MINUTES
HEALTH AND BUILDING STANDARDS COMMISSION
July 10, 2025

After determining that a quorum was present, the Health and Building Standards Commission of the City of Denton, Texas convened in a Regular Meeting on Thursday, July 10, 2025, at 3:04 p.m. in Training Rooms 3 and 4 at the Development Service Center, 401 N Elm Street, Denton, Texas at which the following items were considered:

PRESENT: Chair Nicholas Stevens, Vice Chair Zachary Cathcart, Commissioners: Sebastian Delgadillo, Joshua Ingram, and Kyle Minter

ABSENT: Commissioner: Eric Dafoe

REGULAR MEETING

Chair Stevens opened the meeting at 3:04 p.m.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag
B. Texas Flag

2. ITEMS FOR CONSIDERATION

A. HBS25-004 Consider approval of the June 12, 2025, minutes.

Commissioner Ingram motioned to approve the June 12, 2025, meeting minutes. Motion seconded by Chair Stevens. Motion carried.

AYES (5): Chair Stevens, Vice-Chair Cathcart and Commissioners: Delgadillo, Ingram, and Minter
NAYS (0): None

3. PUBLIC HEARINGS

A. HBS25-006 Hold a public hearing to consider the issuance of an order to declare a structure substandard and require said substandard structure be secured, repaired, removed and/or demolished. The structure is located on Denton County parcel 21659, addressed as 3500 Briercliff Drive.

Chair Stevens stated the hearing procedure order:

1. The Chair will swear in witnesses and then open the public hearing.
2. The City will present their case.
3. The property owner, lienholder, or mortgagee may present testimony.

4. Interested parties may present public comment/testimony.
    a. If interested parties testify, then:
        i. Property owner, lienholder, or mortgagee may rebut.
        ii. Staff may rebut.
5. The Board may ask follow up questions of witnesses that weren't previously answered.
6. The City will close their case.
7. The Chair will close the public hearing.
8. HABSCo will deliberate on the City's request(s), and the Chair will open the floor to motions.

Chair Stevens swore in the witnesses.

Chair Stevens opened the public hearing at 3:07 p.m.

Ms. McMahon, Deputy City Attorney called Billy Ewton, Assistant Building Official, as a witness to go ahead and provide testimony.

Billy Ewton, Assistant Building Official, stated the background on the project started between 2001 and 2025. There is a history of 67 Community Improvement cases and 12 building code violations which has to do with the Building Inspection department. There is currently an unpaid invoice due from property owner to City for $7,296.00 for abatement and administrative fees from 2024 to 2025. Ewton stated the owner of the property is not accessible, staff has contacted the homeowner's parents who live in Aubrey and had communication with them up to a certain point. Ewton stated that Josh Ellison, Neighborhood Service Manager, stated the parents are not putting anymore money into this property.

McMahon, requested Ewton to discuss the additional background.

Ewton stated on December 5, 2023, he received consent for interior inspection from a squatter that was living in the house. The structure at that time met the qualifications of a substandard structure. Ewton stated he was made aware of the condition of the structure from other residents and the police department. At the time of his interior inspections in December 2023 there was a foul odor of animals, sewage and urine suspected from both animal and human sources. Sometime in February 2024 the structure suffered a fire, and City had an open active case on the property since that time. Ewton also stated multiple residents of the community continued to contact him to question the City's intensions and integrity concerning the structure.

McMahon, provided a summary of substandard criteria:

- Texas Local Government Code chapter 214 authorizes cities to create a program governing the handling of dangerous structures, including orders to demolish or repair
- Code of Ordinances Chapter 17, Article XIII is the substandard structure program created by ordinance 24-1647.
- Section 17-182 lists criteria and HABSCO may apply in determining whether a building should be deemed dangerous

McMahon stated if any one of the criteria is met then that is sufficient.

Ewton provided the findings by showing pictures and discussing the following standards:

A. The building(s) is dangerous, and pursuant to Code of Ordinances 17-191, is a danger to the public health and welfare and is a public nuisance. The building is dangerous because the following standards from Code of Ordinances 17-182 are present:

- 2) Any wall or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle one-third of its base.
- 3) The foundation or the vertical or horizontal supporting members are so damaged or deteriorated as to create a hazard or safety concern.
- 4) The non-supporting coverings of walls, ceilings, roofs, or floors are so damaged or deteriorated as to create a hazard or safety concern.
- 6) The building or any part thereof has been damaged by fire, water, earthquake, wind, tornado, vandalism, or other causes to such an extent that it has become dangerous to the public health, safety and welfare.
- 7) A portion of a building or structure remains on a site when construction or demolition work is abandoned.
- 8) A door, aisle, passageway, stairway, fire escape or other means of egress is not of sufficient width or size, or is damaged, dilapidated, obstructed or otherwise unusable, or so arranged so as not to provide safe and adequate means of egress in case of emergency or need.
- 9) The building, because of its condition, is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the city's citizens including but not limited to all conditions conducive to the harboring of rats or mice or other disease carrying animals or insects reasonably known to spread disease.
- 10) The building has been found to contain visually apparent mold growth of greater than one hundred (100) square feet in the dwelling unit and will require demolition if the remediation of such mold growth would exceed fifty (50) percent of the value of the building.
- 11) Whenever the building or structure has been so damaged by fire, wind, tornado, earthquake, or flood, or has become so dilapidated or deteriorated as to become:
    a. An attractive nuisance to children;
    b. A harbor for unauthorized occupants, criminals, or trespassers; or as to
    c. Enable persons to resort thereto for the purpose of committing unlawful acts.
- 12) A portion of the building or member or appurtenance thereof (e.g., porch, chimney, signs) is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- 13) The building or structure has any portion, member or appurtenance, ornamentation on the exterior thereof which is not of sufficient strength or stability, or is not so

anchored, attached or fastened in place to be capable of safely resisting wind pressure, snow, ice, or other loads.

- 14) The building or structure has been determined to be vacant, using the following factors: the percentage of overall square footage of any building on the property or floor to the occupied space, the condition and value of any items in the property and the presence of rental or for sale signs on the property; provided that multi-family residential property containing three (3) or more dwelling units shall be considered vacant when the majority of all of the dwelling units become unoccupied and a majority remain unoccupied. A property shall not be considered vacant which is being currently marketed by the owner or a licensed real estate professional hired by the former or current occupant of the property, and to which the water service has not been shut off.

McMahon stated that staff is requesting HABSCo finds the structure to be dangerous, and City staff recommends the owner be ordered to demolish this structure within 30 days. If more than thirty days is requested by the owner, it is recommended that the board require compliance with a time schedule for the work and the site must be kept reasonably secure from unauthorized entry.

Chair Stevens asked if the Board has any questions for Billy.

Commissioner Ingram asked if staff knew when the home was built and is there any chance of asbestos. Ewton stated that he is unaware of the age of the home and on residential dwellings asbestos surveys are not required.

Commissioner Minter asked if staff knows when the dwelling became abandoned. Ewton stated he is assuming it is February 2024 after the fire.

Chair Stevens asked about the interaction with the property owner's parents. Ewton stated he has not had direct contact with them, Josh Ellison has had communication with them. Chair Stevens asked about communication with the current owner. Ewton stated the current owner from last he heard was possibly incarcerated. McMahon stated in procedural compliance in this matter staff has sent multiple notices to his last record address as well as to the property address.

Commissioner Ingram asked if staff assumes that once the dwelling is demolished will the lot be vacant until it works its way through the courts. Ewton agreed with that assumption.

Chair Stevens asked if the last know address was based on the Denton County Appraisal District website. McMahon stated a title search was done to search for any additional lien holders or mortgagees and no others were located.

Chair Stevens asked if the property owner was present. The property owner was not present at the public hearing.

Chair Stevens stated the next step is accepting public comment.

Chair Stevens swore in Beverly Barnett, 2908 Brighton Circle, stated they have been living with the house and squatters for years. Ms. Barnett stated the drug dealer that lived around the corner dropped dead one day and two months later the squatters tried to the burn the house down and that sealed that up. And since then, the neighborhood has totally changed. But they were dealing with this for years and City Council, police, nobody would help, and the neighborhood was desperate. So, all that aside she saw ten dogs living in the house, a constant flood of people in and out, they had no toilets, no running water, they would go down to the drug dealers and get water from him. He supported and took care of them. She can't imagine what is in that house and when the fireman came to put out the fire, he told me that it was biohazard and there were needles and all kinds of drug paraphernalia and that it was dangerous to walk inside that house. She asked the commission with just that alone to please if there is anyway to speed up the process and get that thing out of their neighborhood.

McMahon asked Ms. Barnett it would correct to state that she supports this being demolished. Ms. Barnett stated they are going to have a party when the dwelling comes down. McMahon asked if she agreed with her statement that this property presence a nuisance. Ms. Barnett agreed.

McMahon provided the closing statement. She stated she believes the City has demonstrated that the building at 3500 Briercliff Drive is a dangerous and substandard building because several of the criteria for dangerousness as listed in 17-182 are present. In summary the property is severely fire damaged, the frame of the build is degraded by rot and fire. Mr. Ewton's inspections show multiple disease factors, and that the electrical and plumbing systems are totally inoperable. The building is simply not safe to occupy. Toilet and cooking facilities are non-functional and not able to be provided. And the police and neighborhood calls show the potential for the site to be an active attractive nuisance. As a result, the City asks HABSCo to find the following:

1. Determine the building located at 3500 Briercliff is substandard based on evidence presented.
2. The City requests you order the owner or lien holder or mortgagee to demolition and remove the substandard building located at 3500 Briercliff within 30 days and that if the owner fails to so that the City Staff is authorized to enter onto the property and cause the demolition of said building and place a lien on the property for all cost associated with the demolition.

Vice-Chair Cathcart asked a procedural question and if the board would have to reconvene if the owner does not demo the structure. McMahon provided the steps; explaining the municipal court affidavit staff would obtain prior to proceeding with demolition, and that HABSCO would be update, but would not likely have another hearing on this matter

Commissioner Ingram asked Mr. Ewton if in his opinion could the structure be repaired. Ewton stated it is not possible.

Chair Stevens closed the public hearing 3:35 p.m.

Chair Stevens moved that the commission finds the building located on the property at 3500 Briercliff Drive is substandard based on the evidence presented. Motion seconded by Commissioner Minter. Motion carried.
AYES (5): Chair Stevens, Vice-Chair Cathcart and Commissioners: Delgadillo, Ingram, and Minter
NAYS (0): None

Chair Sevens moved that the owner be ordered to demolish and remove the substandard building at 3500 Briercliff Dr within 30 days, and that if the owner fails to do so that City staff is authorized to enter onto the property and cause the demolition of said building and to place a lien on the property for all costs associated with the demolition. Motion seconded by Commissioner Ingram. Motion carried.

The Commission and staff had a discussion regarding the process of safety and expediting the process.

AYES (5): Chair Stevens, Vice-Chair Cathcart and Commissioners: Delgadillo, Ingram, and Minter
NAYS (0): None

4. CONCLUDING ITEMS

Chair Stevens motion to adjourn. Motion seconded by Commissioner Ingram. Motion carried.

AYES (5): Chair Stevens, Vice-Chair Cathcart and Commissioners: Delgadillo, Ingram, and Minter
NAYS (0): None

The meeting was adjourned at 3:40 p.m.

X _____ 8/14/25
Nicholas Stevens — Date
Chair of Health and Building Standards Commission

X _____ 8/14/2025
Cathy Welborn — Date
Administrative Assistant III