



MINUTES
PROPERTY STANDARDS BOARD
Meeting
SEPTEMBER 28, 2023

Council Chambers

6:30 p.m.

1945 E. Jackson Road

Board members present: Chair Dave Hermon, Vice Chair Matt Garrett, Liz Fannin, Les Folse, Matt McCombs, Scott Carstens, and Annette Reese.

Board members absent: Maggie Vera and Carol Sue Muravez.

Guests Present:

Dobrinka Nichols, Alternate

Staff members present: Building Official Brett King; Director of Environmental Services Cory Heiple; Field Operations Manager Ray Davis; Asst. City Attorney Kanika Juneja; Asst. City Attorney Albert Thomas; Community Services Division Manager Brian Passwaters; Code Enforcement Officers Tim Roush, Luis Celis and Ge'Kevia White; Development Program Manager Josh Giles; Plans Examiner Lisa Cheek and Lydia Tormos, Administrative Support Specialist.

CALL MEETING TO ORDER: Chair Hermon called the meeting to order at 6:30 p.m.

1. Approval of minutes of the May 25, 2023 meeting.

Commissioner McCombs stated that the minutes reflect that he had abstained from voting on Item No. 2. He stated that his intent was to vote affirmatively. Due to an issue with the voting system, he requested to amend the minutes to show he voted approval and not abstaining from voting.

Commissioner McCombs moved approval of the minutes as amended of the May 25, 2023 meeting; second by Commissioner Reese. The motion was approved with a unanimous 7-0 vote (Vera and Muravez absent).

PUBLIC HEARING

2. PSB 2023-05: City of Carrollton staff inspected the residential structure and accessory structures ("Structures") at 1703 ROSS AVANUE, FRANCIS PERRY 2, BLK 4 LOT 10, INT201800097733 DD03152018 CO-DC, 0865000401000 2CC08650004, DALLAS COUNTY and found the accessory structure to be dilapidated, substandard, unfit for human habitation and a hazard to public health, safety and welfare. Staff has requested a hearing before the Board to request a Notice and Order be issued requiring all code violations to be abated by bringing them into compliance with city codes within a specified period of time.

Chair Hermon administered the Oath to all those testifying on the case.

Code Enforcement Officer Tim Roush presented PSB 2023-05 describing the subject property as a single-family detached structure located at 1703 ROSS AVENUE, FRANCIS PERRY 2, BLK 4 LOT 10, DALLAS

NOTE: Board minutes are informational only and are not official until approved by Board.

COUNTY. The property is located at the intersection of Lerner Road and E. Crosby Rd. Mr. Roush stated he reviewed the county records and determined the property is owned by Jimmy Allen Fletcher. The detached accessory structure is a single story one-car garage type of building located at the rear of the property and was found to be unfit for human habitation, adding that it was a hazard to the public safety and welfare resulting in a code violation. The property owner has not abated the violations on the building.

Mr. Rousch stated that Mr. Fletcher was confused with the form letter that was provided to him regarding the violations and how those should be abated; he thought demolition was being considered. He stated that his recommendation is not to demolish but instead repair the accessory structure.

Mr. Roush stated he was contacted by an individual with a security camera that overlooks the property and it showed individuals coming and going and defecating on and around the same building. On March 21, 2023 Mr. Roush observed raw sewage and fecal matter on the north side of the accessory structure and at other locations along the common alley between Francis Street and Ross Avenue. On March 28, 2023, a search warrant was executed and it was found that three individuals were inside the building. Sleeping areas were found, as well as exposed electrical wiring, and a two-compartment sink with running water that drained into a catch basin underneath. Mr. Fletcher was present at the time and was issued citations for raw sewage and fecal matter. On April 13 the structure was reinspected. The contents were still inside. That same day Mr. Fletcher came to city hall and was issued an additional citation. Mr. Roush stated he has made numerous attempts to contact Mr. Fletcher in person, by mail, and by phone call to no avail. On June 20, 2023 Mr. Roush executed a search warrant to inspect the interior of the accessory structure and found most of the contents had been removed. Mr. Roush explained in detail the violations. A total of seven citations have been issued to Mr. Fletcher regarding the violations. Letters have been issued on August 4, 2023, a Notice of Hearing was posted on the front door of the accessory structure and as of September 6, 2023 Mr. Fletcher has not contacted Mr. Roush. On September 12, he was notified that Mr. Fletcher was hospitalized with surgery pending. A friend of Mr. Fletcher, Mr. Gary Akins, contacted Mr. Rousch and said he had been attempting to make the repairs. Mr. Roush performed another inspection on September 27, 2023 with Mr. Akins present and found the plumbing had been removed and some of the sheetrock repaired; electrical wiring and other weatherization continues at the structure. Staff is recommending that the Board order the violations to be brought into compliance per the list of violations within 30 days. If violations are not abated within this time, Mr. Roush requests the Board authorize the city to make the repairs and attach a lien on the property.

Commissioner Reese asked what type of floor is in the structure. Mr. Roush responded concrete.

Commissioner Garrett asked whether Mr. Fletcher indicated what he wanted to do with the building. Mr. Roush responded he wants to repair it.

Commissioner McCombs asked if Mr. Fletcher stated how long he would need to do the repairs and Mr. Roush said he did not say.

Mr. Gary Akins, 157 Cameron Hill Dr., Van Alstyne, Texas, was sworn in by the Chair. He stated that he is attempting to repair the structure for Mr. Fletcher. He provided photos for the Board members and requested the Board grant an additional 30 days to complete the needed repairs. He stated everything is completed except for some electrical work and trim and caulking. He added this is a sound structure, and that it is not a garage but an outbuilding.

Commissioner McCombs inquired whether Mr. Akins is capable of completing the repairs. He responded he is, with the exception of possibly needing an electrician. Some additional cleaning needs to be done as well. Mr. Akins also stated that Mr. Fletcher had been requested to replace the front door due to some exterior damage but asked if it could remain.

Commissioner Garrett inquired who is paying for the repairs. Mr. Akins advised Mr. Fletcher was paying.

Commissioner Reese inquired what is the building's intended use. Mr. Akins advised it is a workshop for tractor repair.

Commissioner Reese moved to close the public hearing; second by Commissioner Carstens. The motion was approved with a unanimous 7-0 vote (Vera and Muravez absent).

Commissioner Fannin moved that the accessory structure at 1703 Ross Avenue, Carrollton, be determined to be dilapidated, substandard and a hazard to the public health, safety and welfare; Staff further seeks a Notice and Order for the property owner to repair the accessory structure and abate all violations to bring the property into compliance with city code within 30 days. If the owner fails to comply in the specified time, staff requests that the Board authorize the City of Carrollton to repair the accessory structure, abating all listed violations, and attach the costs as a non-transferrable lien against the property; second by Commissioner McCombs. The motion was approved with a unanimous 7-0 vote (Vera and Muravez absent).

3. **PSB 2023-06:** City of Carrollton staff inspected the residential structure at 3711 FURNEAUX LN. CARILLON HILLS PH 1 BLK A LOT 26 DENTON COUNTY and found it to be dilapidated, substandard, unfit for human habitation and a hazard to public health, safety and welfare. Staff has requested a hearing before the Board to request a Notice and Order be issued requiring the structure be repaired within a specified period of time.

Chair Hermon administered the Oath to all those testifying on the case.

Code Enforcement Officer Luis Celis presented case 2023-06, address 3711 Furneaux Ln. He advised that this is a single-family home that is currently vacant and not maintained by the owners. An inspection was conducted on February 20, 2023 and staff documented pictures as shown as in the PSB packet. He knocked on the door to make contact at the property about the high weeds and grass with no response. The rear door was left unsecure, and he announced himself but no one responded. An interior inspection revealed violations. On the exterior violations included damage to shingles, damaged soffits and in the back a dilapidated patio or pergola cover that is leaning substantially. Water damage was observed on the ceiling interior and the ceiling drywall was coming down. Throughout the property there was a lot of trash and debris. A title search for the property owners and lienholders included the names of Russell Graham, Scott Precourt, Centex Home Equity Corp. LLC, Nation Star Mortgage LLC. and the City of Carrollton. There was listed a registered agent for Centex Home Equity listed as Corporation Service Company.

Mr. Celis said the property was made secure from entry. He stated that since the beginning of the case he has tried to contact the owners via notices and mail. The property was inspected a second time with conditions the same. Notices of this hearing were sent by regular and certified mail to the property owner, lienholders and registered agent on August 16, 2023. A legal notice was advertised in the Dallas Morning News on September 8, 2023. Since that information was sent to all the parties Mr. Celis stated he did receive a contact by mail on September 19, 2023 from the registered agent. They stated they don't have any involvement with the property and as of September 25, 2023 the last inspection, there has yet to be any other contact from any parties. The property condition remains the same as at the original inspection.

Current use as a single-family residence and potential danger to the public in its current state exists unless city staff recommends and the Board determines that the structure of patio cover at this residence is substandard for human habitation and is a hazard to the health, safety and welfare. Staff seeks a Notice and Order for the property owner to repair the structure and remove the patio pergola cover to bring them it into compliance or demolish the structures within 30 days.

Commissioner Carstens inquired whether Mr. Celis has had any communication with the owners, and also confirmed that the property is vacant. Mr. Celis responded that he had no owner communication and the property is vacant. He added the city has a lien for weeds and grass.

Commissioner Garret inquired about communications with a registered agent and also asked if the house was abandoned. Mr. Celis said that the registered agent stated they have no involvement with the property and the house is abandoned. He stated Centex and Nation Star are the same.

Chair Hermon asked if anyone was present to represent 3711 Furneaux Ln. No one was present.

Commissioner Carstens moved to close the public hearing; second by Commissioner Reese. The motion was approved with a unanimous 7-0 vote (Vera and Muravez absent).

Commissioner Carstens moved to determine the residential structure at 3711 Furneaux Ln., Carrollton, Texas is dilapidated, substandard, unfit for human habitation and a hazard to the public health, safety, and welfare; Staff further seeks a Notice and Order for the property owner to repair the residential structure and abate all violations to bring the property into compliance with city code within 30 days or demolish the structures. If the owner fails to comply within the specified time, city staff requests that the Board authorize the City of Carrollton to demolish the structures or make repairs to the residential structure, remove the rear patio cover, abating all listed violations, and attach the costs as a lien against the property; second by Commissioner Garrett. The motion was approved with a unanimous 7-0 vote (Vera and Muravez absent).

4. BOA-2023-02: Taco Alley Carrollton, LLC is requesting a meritorious exception from the Transit Center District sign regulations provided in Section 151.54 (C)(2)(b)(3) of the Carrollton Sign Code which prohibits vertical projecting signs on buildings less than three stories in height. The granting of the meritorious exception would allow two vertical projecting signs to be located at 1309 South Broadway St, Carrollton TX 75006: Original Town Carrollton Part 3 Block D Lot 1.

Chair Hermon stated this is a Board of Adjustments case. He said Taco Alley Carrollton, LLC is requesting a meritorious exception for a vertical sign at 1309 S. Broadway St.

Chair Hermon administered the Oath to all those testifying on the case.

Cameron Hays and Carter Wilson with Blue Plate began the presentation. Mr. Wilson stated he represents the applicant. He advised that the signage on the building will be essential to the success of the business. He would like to have visibility from I-35. He added that in his experience as a real estate professional focused on restaurants, he feels this signage will be beneficial to bringing customers to their location.

Commissioner Reese confirmed that they wanted the sign to be visible from I-35. She confirmed other signage orientation.

Commissioner Folse inquired whether the applicant has previous experience with this restaurant. The applicant advised that Tacos and Avocados had two other locations under different ownerships He added that they have signed a lease on the property and have a construction permit. Mr. Wilson provided an overview of previous businesses at this location that were unsuccessful and advised that this additional signage should provide a better marketing strategy and better recognition. Commissioner Folse stated he didn't feel signage would be that beneficial to the success of the business.

Chair Hermon inquired whether physical changes are being made to the building which would allow a location for a conventional sign. He also asked whether this is a historical building; Building Official King advised it is not. He added that other signage types and options are not viable.

Mr. King said the architecture of the building doesn't allow for many signs to be placed which is why they are asking for the meritorious exception. He advised that this is the third such meritorious exception request for this type of projecting sign; the previous requests were approved. He said that language to allow this type of sign by right within the sign ordinance has been prepared for Council; however it will not be considered by Council prior to the opening of this business.

Asst. City Attorney Kanika Juneja interjected that the content of the sign is not before the Board.

Commissioner Garrett moved to close the public hearing; second by Commissioner Reese. The motion was approved with a unanimous 7-0 vote (Vera and Muravez absent).

Motion to approve the meritorious exception failed with a vote of 4-3 (Commissioners Hermon, Garrett, Carstens and Fannin voted for; Folse, McCombs and Reese voted against; Vera and Muravez absent).

OTHER BUSINESS:

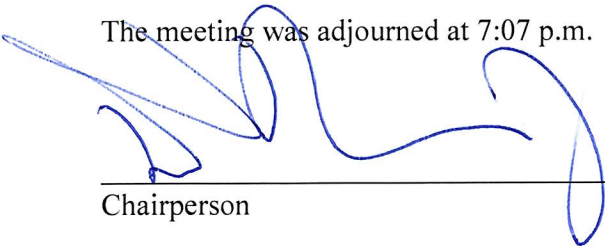
b. Staff Reports – Next meeting is October 26, 2023. Brian Passwaters stated the packet will be provided in advance to allow additional time to review.

The October meeting will be the last meeting for the Chair and Commissioner Folse. New members will be present beginning in November. The Boards and Commission dinner is on October 18, 2023. This is also the last meeting for Kanika Juneja.

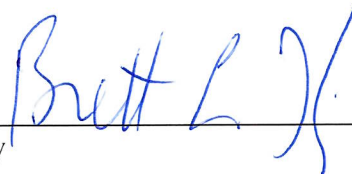
ADJOURNMENT

Commissioner Fannin moved to adjourn; second by Commissioner Carstens. The motion to adjourn was approved with a unanimous 7-0 vote (Vera and Muravez absent).

The meeting was adjourned at 7:07 p.m.



Chairperson



Secretary

