



**MINUTES**  
**PROPERTY STANDARDS BOARD**  
**JUNE 27, 2019**

Council Chambers

6:30 p.m.

1945 E. Jackson Road

**Board members present:** Chair Rick Pfeil, Jack Fan, Mike Whitley, Dave Hermon, Les Folse, Jim Pipkin, Liz Fannin and Maggie Vera. Vice Chair Andy Folmer was absent.

**Staff members present:** Asst. City Attorneys Susan Keller and Rachael Carrico; Building Official Brett King; Community Services Manager Brian Passwaters; Code Enforcement Officers Steven Taylor and Darwin Ortega; Director of Environmental Services Cory Heiple; Building Inspection Senior Engineer Rob Guarnieri; Building Inspection Chief Inspector Ray Davis, and Administrative Support Specialist Lydia Tormos. Council Liaison Frances Cruz arrived at 6:40 pm.

**CALL MEETING TO ORDER:**

Chair Pfeil called the meeting to order at 6:32 pm.

1. Approval of minutes of the April 25, 2019 meeting.

**Hermon moved approval of the minutes; second by Pipkin and the motion was approved with a unanimous 8-0 vote (Folmer absent).**

**PUBLIC HEARING**

2. **Case PSB 2019-10.** The Carrollton Environmental Services Department inspected the structure at 1405 S. Broadway St, WILLIAM LARNER ABST 799 PG 120, TR 14 ACS 0.2342, VOL95008/1205, DD122394, CO-DALLAS, 0799120101400 1CC07991201, and found it to be a safety hazard. Staff requested a hearing before the Board to issue a notice and order to repair OR demolish the structure and premises within a specified period of time.

Chair Pfeil administered the Oath to those testifying on the case.

Code Enforcement Officer Steven Taylor presented the case advising this case involves an occupied, one story single-family residential structure and a secondary two story structure in the back yard which has been found to have multiple code violations. Property and title search records show the property to be owned by Servando and Delia Nunez. The first inspection was conducted on February 19, 2019. Taylor described the violations that were discovered. Multiple attempts were made to contact the owners by phone or mail to no avail. It was also discovered that the rear structure was being used as rental property but had not been registered. Multiple attempts were made to contact the owner to register the property and finally a citation was issued. A second citation was issued since the owner was not supplying water and electricity to the rear structure. The owner made contact the first part of March to discuss the citations and violations on the property. The owner was accompanied by his son and asked for an extension to make the repairs

and it was granted. The subsequent inspections were made on May 2 and June 6 with the findings that very few violations had been corrected. As of June 2 no building permits have been issued.

Staff requests that the Property Standards Board declare the structures at 1405 S. Broadway St., Carrollton, TX to be dangerous, substandard, dilapidated and a hazard to the public health, safety and welfare; and that staff seeks a Notice and Order for the property owner to bring the property into compliance with City codes by either repairing the property or demolishing the structure within 30 days. If the owner fails to comply in the specified time, staff requests the Board to authorize the City of Carrollton to make the repairs or demolish the structure, abate all Code violations, and attach the costs as a lien against the property.

Rafael Nunez, property owner's son, 1411 Donald Ave. Carrollton, presented photographs of the current condition of the home, the remodeling that has been done and to ask for an additional extension of time.

Pfeil asked when the repairs were started and Nunez replied in December 2018. He said the water and electricity were turned off when they began the repairs.

Pfeil asked Taylor when he made his last inspection and was told he had been out to the site that day but only looked at the outside not the inside. No permits have been issued but renovation is underway.

Fan asked who was doing the construction, if they were licensed and did they have any receipts for the work. Nunez said contractors were hired to do the work. Fan asked if people were living in the structures and Nunez replied there were.

Fannin asked of which structure were the pictures. Nunez said of the rear structure, which was of concern for tonight's meeting. He didn't take pictures of the main structure. Mr. Nunez said they were unaware of needing permits for the work that has actually been done on such as doors and fixtures.

Pfeil commented that the value of the home according to the packet information was \$42, 300 and all the repairs needed was pushing it from just repairs and remodeling. Taylor said he would estimate the cost of repairs would be close to \$100,000 to which Pfeil said some of that cost could be reduced if the owner was doing a portion of the work.

**Fan moved to close the public hearing and Whitley seconded and the motion was approved with a unanimous 8-0 vote, Folmer absent.**

**Fan moved that the property located at 1405 S. Broadway St., Carrollton, TX is determined to be found dangerous, substandard, unfit for human habitation, and a hazard to the public health, safety and welfare; and the owner has 30 days from receipt of a certified copy of this Order to repair or demolish the property. If the owner fails to do the work, the City is authorizes to complete the work and will attach a non-transferable lien against the property in order to recover its costs.**

Brian Passwaters interjected and stated that the wording of the order allows the City to make the repairs. He wanted to remind the Members that the City has taken a stand that if it costs more to repair than the cost to demolish, the City will demolish it. He asked they reconsider the Order. He also said he was just reminded that there are two structures on the property so they would need to amend the Order to reflect structures.

Brett King, Building Official, read from the Comprehensive Zoning Ordinance Article XXII, D.1c. concerning "reasonable value" on structures deemed unsafe:

*"c. Nothing contained herein shall be construed to prohibit the strengthening or repair of any part of any nonconforming structure declared unsafe by the City Manager or Designee, unless such repairs exceed fifty (50) percent of the reasonable value of the structure. In such case the right to operate, occupy or maintain such structure may be terminated by action of the Board of Adjustment, and such structure shall be demolished."*

Pfeil confirmed the value was based on the appraisal district numbers for the structures and not the entire property, which in this case the 50% cost would amount to approximately \$21,000.

**Fan modified the wording of the motion to be that the property located at 1405 S. Broadway St., Carrollton, TX is determined to be found dangerous, substandard, dilapidated, and a hazard to the public health, safety and welfare; and the owner has 30 days from receipt of a certified copy of this Order to repair or demolish all structures to correct all code violations. If the owner fails to do the work, the City is authorizes to demolish the structures and attach a lien against the property.**

Rachael Carrico asked for a point of clarification. She stated staff has only provided one address and the documents appear to indicate that there is one structure with two points of entry. Taylor said the Dallas Appraisal District shows the property to be one address, one plat with two structures; described as a front structure and a rear structure.

Susan Keller asked if they were talking about one structure or two separate structures. A discussion followed as to whether there were one or two structures and how the case had been advertised, as one or two. Her concern was that the information provided to the Board indicated one structure and the majority of the conversation was directed at the rear structure that is occupied. Keller asked whether the rear structure was registered as a rental. Taylor said the front structure was registered and now the second structure is registered with two separate families each living in a separate structure.

Keller requested to break into executive session. The meeting adjourned at 7:10 pm.

The meeting reconvened at 7:20 pm.

Chairman Pfeil stated there was a motion of the case to which Fan requested to withdraw his motion. Pfeil asked if there were any other motions on this case.

**Fan moved to reopen the public hearing and motion for continuance of the case to the next PSB meeting. Folsie seconded and the motion was approved with a unanimous 8-0 vote (Folmer absent).**

## **CHAIR/BOARD/STAFF REPORTS**

King said there will be a Board of Adjustment case next month so a minimum of seven members would need to be present.

**ADJOURNMENT**

**Fan moved to adjourn; second by Whitley and the motion was approved with a unanimous 8-0 vote (Folmer absent).**

The meeting was adjourned at 7:23 p.m.

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Chairperson

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Secretary