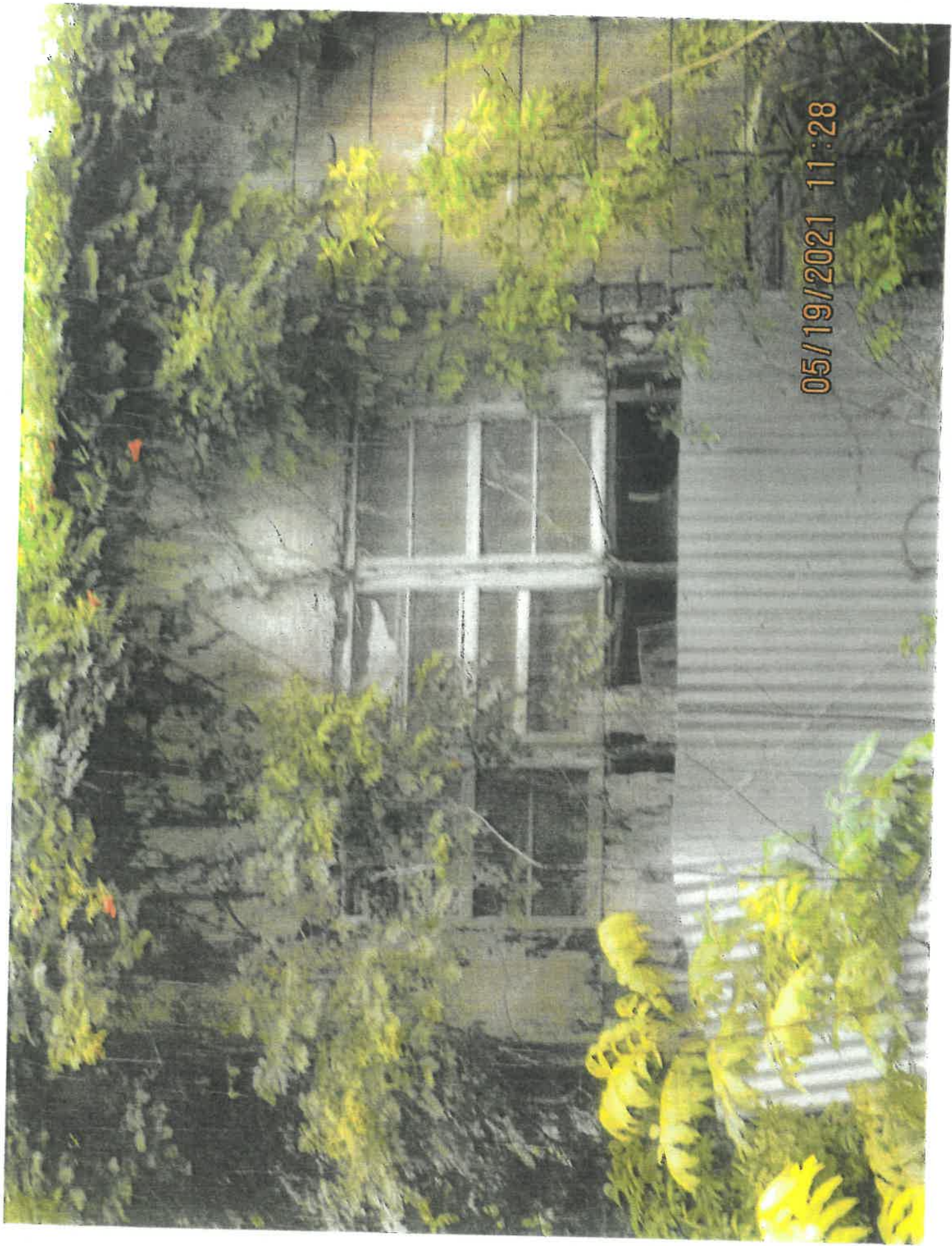
Henry Rivas, CITY OF FREEPORT BUILDING INSPECTOR

DATE: 5/21/2021



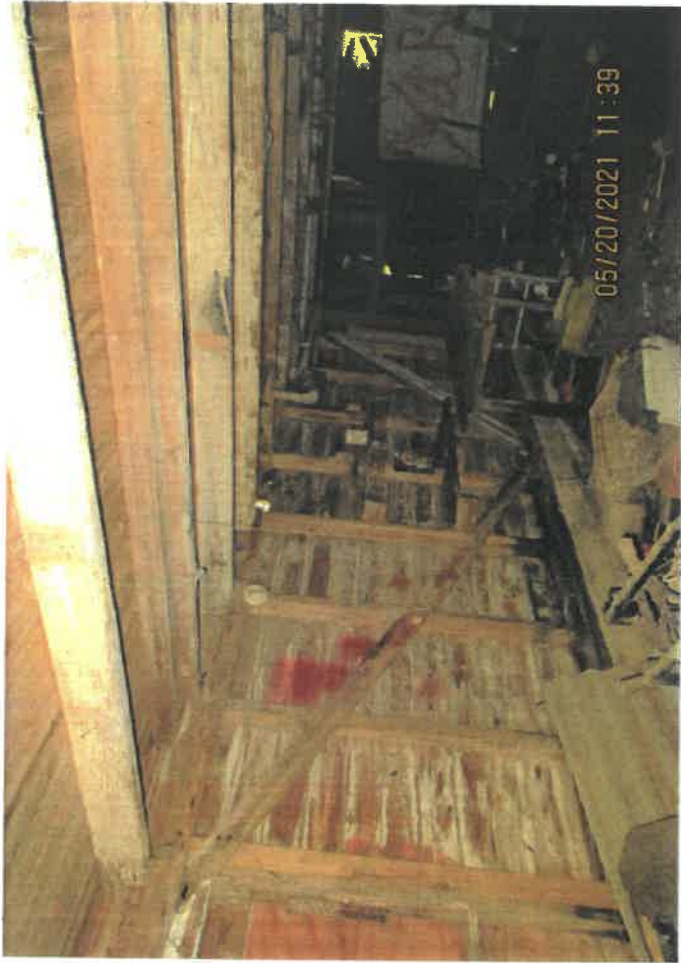
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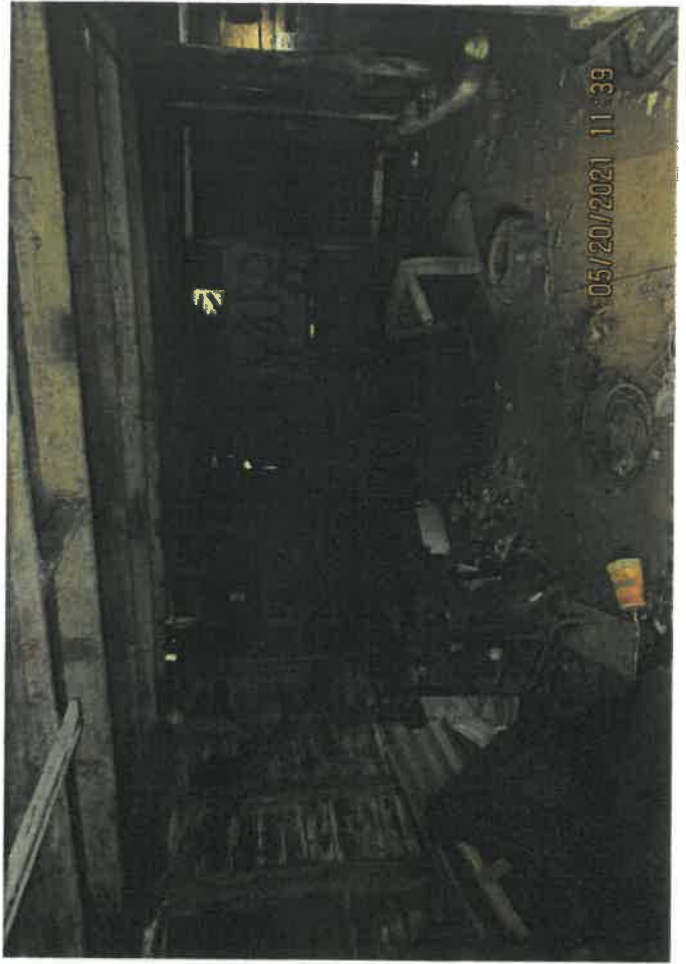


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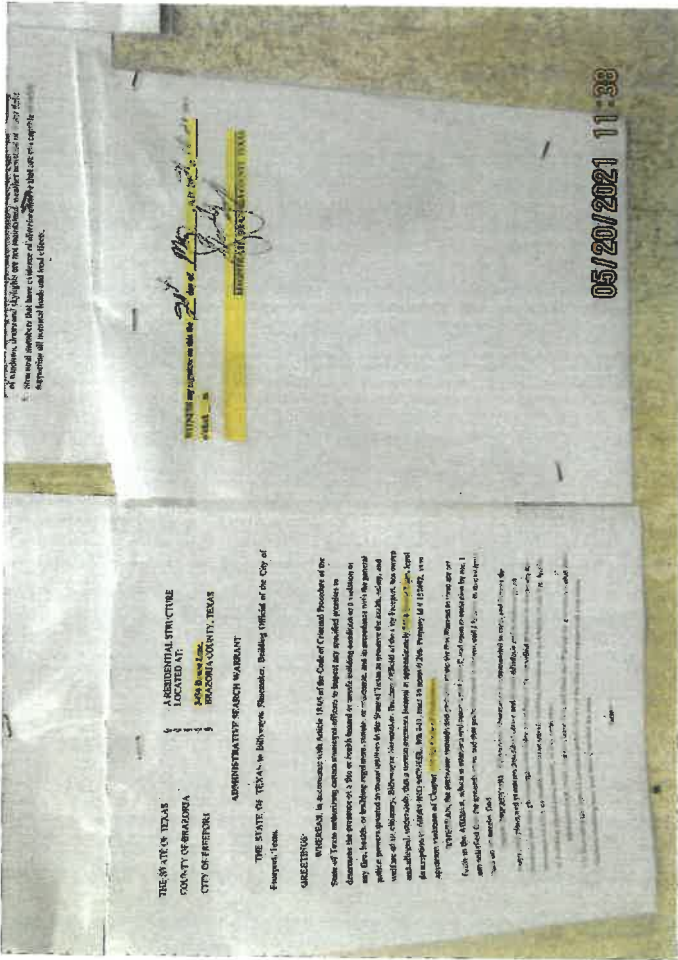
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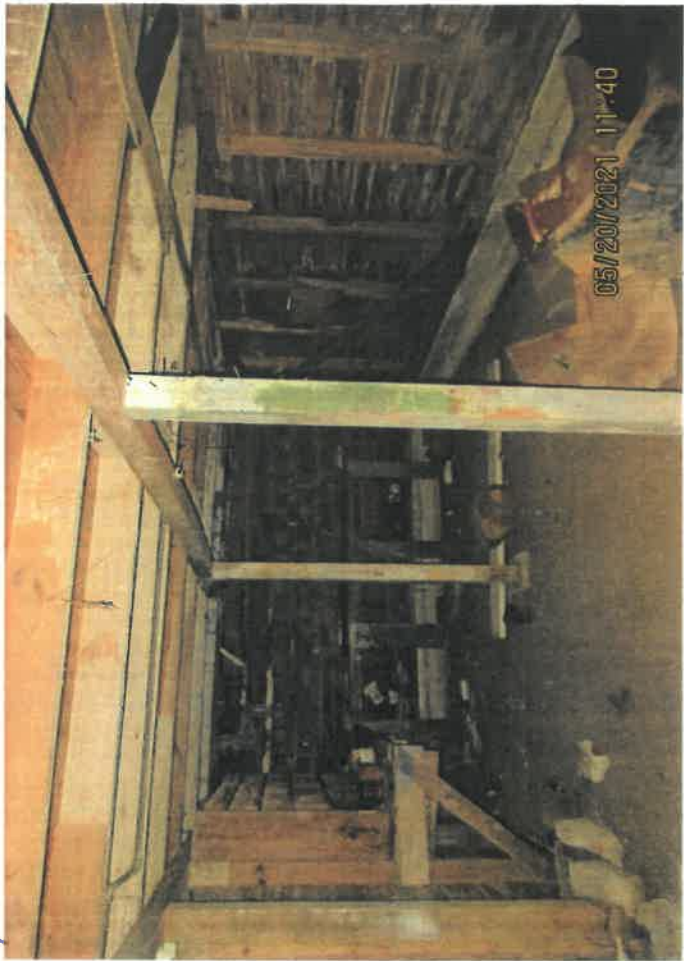
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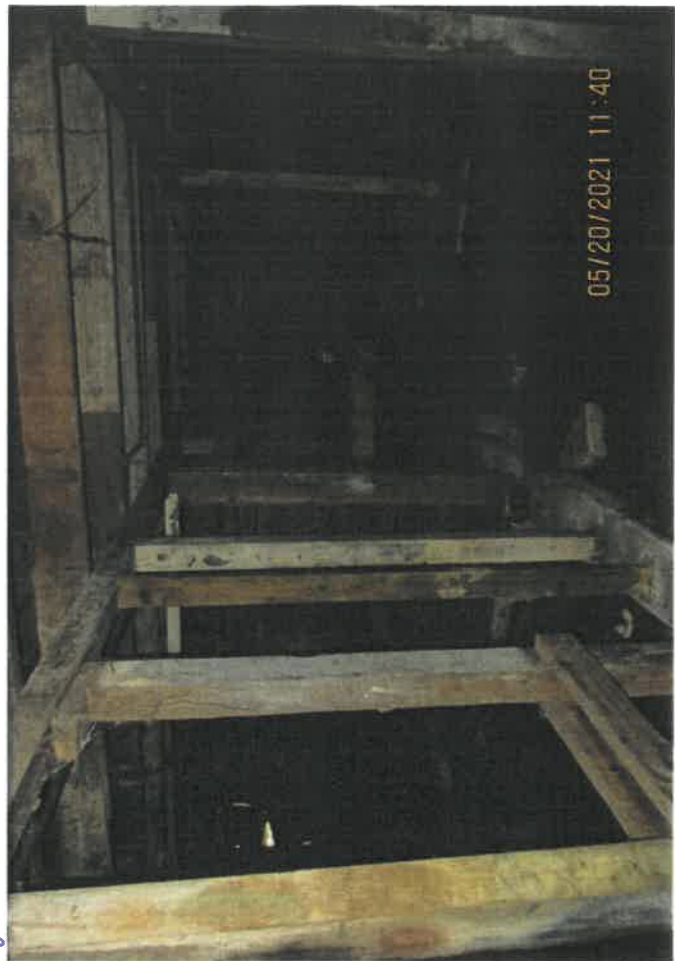


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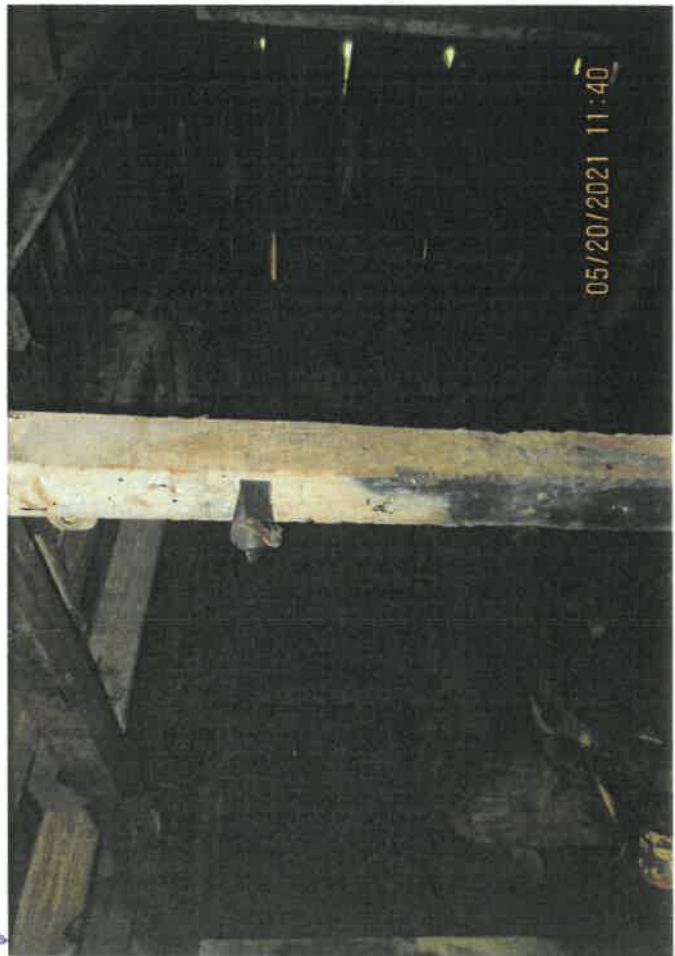
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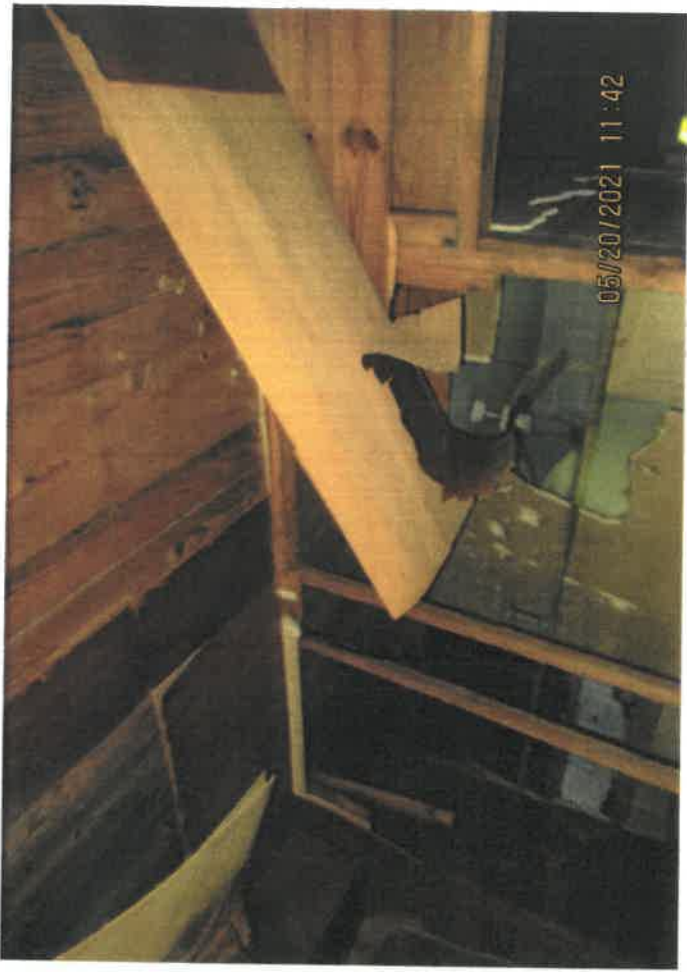
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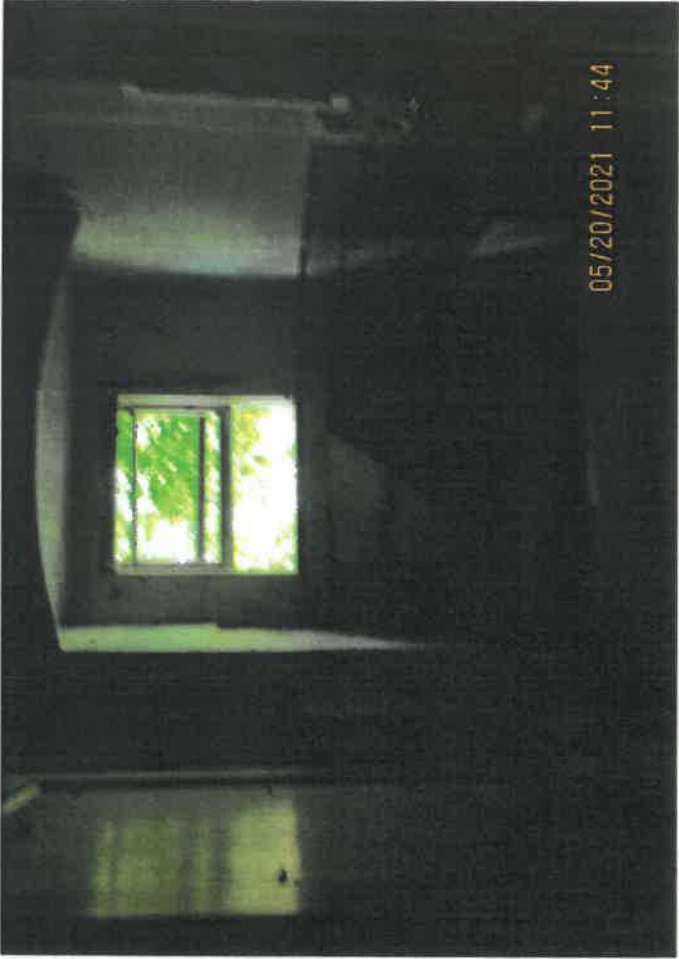
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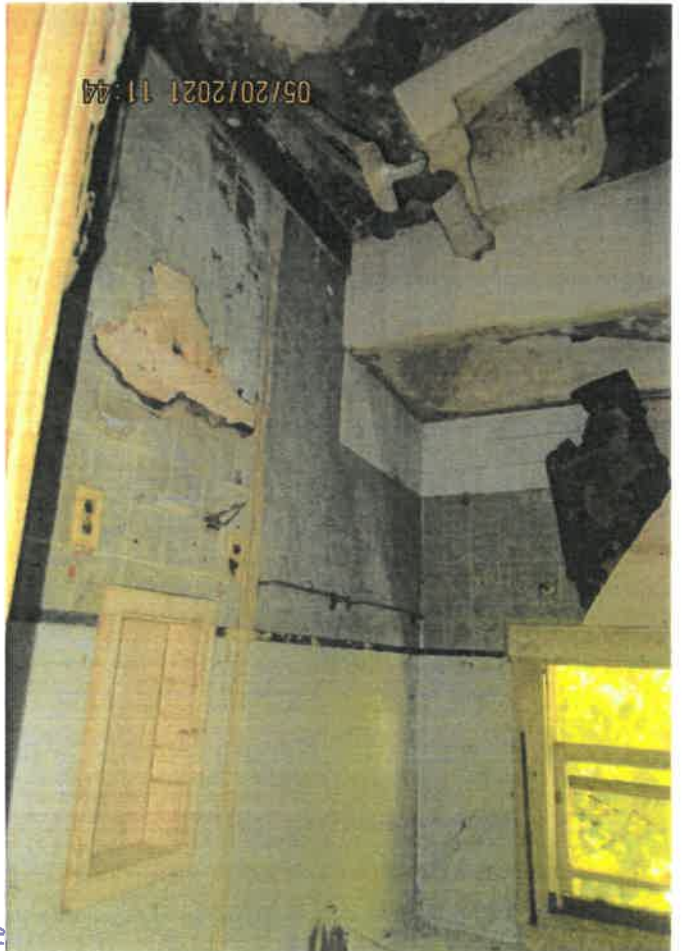
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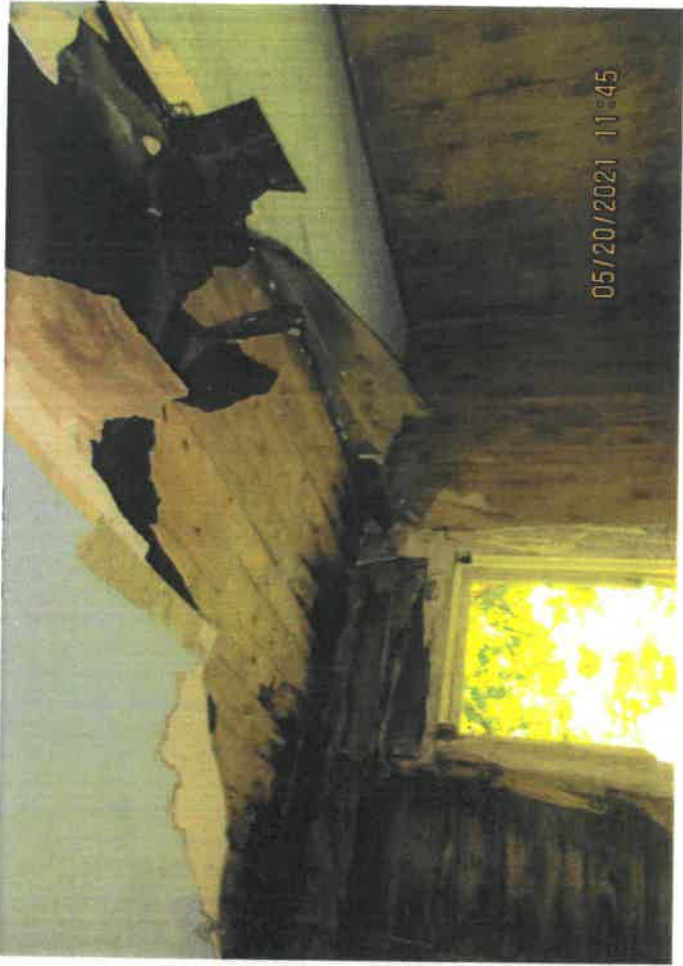
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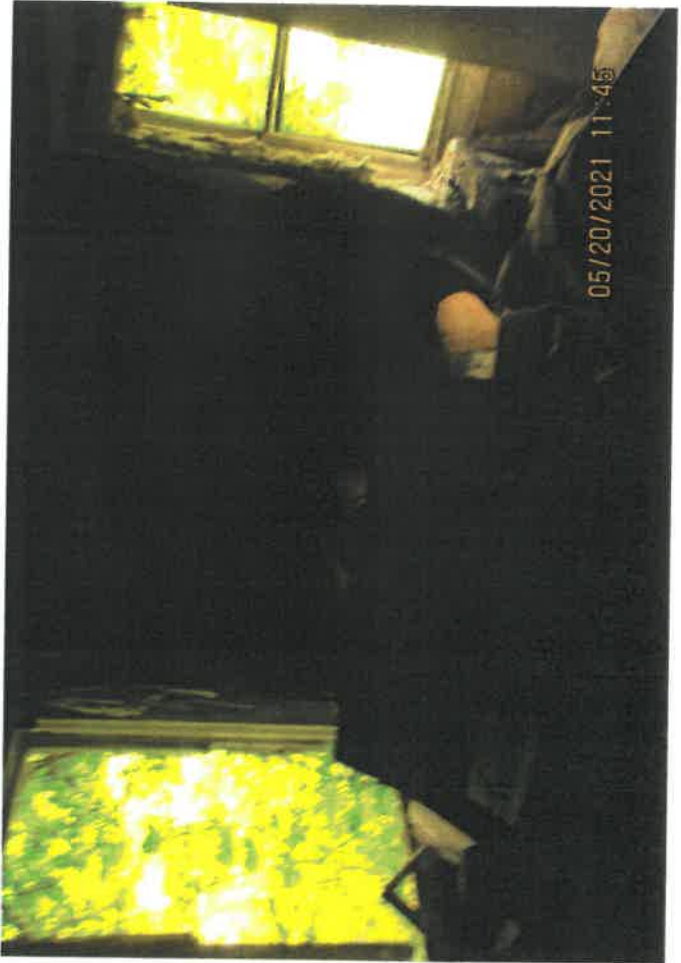


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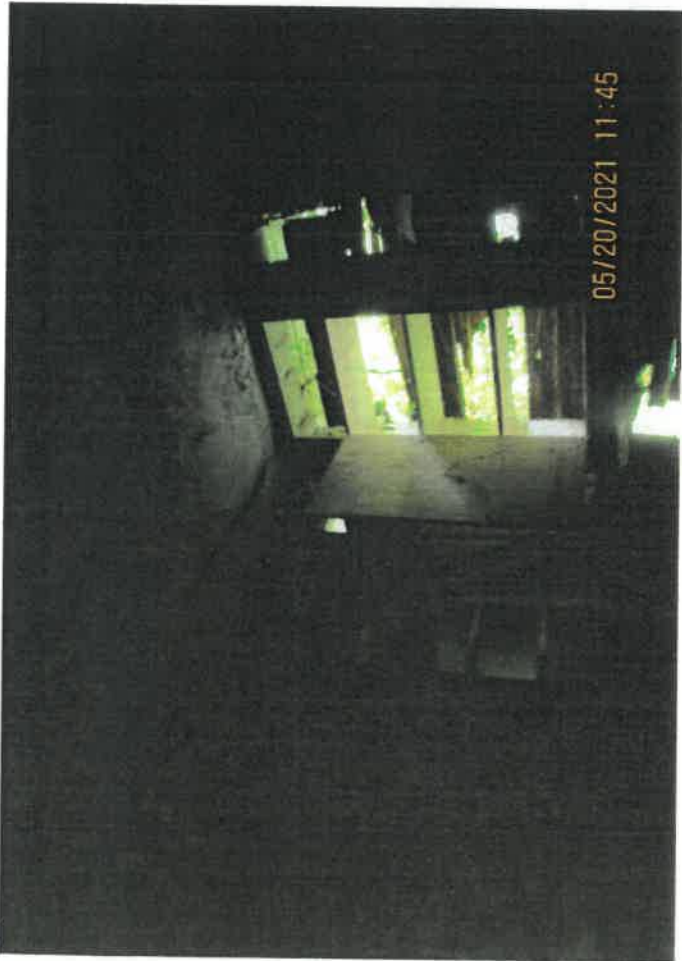
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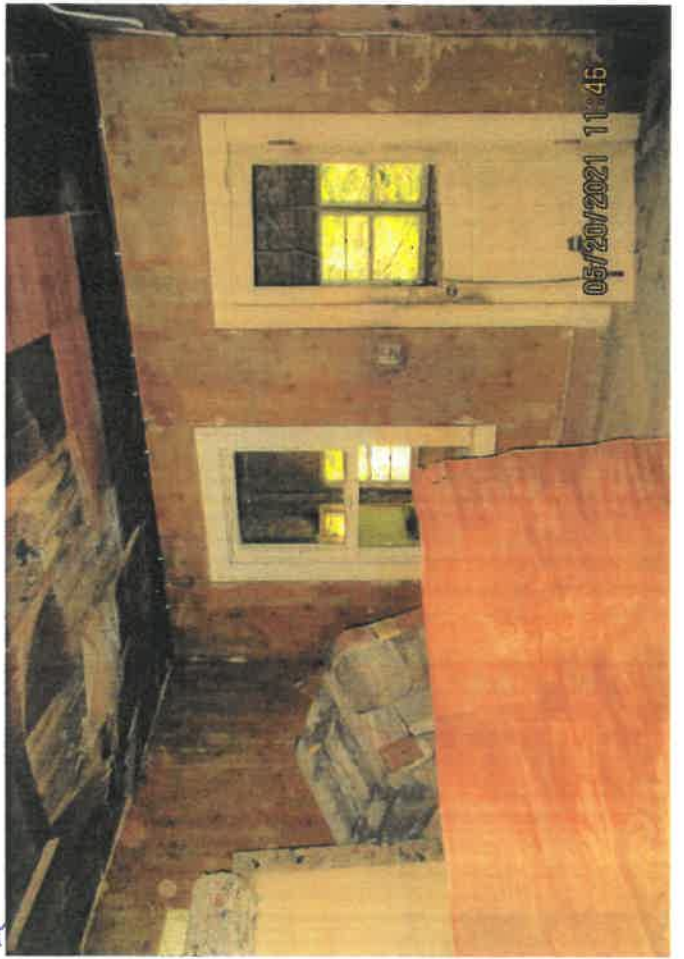
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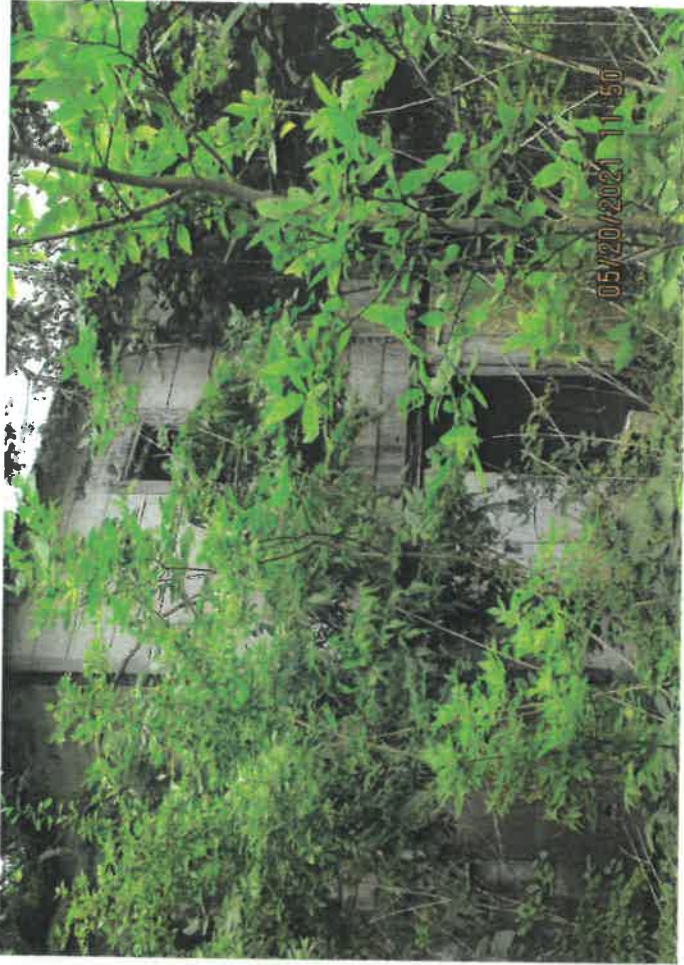


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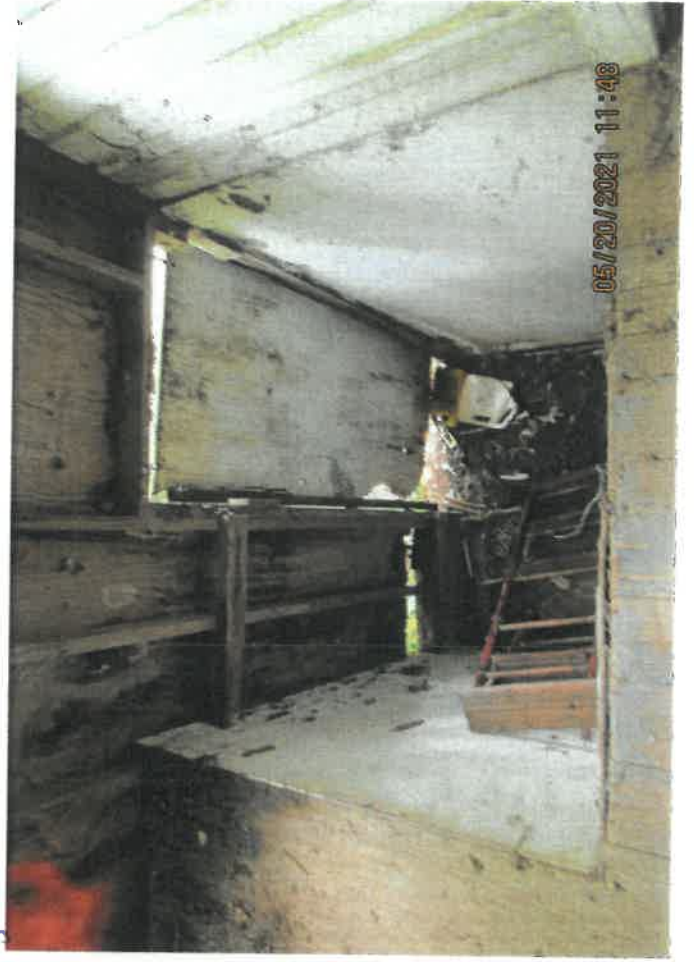




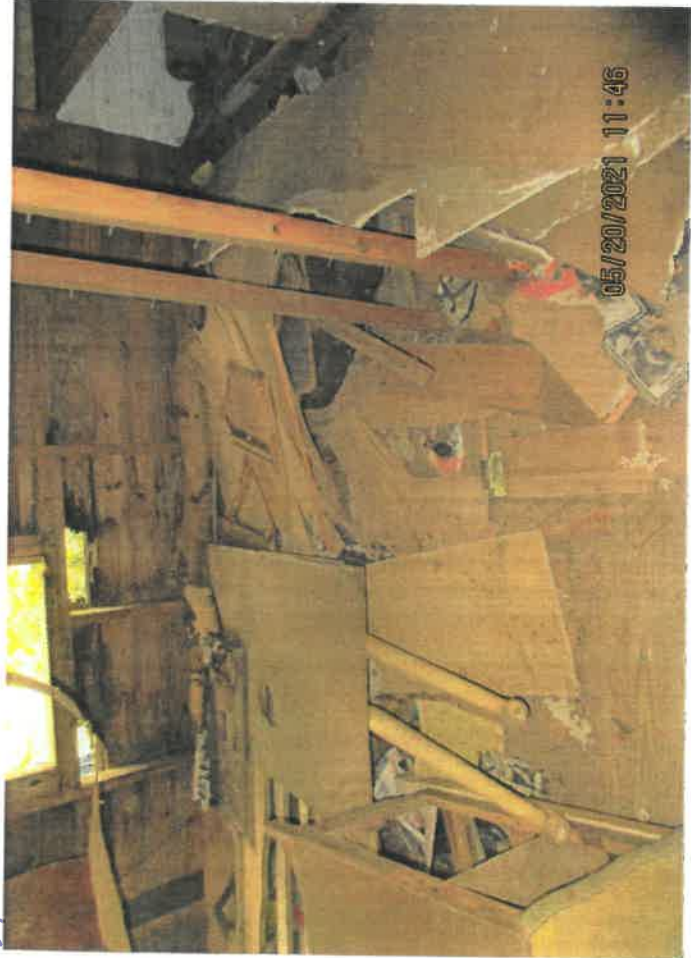
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