



**AGENDA**  
**BOARD OF ADJUSTMENT**  
**MONDAY, SEPTEMBER 18, 2017**  
**4000 MAIN STREET**

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The Board of Adjustment will convene into a Work Session at **6:45 p.m.** in the City Hall Conference Room at the Municipal Center, 4000 Main Street, Rowlett, Texas, at which time the following items will be considered:

- i. Discuss any items on the agenda.

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The Board of Adjustment will convene into a Regular Meeting at **7:00 p.m.** in the City Council Chambers at the Municipal Center, 4000 Main Street, Rowlett, Texas, at which time the following items will be considered:

1. Call to Order.
2. Consider approval of the minutes of the Board of Adjustment Meeting of August 14, 2017.
3. Conduct a public hearing to update the Board of Adjustment on the repair update and timeline and/or take action on a request for demolition of the substandard structure damaged 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 REP, an addition to the City of Rowlett, Dallas County, Texas.
4. Conduct a public hearing to update the Board of Adjustment on the repair update and timeline and/or take action on a request for demolition of the substandard structure damaged of the December 26, 2015 tornado. The subject property is located at 7501 Pacific Drive, further described as being Peninsula 4 PH A REP, Block B, Lot 13, an addition to the City of Rowlett, Dallas County, Texas.
5. Adjournment.

NOTE: THE BOARD OF ADJUSTMENT MAY RETIRE AND CONVENE INTO EXECUTIVE, CLOSED SESSION ON ANY MATTER RELATED TO ANY OF THE ABOVE AGENDA ITEMS FOR THE PURPOSES OF PRIVATE CONSULTATION WITH THE CITY ATTORNEY UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.

NOTE: THE CITY OF ROWLETT MEETING ROOMS ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE PLANNING DEPARTMENT AT 972-463-3949 FOR FURTHER INFORMATION.

A handwritten signature in black ink that reads "Tony Felts".

Tony Felts, AICP, Planning Manager

**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  
August 14, 2017**

**PRESENT:** Vice Chairman Chris Kizziar, Members Kellie McKee, Robert Vickers, Alternate Members Kent Manton, Noel Wardrope, Jennifer Wilson

**ABSENT:** Chairman Raymond Moyer, Member Tony Brown, Alternate Members Frixmon Michael, Tony Schmitz

**STAFF PRESENT:** Planning Manager Tony Felts, Development Services Coordinator Susan Nix, Planner II Tara Bradley, Planner I Kameka Miller

**WORK SESSION**

Vice Chairman Chris Kizziar called the Work Session to order at 6:45 p.m.

**i. Discuss items on the regular agenda**

Mr. Felts explained Legal Variance Requirements at the request a Member McKee.

Vice Chairman Chris Kizziar adjourned the Work Session at 6:55 p.m.

**REGULAR MEETING**

***Note: Alternate Jennifer Wilson and Kent Manton were the alternate members who participated in the vote.***

**1. Call to Order**

Vice Chairman Chris Kizziar called the Regular Meeting to order at 7:02 p.m.

**2. Consider approval of the minutes of the Board of Adjustment Meeting on June 7, 2017.**

Member Kellie McKee 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 for a variance to allow a variance of 0.4 feet from the 3-foot required setback for an accessory structure in the rear yard to allow an accessory structure in the rear yard up to 2.6 feet from the side property line. The subject property is located at 6806 Falcon Street, further described as being Lot 2, Block 13, Springfield Addition Section Four, City of Rowlett, Dallas County, Texas.**

Planning Manager Tony Felts presented a location map and provided background on the request. He presented site photos of the property as well as a plot plan. Mr. Felts explained why the variance is being requested. He stated there was a complaint filed by an adjacent property owner in reference to this request. Mr. Felts also stated city staff's recommendation of denial.

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Jesse Foster, 6806 Falcon Street – Owner/Applicant, presented neighborhood photos, background on the property and a brief update of the current situation. The public hearing was opened and closed with 2 speakers:

Max Felber, 6802 Falcon Street, Rowlett; Spoke in opposition of this request for variance.  
Debra Morgan, 6802 Falcon Street, Rowlett; Spoke in opposition of this request for variance.

There were no questions from the Board.

Member Kellie McKee made a motion to deny the variance. Member Manton seconded the motion. The motion to deny passed with a 4-1 vote. Alternate Kent Manton voted against, but noted he had voted incorrectly.

Alternate Kent Manton asked for a reconsideration of his vote.

Member Kellie McKee made a motion to reconsider the vote. Member Robert Vickers seconded the motion. The motion passed with a 5-0 vote.

Member Jennifer Wilson made a motion to deny the variance. Alternate Kent Manton seconded the motion. The motion to deny passed with a 4-1 vote. Vice Chairman Chris Kizziar was opposed.

- 4. Conduct a public hearing and take action on a request for a variance to allow a 14% increase in lot coverage over the maximum allowable lot coverage of 45% for a total lot coverage of 59%; and a variance of 1.7 feet from the 3-foot required setback for an accessory structure in the rear yard to allow an accessory structure in the rear yard up to 1.3 feet from the side property line. The subject property is located at 7501 Airline Drive, further described as being Lot 4, Block 8, Princeton Park Phase 3, City of Rowlett, Dallas County, Texas.**

Planning Manager Tony Felts presented a location map, site plan and provided background on the request. Mr. Felts explained why the variance is being requested and that this item can be considered as two separate variance requests. Mr. Felts also stated city staff's recommendation of denial.

David and Lisette Engel, 8301 Navigation – Owner's Representative, Mr. Engel presented some photos, gave a background on the property and gave a brief update of the current situation. The public hearing was opened and closed with no speakers.

There was discussion amongst the Board and staff regarding separating the variance requests, locations of structures and violations.

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Alternate Kent Manton made a motion to deny the variance request for setback. Member Kellie McKee seconded the motion. The motion to deny passed 4-1. Vice Chairman Chris Kizziar was opposed.

Member Robert Vickers made a motion to approve the variance request for lot coverage. After discussion, Member Vickers withdrew his motion.

Member Kellie McKee made a motion to deny variance request for lot coverage. Alternate Jennifer Wilson seconded the motion. The motion to deny passed with a 3-2 vote. Vice Chairman Chris Kizziar and Board member Robert Vickers were opposed.

**5. Adjournment**

Chairman Raymond Moyer adjourned the Regular Meeting at 8:05 p.m.

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**Chairman - Raymond Moyer**

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**Secretary**

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**Date**



City of Rowlett

**Staff Report**

*Board of Adjustment*

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
[www.rowlett.com](http://www.rowlett.com)

**AGENDA DATE:** 09/18/2017

**AGENDA ITEM:** 3

**AGENDA LOCATION:**

**Individual Consideration**

**TITLE**

Conduct a public hearing to update the Board of Adjustment on the repair update and timeline or take action on a request for demolition of the substandard structure damaged 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 REP, an addition to the City of Rowlett, Dallas County, Texas.

**STAFF REPRESENTATIVE**

David Gensler, Code Enforcement Officer

Maria Martinez, Community Services Manager

**SUMMARY**

The purpose of this item is to conduct a required public hearing to update the Board of Adjustments on the 1) repair update and timeline 2) allow the owner or lienholder the opportunity to repair the structure, with a schedule for commencing and completing repairs; or 3) authorize the structure to be secured and /or demolished by the City at City expense.

**BACKGROUND INFORMATION**

The subject property is located in the southeast section of the City at 2218 Windjammer Way with the closest cross street of Windward View. A title search was conducted and returned on November 9, 2016 revealed the property owner's as Todd and Elma Gilley with no known lienholders.

Notice and Order were served via certified mail, return receipt requested and posted on the property as prescribed by section 401.2 of the 1997 Uniform Code for the Abatement of Dangerous Buildings and state law. The notice and certificate of substandard structure was recorded with the Dallas County Clerk's Office, filed with the Rowlett City Secretary and published in the November 24, 2016 edition of the Rowlett Lakeshore Times.

At the January 9, 2017, BOA meeting, the Board was made aware this property was recently sold, at which time the Board decided to table this item to the February 2, 2017, to allow contact with the new owner. There was some discussion about whether there had been activity on the site, the value of the property and communication between the City and the property owners.

At the February 2, 2017, BOA meeting, Mr. Nosa advised the Board of the timelines on the projected and completion date of this project, and that his finances are holding him up. There was discussion amongst the Board about obtaining permits and if staff was satisfied with progress. A motion was made to allow an extension of 60 days to start the project and 90 days to review the progress, the motion passed.

At the May 1, 2017, BOA meeting, Mr. Nosa advised the Board of a projected start and completion date of this project. There was discussion amongst the Board on having Mr. Nosa provide Code Enforcement with a detailed timeline to start and finish the project. A motion was made to allow an extension of 30 days. The motion required the timeline be submitted to Code Enforcement within one week and a beginning and completion date. The motion passed.

At the June 6, 2017, BOA meeting, Mr. Nosa advised the Board he incurred some personal issues that delayed the start of the rebuilding of the structure. There was discussion amongst the Board on having Mr. Nosa provide Code Enforcement with a detailed timeline to start and finish the project. A motion was made to allow an extension of 90 days to report back to the BOA. The motion required the timeline be submitted to Code Enforcement within 30 days. The motion passed.

#### **DISCUSSION**

The required timeline has not been submitted to Code Enforcement. However, there have been some visible attempts of repairs of the structure.

As per a telephone conversation between the owner and Maria Martinez, Community Services Manager on Monday, September 11, 2017, Staff has been advised the property will be listed for sale within a week.

#### **RECOMMENDED ACTION**

Cost to repair will not exceed cost to demolish and with potentially change of owner the case will need to be restarted. Staff recommends the Board of Adjustment make the necessary order to table this case until further Board inference is necessary.



**AGENDA DATE:** 09/18/2017

**AGENDA ITEM:** 4

**AGENDA LOCATION:**  
**Individual Consideration**

**TITLE**

Conduct a public hearing to update the Board of Adjustment on the repair update and timeline or take action on a request for demolition of the substandard structure damaged of the December 26, 2015 tornado. The subject property is located at 7501 Pacific Drive, further described as being Peninsula 4 PH A REP, Block B, Lot 13, an addition to the City of Rowlett, Dallas County, Texas.

**STAFF REPRESENTATIVE**

David Gensler, Code Enforcement Officer

Maria Martinez, Community Services Manager

**SUMMARY**

The purpose of this item is to conduct a required public hearing to update the Board of Adjustment on the 1) repair update and timeline 2) allow the owner or lienholder the opportunity to repair the structure, with a schedule for commencing and completing repairs; or 3) authorize the structure to be secured and /or demolished by the City at owner's expense.

**BACKGROUND INFORMATION**

The subject property is located in the east section of the City at 7501 Pacific Drive with the closest cross street of Delta Drive. A title search was conducted and returned on September 22, 2016 revealed the property owner as Joseph W. Mackey, with no known lienholders.

Notice and Order were served via certified mail, return receipt requested and posted on the property as prescribed by section 401.2 of the 1997 Uniform Code for the Abatement of Dangerous Buildings and state law. The notice and certificate of substandard structure was recorded with the Dallas County Clerk's Office, filed with the Rowlett City Secretary and published in the November 24, 2016 edition of the Rowlett Lakeshore Times.

At the January 9, 2017, BOA meeting the acting Executor of this property came forth and stated the owners had passed away, at which time the Board decided to table this item to allow for a duly appointed Executor to provide an update and timeline for the repairs. There was discussion about whether there had been any activity on the site, the value of the property, and communication between the City and the property owners.

At the February 2, 2017, BOA meeting, the duly appointed Executor, Ms. Susan Mackey, stated the permits had been approved and she was waiting on insurance. She advised the Board construction should start in two weeks. A motion was made to have the Executor, Ms. Susan Mackey, update the Board on the condition of the property in 90 days. The motion passed.

At the May 1, 2017, BOA meeting, Ms. Mackey advised the Board of a projected start and completion date for this project. There was discussion amongst the Board on having Ms. Mackey provide Code Enforcement with a detailed timeline to start and finish the project. A motion was made to allow an extension of 30 days. The motion required the timeline be submitted to Code Enforcement within one week and a beginning and completion date. The motion passed.

At the June 6, 2017, BOA meeting, Ms. Mackey advised the Board there was some minor issues that delayed the start of the rebuilding of the structure. There was discussion amongst the Board on having Ms. Mackey provide Code Enforcement with a detailed timeline to start and finish the project. A motion was made to allow an extension of 90 days to report back to the BOA. The motion required the timeline be submitted to Code Enforcement within 30 days. The motion passed.

### **DISCUSSION**

There has been considerable repairs made to the structure since the Wednesday, June 7, 2017, Board of Adjustments meeting. There is no garage door, however the garage is secured, the property is in compliance, and the structure is no longer a nuisance to the community.

### **RECOMMENDED ACTION**

No action needed. Violations have been resolved.