



AGENDA
BOARD OF ADJUSTMENT
MONDAY, NOVEMBER 6, 2017
4000 MAIN STREET

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. Election of Chair and Vice Chair for the 2017-18 fiscal year.
- ii. Discuss any items on the agenda.

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 September 18, 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. Adjournment.

NOTE: THE BOARD OF ADJUSTMENT MAY RETIRE AND CONVELE 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
September 18, 2017**

PRESENT: Chairman Raymond Moyer, Vice Chairman Chris Kizziar, Members Robert Vickers, Tony Brown, Alternate Members Kent Manton, Jennifer Wilson, Noel Wardrope, Tony Schmitz

ABSENT: Member Kellie McKee, Alternate Member Frixmon Michael

STAFF PRESENT: Planning Manager Tony Felts, Development Services Coordinator Susan Nix, Senior Planner Tara Bradley, Planner I Kameka Miller, Code Enforcement Officer David Gensler, Community Services Manager Maria Martinez

WORK SESSION

Chairman Raymond Moyer called the Work Session to order at 6:45 p.m.

i. Discuss items on the regular agenda

Ms. Martinez presented photos of the property on Windjammer.

Mr. Felts mentioned that the minutes from the previous meeting had been adjusted as requested by the Board.

Chairman Raymond Moyer adjourned the Work Session at 6:49 p.m.

REGULAR MEETING

Note: Alternate Tony Schmitz was the only alternate member who participated in the vote.

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 August 14, 2017.

Member Robert Vickers made a motion to approve the minutes. Vice Chairman Chris Kizziar seconded the motion. The motion passed 5-0.

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.

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Code Enforcement Officer David Gensler came forward to give an update of progress at the property. He also stated that the owner has decided to sell the property. Staff is requesting this item be tabled for review in 60 days, to allow time for the property to sell.

There were questions from the Board to staff regarding timeline expectations.

Ms. Martinez confirmed the property is currently for sale and that citations for structural nuisance and any other violations are being issued regularly. Staff ensures the property will remain secured.

Chairman Raymond Moyer opened and closed the public hearing with no speakers.

Member Tony Brown made a motion to require the owner to provide an update to staff in 30 days and for the Board to review the case in 60 days. Alternate Tony Schmitz seconded the motion. The motion passed 5-0.

- 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.**

Code Enforcement Officer David Gensler came forward and stated this property is now in compliance. He also stated that staff recommends dismissal.

Chairman Raymond Moyer opened the public hearing.

Susan Mackey, 7501 Pacific Drive, Rowlett, TX – Owner/Applicant, came forward and asked the Board if they had any questions.

There were no questions from the Board.

No additional speakers came forward.

Chairman Raymond Moyer closed the public hearing.

Member Robert Vickers made a motion to dismiss the case. Vice Chairman Chris Kizziar seconded the motion. The motion passed 5-0.

- 5. Adjournment**

Chairman Raymond Moyer adjourned the Regular Meeting at 7:10 p.m.

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HELD IN THE ROWLETT MUNICIPAL CENTER,
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September 18, 2017**

Chairman - Raymond Moyer

Secretary

Date



City of Rowlett

Staff Report

Board of Adjustment

4000 Main Street
P.O. Box 99
Rowlett, TX 75030-0099
www.rowlett.com

AGENDA DATE: 11/6/2017

AGENDA ITEM: 3

AGENDA LOCATION:

Individual Consideration

TITLE

Conduct a public hearing to update the Board of Adjustments 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.

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.

At the September 18, 2017, BOA meeting Staff advised the Board that property owner, Nosa Kelvin Igunbor, has advised Staff of his intention to sell the property. Staff requested the Board provide a 60 day extension. A motion was made to allow an extension of 60 days. The motion passed.

DISCUSSION

The property owner, Nosa Kelvin Igunbor, advised Staff he would be putting a new roof on the structure. To date a new roof has not been installed, nor have there been any other visual or physical signs of any repairs being made.

Between August 3, 2017 and October 30, 2017, a total of sixteen (16) court citations have been issued to Mr. Nosa, recorded registered agent of the property, for code violations existing on this property. The court citations were issued for High Grass and Weeds, Trash and Debris, Substandard Structure Property Maintenance, and Substandard Structure Open and Vacant.

Staff attempted to reach Mr. Nosa via email for an update for this meeting and no response was received as of November 2, 2017. Mark Cosby, Plans Examiner, was conducted by a potential buyer of the property the week of October 30, however sale has not occurred. Staff became aware that there may be a lien holder on the property and a new title search has been ordered.

RECOMMENDED ACTION

Cost to repair would exceed cost to demolish. Staff requests time to engage the possible lien holder for compliance.