

City Permit Office Insanity

How Crazy Is It?

by Kat Rowoldt



- > Bribes For Inspection Finals
- > Bar Across from Church
- > Felons Across from School
- > Portable Signs Non-Compliance
- > Illegal Short-Term Rentals Allowed
- > Fencing Headed For a Legal Fight
- > Man-Camp Hidden on a Prominent Street

Who knew when I wrote an article about portable sign code violations happening, that a whole Pandora's Box of other violations would start flowing my direction. The gooey mire of it all is amazing and I hope someone will take it from here and figure out the rest. We obviously have a problem that has been happening for several years.

NUMBER ONE:

One of the first discussions I ever had with anyone about code violations happened well over a year ago. It was a story shared in passing. I called that source today to make sure I was remembering the story correctly, and here's what he had to say.

He was doing electrical work in San Angelo and needed an inspector to come out. The inspector came up with a list of things that are not even in the code book, requiring him to "do as I say" in order to pass his inspection or "leave some beer in the back of his truck and then things would be fine." Well, my source isn't into bribery, so he completed the "ridiculous" list of demands, and the homeowner had to pay all the additional unnecessary costs in order to receive the final inspection approval.

Now that's not right! That's wrong! The person who ultimately paid for this blackmail was the tax-paying citizen. I wonder how many other citizens have picked up the tab on an inspector's beers or unnecessary additional to dos?

NUMBER TWO:

I was attending the City Council meeting that was SRO (standing room only) because of the Short-Term Rental issue, when Pastor Craig Meyers came up and spoke during the Public Comment segment. He ends up sharing a story about a bar that happens to be across the street from one of San Angelo's churches. It's the only church in the city that has a bar across from it, just fifty feet away. The city statute requires three hundred feet from a school or church in order to sell alcohol, but this property falls into a "grandfathered" situation - maybe! Maybe - because the City could not answer the question on how long it had actually been closed before it opened again with a new name.

What was once known as Eva's Bar on Martin Luther King Blvd. closed after a woman was murdered there. It remained closed until just recently. It has now reopened as Friends Neighborhood Pub. The question that needs to be addressed is, how long was it closed? If it has been more than twelve months, then the grandfathering right to operate a bar across from this church may have expired.

Pastor Meyers introduced to the Council Rev. Charles J David, the new Pastor for St. Paul Baptist Church, the church in the compromised location. He came to the podium and introduced himself to the Council. He described the problems that his parishioners are having with the patrons of the bar, including parking in the handicap designated spots. From what was said at the Council meeting, apparently Friends Neighborhood Pub approached the City as being "a game room." As Pastor Davis says, "I've never seen a game room named Friendly Pub. The word pub is nothing but another word for bar. If you go to Ireland, they say pub. If you go to England, they say pub. Pub means bar." This must be one of the reasons given as to why it was allowed to reopen. It's a game room!

Speaking with Pastor Craig Meyers in a follow up phone call, he commented that they have people at the City doing research to discover how long the property was closed. Shouldn't the City have known this before allowing the re-issuing of a permit to operate as a bar since it is only fifty feet from a church? That should not be something that they are researching now - after the fact - but should have been checked into before it was allowed to re-open. If it does fall within the grace period to remain a bar due to grandfathering - so-be-it. But the City Permitting office should have crossed its t's and dotted its i's before someone comes asking why!

To help the city out, it appears the woman was shot and killed the first Sunday in February 2015. That information is thanks to an article about the murder that San Angelo LIVE did and can easily be Googled. The question becomes, when did they permit Friends Neighborhood Pub to reopen?

NUMBER THREE:

That reminds me of another "backwards thing" that I happened to catch reading the agenda for a City Council meeting last year. It was January 2nd, 2015, a Friday afternoon when the agenda had just been posted for that coming Tuesday meeting.

The agenda item read:

10. First Public Hearing and consideration of introduction of an Ordinance amending Chapter 12, Exhibit "A" (Zoning Ordinance) of the Code of Ordinances, City of San Angelo

SU 14-06: ADACCV

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH SAID EXHIBIT "A" OF CHAPTER 12 ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY, TO WIT: **3553 Houston Harte Expressway, located approximately 470 feet northeast of the intersection of TLC Way and Glenna Street, more specifically occupying the Houston-Harte Commercial Park, Section 2, Block 2, Lot 5A, being 3.5 acres, in western San Angelo, a request for approval of a Special Use to specifically allow residential treatment to any persons on parole from federal, state or county jails or prisons in an existing Alcohol and Drug Recovery Facility, as defined in Section 419.7 of the Zoning Ordinance, in a General Commercial (CG) Zone District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY**
(Presentation by Planning Manager Rebeca Guerra)

I quickly shot an email over to Rebeca Guerra asking: *Is this even legal next door to an elementary campus with 700 students? I have no clue - just asking.*

That Tuesday at City Council I heard the presentation. It was a lovely addition to their facility that fronts on Houston Harte Freeway. But it did not feel right at all. The current facility was 350 feet away from the school, and they were wanting to change the variance to 250 feet with the addition.

What I discovered in my phone conversation with Ms. Guerra was they already were treating parolees at the facility. My team began doing a little research and quickly discovered that State Law requires a minimum of 500 feet setback from a school. There was no way based on state law that they could request a variance for 250 feet, and that they would have to cease treating parolees at the current location. We emailed the documentation from the State to Ms. Guerra, and amazingly it was never put back on the agenda for a second hearing.

Today - they are building a wonderful facility out by Roy Robb Adjudication Center and will now be in compliance. If the addition had gone through, due to lack of research on the City Permitting Department's part, both TLCA and also the ADACCV could have possibly lost various types of funding for their programs because they would be out of compliance with state law and that could have put them in a lot of financial hurt. Why did it take a CITIZEN who

was paying attention, regularly attending City Council meetings, to stop this error?

NUMBER FOUR:

About five weeks ago, I sent out a Kat Notes talking about the portable sign issue. One of the aspects that was pointed out in the article that is not in compliance, is the fact that the portable signs do not have a notice on them large enough to read from the street with the expiration date of that permit for that particular sign. Still to date - they do not. Why create an ordinance, spend hours discussing the pros and cons of the issue in City Council, if the ordinance is not going to be monitored and complied with as ruled?

We can add to this list the big question as to why Code Compliance did nothing about the Vote Liz signs that were all over town. If they had written it up, what would the fine be? Do people simply not comply because there is no penalty worth making sure they do? In talking with one business owner, maybe it's selective enforcement. When they used a portable sign to promote something, they distinctly remember getting the decal that went on the sign that showed its expiration date. Maybe just 'some' sign companies comply! But isn't that unfair if not everyone follows and adheres to the same rules?

NUMBER FIVE:

As I mentioned, City Council was a packed house due to the Short-Term Rentals (STR) ordinance that was on the agenda. Thirty-eight people spoke up and expressed their opinion on the subject - both pro and con. People are very passionate about it - regardless of which side of the argument they're on. Once again a fact was staring us straight in the face. The planning department and permit/inspections has not been doing its job. Over and over again we heard people come to the podium and share the fact that they have been operating an STR.

Based on the current city ordinances, STR's are illegal in San Angelo. Apparently we have eight or nine that have registered with the City and pay their Hotel Occupancy Tax (HOT). How/Why is the City collecting taxes on something that is illegal in our city? Why is Code Enforcement not shutting them down and following the city ordinance? There seems to be a real spirit of "justifying" some things, riding hard on other things, and totally ignoring code when it's more convenient.

This will be an interesting aspect to follow. Now that the proposed ordinance failed, STR's are still illegal. Will the City move to shut them down? Will the City still collect HOT taxes on them instead?

NUMBER SIX:

It had been a long while since I had attended a ZBA meeting, but I was in town and had time in July and decided I'd go. Interesting! I was asked what's on the agenda that brought my there, instead of understanding that media, as well as citizens, can show up for any of the board meetings. They are open meetings.



The first of six items on the agenda that day, didn't sit well with me. A few days after the meeting, it was still bothering me. So...I got in the car and drove out to the location that was being discussed. What I found was the most attractive, area enhancing, well thought out fencing line, and beautiful signage for entrance. What was so wrong with what they have done? Everything had been to the City's specs and all was well until they came out for the final CO (certificate of occupancy). They had followed everything the city had requested.

The agenda item read:

III. ZBA 16-08: Darnell Construction

SMD #1 - Bill Richardson

A request for a Variance from Section 509.B.3.a of the Zoning Ordinance to allow for a 6-foot-high privacy fence to extend into the required front yard of a property in lieu of the maximum 4 feet for property located within the General Commercial (CG) Zoning District.



Interestingly, the property directly across the highway has the fencing shown to the left. In comparing the two properties - Darnell did an extended set back to allow for his long equipment to pull safely off the road when entering and having to open the gate. But, the city planning department wants Darnell to move the balance of the fence line back to the setback where the gate is located.

But notice, this fence across the road runs the complete property line and does not allow adequate setback for their long trucks. In fact, looking at where their gate is located, it's easy to see how

their trucks could potentially extend into the highway while opening the gate, which happens to be at the end of a curve as you round the corner just past the South Entrance at Goodfellow Air Force Base.

The argument is that the two properties have different zoning. When Darnell was purchasing his property, unbeknownst to him, his property was being annexed into the city. While there seems to be lots of confusion on how all of this mess happened, it also appears that they are not being treated too kindly. That was very evident during the ZBA meeting when the Planning Department representative was virtually lecturing (and with tone of voice) the Board on how they needed to act/think about this situation and then followed the petitioning party out of the meeting to the hallway to discuss (that's a nice word) things further.

Darnell was told that he would have to lower his fence to 4 feet (which would not provide the security he needs for his equipment) or move his fence back to the fence line where the gate is situated (which means literally giving the state right of way a lot of HIS land. The ZBA board is there to review situations like this and to make the best decision possible. This should be without undue intimidation from city personnel.

The vote was a 3-3 split. It failed. So Darnell now has the opportunity to sue the City for bad/false advice as they progressed through their planning procedures, or go for rezoning that will allow his fence as it has been built. Either way, this is costing a tax payer more money to be dealing with the Permit Department over ERRORS on their part. Why did the Permit Department not recommend a simple zone change, especially given the fact of where this property is located?

NUMBER SEVEN:

This one boggles my mind. I'm amazed at the creative effort of a property owner, horrified at how it ever got permitted to operate, and furious that no one spoke up and questioned this usage. Plus the audacity of the fact that it truly was/is a man-camp (during the boom) hiding in plain sight.

After having written the article on the portable sign issues, it's natural that portable signs seem to jump out at you. Such has been the case for me. Interestingly, one day it dawned on me that one sign had been catching my attention for a long time, but I always fluffed it off.

It seemed to be in such a strange location. Along Sherwood Way, in one of the busiest flows of traffic and traffic crash areas, there sits a portable sign advertising apartments. There are NO apartments in the immediate area. I thought it was so strange that the sign was placed there. I even wondered if somehow it was promoting one of the hotels around the corner for long-term

stays. So...I got in my car and purposefully drove over to the property to check out what it was promoting and where these apartments were located.

It's amazing what you can discover sometimes. The metal box to the left of the sign in the picture is a mailbox for the property I was driving through. It had thirty something mailboxes. I turned around - I could not see that many businesses on the property.



This is where Ricardo's used to be back in the 70's, and then another restaurant after that. A few years ago it was torn down and a three building strip center was built to go on that same property. Today the first building is Credit World, with a second building that is Tire World. Then the third building has appeared to be vacant for all these years. No retail ever moved into it.



But wait...there are a few cars back there. I drove back to the third building and could not believe my eyes. How deceptive can someone be? The name on the building is Red Arroyo Inn.

There is no question that this property was built for retail shopping. But what do you do with new property when you can't fill it with retail stores? Well...you look and see what the area is screaming for at the time and try to convert it

to fill that need. Who wants expensive retail buildings sitting empty. No one! So while we were having fun in City Council putting a stop to man-camps, one person found a way to "hide" one in plain sight.

As I drove around the third building, I discovered where those mysterious apartments were. If you look closely behind the beautiful retail windows that face the street, you'll see about an eight foot setback and another wall inside with numerous doors. The doors are numbered 1 through 22. Hiding in this third building are 22 units that today are being promoted as executive apartments. I have never in my life seen an apartment or a motel room that has zero windows. Is that legal?

Upon returning to my desk, I Googled the property and found newspaper articles and other information on the property. Red Arroyo Inn has been in operation, it appears, since 2014. It came online just as the oil boom bubble burst. Their dreams of \$200+/night, full occupancy, must have died quickly.

In speaking with Rebeca Guerra, with the City Planning Department, Red Arroyo Inn was granted a permit as a hotel, which fit inside the allowable zoning on the property. Apparently, someone else must have discovered this little creative property and reported it to the City. I was informed that this property is an "open case" at the moment.

I next inquired of Guerra, if it's a hotel, is it paying the HOT taxes? She informed me that the folks at the property are not operating it as hotel, but as apartments. Well, apartments are not allowed in the zoning this is sitting in. I questioned her on the building codes, fire codes, etc. The building was designed for retail, how is it passing inspection as residential?



If you look carefully through the glass windows, you will see a door with the number 5 on it set back about 8 feet.

I was told that the Planning Department is discussing with the property folks what is required by code to bring it up to apartment standards and are awaiting more information at this time. Interesting! The property is not zoned for apartments. Is the permit department going to allow this violation to stand? Simply upgrade the units to pass apartment inspection in a non-zoned apartment area! The building is designed for retail! Does this mean citizens can simply do what they want with a property and then the city will work to make it okay? Seems odd. How does something like this "creativity" get a CO? Didn't anyone question it?

What a never-ending nightmare I have found - and it all points back to the planning department and permit/inspections. The discussion at City Council in regard to the STRs was the fact that we do not have the manpower to enforce the codes on the books now - how can we expect anything better when we keep adding more codes.

Do we have a problem with inspectors who are profiting on the side? How can so many things, so many different types of things, be happening all in one department? The former department head, Patrick Howard, left a year ago. There is a new man at the helm. The question becomes, is he willing to do what is necessary to "right" this department. Needless to say, he's got a lot of work to do to correct things.

Until next time....

Kat Rowoldt

Christian Reporter News

www.ChristianReporterNews.com

If you enjoyed, please forward to a friend and share!

© 2011-2016 CHRISTIAN REPORTER NEWS. Kathryn G Rowoldt - all rights reserved. You are welcomed to forward and share this KAT NOTES / BRIT NOTES with friends and family, but all rights are reserved and no part of this material may be published in any form without written consent from the CHRISTIAN REPORTER NEWS.