



AGENDA ITEM SUMMARY

Agenda Date	May 13, 2025
Requested Action	PUBLIC HEARING AND CONSIDERATION OF ACTION REGARDING THE STRUCTURE LOCATED AT 217 SOPHIA CIRCLE, BOERNE, TEXAS TO DETERMINE WHETHER THE STRUCTURE IS SUBSTANDARD UNDER THE CITY OF BOERNE CODE OF ORDINANCES AND CHAPTER 214 OF THE TEXAS LOCAL GOVERNMENT CODE, AND TO CONSIDER ISSUING AN ORDER FOR REPAIR, DEMOLITION, OR SECURING THE PROPERTY.
Contact Person	Nathan Crane, AICP Planning Director (830) 248.1521 ext. 1105 ncrane@boerne-tx.gov
Background Information	<p>BACKGROUND:</p> <p>The home at 217 Sophia Circle was constructed in 2005. The owner listed by the Kendall County Appraisal District as Miguel Acosta.</p> <p>On Saturday March 2, 2024, a fire originated at the rear of the homes, severely damaging more than fifty percent of the structure. Fortunately, all residents were outside the home at the time of the fire.</p> <p>Mr. Acosta passed away prior to the fire and Mrs. Acosta passed away shortly thereafter. Ownership of the property is currently unresolved and in foreclosure proceedings.</p> <p>Chapter 14 – Nuisances, Article III outlines the process and procedures to address substandard structures. The process is summarized below. (https://library.municode.com/tx/boerne/codes/code_of_ordinances?nodeId=CO_OR_CH14NU_ARTIIISUST).</p> <ul style="list-style-type: none">• <u>Notice of Violation</u>: The City provides a Notice of Violation to the property owner.• <u>Order of the City Council</u>: After holding a public hearing the Council may order that the structure be secured, repaired, removed or demolished within 30 days. The order is published within ten days of the Council order.

ANALYSIS:

- The Chief Building Official and Fire Marshall have found the structure to be a substandard structure as outlined in Section 14-70 – Criteria for Substandard Structures:
 - The building has been significantly damaged by fire, reducing its structural integrity below the minimum required by building code.
 - The building is unsafe and unsanitary for continued use.
 - The condition of the structure constitutes a public nuisance.
- The City Council may order the building to be demolished if the structure is:
 - At least 50% damaged or deteriorated (by structure or value);
 - Poses immediate danger to life/safety and the danger is not immediately resolved;
 - Remains unrepaired within a reasonable timeframe; or
 - Poses a danger to public health, safety, or welfare and defects are not addressed in a reasonable period.
- On May 7, 2025, staff spoke with SingleSource Property Solutions, the property management firm representing the mortgage holder (Mr. Cooper). The property is currently in foreclosure. The management company is actively soliciting demolition bids; however, demolition cannot occur until the foreclosure is finalized.
- Staff will provide a verbal update as to the progress of the property management firm and the mortgage holder during the public hearing.

RECOMMENDATION:

Since the building has been declared to be substandard and meets the requirements for demolition as outlined in Chapter 14 Article III of the Code of Ordinances, staff recommends that City Council issue an order authorizing the demolition of the substandard structure at 217 Sophia Circle. While the motion below references a 30-day timeframe for the demolition, Council does have discretion in setting the deadline for 30, 60, 90 days, etc.

MOTIONS FOR CONSIDERATION:

The following motions are provided to assist the Council's decision.

I move that the City Council issue an order of demolition for the structure at 217 Sophia Circle to be substandard and to be scheduled to occur within 30 days.

Item Justification	<div> <div>[X] Legal/Regulatory Obligation</div> <div>[] Reduce Costs</div> <div>[] Increase Revenue</div> <div>[X] Mitigate Risk</div> <div>[] Master Plan Recommendation</div> </div> <div> <div>[] Infrastructure Investment</div> <div>[] Customer Pull</div> <div>[] Service Enhancement</div> <div>[] Process Efficiency</div> <div>[] Other:</div> </div>
Strategic Alignment	Tenets of Community Charm and Environmental Responsibility
Financial Considerations	N/A
Citizen Input/Board Review	Not required for this action.
Legal Review	This action is a statutory requirement for rezoning approval.
Alternative Options	City Council may alternatively order the structure to be secured or repaired, with a compliance deadline as determined by Council.
Supporting Documents	Photo Summary of Existing Conditions