

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE BOARD OF ADJUSTMENT OF THE CITY OF ROWLETT, TEXAS
HELD IN THE ROWLETT MUNICIPAL CENTER,
4000 MAIN STREET, ROWLETT, TEXAS
January 9, 2017**

PRESENT: Chairman Raymond Moyer, Vice Chairman Chris Kizziar, Members Kellie McKee, Robert Vickers, Tony Brown, Alternate Members Frixmon Michael, Kent Manton, Noel Wardrope, Tony Schmitz

ABSENT: None

STAFF PRESENT: Planning Manager Tony Felts, Planner Katy Goodrich, Development Services Coordinator Lola Isom, Assistant City Engineer Ty Thompson, Code Enforcement Officer David Gensler, Lieutenant Marvin Gibbs, Director of Development Services Marc Kurbansade, Community Services Manager Maria Martinez

OTHERS PRESENT: City Attorney David Berman

WORK SESSION

i. Call to Order

Chairman Raymond Moyer called the Work Session to order at 6:30 p.m.

ii. Discuss items on the regular agenda

Community Services Manager Maria Martinez provided an overview of the Board of Adjustment member's duties and "order of BOA". Director of Development Services Marc Kurbansade stated that if there were any concerns or questions about the cases that will be presented in the regular session, they should be discussed now. There was a discussion about the demo expense being at the property owner's expense and what steps were taken to reach out to the property owners letting them know about this meeting and required action. Maria Martinez explained the steps taken and stated that these homes are hazardous to the health, safety, and welfare of the City and its residents.

iii. Adjournment

Chairman Raymond Moyer made a motion to adjourn. The motion passed 5-0. Chairman Raymond Moyer adjourned the Work Session at 6:45 p.m.

REGULAR MEETING

1. Call to Order

Chairman Raymond Moyer called the Regular Meeting to order at 7:00 p.m.

2. Consider approval of the minutes of the Board of Adjustment Meeting on October 10, 2016.

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE BOARD OF ADJUSTMENT OF THE CITY OF ROWLETT, TEXAS
HELD IN THE ROWLETT MUNICIPAL CENTER,
4000 MAIN STREET, ROWLETT, TEXAS
January 9, 2017**

Member Tony Brown made a motion to approve the minutes. Member Robert Vickers seconded the motion. The motion passed 5-0.

- 3. Conduct a public hearing and take action on a request to consider demolition of a substandard structure damaged as a result of the December 26, 2015 tornado. The subject property is located at 2322 Windjammer Way, further described as being Lot 20R, Block 2 of the Vue Du Lac Replat, an addition to the City of Rowlett, Dallas County, Texas.**

Code Enforcement Officer David Gensler came forward to present the case. He presented photos of the site and provided background on the notification process. There was a discussion about whether there had been any activity on the site, the value of the property, lien holders, and communication between the City and the property owners. The City Attorney requested more information about the home. The home is 1,342 square feet, not repairable per inspection via Code Enforcement and Building Inspections, and there was not a way to secure the property to prevent unauthorized entry. It was also stated that there was no one who could claim the property at that time due to the property owner's death shortly after the tornado. Maria Martinez stated her request to consider action to demolish the property.

Chairman Raymond Moyer opened the public hearing.

No speakers came forward.

Chairman Raymond Moyer closed the public hearing.

City Attorney David Berman guided the board to include the statement "move to authorize chair to move towards order"

There was no additional discussion by the Board.

There was a motion to declare the property unfit for human occupancy and a public safety hazard. Member Tony Brown made a motion to approve the request. Member Robert Vickers seconded the motion. The motion passed 5-0.

There was a motion to authorize the chair to sign an order on behalf of the board stating that if the property is not demolished by the property owner within 30 days, the City can demolish the house at the property owner's expense. Member Tony Brown made a motion to approve the request. Member Kellie McKee seconded the motion. The motion passed 5-0.

- 4. Conduct a public hearing and take action on a request to consider demolition of a substandard structure damaged as a result of the December 26, 2015 tornado. The subject property is located at 2218 Windjammer Way, further described as being Lot 13R, Block 2 of the Vue Du Lac Replat, an addition to the City of Rowlett, Dallas County, Texas.**

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE BOARD OF ADJUSTMENT OF THE CITY OF ROWLETT, TEXAS
HELD IN THE ROWLETT MUNICIPAL CENTER,
4000 MAIN STREET, ROWLETT, TEXAS
January 9, 2017**

Code Enforcement Officer David Gensler and Community Services Manager Maria Martinez came forward to present the case. He presented photos of the site and provided background on the notification process. There was a discussion about whether there had been any activity on the site, the value of the property, lien holders, and communication between the City and the property owners. The property has been secured since notices of this meeting were sent in November, 2016. Ms. Martinez stated that permits have been submitted so it is evident that the property is being worked on. She stated that she would request that this case is tabled until the next meeting and the status can be checked then.

Chairman Raymond Moyer opened the public hearing.

No speakers came forward.

Chairman Raymond Moyer closed the public hearing.

Member Robert Vickers made a motion to approve the request of tabling this item. Member Kellie McKee seconded the motion. The motion passed 5-0.

5. **Conduct a public hearing and take action on a request to consider demolition of a substandard structure damaged as a result of the December 26, 2015 tornado. The subject property is located at 7705 Pebble Beach Drive, further described as being Lot 3, Block J of the Peninsula 2, an addition to the City of Rowlett, Dallas County, Texas.**

Code Enforcement Officer David Gensler and Community Services Manager Maria Martinez came forward to present the case. He presented photos of the site and provided background on the notification process. There was a discussion about whether there had been any activity on the site, the value of the property, lien holders, and communication between the City and the property owners. Ms. Martinez stated that the property has been secured since the notice of this meeting went out in November, 2016.

Chairman Raymond Moyer opened the public hearing.

The following speakers came forward:

**Robert A. Miller
Prager and Miller, P.C.
Representative for the property owners of 7705 Pebble Beach Drive**

Mr. Miller requested that this property would be tabled until the next meeting and would not be demolished for at least 40 days from 1/9/17 so that the owners could attend. He provided a timeline for the repairs.

No additional speakers came forward.

Chairman Raymond Moyer closed the public hearing.

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE BOARD OF ADJUSTMENT OF THE CITY OF ROWLETT, TEXAS
HELD IN THE ROWLETT MUNICIPAL CENTER,
4000 MAIN STREET, ROWLETT, TEXAS
January 9, 2017**

Member Robert Vickers made a motion to approve the request of tabling this item and to require permits to be pulled prior to the next meeting on February 2, 2017. Member Kellie McKee seconded the motion. The motion passed 5-0.

- 6. Conduct a public hearing and take action on a request to consider demolition of a substandard structure damaged as a result of the December 26, 2015 tornado. The subject property is located at 7501 Pacific Drive, further described as being Lot 13, Block B of the Peninsula 4 Phase A Replat, an addition to the City of Rowlett, Dallas County, Texas.**

Code Enforcement Officer David Gensler and Community Services Manager Maria Martinez came forward to present the case. He presented photos of the site and provided background on the notification process. There was a discussion about whether there had been any activity on the site, the value of the property, lien holders, and communication between the City and the property owners. They stated that the property was unable to be secured.

Chairman Raymond Moyer opened the public hearing.

**Susan Mackey
4313 Aliso Road
Plano, TX 75074**

Ms. Mackey stated that she is working through legal action right now to act on behalf of the owner and has been in contact with the insurance company. She gave the timeline on letter of administration and stated that, according to her contractor, the home is repairable.

Chairman Raymond Moyer closed the public hearing.

There was a motion to declare the property unfit for human occupancy and a public safety hazard. Member Tony Brown made a motion to approve the request. Member Kellie McKee seconded the motion. The motion passed 5-0.

There was a motion to request to secure and vacate the property. Member Chris Kizziar made a motion to approve the request. Member Robert Vickers seconded the motion. The motion passed 5-0.

Member Robert Vickers made a motion to approve the request of tabling this item and to receive progress reports prior to the next meeting on February 2, 2017. Member Kellie McKee seconded the motion. The motion passed 5-0.

- 7. Conduct a public hearing and take action on a request to consider demolition of a substandard structure damaged as a result of the December 26, 2015 tornado. The subject property is located at 9002 Shipman Street, further described as being Lot 10, Block M of the Highland Meadows North # 2, an addition to the City of Rowlett, Rockwall County, Texas.**

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE BOARD OF ADJUSTMENT OF THE CITY OF ROWLETT, TEXAS
HELD IN THE ROWLETT MUNICIPAL CENTER,
4000 MAIN STREET, ROWLETT, TEXAS
January 9, 2017**

Code Enforcement Officer David Gensler and Community Services Manager Maria Martinez came forward to present the case. He presented photos of the site and provided background on the notification process. There was a discussion about whether there had been any activity on the site, the value of the property, lien holders, and communication between the City and the property owners. They stated that the property had been secured but is substandard and is unfit for human occupancy. The structure value was discussed and that although it is secure now, it will be impossible to secure indefinitely due to the structure collapsing and deteriorating every day. It was the only house on the street still in disrepair from the tornado. Ms. Martinez requested that the board consider action to demolish the property.

Chairman Raymond Moyer opened the public hearing.

**Carol Amazon
8914 Shipman
Rowlett, TX 75088**

Ms. Amazon stated that she is a nearby homeowner and is concerned with the state of the home. She stated that it is unsafe and bricks fall off daily.

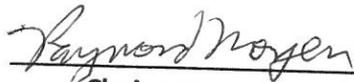
Chairman Raymond Moyer closed the public hearing.

There was a motion to declare the property unfit for human occupancy and a public safety hazard. Member Robert Vickers made a motion to approve the request. Member Kellie McKee seconded the motion. The motion passed 5-0.

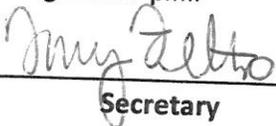
There was a motion to authorize the chair to sign an order on behalf of the board stating that if the property is not demolished by the property owner within 30 days, the City can demolish the house at the property owner's expense. Member Robert Vickers made a motion to approve the request. Member Kellie McKee seconded the motion. The motion passed 5-0.

8. Adjournment

Chairman Raymond Moyer adjourned the Regular Meeting at 8:07 p.m.



Chairman - Raymond Moyer



Secretary

2/2/17

Date