

AGENDA  
MEETING OF THE DANGEROUS STRUCTURE DETERMINATION BOARD  
CITY OF LIVE OAK  
WILL BE HELD AT THE LIVE OAK COUNCIL CHAMBERS  
8001 SHIN OAK DRIVE  
TUESDAY, DECEMBER 3, 2024 AT 1:00 P.M.

The public may watch the meeting live at [www.liveoaktx.net](http://www.liveoaktx.net) by clicking on the "Live Meetings" button.

1. CALL TO ORDER
2. ROLL CALL
3. ELECTION OF CHAIRPERSON
4. CITIZENS TO BE HEARD

**Per City of Live Oak Code of Ordinances Section 2-21.5 (1) Live Oak Municipal Code:** The rules of courtesy are adopted for persons in attendance at all meetings of Council include: "Those signed up to speak under Citizens To Be Heard shall be called upon in the order that they have registered. No personal attacks shall be allowed by any speaker."

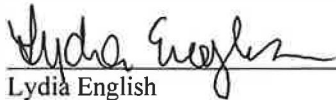
5. PUBLIC HEARING ITEMS

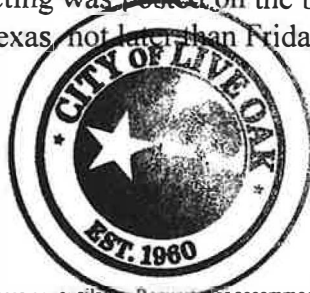
- A. Discussion and consideration regarding a request for determination and action for three buildings located at 10804 O'Connor Road on Lots 1, 20 and 0.04 acre portion of an alley, Block 16, Robards-O'Connor Subdivision

1. Staff Presentation
2. Question & Comments from Board
3. Open Public Hearing – Receive comments from public
4. Close Public Hearing – After receiving all public comments
5. Board Action

6. ADJOURNMENT

I certify that the above notice of meeting was posted on the bulletin board of the City Hall, 8001 Shin Oak Drive, City of Live Oak, Texas, not later than Friday, November 29, 2024, by 5:00 p.m.

  
Lydia English  
Interim City Secretary



This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office, for concerns or requests, at (210) 653-9140, Ext 2213

**The Dangerous Structure Determination Board for the City of Live Oak reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §§ 551.071 (Consultation with Attorney), and any other provision under Texas law that permits a governmental body to discuss a matter in a closed executive session.**

**REQUEST ALL PHONES BE TURNED OFF, WITH THE EXCEPTION OF EMERGENCY ON-CALL PERSONNEL**

It is possible that a quorum of the Live Oak City Council, Planning and Zoning Commission, Economic Development Corporation, Parks and Recreation Commission, and Zoning Board of Adjustment could attend this meeting. The individual members will not engage in any discussion or deliberation on any matters presented by the agenda.



# DANGEROUS STRUCTURE DETERMINATION BOARD AGENDA ITEM FORM

Meeting date: December 3, 2024

AGENDA ITEM: 5A

Prepared by: Ron Ruthven, ACM

REVIEWED BY: Lydia English

Department: Development Services

## **AGENDA ITEM DESCRIPTION:**

Discussion and consideration regarding a request for determination and action for three buildings located at 10804 O'Connor Road on Lots 1, 20 and 0.04 acre portion of an alley, Block 16, Robards-O'Connor Subdivision

## **PROPERTY/SITE INFORMATION:**

<b>ADDRESS:</b>	10804 O'CONNOR ROAD
<b>LEGAL DESCRIPTION:</b>	Lots 1, 20 and 0.04 acre portion of an alley, Block 16, Robards-O'Connor Subdivision
<b>CURRENT ZONING:</b>	B-2 – Neighborhood Services District
<b># OF STRUCTURES:</b>	3
<b>STRUCTURE TYPE/USE/SIZE:</b>	Residential Building (4 units in each building), 3,528 s.f. each building (Site: 10,584 s.f. total – 16 units total)
<b>STRUCTURE AGE:</b>	Approximately 16 years
<b>SITE ACREAGE:</b>	Lot 20 - 0.576 acres, Lot 1 - 0.212 acres, Alley - 0.04 acres (0.828 total acres)
<b>DEVELOPMENT CONDITION:</b>	Incomplete. No paved roadway access or parking. Zoning does not allow residential land use. Buildings never approved for occupancy or given final inspections.

## **STAFF BRIEFING:**

City staff has determined that a public nuisance exists and is requesting that the Board make a determination and take action regarding three buildings located at 10804 O'Connor Road. The buildings, and site, have been abandoned since 2019, with additional years of abandonment in between intermittent construction jobs going back to 2008. The buildings were originally permitted by the City in 2006 but were never completed. No final inspection for the buildings has ever been performed and no Certificate of Occupancy has ever been issued by the City.



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## Timeline of Events regarding Site

March – 1996	6-inch San Antonio Water System (SAWS) water main is constructed and funded by the property owner to serve future development on the site.
May – 2005	The site (Lots 1, 9 and 10, Block 16, Robards Addition Unit 1) is rezoned from PD-Pre-Development District to B-2 Neighborhood Services District.
August – 2006	6 building permits are issued for 6 “commercial quadplex” buildings on Lots 1, 9 and 10, Block 16, Robards Addition (initial address: 10800 O’Connor Rd.).
August – 2008	3 of the six structures are partially constructed. The remaining 3 are not built. The jobsite is abandoned with the cessation of construction and the building permits expire. The buildings are not occupied. No final inspections performed; no Certificate of Occupancy issued. Infrastructure serving the site remains incomplete with no sewer or paved roadway access serving the buildings.
2008 to 2013	Site is abandoned; structures unoccupied. Buildings and site begin to receive intermittent vandalism and other criminal activity.
October – 2013	Ahead of a new developer, a replat of site is approved and recorded (Lots 1 and 20, Block 16, Robards-O’Connor Subdivision). Site address is changed to 10804 O’Connor Road.
January – 2014	3 building permits are issued for each existing building to (1) repair and finish-out buildings, (2) convert buildings to residential use from commercial use and, (3) complete all site infrastructure and utility connections.
April – 2014	City of Live Oak 12-inch sewer main connection is completed to the site.
January – 2015	Building permits expire due to no work for previous six months. The buildings remain unoccupied; No final inspections performed; no C of O issued. Infrastructure serving the site remains incomplete with no paved roadway access serving the buildings.
2015 to 2017	Site is abandoned; structures unoccupied; criminal activity returns to site.



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Summer – 2016	Fire destroys building on adjacent property (off-site) at 10800 O'Connor Road. Given the close proximity of the burned building, the fourplex structure located on Lot 1, Block 16, receives severe damage.
January – 2017	Building permits are issued to finish-out the 3 existing buildings for multifamily residential use including a total remodel on one of the buildings, which received fire and smoke damage from a fire at 10800 O'Connor Road.
November – 2019	Building permits expire due to no work for previous six months. The buildings remain unoccupied; No final inspections performed; no C of O issued. Infrastructure serving the site remains incomplete with no paved roadway access serving the buildings.
2019 to present	Site is abandoned; structures unoccupied. Criminal activity returns to the site, buildings again fall into disrepair; these remain an issue to date.

### **Criminal Activity and Current Building Conditions**

The following is a summary of City criminal and code issues related to the abandoned state of the buildings:

- Since 2014, the City of Live Oak police department has recorded 882 incidents regarding criminal activity on the site including: homicide, assault, narcotics, criminal mischief, shots fired, arson, animal issues, graffiti, public intoxication, suspicious persons, theft, and welfare concerns. Of the 882 calls, 802, or 91%, have occurred since January 2019.
- Other site code violations include illegal dumping, illegal occupancy of buildings by vagrants, tall grass and weeds, unsecured building and site, illegal non-conforming structures (3 principal buildings on site) given unfinished state and non-compliance with zoning requirements.

Given the ongoing deterioration of the site, the City issued warrants to inspect the property wherein City officials including code enforcement, the deputy fire marshal, police, public works and the Building Official inspected the buildings and site. The results of those inspections are summarized as follows:

- Buildings unsecured and open to entry;
- No paved roadway access or parking
- Fixtures and items stolen from buildings such as wiring, hot water heaters, cabinets, sinks and toilets;



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- Drug paraphernalia was found including a hypodermic needle;
- The buildings were noted to be in a state of deterioration, unsanitary and unfit for human habitation;
- Interior walls damaged;
- Incomplete plumbing;
- Open wiring;
- Several large trenches were still exposed for the installation of sewer and water yard lines around and between the three 2 story apartment complexes. These trenches had been exposed for a long enough time for vegetation to become established and erosion to cause the trench wall to partially collapse.
- Water infiltration around building
- A large wild beehive was observed on the southern wall of the eastern building.
- Missing roof shingles
- Some of the doors were not secured or have been damaged, allowing entry into the buildings.
- A large amount of debris which includes the following materials such as household garbage, tree debris from cut and discarded tree trunks and limbs from commercial removal were found dumped on this site along with other residential and commercial trash.
- Sewer yard lines were observed exposed in a few locations from being eroded out of the hill side.
- Large western retaining wall is incomplete and partially exposed.
- Interior fire walls compromised
- Interior plumbing and HVAC severely damaged or missing.

### **STAFF FINDINGS OF DETERMINATION**

Chapter 5, Article 9 – Dangerous Buildings and Distressed Properties in the Live Oak Code of Ordinances provides the regulations and requirements for determining that a building is dangerous and describes the remedies for addressing a dangerous building. As they pertain specifically to the subject property and buildings, the following conditions that constitute a dangerous building, as listed in Chapter 5, Article 9, Section 181, have been determined to apply to 10804 O’Connor Road:

- *“The buildings have been constructed, exist, or are maintained in violation of the city's minimum housing standards or technical building codes, to the extent violation poses a threat or potential threat to life, health, safety, or property.”*

The buildings have never received any final inspection from the City for determination of compliance with City code requirements nor have they ever received approval for occupancy. Therefore their compliance with building and life/safety codes is unverified at best, and non-compliant at worst. Given their current condition, they pose a threat to public safety.



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- *“The buildings have been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated or neglected as to become a harbor for vagrants or criminals.”*

Doors and windows have been broken or removed so as to allow entry. Police records document vagrant activity promoting further criminal activity.

- *“The buildings are in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.”*

Criminal activity and code violations as noted above due to abandonment have created a public nuisance situation. The buildings are located within 1,000 feet of a state licensed daycare center as well.

- *“The buildings, regardless of their structural condition, are 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 by children;”*

The buildings have never been legally occupied and are open to potential entry by children as the buildings are located within 1,000 feet of a state licensed daycare center as well (specifically 303 feet at their closest point).

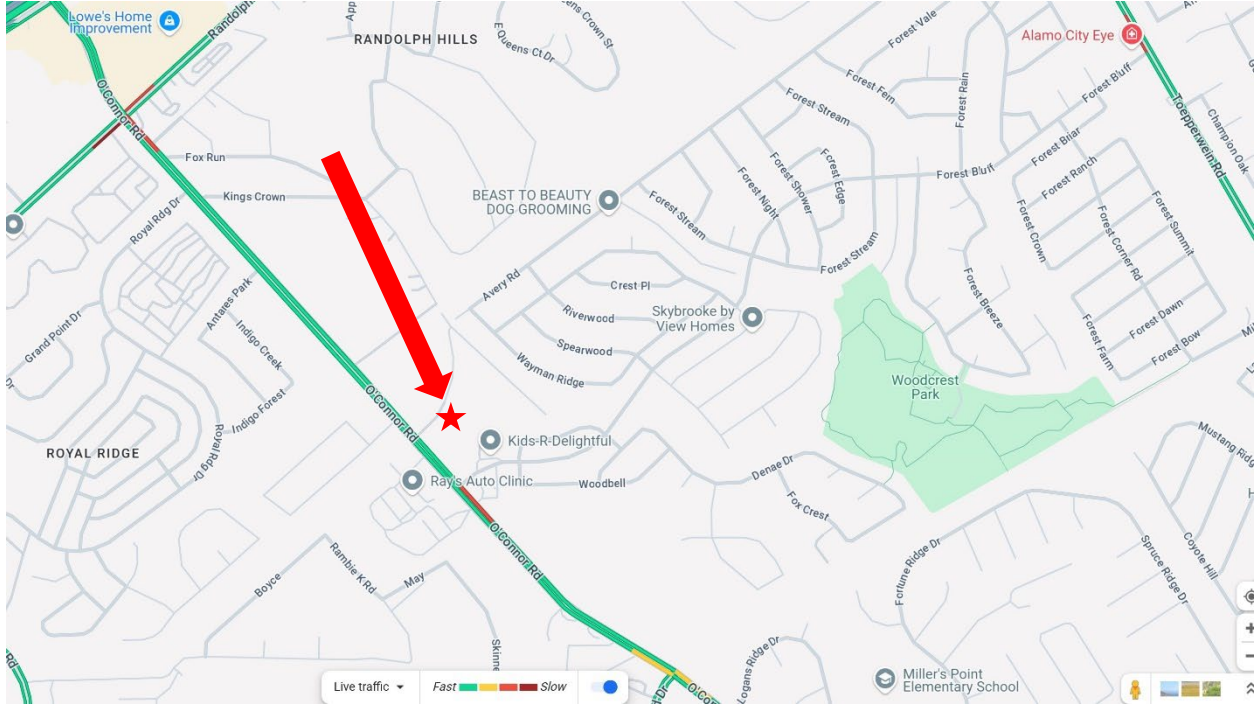
- *“The buildings (where they are secured) are secured by a means inadequate to prevent unauthorized entry or use in the manner described above.”*

Some of the building doors and windows have been boarded up. However, there are penetrations in some boards and doors that allow entry into the buildings.

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# DANGEROUS STRUCTURE DETERMINATION BOARD AGENDA ITEM FORM

## LOCATION MAP:



## SITE AERIAL 2024:



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## SITE PICTURES – NOVEMBER 2024:





# DANGEROUS STRUCTURE DETERMINATION BOARD AGENDA ITEM FORM

## INTERIOR BUILDING PICTURES - 2024:





## DANGEROUS STRUCTURE DETERMINATION BOARD AGENDA ITEM FORM

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### **BOARD OPTIONS FOR ACTION:**

- **Vote for a determination of nuisance based on conditions noted herein and order the property owner to secure and repair\* the buildings within a specified timeframe such that unauthorized entry is not possible, and/or;**
- **Vote for a determination of nuisance based on conditions noted herein and order the property owner to demolish the buildings within a specified timeframe;**
- **Table the item to a future date;**
- **Vote for a finding of no determination of nuisance;**

*\* Repairs related only to securing the building from unauthorized entry.*

### **STAFF RECOMMENDED MOTION:**

Staff recommends that the Board vote for a determination of nuisance based on conditions noted herein and order the property owner to demolish the buildings within a specified timeframe subject to the following conditions:

1. The property owner has up to 90 days from the date of the order to demolish buildings and clean all building debris and trash from the site;
2. Not later than 10 days from the date of the order, the property owner shall secure the buildings from unauthorized entry if no demolition has been initiated;
3. Given the proximity of a State licensed daycare center within 1,000 feet, the length of time the buildings have been abandoned, and the extent to which there are code violations and criminal activity documented, should the property owner fail to demolish and/or secure the buildings from unauthorized entry as noted above, the City shall secure the buildings and/or perform the demolition at the cost of the property owner per the terms of Chapter 5, Article 9, Live Oak Code of Ordinances.