



City of La Porte Zoning Board of Adjustment Meeting Agenda

Notice is hereby given of a **Regular Meeting** of the La Porte Zoning Board of Adjustment to be held on **March 28, 2013**, at **6:00 P.M.** at City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, regarding the items of business according to the agenda listed below:

1. Call to order
2. Consider approval of January 10, 2013, meeting minutes.
3. Consider Appeal of Enforcement Officer's Decision #13-9500001 for the property located at 500 West Main Street, further described as Lots 21-23, Block 56, Town of La Porte, Johnson Hunter Survey, Abstract No. 35, La Porte, Harris County, Texas. The applicant appeals enforcement officer decision to deny permit for Obsolescence of Structure, the repair costs of which exceed 50% of replacement cost of the structure. This appeal is being sought under the terms of Section 106-89 (3) of the City's Code of Ordinances.
 - A. Staff Presentation
 - B. Proponents
 - C. Opponents
 - D. Proponents Rebuttal
4. Administrative Reports
5. Board Comments on matters appearing on agenda or inquiry of staff regarding specific factual information or existing policy
6. Adjourn

A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by Council.

In compliance with the Americans with Disabilities Act, the City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meetings. Please contact Patrice Fogarty, City Secretary, at 281.470.5019.

CERTIFICATION

I certify that a copy of the March 28, 2013, agenda of item to be considered by the Zoning Board of Adjustment was posted on the City Hall bulletin board on the ____ day of _____ 2013.

Title: _____

Out of consideration for all attendees of the meeting, please turn off all cell phones and pagers, or place on inaudible signal. Thank you for your consideration.

**Zoning Board of Adjustment
Minutes of January 10, 2013**

Board Members Present: Chester Pool, Charles Schoppe, T.J. Walker, Rod Rothermel, Lawrence McNeal (Alt 1), and Sherman Moore (Alt 2)

Board Members Absent: George Maltsberger (Chairman)

City Staff Present: City Planner, Masood Malik; Assistant City Attorney, Clark Askins; and Office Coordinator, Peggy Lee

1. Call to Order.

Vice Chairman Rod Rothermel called the meeting to order at 6:05 p.m.

2. Consider approval of the November 29, 2012, meeting minutes.

Motion by Charles Schoppe to approve the November 29, 2012, meeting minutes. Second by T.J. Walker. Motion carried.

Ayes: Chester Pool, Charles Schoppe, T.J. Walker, Rod Rothermel, and Lawrence McNeal (Alt 1)

Nays: None

3. A public hearing to consider Variance Request #12-93000009 for the property located at 711 Fairway Drive, further described as Lot 69, Block 2, Lakes at Fairmont Greens, Section 1, Film Code No. 620028, M.R.H.C., La Porte, Harris County, Texas. The applicant seeks a variance to allow a one-foot encroachment into the rear 15' building setback line, contrary to the provisions of Section 106-333 of the Code of Ordinances. The variance is being sought under the terms of Section 106-192 (b) (2) of the City's Code of Ordinances.

A. Staff Presentation

City Planner Masood Malik presented the staff report for Variance Request #12-93000009 and Variance Request #12-93000010 simultaneously as both properties are located within the same block of the Fairmont Greens Subdivision. The applicant, D.R. Horton Homes (Builder) and 92 Fairmont Lakes, Inc. (Owner) seeks a waiver of one-foot from the City's rear building setback requirement.

Public hearing notices were mailed to three property owners within 200' of the subject property. The City received one response in favor of granting the variance.

B. Proponents

Jeff Hyland, of Pasadena, TX, 77503, was sworn in by Vice Chairman Rothermel. Mr. Hyland, affiliated with D.R. Horton Homes, spoke in favor of the variance.

C. Opponents

There were no opponents.

D. Proponents Rebuttal

There were no rebuttals.

Motion by Chester Pool to approve Variance Request #12-93000009, for the property located at 711 Fairway Drive allowing a one-foot (1') encroachment into the rear 15' building setback line. Second by Charles Schoppe. Motion carried.

Ayes: Chester Pool, Charles Schoppe, T.J. Walker, Rod Rothermel, and Lawrence McNeal (Alt 1)
Nays: None

Assistant City Attorney Clark Askins read from Section 106-196 of the Code of Ordinances: *Appeals from the Board of Adjustment.*

4. **A public hearing to consider Variance Request #12-93000010 for the property located at 615 Fairway Drive, further described as Lot 72, Block 2, Lakes at Fairmont Greens, Section 1, Film Code No. 620028, M.R.H.C., La Porte, Harris County, Texas. The applicant seeks a variance to allow a one-foot encroachment into the rear setback line, contrary to the provisions of Section 106-333 of the Code of Ordinances. The variance is being sought under the terms of Section 106-192 (b) (2) (b) of the City's Code of Ordinances.**

A. Staff Presentation

City Planner Masood Malik presented the staff report for Variance Request #12-93000010 and Variance Request #12-93000009 simultaneously as both properties are located within the same block of the Fairmont Greens Subdivision. The applicant, D.R. Horton Homes (Builder) and 92 Fairmont Lakes, Inc. (Owner) seeks a waiver of one-foot from the City's rear building setback requirement.

Public hearing notices were mailed to three property owners within 200' of the subject property. The City received one response in favor of granting the variance.

B. Proponents

Jeff Hyland, of Pasadena, TX, 77503, was sworn in by Vice Chairman Rothermel. Mr. Hyland, affiliated with D.R. Horton Homes, spoke in favor of the variance.

C. Opponents

There were no opponents.

D. Proponents Rebuttal

There were no rebuttals.

Motion by Chester Pool to approve Variance Request #12-93000010, for the property located at 615 Fairway Drive allowing a one-foot (1') encroachment into the rear 15' building setback line. Second by T.J. Walker. Motion carried.

Ayes: Chester Pool, Charles Schoppe, T.J. Walker, Rod Rothermel, and Lawrence McNeal (Alt 1)
Nays: None

Assistant City Attorney Clark Askins read from Section 106-196 of the Code of Ordinances: *Appeals from the Board of Adjustment.*

5. Administrative Reports

Mr. Malik reported there will soon be a builder for the vacant 12-lot residential subdivision along S. Broadway.

6. Board comments on matters appearing on agenda or inquiry of staff regarding specific factual information or existing policy.

There were no Board comments.

7. Adjourn

Vice Chairman Rod Rothermel adjourned the meeting at 6:14 p.m.

Respectfully submitted,

Peggy Lee
Secretary, Zoning Board of Adjustment

Passed and Approved on _____, 2013.

George Maltsberger
Chairman, Zoning Board of Adjustment

**Appeal of the Enforcement Officer's
Decision #13-9500001**

500 W. Main Street

Exhibits:

Staff Report

Application

Appraisal & other documents

A. Area Map

B. Survey Map

C. Section 106-262, Code of Ordinances

Staff Report

March 28, 2013

Appeal of the Enforcement Officer's Decision

#13-9500001

Requested by: Gilbert Diaz, Property owner

Business Name: Formerly Speedy Taco & Kings BBQ Restaurants

Requested for: Remodeling of a Substandard, Obsolete Non-Conforming Structure

Location: 500 W. Main
(Blk. 56; Lots 21-23; Town of La Porte)

Zoning: Main Street Overlay District (MSO)

Land Use Plan: Commercial

Background: The subject property is located in the City's "Old Downtown" area. Most of the structures located on this portion of West Main Street, between North/South Broadway Street and State Highway 146, were typically built without building setbacks from the property lines. Harris County Appraisal District (HCAD) records show this building was constructed in 1955 with an overall building area of 1,479 square feet on a land area of 9,125 square feet.

The applicant is appealing the Enforcement Officer's decision to apply Code of Ordinances **Sec. 106-262 Nonconforming Structures** on a proposed remodel of a substandard structure. Under DIVISION 9 NONCONFORMING BUILDINGS, STRUCTURES AND USES of the Zoning Ordinance, the City has been mandated to review all nonconforming structures, uses, and lots. Section 106-261 states, "the general public, the Planning and Zoning Commission and the Zoning Board of Adjustment have been directed to take note that nonconformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, wherever and whenever possible"...

As per City's Code of Ordinances, the property in question currently contains several nonconforming items that include:

- Side building setback of 10' adjacent to public right-of-way
- Rear building setback of 20' adjacent to alley
- Substandard and dilapidated structure

Nonconforming Issues:

On pre-existing & non-conforming structure issues, Section 106-262(d) of the City's Code of Ordinances states: "Obsolescence of Structure". *The right to operate and maintain any non-conforming structure shall terminate and shall cease to exist whenever the non-conforming structure becomes substandard under the codes and ordinances of the City, and the cost of placing such structure in lawful compliance with the applicable ordinances exceeds 50 percent of the replacement cost of such structure, as determined by a licensed appraiser, on the date that the enforcing officer determines that such structure is obsolete or substandard.*

In addition, the enforcement officer of the City shall notify the owner of such nonconforming structure, as shown on the certified tax rolls of the City, as to the date of termination of the right to operate and maintain such nonconforming structure, and as to the procedure to be followed to bring such structure into compliance with the codes and ordinances of the City. The burden of proof in showing that the structure's repair cost does not exceed 50 percent of the replacement cost of such structure rests upon the owner of such structure.

Present development regulations require the structure to be built with some building setbacks to allow for traffic visibility and landscaping. There are several aspects of the existing development that are considered nonconforming when compared to current City's development standards. These issues are as follows:

Building Setbacks: The City's Zoning Ordinance stipulates minimum setbacks for a Main Street Overlay District as: Front - 0'; Rear - 20'; Side - 0'; 10' on Side when a corner lot. Property survey shows an existing primary structure has no 10' side setback when adjacent to public right-of-way and accessory structure is encroaching upon the rear setback.

Substandard Structure & Notification: In accordance with the City's Zoning Ordinance, Section 106-262(d), a letter dated January 30, 2012, served as a notification that the right to operate and maintain the "substandard non-conforming structure(s) is terminated. An owner or his representative seeking to provide proof that the structure's repair cost does not exceed 50 percent of the replacement cost of such structure may appeal the enforcement officer's decision to the Zoning Board of Adjustment.

Discussion:

It is assumed that the structures along this portion of West Main Street were constructed in accordance with the development standards and ordinances that were in effect at that time. Thereafter, any changes or modifications in City development standards create a situation commonly referred to as “pre-existing, nonconforming”.

At this time, the applicant is seeking a permit to remodel a substandard structure. The City has determined that the primary structure is substandard and the cost of bringing it into a lawful compliance with the City’s Code of Ordinances will exceed 50 percent of the replacement cost of such structure. The facts and considerations are as follows:

- 03/08/11 City’s receipt of remodel permit application shows a remodel valuation of \$5,000.
- 03/08/11 Exterior inspection by City staff – preliminary determination of structure obsolescence (per 2011 “Certified” Harris County Appraisal District Improvement Valuation of \$41,742)
- 03/11/11 Set up 03/17/11 meeting with the owner – discussed issues
- 03/17/11 Met with the owner; questioned remodel valuation and raised structure obsolescence issue; owner agreed to weigh demolition verses cost to have engineer review building.
- 09/27/11 Survey identifies nonconforming structure locations
- 09/28/11 Engineering letter estimates repairs to the front of the primary building to be \$25,800 plus additional costs.
- 10/07/11 Owner’s remodel permit application that reflects an estimated \$80,000 for remodel valuation.
- 12/13/11 On-site walk-thru of the building
- 01/17/12 Report – Restricted Use Appraisal regarding the estimated replacement cost of the primary building between \$43,000 and \$58,000 (see copy attached).
- 02/15/12 Permit application shows remodel valuation \$20,000
- 03/02/12 Manning Engineering Corp. letter claims that the building can be repaired for less than 50% of the HCAD listed appraised value. It further claims that first letter dated 09/28/11 was a summary to provide Mr. Diaz a budget number to secure funding and to compare the cost of a first class renovation versus new construction. However, necessary minimum structural repairs can be performed for less than 50% of the appraised value.

In addition, the City requested an appraisal for the purpose of estimating its replacement cost. Chris Chuoke of R.C. Chuoke & Associates, Inc., maintains the highest level of credentials the State of Texas offers for certified appraisers. Per appraisal report dated January 17, 2012, the estimated Replacement Cost of the subject property improvements after depreciation estimates was between \$43,000 and \$58,000.

Analysis:

In describing the action of appeal, the Code of Ordinances states: In exercising the powers set forth in Section 106-88, the Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the enforcement officer from whom the appeal is taken. The Board must find the following in order to grant an appeal.

- a) *That there is a reasonable difference of interpretation as to the specific intent of the zoning regulations or zoning map, provided the interpretation of the enforcement officer is a reasonable presumption and the zoning ordinance is unreasonable.*

Current regulations are written in a clear manner which allows the enforcement officer to understand the intent of City Council as it relates to the nonconforming structure. This regulation has been in effect since the January 26, 1987 adoption of Zoning Ordinance #1501 and the regulation has not been proven to be “unreasonable”.

No reasonable difference exists regarding the interpretation of the Zoning Ordinance intent. The renovation/remodeling of existing building clearly is classified as ‘Obsolescence of Structure’ that should proceed under Sec. 106-262(d). Remedies exist for the property owner therefore the zoning ordinance cannot be construed as unreasonable.

- b) *That the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.*

Current regulations are written in a clear manner that enables individuals to understand City Council’s intent. This enables Staff to provide the information to others and be consistent in the enforcement of this

regulation. This consistency in the enforcement of the regulation ensures no “special privilege” to any one property.

The zoning ordinance objective is to eliminate and/or ameliorate nonconformities. Typically, eliminating nonconformities is addressed when property owners decide to develop, renovate or remodel their properties. Granting this request would indeed grant a special privilege to this property owner.

- c) *The decision of the Board must be in the best interest of the community and consistent with the spirit and interest of the city’s zoning laws and the comprehensive plan of the city.*

Staff believes reoccupying an unsafe structure would conflict with the intent of the regulation and would not be in the best interest of the community or be consistent with the spirit of the City’s Zoning Ordinance. While the property owner has presented an estimated cost to renovate the building, which is alleged to be less than 50% of the appraised value (\$41,742 Improvement value per HCAD), the Board may not grant permission to issue a permit for remodeling a nonconforming and obsolescence of structure unless the owner is able to prove that it can reasonably be done for that cost.

The general intent and purpose behind the zoning ordinance is to promote public health, safety, and welfare. This is accomplished by providing a safe transportation system, providing sufficient open spaces and landscaped areas, and preventing the overcrowding of land as well as ensuring stable structures. The zoning ordinance clearly provides for these items. Upholding the enforcement officer’s decision in this case would certainly be in the best interest of the community and would be consistent with the spirit and interest of the City’s Code of Ordinances.

Conclusion:

Based on the facts and considerations noted in this report, Staff feels the enforcement officer’s decision is correct.

Staff recommends that the Board deny this appeal and uphold the ordinance provisions found in Sections 106-261 and 106-262 of the City’s Code of Ordinances.

Appeals:

As per Section 106-196 of the Code of Ordinances of the City of La Porte:
Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the city may present to a court of record a petition for a writ of certiorari, as provided by V.T.C.A., Local Government Code Section 211.011, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the Board of Adjustment.

FACTS RELEVANT TO THIS MATTER:

APPLICANT'S APPLICATION FOR PERMIT TO REPAIR EXISTING STRUCTURE AT 500 W. MAIN, FILED 10-10-11, WAS DENIED BY THE CITY ON 10-11-11. THAT DENIAL WAS BASED, IN PART, UPON FINDING THAT THE COST OF REPAIRS WOULD EXCEED 50% OF HCAD EVALUATION. THE CORRECT STANDARD WHICH SHOULD HAVE BEEN APPLIED BY THE PERMIT DEPT WAS WHETHER COST OF REPAIRS TO PLACE PROPERTY WITHIN CODE COMPLIANCE EXCEEDED 50% OF REPLACEMENT COST OF SAID STRUCTURES AS DETERMINED BY A LICENSED APPRAISER ON DATE THAT ENFORCING OFFICERS DETERMINES THAT SUCH STRUCTURE IS OBSOLETE OR SUBSTANDARD. NO APPRAISAL BY LICENSED APPRAISER WAS OBTAINED BY THE CITY.

TYPE OF RELIEF BEING SOUGHT:

A PERMIT TO REPAIR AND BRING TO CODE COMPLIANCE THE FRONT MASONRY PORTION OF THE STRUCTURE.

GROUND FOR THE REQUEST:

THE RESTORATION FOR WHICH THE PERMIT IS REQUESTED WILL NOT EXCEED 50% OF THE REPLACEMENT COST OF SAID STRUCTURE.

R.C. Chuoke & Associates, Inc.

Appraisers & Consultants

P.O. Box 1447
League City, Texas 77574

Office- 281-338-9633
Fax- 281-338-9533

January 17, 2012

City of La Porte
P.O. Box 1115
La Porte, Texas 77572

RE: Restricted Use appraisal regarding the estimated Replacement Cost of the main building improvement located at 500 West Main Street, La Porte, Harris County, Texas.

Dear Sirs:

In accordance with your request, we have inspected the following described property by way of an inspection from the public street for the purpose of estimating its Replacement Cost new less land value and ancillary site improvements. As per our agreement, the data and analysis is presented in a brief restricted use format.

BRIEF LEGAL DESCRIPTION OF PROPERTY

The main building improvements located at the property known as Lot 22 thru 23, Block 56, Town of La Porte, Harris County, Texas. Known locally as 500 West Main Street, La Porte, Texas. (Real Property Improvements only less ancillary site improvements).

We hereby certify that we have personally inspected the property described via an exterior inspection from the public street and that all data gathered by my investigation is from sources believed reliable and true. In preparing this restricted report, we estimated the replacement cost new of the main property improvements only.

It should clearly be understood that this letter only constitutes only a statement of the estimated replacement cost of the main site improvements only and that does not presume to be the complete analysis of the subject property nor a complete appraisal report format.

The Intended User of this appraisal is the City of La Porte only. The intended use is to determine the estimated replacement cost of the main property improvements for internal use.

Subject Data: The subject property is located at 500 West Main Street in the city limits of La Porte in SE Harris County, Texas. Based on our inspection only from the public street and from the Harris County Appraisal District data, the improvements consists of a one (1) story wood frame building with a partial brick exterior over a concrete slab foundation. The roof appear to be a built-up type. It is reported to have a central HVAC system and was reported to have been built in 1955 per Harris County Appraisal District. The building is reported to have 1,479 square feet of building area with ancillary utility building located at the rear of the site having a reported 288 square feet of area. Per our instructions from the client, we have not inspected the interior of the facility and our analysis is based on an exterior inspection of the property and from data obtained from the Harris County Appraisal District. Per our instructions from the client, this analysis is to estimate the replacement cost value of only the main property improvements (main building and storage building) and not value the parking area and ancillary improvements such as signage, etc. The subject improvements appear unoccupied.

Effective Date of Report: January 17, 2012
Effective Date of Appraisal: January 10, 2012

Per our discussion, a range of replacement cost values were used due to the subjectivity in estimating accrued depreciation. Before depreciation an replacement cost estimate of the main building and storage building was indicated at \$143,870. An overall effective life of 50 years was used in this analysis and a range of between 30 years to 35 years was estimated for the effective age resulting in a range of between 60% to 70% in terms of actual depreciation.

As a result the range in Replacement Cost** based on its current condition was estimated at between **\$43,000 to \$58,000**. ** *Main building improvements only.*

In conclusion, the estimated Replacement Cost of the subject property improvements after depreciation estimates was between **\$43,000 to \$58,000****.

Respectfully Submitted,

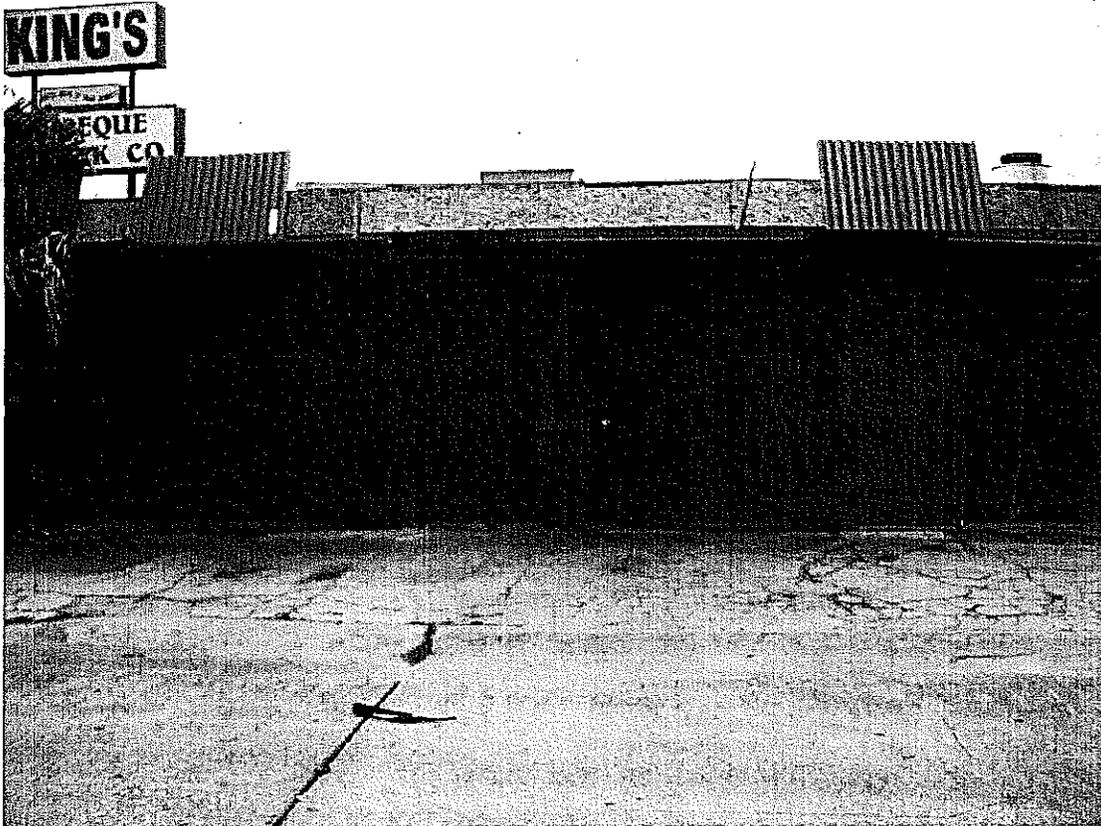


Chris Chuoke, President
R.C. CHUOKE & ASSOCIATES, INC.

ADDENDA

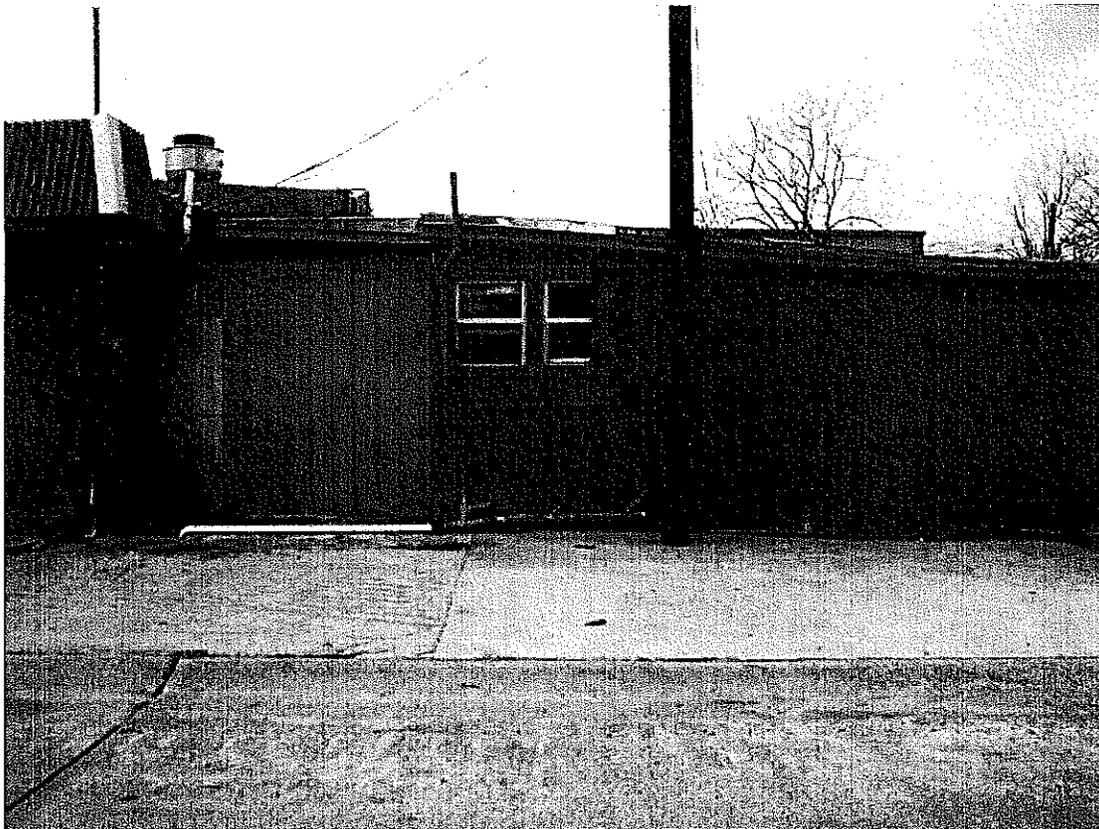
PHOTOS

FRONT VIEW OF SUBJECT



SIDE VIEW OF SUBJECT

REAR VIEW OF SUBJECT



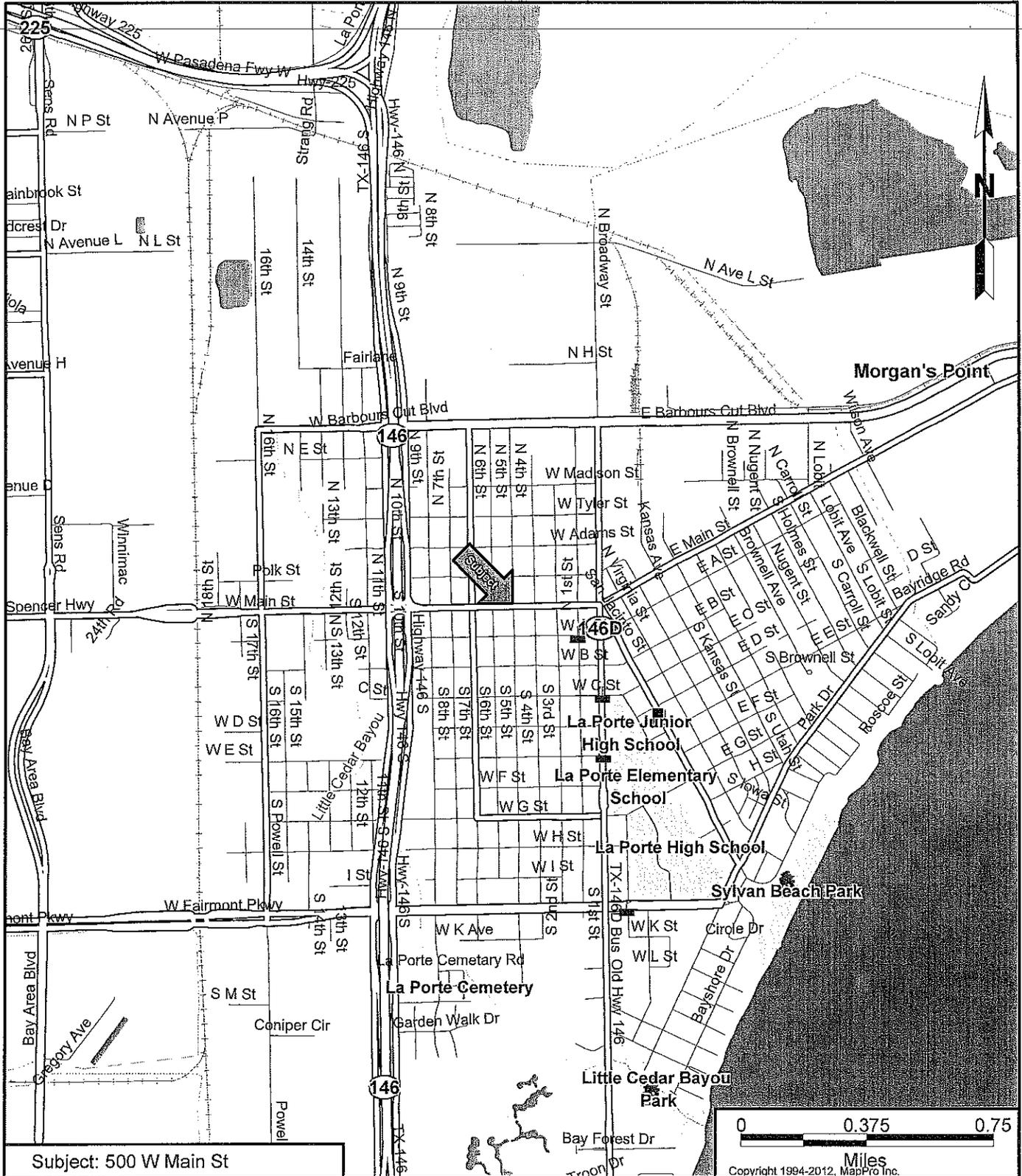
ADDITIONAL SIDE VIEW OF SUBJECT

ADDITIONAL SIDE VIEW OF SUBJECT



VIEW OF STORAGE BUILDING

LOCATION MAP



Subject: 500 W Main St

CAUTION: The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

Prepared by RC Chuoke & Associates, Inc using MapPro Service. MapPro Inc., PO Box 37427, Houston, TX 77237 1-866-3MAPPRO.

APPRAISAL DISTRICT DATA

HARRIS COUNTY APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
 023189000021

Tax Year: 2011

Owner and Property Information

Owner Name & Mailing Address:		DIAZ GILBERT 802 IVY AVE DEER PARK TX 77536-3220			Legal Description:		LTS 21 22 & 23 BLK 56 LA PORTE			
					Property Address:		500 W MAIN ST LA PORTE TX 77571			
State Class Code	Land Use Code	Building Class	Total Units	Land Area	Building Area	Net Rentable Area	Neighborhood	Map Facet	Key Map®	
F1 -- Real, Commercial	4323 -- Food Stand (Below Restr. Constr.)	E	0	9,125 SF	1,479	0	9700	6254C	540X	

Value Status Information

Capped Account	Value Status	Notice Date	Shared CAD
No	Noticed	04/15/2011	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	ARB Status	2010 Rate	2011 Rate
None	020	LA PORTE ISD	Certified: 08/12/2011	1.325000	1.355000
	040	HARRIS COUNTY	Certified: 08/12/2011	0.388050	0.391170
	041	HARRIS CO FLOOD CNTRL	Certified: 08/12/2011	0.029230	0.028090
	042	PORT OF HOUSTON AUTHY	Certified: 08/12/2011	0.020540	0.018560
	043	HARRIS CO HOSP DIST	Certified: 08/12/2011	0.192160	0.192160
	044	HARRIS CO EDUC DEPT	Certified: 08/12/2011	0.006581	0.006581
	047	SAN JACINTO COM COL D	Certified: 08/12/2011	0.176277	0.185602
	071	CITY OF LAPORTE	Certified: 08/12/2011	0.710000	0.710000

Valuations

Value as of January 1, 2010				Value as of January 1, 2011			
	Market	Appraised		Market	Appraised		
Land	13,688		Land	13,688			
Improvement	38,403		Improvement	41,742			
Total	52,091	52,091	Total	55,430	55,430		

Land

Market Value Land

Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	4323 -- Food Stand (Below Restr. Constr.)	SF1	SF	9,125	1.00	1.00	1.20	Corner or Alley	1.20	1.25	1.50	13,688

Building

Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	1955	Food Stand (Below Restr. Constr.)	Snack Bar	Low	1,479	Displayed

Building Details (1)

Building Data	
Element	Detail
Cooling Type	Central / Forced
Construction Type	Wood / Steel Joist
Functional Utility	Avg/Normal
Heating Type	Hot Air
Partition Type	Normal
Physical Condition	Avg/Normal
Plumbing Type	Adequate
Sprinkler Type	None
Exterior Wall	Brick / Stone
Exterior Wall	Frame / Res Stucco
Exterior Wall	Tile / Dressed Stone
Economic Obsolescence	Normal
Element	Units
Wall Height	8
Interior Finish Percent	100

Building Areas	
Description	Area
UTIL BLDG - FRM -C	288
BASE AREA PRI	399
BASE AREA PRI	360
BASE AREA PRI	720

Building Features	
Description	Units
Paving - Light Concrete	1
UTILITY BLDG - FRAME	1

QUALIFICATIONS OF APPRAISER

CHRIS CHUOKE

Chris Chuoke has been engaged in the real estate appraisal profession since 1978, he is currently president of R.C. Chuoke & Associates, Inc. The scope of work has included real estate appraisals, real estate sales, and development. Experience in real estate appraisals include light industrial properties, commercial, retail, office buildings, some special purpose properties as well as single family houses, duplexes, and condominium/townhouse units and apartments. Additionally there is experience in right of way appraisals and condemnation and has been approved as an expert witness in both Harris and Galveston Counties. Listed below are some of the clients served:

CORPORATE

Pollo Loco Restaurants
Exxon/Mobil Land Management
Exxon Pipeline Company
South Shore Harbour Development
Pizza Inns, Inc.
Rockwell Space Operations, Inc.
CAE-Link Corporation
Nisseki Chemical

BANK

Moody National Bank
Bank of America
Sterling Bank
Regions Bank
Heritage Bank
Texas Advantage Community Bank
Amegy Bank
Patriot Bank
Prosperity Bank
Frost National Bank
Hometown Bank
Zions Bank
Texas Citizens Bank
First Bank
Express Bank
Prosperity Bank
JSC Federal Credit Union
Corporation

RELOCATION

Fidelity Relocation Services
Cendant Relocation
Prudential Relocation
Summit Relocation

GOVERNMENTAL

City of La Porte
Galveston County
City of Kemah
City of League City
City of Webster
City of Seabrook
SBA
City of El Lago
University of Houston-C Lake
City of Friendswood
TXDOT

MORTGAGE COMPANIES

Regions Mortgage
Federal Home Loan Mortgage
Amegy Mortgage
SWBC Mortgage
Home Trust Mortgage

EDUCATION

Bachelor of Business Administration, 1977, University of Houston at Clear Lake

PROFESSIONAL AFFILIATIONS

Texas Real Estate Brokers License, 1977, #216958

Certified Texas Real Estate Appraisers # TX- 1321347-G

Texas Associations of Realtors

National Association of Realtors

Gulf Coast Board of Realtors

Texas Appraiser Licensing and Certification Board

P.O. Box 12188 Austin, Texas 78711-2188

Certified General Real Estate Appraiser

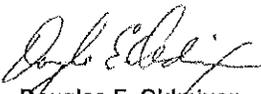
Number: **TX 1321347 G**

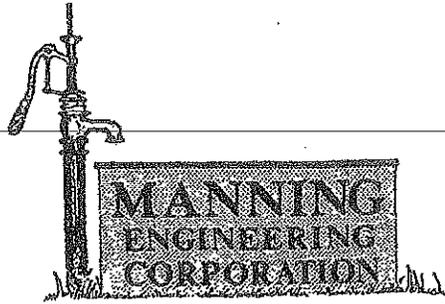
Issued: **06/09/2011**

Expires: **06/30/2013**

Appraiser: **ROBERT CHRIS CHUOKE III**

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.


Douglas E. Oldmixon
Commissioner



108 S. 2nd Street
La Porte, Texas 77571
Ph: (281) 471-7590
1-866-ENVLENG
1-866-368-4364
Fax: (281) 470-9486

TBPE Firm Registration No. 2630

October 2, 2012

ENVIRONMENTAL ENGINEERING & CONSULTING

Gilbert Diaz
802 Ivy Ave
Deer Park, Texas 77536

Attn: Gilbert Diaz
Owner of Property at 500 W Main

Re: Letter Regarding Repair Costs for Minimum Required Repairs
500 West Main St, La Porte TX 77571

To Whom it may concern;

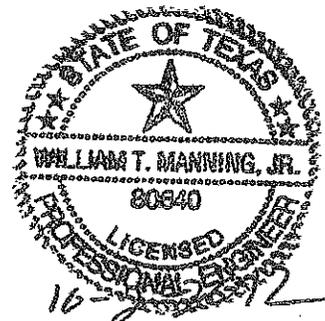
This letter is intended to serve as verification that Manning Engineering Corporation has been retained by Gilbert Diaz to evaluate and perform design services for the building located at 500 West Main Street in La Porte Texas.

The current plan for repairing the building is to repair the front half of the building making structural repairs as needed and converting the front to office space. The back half of the building will be removed. The necessary minimum structural repairs needed for the front can be performed and the front windows and framing can be replaced for less than 50% of the appraised value which is listed as \$41,742. The windows will be smaller frame mounted windows with supplemental impact protection to meet wind storm requirements. It is estimated that the repairs will be between \$16,000 and \$20,000 for the structure.

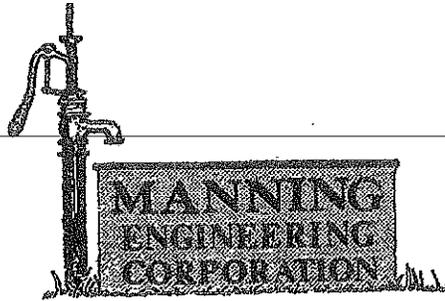
If you have any questions or require any additional information, please do not hesitate to contact me at your earliest convenience.

Yours truly,

William T. Manning, Jr., P.E.
President



March 2, 2012



ENVIRONMENTAL ENGINEERING & CONSULTING

108 S. 2nd Street
La Porte, Texas 77571
Ph: (281) 471-7590
1-866-ENVI ENG
1-866-368-4364
Fax: (281) 470-9486

TBPE Firm Registration No. 2630

Gilbert Diaz
802 Ivy Ave
Deer Park, Texas 77536

Attn: Gilbert Diaz
Owner of Property at 500 W Main

Re: Letter Regarding Repair Costs for Minimum Required Repairs
500 West Main St, La Porte TX 77571

To Whom it may concern;

This letter is intended to serve as verification that Manning Engineering Corporation has been retained by Gilbert Diaz to evaluate and perform design services for the building located at 500 West Main Street in La Porte Texas. We initially provided Mr. Diaz with a summary of total costs for a complete renovation of the existing building including site work and contingencies. The purpose of the summary was to provide Mr. Diaz a budget number to secure funding and to compare the cost of a first class renovation versus new construction. It is our understanding that as a result of this letter, the City is now wanting Mr. Diaz to demolish his existing building.

This letter is intended to clarify the purpose of the original letter and clarify that the building can be repaired for less than 50% of the HCAD listed appraised value. The original letter was based on performing a first class renovation of the interior and exterior of the building and reopen the Speedy Taco Restaurant and was intended to secure the funding for this renovation and site work. The necessary minimum structural repairs can be performed and the front windows and framing can be replaced for less than 50% of the appraised value which is listed as \$41,742. The front windows will no longer be storefront style windows with impact rated glazing and a majority of the exterior facade work will not be done. The windows will be smaller frame mounted windows with supplemental impact protection to meet wind storm requirements. It is unfortunate that the City is not exercising the discretion it has available in order to allow Mr. Diaz to perform the complete first class renovation he had envisioned.

If you have any questions or require any additional information, please do not hesitate to contact me at your earliest convenience.

Yours truly,

William T. Manning, Jr., P.E., C.W.U.O.
President



DM / MH
10-10-11

PERMIT APPLICATION
City of La Porte
281-470-5073

RECEIVED
OCT 07 2011
Established 1892

Building Mechanical _____ *Electrical _____ *Plumbing _____
*(See back of form)

Project Address: 500 WEST MAIN Lot: 21-23

Subdivision: La Porte Block: 56

Owner's Name: GILBERT DIAZ Phone: 281-479-9821
713-884-0816

Address: 302 JULY DEER PARK 77536
Street City Zip

Contractor: STRAIGHT EDGE CONSTRUCTION Phone: 713-884-0816

Address: SAME City _____ Zip _____
Street

Contractor Email address: _____ Fax _____ Contact Person: GILBERT DIAZ

Engineer: MUNING ENGINEERING CORP

Building Use: RESTAURANT Sq. Footage: _____ # Stories: 1

Valuation: \$ 80,000 Describe Work: Remodeling

NOT A VALID PERMIT UNTIL OWNER IS NOTIFIED OF APPROVAL & ALL APPLICABLE FEES ARE PAID IN FULL.

APPLICANTS SIGNATURE: Gilbert Diaz DATE: 10-9-11

APPLICANTS PRINTED NAME: GILBERT DIAZ

Occupancy Type: A-2 For City Use Only Flood Zone: X Class Work: Remodel Sq. Ft: 1479

Construction Type: V Use Zone: MSD0 # Stories: 1 Parking Req: NA

Last use of Building: RESTAURANT Date use ceased: _____

Commercial Buildings Plans Only-Fire Marshal Approval: _____ Date: _____

Checked/Approved for Issuance By: _____ Date: _____

1-1061 wwp
11-869
CB: Yes
Special Conditions: ① Permit Denied Per Zoning Section 106-262 (d) OBSOLESCENCE OF STRUCTURE. ② Building is required to be set back 10' from side property line adjacent to street right of way. Existing set back

Taxes: OK HCAD _____ Residential driveway tie-in fee: _____ Parkland (New Res. Only): Zone # _____ Fee: _____

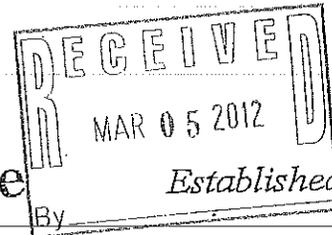
Permit No. 11-1541 Permit Fee _____ Plan Check Fee: _____

is 0-feet. ③ Bldg cost of repairs exceed 50% of HCAD valuation.



PERMIT APPLICATION
City of La Porte

281-470-5073



Building Mechanical _____ *Electrical _____ *Plumbing _____
*(See back of form)

Project Address: 500 WEST MAIN Lot: 21-23

Subdivision: LA PORTE Block: 56

Owner's Name: GILBERT DIAZ Phone: 713-884-0816

Address: 802 TUVY DEER PARK TX
Street City Zip

Contractor: STRAIGH EDGE CONSTRUCTION Phone: 713-884-0816

Address: 424 EAST 1ST ST DEER PARK TX
Street City Zip

Contractor Email address: STRAIGHEDGE CONSTRUCTION 704 YAHOO.COM Contact Person: Gilbert Diaz
Fax

Engineer: _____

Building Use: Office (for my company) Sq. Footage: _____ # Stories: 1

Valuation: \$ 20,000 Describe Work: Remodeling

NOT A VALID PERMIT UNTIL OWNER IS NOTIFIED OF APPROVAL & ALL APPLICABLE FEES ARE PAID IN FULL.

APPLICANTS SIGNATURE Gilbert Diaz DATE: 2-15-12

APPLICANTS PRINTED NAME Gilbert Diaz
For City Use Only

Occupancy Type _____ Flood Zone _____ Class Work _____ Sq. Ft. _____

Construction Type _____ Use Zone _____ # Stories _____ Parking Req _____

Last use of Building _____ Date use ceased: _____

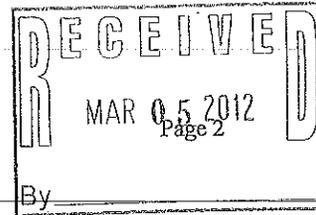
Commercial Buildings Plans Only-Fire Marshal Approval _____ Date _____

Checked/Approved for Issuance By: _____ Date _____

CE: _____ Special Conditions: _____

Taxes _____ HCAD _____
Residential driveway tie-in fee: _____
Parkland (New Res. Only): Zone # _____ Fee: _____

Permit No. _____ Permit Fee _____ Plan Check Fee: _____

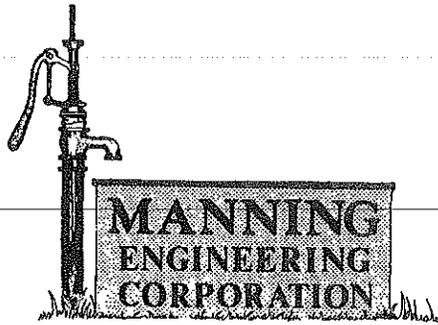


The City has determined the primary structure is substandard and the cost of bringing it into lawful compliance with codes and ordinances of the city will exceed 50 percent of replacement cost of such structure. Our determination is based on the following:

- 03/08/11 City's receipt of remodel permit application showing a remodel valuation of \$5,000
- 03/08/11 Exterior inspection by City staff - preliminary determination of structure obsolescence (per 2011 "Certified" Harris County Appraisal District Improvement Valuation of \$41,742) *? Enclosed copy*
- 03/11/11 Set up 03/17/11 meeting with Owner - discussed issues *GAVE ME TEST I need to do*
- 03/17/11 Met with owner; questioned remodel valuation and raised structure obsolescence issue; owner agreed to weigh demolition verses cost to have engineer review building *NOT HAPPEN*
- 09/27/11 Survey identifying nonconforming structure locations
- 09/28/11 Engineering letter estimates repairs to the front of the primary building to be \$25,800 plus additional cost *This is for REST of building*
- 10/07/11 Owner's remodel permit application that reflected an estimated \$80,000 for remodel valuation *This was base for First class Remodeling*
- 12/13/11 On-site walk-thru of the building - *Had to go thru Debbie to make it happen*
- 01/17/12 Report - Restricted Use Appraisal estimating the replacement cost of the primary building between \$43,000 and \$58,000 *Remodel in MAJOR ESTIMATE 25,800 - FIRST CLASS HAVE ESTIMATES AT MORE THAN FIGURES REAL*

In accordance with City Zoning Regulation Sect. 106-262(d), this letter serves as your notification that the right to operate and maintain the "substandard non-conforming structure(s) is terminated". An owner or his representative seeking to provide proof that the structure's repair cost does not exceed 50 percent of the replacement cost of such structure may appeal the enforcement officer's decision to the Zoning Board of Adjustment (ZBOA). However, the burden of proof rests with the owner of such structure(s). For your convenience, we have enclosed the appeal application should you choose to initiate the appeal process. (See attached)

If you wish to initiate the appeal process, please return the completed request form and applicable fee. It should be returned to our City Planner, Mr. Masood Malik (604 W. Fairmont Parkway - La Porte, Tx 77571), so a meeting can be scheduled. Mr. Malik can answer any questions relating to the process and can be reached at #281-470-5058. I can be reached at #281-470-5066. A scheduled ZBOA meeting will stay any municipal court action until said meeting is concluded. Thank you.



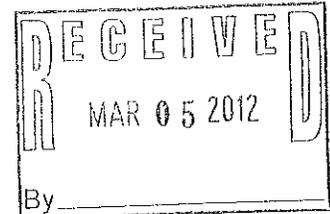
108 S. 2nd Street
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Ph: (281) 471-7590
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March 2, 2012

TBPE Firm Registration No. 2630

ENVIRONMENTAL ENGINEERING & CONSULTING

Gilbert Diaz
802 Ivy Ave
Deer Park, Texas 77536



Attn: Gilbert Diaz
Owner of Property at 500 W Main

Re: Letter Regarding Repair Costs for Minimum Required Repairs
500 West Main St, La Porte TX 77571

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This letter is intended to serve as verification that Manning Engineering Corporation has been retained by Gilbert Diaz to evaluate and perform design services for the building located at 500 West Main Street in La Porte Texas. We initially provided Mr. Diaz with a summary of total costs for a complete renovation of the existing building including site work and contingencies. The purpose of the summary was to provide Mr. Diaz a budget number to secure funding and to compare the cost of a first class renovation versus new construction. It is our understanding that as a result of this letter, the City is now wanting Mr. Diaz to demolish his existing building.

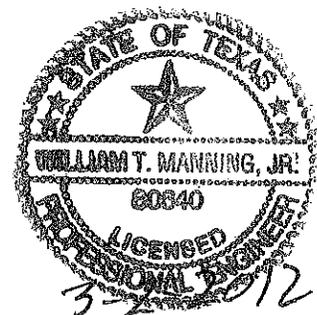
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If you have any questions or require any additional information, please do not hesitate to contact me at your earliest convenience.

Yours truly,

William T. Manning, Jr. P.E.

William T. Manning, Jr., P.E., C.W.U.O.
President

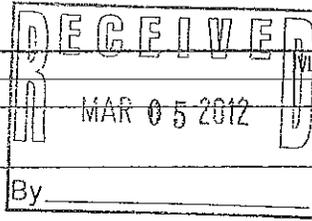


Straight Edge Construction
 Electrical/Remodeling
 Cell: 713-884-0816
 Office: 281-479-9821

TECL 26040
 Lic. # 190836

323053

Invoice



SOLD TO	SHIPPED TO			
ADDRESS 500 WEST MAIN	ADDRESS			
CITY, STATE, ZIP LA PORTE, TX 77571	CITY, STATE, ZIP			
CUSTOMER ORDER NO.	SOLD BY	TERMS	F.O.B.	DATE

ESTIMATE TO BRING FRONT PRIMARY
 building up to code
 FRONT windows

- REMOVE EXISTING GLASS
- INSTALL NEW FRAMING AND SUPPORT FOR NEW WINDOWS
- INSTALL 8 STANDARD WINDOWS (4'x4')
- DRESS UP AREA AROUND WINDOWS WITH CEDAR ON EXTERIOR.

INTERIOR

- INSTALL TRIM AROUND WINDOWS AND DOORS
- INSTALL INSULATION IN CEILING
- INSTALL SHEET ROCK AND PAINT CEILING
- CLEAN FLOORS & REMOVE BAD TILE

EXTERIOR

- REMOVE EXISTING CORRUGATED STEEL AROUND BUILDING
- PAINT

ELECTRICAL

- INSTALL 6 LIGHT FIXTURE

LABOR & MATERIAL

\$ 8,900 00

6-21-11

GIVEN TO ME BY MARK

- ① ON SITE ~~EST.~~ / ~~ST~~ / ~~REPORT~~
- ② Need plan for ^{needed} structure
- ③ install wet hole.
- ④ Engineer Report needs to go
(to be replaced coming)
- ⑤ Need a survey of property
- ⑥ Need eng. plan of strength Repass
- ⑦ Grease Trap (need to get a main plan)
- ⑧ Detention
Scop of Work.
- 1. Need Survey!
- 2. Need: Engineer Structural Report!
- 3.
- 4.
- 5.
- 6. Bill Campbell @ Acta Eng
- 7.
- 8. Mike Scanlon @ Sepprock Fa

GIVEN TO ME by MARK

① Bill Campbell - PE
Action Eng.

② Mike Scanlon PE
Seabrook / Friendswood

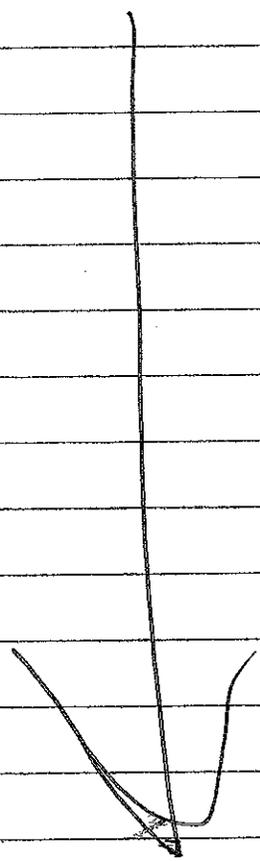
③ Bill MANNING PE
LA Porte

New a Summit Company need a (L)

Detailed
Scope of Work

6-21-11

1.
2.



GIVEN TO ME by MARK

- 3-8-11 WAS NEVER INFORMED OF DETERMINATION OF STRUCTURE OBSOLESCENCE
- 3-11-11 DID NOT DISCUSS ISSUES OF STRUCTURE OBSOLESCENCE AS STATED.
- 3-17-11 WAS GIVEN LIST OF TESTS NEEDED TO GET PERMIT. (SURVEY, ENERGY CHECK, ASBESTOS, ENGINEERING DRAWINGS)
- 6-21-11 MET WITH DWAYNE AND MARK
TURNED IN ENERGY AND ASBESTOS TESTS.
GAVE ME A LIST OF REMAINING PAPER WORK NEEDED AND A LIST OF ENGINEERS. PHONE NUMBERS. I ENCLOSED A COPY OF THESE PAPER WORK.
- 9-28-11 GAVE MARK AND DWAYNE PAPER WORK (SURVEY, ENGINEERING PLANS)
- 9-28-11 COST TO REPAIR FRONT OF PRIMARY building TO BE 25,800. THIS ESTIMATE WAS BASE IN DOING A FIRST CLASS JOB. I HAVE ENCLOSED ESTIMATES OF MORE TRUE FIGURES. AS OF ADDITIONAL COST AS STATED IN DEBBIE'S LETTER, THIS WAS COST FOR THE REST OF BUILDING. I NOW INTEND TO REMODEL FRONT BUILDING ONLY.

10-11-2011 DWAYNE AND MARK DENIED PERMIT
Did NOT go to building Till 12-17-2011.

12-13-2011 DWAYNE DENIED BOARD MEETING. TOLD
ME I HAD NO OPTIONS BUT TO DEMOLISH
building

12-13-2011 CALLED DEBBIE AND SHE SCHEDULED
MARK AND DWAYNE TO MEET ME AT
500 WEST MAIN AND ARRANGE FOR
ME TO PREPARE FOR BOARD MEETING.

12-17-2011 MET WITH MARK AND DWAYNE. SAW
building FOR FIRST TIME. AS FOR BUILDING,
THEIR MINDS WERE ALREADY MADE UP

12-22-11 LA PORTE FILED SUED NINE DAYS BEFORE JURY. ^{AMOUNT \$1,000}

ON 3-8-2011 INSPECTORS (MARIO RAMOS AND WALLEY
LUCIANO) INSPECTED BUILDING AND GAVE
ME A LIST OF REPAIRS TO TAKE CARE OF. NEVER
did they say the building was NOT FIT TO REPAIR.
IT TOOK NINE MONTHS FOR DWAYNE AND MARK
TO TELL ME MY BUILDING HAD TO BE DEMOLISH.
I HAVE SPEND THOUSAND OF DOLLARS TRYING
TO DO THE RIGHT THING. I KEEP GOING TO
COURT AND PAYING FINES FOR CODE VIOLATIONS,
WHEN I CAN'T EVEN GET A PERMIT. THE
INSPECTION DEPARTMENT IS DESIGNED TO
HELP PROPERTY OWNERS. WITHOUT US, THEY
WOULD NOT HAVE A JOB.

WAS Given These Copies
ON 3-11-11. Things I NEED.
TO do TO get permit.
4- pages

CHAPTER 4

RESIDENTIAL ENERGY EFFICIENCY

This chapter has been revised in its entirety; there will be no marginal markings.

SECTION 401 GENERAL

401.1 Scope. This chapter applies to residential buildings.

401.2 Compliance. Projects shall comply with Sections 401, 402.4, 402.5, 402.6 and 403 (referred to as the mandatory provisions) and either:

1. Sections 402.1 through 402.3 (prescriptive); or
2. Section 404 (performance).

401.3 Certificate. A permanent certificate shall be posted on or in the electrical distribution panel. The certificate shall be completed by the builder or registered design professional. The certificate shall list the predominant *R*-values of insulation installed in or on ceiling/roof, walls, foundation (slab, basement wall, crawlspace wall and/or floor) and ducts outside conditioned spaces; *U*-factors for fenestration; and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the type and efficiency of heating, cooling and service water heating equipment.

SECTION 402 BUILDING THERMAL ENVELOPE

402.1 General. (Prescriptive).

402.1.1 Insulation and fenestration criteria. The building thermal envelope shall meet the requirements of Table 402.1.1 based on the climate zone specified in Chapter 3.

402.1.2 *R*-value computation. Insulation material used in layers, such as framing cavity insulation and insulating sheathing, shall be summed to compute the component *R*-value. The manufacturer's settled *R*-value shall be used for blown insulation. Computed *R*-values shall not include an *R*-value for other building materials or air films.

402.1.3 *U*-factor alternative. An assembly with a *U*-factor equal to or less than that specified in Table 402.1.3 shall be permitted as an alternative to the *R*-value in Table 402.1.1.

Exception: For mass walls not meeting the criterion for insulation location in Section 402.2.3, the *U*-factor shall be permitted to be:

1. *U*-factor of 0.17 in Climate Zone 1.
2. *U*-factor of 0.14 in Climate Zone 2.
3. *U*-factor of 0.12 in Climate Zone 3.

TABLE 402.1.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE	FLOOR R-VALUE	BASEMENT ^c WALL R-VALUE	SLAB ^d R-VALUE & DEPTH	CRAWL SPACE ^e WALL R-VALUE
1	1.20	0.75	0.40	30	13	3	13	0	0	0
2	0.75	0.75	0.40	30	13	4	13	0	0	0
3	0.65	0.65	0.40 ^g	30	13	5	19	0	0	5 / 13
4 except Marine	0.40	0.60	NR	38	13	5	19	10 / 13	10, 2 ft	10 / 13
5 and Marine 4	0.35	0.60	NR	38	19 or 13+5 ^g	13	30 ^f	10 / 13	10, 2 ft	10 / 13
6	0.35	0.60	NR	49	19 or 13+5 ^g	15	30 ^f	10 / 13	10, 4 ft	10 / 13
7 and 8	0.35	0.60	NR	49	21	19	30 ^f	10 / 13	10, 4 ft	10 / 13

For SI: 1 foot = 304.8 mm.

- a. *R*-values are minimums. *U*-factors and SHGC are maximums. *R*-19 shall be permitted to be compressed into a 2 × 6 cavity.
- b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- c. The first *R*-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.
- d. *R*-5 shall be added to the required slab edge *R*-values for heated slabs.
- e. There are no SHGC requirements in the Marine zone.
- f. Or insulation sufficient to fill the framing cavity, *R*-19 minimum.
- g. "13+5" means *R*-13 cavity insulation plus *R*-5 insulated sheathing. If structural sheathing covers 25 percent or less of the exterior, insulating sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25 percent of exterior, structural sheathing shall be supplemented with insulated sheathing of at least *R*-2.

WAS given to me
To get permit 3-11-11

RESIDENTIAL ENERGY PLAN REVIEW & INSPECTION GUIDE SHEET (FOR EXISTING RESIDENTIAL STRUCTURES)

Utilizing Chapter 4 of the State mandated Energy Conservation Code (2006 Ed.);
La Porte is located within Climate Zone 2.

New Residential and room additions require plan certification and field inspection by an approved agency or individual licensed/certified through one of the model code groups (ICBO, ICC, BOCA).

WINDOW REPLACEMENT:

_____ A building permit shall be required. Plan submittal shall include a footprint of the structure that identify the windows being replaced and a material list identifying that the "proposed" windows are: **.75 Fenestration U-Factor** and **.40 Glazed Fenestration Solar Heat Gain CoEfficient** . Footprint must show window locations near doors and stair landings to confirm safety glass locations. 2006 IRC,R308.4 Hazardous locations.

_____ Applicant shall leave window data stickers in place until a city inspection can confirm proper window type and installation. Applicant/owner shall be responsible for requesting the required inspection.

NOTE: For siding installation regulations, see separate policy/guideline. Minimum Wood Frame Wall R-Value insulation required is: R-13.

ENERGY CODE COMPLIANCE PROVIDERS

This list of providers has been compiled as a convenience to property owners, builders and developers. It is provided to assist in the transition and does not recommend any company or individual nor prohibit other qualified companies or individuals.

In some cases, the provider has already provided the City with a copy of their certification(s). Providers who have not submitted proof of their certification(s) will have to do so at the time of their submittal to the City.

RESIDENTIAL

- Bureau Veritas.....Nolan R. Mason, #877-837-8775
- Code Consultants.....Linda Taylor, #281554-4202
- Construction Code Analysis.....Joe Morales, #713-591-7343 1000
- James Hickman Inspections.....James Hickman, #713-941-3737
Jeff Ybarra, #281-381-6441
#713-941-3737
- Mikayla Architects.....Michael Herman, #281-729-7550
- MPS Engineering Co.....J. R. Sullivan, #281-324-3852; Ext. 19
- The Nelrod Company.....Kat Cortelyou, #713-937-6060
- Victor Gomez.....Victor Gomez, #281-235-6458
- Overland Environmental ConsultingAndrew Thiess, PE, PMP 832-250-2899

COMMERCIAL

- Bureau Veritas.....Robert A. Packheiser, #877-837-8775
- Code Consultants.....Linda Taylor, #281-554-4202
- Construction Code Analysis.....Joe Morales, #713-591-7343 1000
- Mikayla Architects.....Michael Herman, #281-778-7012 ✓
- James Hickman Inspections.....James Hickman, #713-941-3737 Called
- Winning Way.....William T. Winning, III, #281-922-0700
- JRN Inspections.....Jeff A Ybarra, #281-481-3331
- Overland Environmental ConsultingAndrew Thiess, PE, PMP 832-250-2899

Asbestos Consultant List

(August 2009 Update)

ECS- Env. Consulting Services
5718 Westheimer Rd., Ste. 1575
Houston, Texas 77057
Attn: Sam Barbar
info@ecsus.com
Phone: 713-622-4800
Fax: 713-622-4828

Called:

Faxed:

Evergreen Env.
702 Old Underwood Rd.
La Porte, Texas 77571
Attn: Nina Parker
nparker@evergreenes.com
Phone: 281-470-1700
Fax: 281-478-5004

Called:

Faxed:

Live Oak Env. Consultants
2714 Cypress Point Dr., Ste C
Missouri City, Texas 77459
Attn: Gary Mortens
mail@lieoakenvironmental.com
Phone: 281-499-6709
Fax: 281-261-0452
Cell: 281-948-2015

Called:

Faxed:

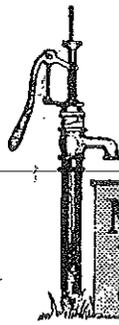
Also + Testing

*PAID 400
Called*

Loflin Env. Services
2020 Montrose
Houston, Texas 77006
jmurray@loflinenvironmental.com
Attn: James Murray
Phone: 713-521-3300
Fax: 713-523-0829

Called:

Faxed:



RECEIVED
 OCT 07 2011
 BY:

MANNING
 ENGINEERING
 CORPORATION

ENVIRONMENTAL ENGINEERING & CONSULTING

108 S. 2nd Street
 La Porte, Texas 77571
 Ph: (281) 471-7590
 1-866-ENVI ENG
 1-866-368-4364
 Fax: (281) 470-9486

TBPE Firm Registration No. 2630

September 28, 2011

Gilbert Diaz
 802 Ivy Ave
 Deer Park, Texas 77536

Attn: Gilbert Diaz
 Owner of Property at 500 W Main

Re: Evaluation Summary Report
 500 West Main St, La Porte TX 77571

Mr. Diaz;

We have evaluated the existing building located at 500 West Main Street in La Porte Texas. This initial evaluation was intended to determine the scope of repairs needed to the front portion of the building, the entire building and a replacement building option.

When repairs to a existing building exceed 50% of the appraised value, the entire building must be brought up to current code requirements. The Harris County Appraisal District lists the value of the Building at \$41,742 as of January 1, 2011. The required repairs to the front of the building alone are estimated to be \$25,800 and does not include the minimum required improvements to the rest of the building or site. As a result, the entire building must be brought up to the current City and building codes. This includes making the building and bathrooms ADA accessible which is going to reduce the kitchen space. The estimated cost to bring the entire existing building up to current codes, including site work is a follows:

Construction (Entire Building, Site and Utilities)		\$ 105,600
Contingencies recommended for extensive Remodels (20%)		\$ 21,120
Engineering Services	Evaluation	\$ 2,000
	Design Phase	\$ 22,300
	Construction Phase	\$ 2,500
	ESTIMATED TOTAL	\$ 153,520

*on 25,800 based
 on first class Remod
 have letter from
 Manning.
 Also have Estion*

The repair option does not include repairs to the existing building slab, only includes patching the existing parking lot, and includes removing the existing sign.

The evaluation also included looking at demolition of the existing building and construction of a new building. The new building option provides a great opportunity to improve parking and the drive through service for the building. The building option that was looked at



Live Oak Environmental Consultants

2714 CYPRESS POINT, SUITE C • MISSOURI CITY, TEXAS 77459 • (281) 499-6709 • FAX (281) 261-0452

June 14, 2011

INVOICE

Mr. Gilbert Diaz
802 Ivy Lane
Deer Park, Texas 77536
Email straightedgeconstruction7@yahoo.com

LOEC Job #11-1068

LOEC Invoice #3980

Re: Pre-Renovation Asbestos Inspection Report
Commercial Property
500 West Main Street
LaPorte, Texas

PJ
✓ #2761
6/14/11

<u>DESCRIPTION OF SERVICES PERFORMED:</u>	<u>AMOUNT:</u>
Limited Asbestos Inspection and Report	\$400.00
TOTAL AMOUNT DUE:	\$400.00

We appreciate the opportunity to be of service. Thank You.

Terms: Net 15
Invoices Not Paid within 30 days
will incur a 1.5 percent per month
charge.

ENERGY CHECK



IECC CERTIFICATION SERVICES
3214 Federal St. Pasadena, Texas 77504
energychecktexas@yahoo.com

SERVICES & PAYMENT STATEMENT

CUSTOMER: Gilbert Diaz
ADDRESS : 802 Ivy
CITY : Deer Park
ZIP :

Project: 500 west Main

paid clt 2773
gr
6/20/11

SERVICES RENDERED:	IECC ENERGY PLAN REVIEW	<u>\$ 350.00</u>
	FIELD INSPECTION	<u>INCLUDED</u>
	COVER INSPECTION	<u>INCLUDED</u>
	REINSPECTION	_____
	REINSPECTION	_____
	REINSPECTION	_____

TOTAL: \$ 350.00

MAKE CHECKS PAYABLE TO Energy Check

TOTAL SURVEYORS INC.
4301 CENTER STREET
DEER PARK, TX 77536

INVOICE

DATE	INVOICE#
9-28-11	11-274-A

BILL TO:

DIANA DIAZ
802 IVY AVE.
DEER PARK, TEXAS 77536

DESCRIPTION	AMOUNT
500 W. MAIN (BNDY SURVEY)	
(1) BOUNDARY SURVEY	400.00
	AMOUNT
	400.00
	TOTAL
	400.00

TOTAL SURVEYORS INC.

Menager, Dwayne

Subject: 500 West Main
Location: Conf: Rm B

Start: Tue 10/11/2011 4:00 PM
End: Tue 10/11/2011 5:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Menager, Dwayne

Required Attendees: Huber, Mark

Mr. Díaz,

Will be coming in this afternoon October 11th 2011 at 4PM to discuss the engineers report dated September 28th 2011 and building permit application he submitted for review on his building 500 West Main.
713-884-0816

DM/MH

*Dwayne decided denied permit to board meeting
HAD TO CALL Debbie TO
ARRANGE board meeting.*

X15141139

Trace Number

2011-76646 / Court: 080

72737206
CTI
Vanessa

LA PORTE INDEPENDENT SCHOOL DISTRICT
VS.
GILBERT DIAZ, ET AL

CAUSE NO. _____
DISTRICT COURT OF HARRIS COUNTY, TEXAS

CITATION IN DELINQUENT TAX SUIT

THE STATE OF TEXAS

TO: DIANA DIAZ
802 IVY AVENUE
DEER PARK, HARRIS County, TX 77536

Delivered this 4 day of Jan, 2011
PHIL SANDLIN, CONSTABLE
By _____

YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF 20 DAYS AFTER YOU WERE SERVED THIS CITATION AND/OR PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

GREETINGS:

YOU ARE HEREBY COMMANDED to appear before the 80 DISTRICT COURT OF HARRIS COUNTY, TEXAS at the Courthouse at Houston, Texas, by filing a written answer with the said Court at or before 10:00 o'clock A.M. on the Monday next after the expiration of TWENTY (20) days from the date of service of this citation, then and there to answer the petition of the Plaintiffs:

CITY OF LA PORTE,
LA PORTE INDEPENDENT SCHOOL DISTRICT

as set out in the copy of said petition filed on the 22 day of Dec, 2011 against

GILBERT DIAZ
DIANA DIAZ
SAN JACINTO COMMUNITY COLLEGE DISTRICT

Defendant(s), said suit being numbered above on the docket of said Court, the nature of which demand is a suit to collect ad valorem taxes on property, to wit:

The property is specifically described as follows:

NOT DUE TILL
9 DAYS
PAID 275 FOR
ATTORNEY
BALANCE \$1000

Not prepared by the District Clerk.
District Clerk only certifies to the fact the case is on file in his office. The party and the pleading named are a true and correct reflection of the records on file in his office under the above captioned cause.



City of La Porte
 Ph: 281-470-5071/281-470-5077
 Violation of the City Code Ordinance

D.L.#/State Old 7673

D.O.B: 1-27-52

Race: Ø

Sex: M F ()

Warning Citation

Gilberto Guerra Diaz

NAME

402 T. L. St, Deer Park, TX

ADDRESS

712-884 0510

PHONE

WORK PHONE

500 W. Main

VIOLATION LOCATION

Type of Violation(s) Observed

BLMT - Windows, Water heater, Plumbing, Grease Trap, Siding, Roof

Days to Comply: 10

RECEIVED:

DELIVERED/SERVED:

Gilberto Guerra Diaz

VIOLATOR

Walter Luciani

INSPECTOR

3-8-11

DATE

3-8-11

DATE

This is issued to you as a courtesy to ask you to do your part in avoiding the need for possible court action by the city.

Insp./05-99

ORIGINAL CORRECTIONS
 NEEDED TO BE FIXED



City of La Porte

Ph.: 281-470-5071 / ~~281-470-5077~~

Violation of the City Code of Ordinance

D.L.#/State: 06667613
Race: ~~M~~

D.O.B.: 12752
Sex: M F

Warning Citation

Gilberto GUERRA DIAZ
NAME

802 Ivy Danport TX 7536
ADDRESS

713-884-0816 _____
PHONE WORK PHONE

500 W. Main
VIOLATION LOCATION.

Type of Violation(s) Observed

① Must obtain remodel permit within 10 days from city inspection, requirements to within 10 days of permit issuance.

Days to Comply: 10

RECEIVED:

[Signature]
VIOLATOR

DELIVERED/SERVED:

amal
INSPECTOR

6-8-11
DATE

6-8-11
DATE

This is issued to you as a courtesy to ask you to do your part in avoiding the need for possible court action by the city.

Insp./05-99

STILL TRYING TO GET PERMIT.

①

NOTICE

OF

ADDITIONS or CORRECTIONS DO NOT REMOVE

JOB ADDRESS	500 W. MAIN	
INSPECTION TYPE:	Countertop	DATE: 3-8-11

THIS JOB HAS NOT BEEN COMPLETED
 The following additions or corrections shall be made
 before the job will be accepted

- ① Will need to remove or replace grease trap
- 1 ② will need to repair Paving (Parking Lot)
- 4 ③ will need to repair outside Plumbing DWV & Gas lines
- 4 ④ Water Heater Etc.
- 3 ⑤ Bld. on the Rear Looks like it on East end
- 1 ⑥ and need to repair siding
- 1 ⑦ Need to correct Drainage in Parking Lot
- ⑧ Missing Vacuum Breaker on Hose bibbs
- 1 ⑨ Outside 2" Vents must be higher than the Roof

It is unlawful for any Carpenter, Contractor, Builder, or other persons, to cover or cause to be covered, any part of the work with flooring, lath, earth or other material, until the proper inspector has had ample time to approve the installation.

After additions or corrections have been made, call 281-470-5130

For additional information call 281-470-5073.

PRESS HARD - USE BALL POINT PEN

NOTICE

OF

(2)

**ADDITIONS or CORRECTIONS
DO NOT REMOVE**

JOB ADDRESS	500 W. Mai	
INSPECTION TYPE:	Courtesy	DATE 3-8-11

THIS JOB HAS NOT BEEN COMPLETED
The following additions or corrections shall be made
before the job will be accepted

- (8) need ADA parking signs on A Pole
- (9) need to add ADA Ramp IN to BID.
- (10) need Dumpster on closure
- (11) Will To Reploy ext. Light Fixtures on the outside
- (12) will need to Repair INSIDE structure, mech. ell., + Plumbing
- (13)

It is unlawful for any Carpenter, Contractor, Builder, or other persons, to cover or cause to be covered, any part of the work with flooring, lath, earth or other material, until the proper inspector has had ample time to approve the installation.

After additions or corrections have been made, call 281-470-5130

For additional information call 281-470-5073.

PRESS HARD - USE BALL POINT PEN

PAYMENT PLAN:

STATE OF TEXAS
VS

COPY

IN THE MUNICIPAL COURT
CITY OF LA PORTE
HARRIS COUNTY, TEXAS

GILBERTO G DIAZ

The Court hereby orders that Defendant pay the assessed fines listed below to the City of La Porte Municipal Court in accordance with the **SCHEDULE OF PAYMENTS**, also listed below and is incorporated into the court judgment. All payments must be made in Cash, Credit Card, Money Order or Cashier's Check. **NO PERSONAL CHECKS** are accepted. Window payments are accepted from 8:00 am to 5:00 pm Monday thru Friday. Payments may be mailed to: La Porte Municipal Court, 3005 N. 23rd Street, Texas 77571-0705. The Municipal Court drop box is located in the Municipal Court foyer. To pay by phone with credit card, call toll free 1-877-224-6076/24 hrs/7 days a week. To pay online, visit us at www.laportetx.gov.

Dated this the 16th day of February, 2012.

Denise Mitrano

Municipal Judge – City of La Porte, Texas

<u>Citation #</u>	<u>Amount</u>	<u>Offense</u>
1126931-01	525.00	Building Code Violations
1126932-01	525.00	Building Code Violations
Total Amount Due:		\$1050.00

I hereby acknowledge that I have entered a plea of guilty or no contest and that I have been found guilty of the above listed charge. I understand that I must pay the fines by their respective due dates as listed on the attached schedule of payments. I have been informed of the acceptable forms of payment and acknowledge receipt of the Schedule of Payments. I understand that if I am unable to make a payment in accordance with the attached Schedule of Payments that I must appear at the Court **in person** during normal operating hours, **on or before the due date**, to inform the Court of my inability to pay. I further understand that if I fail to make a payment in accordance with the attached Schedule of payments or appear in person on or before the due date to inform the Court of my inability to pay, a warrant for my arrest may be issued.

Date: _____

GILBERTO G DIAZ

Address _____ Zip _____ Home Number _____ Cell or Work Number _____

Email Address _____

SCHEDULED PAYMENTS

PAYMENTS OF \$100.00 ARE DUE BEGINNING ON 03 /16/2012/ AND SHALL BE MADE MONTHLY ON THE SAME DATE UNTIL THE TOTAL AMOUNT OF \$ 1050.00 IS PAID IN FULL.

*Fined for Code
Violation. City will not
give me permit*

La Porte Municipal Court
3005 N. 23rd Street
La Porte, Texas 77572
(281) 471-4683

PAYMENT EXTENSION

*Have been fined
for same offense
twice*

State of Texas
VS.
GILBERTO G DIAZ

COPY

Cause #: 1126914 01
Charge: BUILDING CODE VIOLATIONS

Amount Due \$: 500.00

The Court hereby orders that defendant pay the amount as listed above to the City of La Porte Municipal Court on or before

November 12, 2011.

All payments must be made in Cash, Credit Card, Money Order or Cashier's Check. **NO PERSONAL CHECKS** are accepted. Window payments are accepted from 8:00 am to 5:00 pm Monday thru Friday. Payments may be mailed to: La Porte Municipal Court, 3005 N. 23rd Street, La Porte, Texas 77572-0705. The Municipal Court drop box is located in the Municipal Court foyer. To pay by phone with credit card, call toll free 1-877-224-6076/24 hrs/7 days a week. To pay online, visit us at www.laportetx.gov.

****ATTENTION**** On the 31st day after the date on which the judgment was entered, a \$25.00 fee will be added to any part of the fine/court costs not paid in full. (51.921 G.C.)

Date: October 13, 2011

COPY

Denise C. Mitrano

Municipal Judge- City of La Porte, Texas

.....
I understand that I must pay the fine by the due date as listed above and have been informed of the acceptable forms of payment. I further understand that if I fail to make a payment by the above due date or appear in person to inform the Court of my inability to pay, a warrant for my arrest may be issued.

X
Defendant's Signature

ADDRESS: _____ APT:# _____
CITY/STATE: _____ ZIP: _____
PHONE: HOME/CELL - () _____
EMAIL - () _____

COPIES.2

******* Warning *******
IF YOU FAIL TO APPEAR IN COURT FOR THE PROSECUTION OF THE OFFENSE OR IF YOU FAIL TO PAY OR SATISFY A JUDGMENT ORDERING THE PAYMENT OF A FINE AND COST IN THE MANNER ORDERED BY THE COURT, YOU MAY BE DENIED RENEWAL OF YOUR DRIVER'S LICENSE.

500 W. MAIN ST.



SIDE SETBACK LINE

SIDE PROPERTY LINE

516

508

500

N 4TH ST

W MAIN ST

1 inch = 20 feet

EXHIBIT A

16' ALLEY WAY
VOL.8, PG.16, HCMR

GRAVEL

GRAVEL

EAST 73.00'

SET 5/8" IR WITH CAP

SET 5/8" IR WITH CAP

WOOD FENCE 24.00'

25.00'

6.6'



CITY OF LA PORTE
(BLOCK 56)
VOL.8, PG.16, HCMR

LOT 21

LOT 22

LOT 23

SOUTH 125.00'

4TH STREET
(60' R.O.W.)
VOL.8, PG.16, HCMR

UNRESTRICTED RESERVE "A"

LOT 20

NAPA AUTO PARTS
LA PORTE
(BLOCK 1)
FILM CODE NO. 625070, HCMR

NORTH 125.00'

1 STORY BRICK & WOOD BUILDING

BUILDING ON PROPERTY LINE

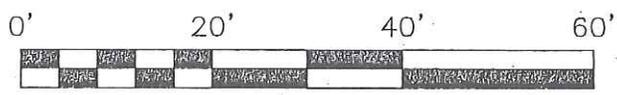
SET 5/8" IR WITH CAP

WEST 73.00'

W. MAIN STREET
(85' R.O.W.)
VOL.8, PG.16, HCMR

- LEGEND
- GM - GAS METER
 - CO - CLEAN OUT
 - TCB - TRAFFIC CONTROL BOX
 - SL - STREET LIGHT
 - TSL - TRAFFIC SIGNAL LIGHT
 - EM - ELECTRIC METER
 - PP - POWER POLE
 - CONC. - CONCRETE

- NOTES:
1. This survey lies wholly within "Zone X" or areas determined to be outside the 500-year floodplain according to the "Flood Insurance Rate Map" (FIRM) No. 48201C0945 L, dated June 18, 2007.
 2. All bearings shown hereon are based on the subdivision City of La Porte of Harris County, Texas.
 3. This property is subject to any building lines, zoning and platting laws and ordinances now in force in the City of La Porte, County of Harris, Texas.
 4. This survey was prepared without the benefit of a title report.



PROPERTY INFORMATION			DRAWING INFORMATION			
LOT	BLOCK	SUBDIVISION	SCALE			
21-23	56	CITY OF LA PORTE	1" - 20'	PROJ. #	11-274	
ADDRESS: 500 W. MAIN STREET LA PORTE, TEXAS 77571			FILE	500 W. Main.DWG		
PURCHASER:			FIELD BY	DRAFTING BY		
			BY	PENA	BY	D.MOON
			DATE	0 27 11	DATE	0 27 11

EXHIBIT B

recommendations thereon. As necessary, the city council may from time to time on its own motion or upon cause presented by interested property owners inquire into the existence, continuation or maintenance of any nonconforming use within the city.

- (1) *Conforming use does not change to nonconforming use if adjacent property subsequently changes zoning classification.* A use that conforms to the zoning regulations on the effective date of this zoning ordinance at the time of initial development of the site shall not subsequently be deemed a nonconforming use solely because the use changes on an adjoining property.
 - (2) *Accessory use of structure.* No structure that is accessory to a principal nonconforming use or a nonconforming structure shall continue after such principal use or structure has been terminated, removed or otherwise brought into compliance, unless it complies with all of the regulations of the district in which it is located.
- (Ord. No. 1501-Z-1, § 5(exh. D), 2-9-98)

Sec. 106-262. Nonconforming structures.

(a) *Limitation on regulation.* No structure, otherwise in accordance with the provisions of these regulations or an amendment hereto, shall be rendered or be deemed a nonconforming structure solely for a failure to comply with provisions relating to Article V, Division 2, Accessory Buildings, Uses, and Equipment, of this chapter.

(b) *Continuance of nonconforming structures.* Subject to all limitations herein set forth, any nonconforming structure may be occupied and operated and maintained in a state of good repair, but no nonconforming structure shall be enlarged unless the enlargement is made in accordance with the provisions of section 106-262(g) of this chapter.

(c) *Accidental damage to structure.* If a building occupied by nonconforming uses is destroyed by fire or the elements, it may not be reconstructed or rebuilt unless it conforms with the provisions of this chapter. In the case of partial destruction by fire or other causes, not exceeding 50 percent of its value, as determined by a licensed appraiser, the enforcing officer of the city may issue a permit for reconstruction. If greater than 50 percent and less than total, the board may grant as a special exception a permit for repairs but not for enlargement or reconstruction of the building.

(d) *Obsolescence of structure.* The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure becomes substandard under the codes and ordinances of the city, and the cost of placing such structure in lawful compliance with the applicable ordinances exceeds 50 percent of the replacement cost of such structure, as determined by a licensed appraiser, on the date that the enforcing officer determines that such structure is obsolete or substandard. The enforcement officer of the city shall notify the owner of such nonconforming structure, as shown on the certified tax rolls of the city, as to the date of termination of the right to operate and maintain such nonconforming structure, and as to the procedure to be followed to bring such structure

into compliance with this chapter, or other codes and ordinances of the city. The burden of proof in showing that the structure's repair cost does not exceed 50 percent of the replacement cost of such structure rests upon the owner of such structure.

(e) *Determination of replacement cost.* In determining the replacement cost of any nonconforming structure, the cost of land or any factors other than the nonconforming structure itself, shall not be included.

(f) *Repairs and alterations.* Repairs and alterations may be made to a nonconforming building or structure; provided, that no external alterations shall be made except those required by law or ordinance, unless the building is changed to a conforming use. No additional dwelling units shall be added where the nonconforming use results from there being more dwelling units on the lot than is permissible in the district in which the building is located.

(g) *Enlargement to nonconforming structure.* A structure that is nonconforming may be altered, remodeled or otherwise improved, but not enlarged, unless the board of adjustment determines (pursuant to section 106-191) that such enlargement will not result in an increase in the degree of nonconformity with the regulations and development standards of the district in which it is located.

- (1) *Submission of schedule to eliminate nonconformity.* The applicant shall present to the board of adjustment a schedule for elimination or substantial reduction of the nonconformity over a reasonable period of time not to exceed 20 years, or setting forth the reasons why such action is not reasonably possible.
- (2) *Approval of schedule by board of adjustment.* The board of adjustment shall review and make any revisions found necessary to ensure that priority is given to elimination or reduction of those nonconformities that have significant adverse impacts on surrounding properties, and which can reasonably be ameliorated taking into account the effect of the configuration of the lot and the location of existing structures and the cost of eliminating or substantially reducing such nonconformities.

(h) *Abandonment of nonconforming use or nonconforming structure.*

- (1) A nonconforming use shall be deemed abandoned when the use ceases to be used for the nonconformity for a period of 180 consecutive calendar days. The nonconforming use, when abandoned, shall not resume.
- (2) A nonconforming structure shall be deemed abandoned when the structure ceases to be used for the nonconformity for a period of 180 consecutive calendar days. The use of the nonconforming structure, when abandoned, shall not resume.
- (3) When it has been determined by the enforcement officer that a nonconforming use or structure has been abandoned, notification shall be made by certified mail to the owner (as shown on the certified tax rolls) of the abandoned nonconforming use or structure. The owner or his representative seeking to maintain such nonconforming use or structure may appeal the enforcement officer's decision to the board of adjustment. The property owner or his representative seeking to maintain the existing nonconforming