



**MINUTES**  
**PROPERTY STANDARDS BOARD**  
**NOVEMBER 15, 2018**

Council Chambers

6:30 p.m.

1945 E. Jackson Road

**ORIENTATION FOR NEW MEMBERS: 4:30 PM**

**DINNER AND BRIEFING SESSION: 6:00 PM**

No public testimony allowed at the briefing.

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

**Staff members present:** Asst. City Attorney Aliceson Foote; Building Official Brett King; Community Services Manager Brian Passwaters; Inspection Services Coordinator Billy McMahon; Code Enforcement Officers Tim Roush, Juan Aguilar, and Carolos Ordonez; and Administrative Support Specialist Lydia Tormos.

**CALL MEETING TO ORDER: 6:30 PM**

Chair Pfeil called the meeting to order at 6:30 p.m. He welcomed and recognized new members, Liz Fannin and Maggie Vera.

**1. Approval of minutes of the October 25, 2018 meeting.**

**Folmer moved approval of the minutes as written; second by Hermon and the motion was approved with a unanimous 9-0 vote.**

**PUBLIC HEARING**

**2. PSB 2018-16.** The City of Carrollton Environmental Services Department is requesting a hearing before the Board to address a duplex on a single platted lot. The structure is addressed as 2237 Jackson Circle, Jackson Arms Sec 2 Ph 2, PT LT 10, West ½ and 2239 Jackson Circle, Jackson Arms Sec 2 Ph 2, E Pt Lt 10. Staff from Environmental Services inspected both addresses located at the structure and found it to be a safety hazard. Previously, 2237 Jackson Circle and 2239 Jackson Circle had cases presented before the Board as separate Property Standard Board cases at the July 26, 2018 Board meeting. A review by the City Attorney has found the property was illegally subdivided and the cases should have been presented as one. Staff has requested a hearing before the Board to issue a notice and order to repair or demolish the structure within a specified period of time.

Chair Pfeil administered the Oath to all individuals testifying on the case.

Community Services Manager Brian Passwaters began the presentation for 2237 and 2239 Jackson Circle with a reference to action taken at the July 2018 PSB meeting. He advised that after that meeting, legal counsel determined that the property had been illegally subdivided meaning the two previous cases should have been heard as one case rather than two. He further advised that staff referred to the structure as a single family detached dwelling and because it is located on one parcel, the structure should have been identified as a dwelling attached. Due to these issues, a rehearing of the case is required. He reviewed the facts of the fire that occurred on June 1, 2018 creating significant damage to both sides of the structure. He stated that both owners have been working to repair the structure since the July meeting and a subsequent inspection occurred on Friday, October 12, 2018. He listed the violations found during the inspection at 2237 Jackson Circle and 2239 Jackson Circle and noted that photos of both properties were provided in the Board packet. Staff recommended that the Board find 2237 and 2239 Jackson Circle as dangerous, substandard and a hazard to the public's health. He stated that staff further seeks a Notice and Order requiring the owners of 2237 and 2239 Jackson Circle to repair and abate all of the violations within 30 days. If the structure is not repaired and all of the violations abated, staff seeks a Notice and Order to authorize the City of Carrollton to repair and abate all violations or to demolish the property and attach the cost of a lien against property.

Mark Allen, 2237 Jackson Circle, owner, testified as to the repairs that have been made to date and listed the remaining work to be completed. He expected the remaining electrical work would take about three weeks and the insulation and sheetrock would take about two more weeks.

Chair Pfeil invited speakers to address the Board and there were no speakers; and there were no questions from the Board.

Byron Odom, general contractor for 2239 Jackson Circle, stated they have completed the fire wall and plumbing repairs and was in the process of building a new fence with a retaining wall. Once the outside work is complete, new windows and siding would be installed. The inside work would take about three weeks noting everything would be fire rated. He also advised that the new electrical panel should be installed in the next week as well as new air conditioner.

Staff member Juan Aguilar translated for Mr. Bernal.

Enrique Bernal, owner of 2239 Jackson Circle, stated they were unable to work due to the recent months of rain and asked for more time to complete the repairs.

There were no other speakers.

Passwaters advised that he believes the owners have the intent to fix the dwelling and he felt it would take 30-45 days. He stated that the excessive rain has impeded work on the repairs and noted that both parties had made tremendous efforts.

Fan asked if staff's recommendation was for 30 days and Passwaters felt 45 days would be preferred. Passwaters further explained that the Building Inspection Department would review the permitted work and Code Enforcement would inspect the structure to be sure it is habitable. Folsom recommended the Board give the owners 60 days for completion due to the upcoming holidays. Fan asked since a fence is being constructed if there had been any security problems with the property and Passwaters replied that staff was not aware of any concerns.

**Folmer moved that the previous Orders for 2237 and 2239 Jackson Circle be rescinded; second by Fan and the motion was approved with a unanimous 9-0 vote.**

**Folmer moved that the structure at 2237 and 2239 Jackson Circle be deemed dangerous, substandard and a hazard to public health; that a Notice and Order requiring the owners of 2237 and 2239 Jackson Circle to repair and abate all violations or demolish the structure within 60 days. And if the structure is not repaired and all violations abated or the structure is not demolished, that a Notice and Order be issued authorizing the City of Carrollton to repair and abate all violations or demolish the structure and attach the cost as a lien against the property. Pfeil suggested the motion be to authorize a Notice and Order to be issued and if the structure is not repaired and all violations abated or if the structure is not demolished, that staff is authorized to repair and abate all violations or demolish the structure and attach the costs as a liens against the property and Folmer agreed.**

Fan asked if a motion was needed to close the public hearing and Chair Pfeil replied affirmatively and asked for a vote to close the public hearing. **The vote was a unanimous 9-0 to close the public hearing.**

**Chair Pfeil asked for a second to the motion by Folmer. Pipkin second the motion and the motion was approved with a unanimous 9-0 vote.**

**3. Case BOA 2018-03.** Circle L Solar, on behalf of Mr. Charles Vochatzer, is requesting a Special Exception for the installation of roof mounted solar panels located at Mr. Vochatzer' s single family residence at 4527 Blackfoot St, Lot 14 Block A, Estates of Indian Creek Phase 7A. The Special Exception request is to allow solar panels on an architectural elevation that faces an arterial thoroughfare.

Chair Pfeil noted approval of the request would require approval by seven members of the Commission; any other vote constitutes a denial of the request.

Chair Pfeil asked if the applicant was present and there was no applicant. Building Official Brett King advised that the applicant was again notified of the meeting. Asst. City Attorney Aliceson Foote recommended that the case not be heard and allow the Building Official's decision to stand. She stated the burden is on the applicant to put forth any information and there was nothing to be put into evidence because the applicant was not in attendance. She suggested the Board could close the public hearing that was continued from the last meeting. Chair Pfeil asked if there was an expiration to the applicant's request and King replied that there was no language about how long the application would stay open. Foote stated the applicant has been given due notice and an opportunity to be heard which they have defaulted on twice and if they do not request it be placed on an agenda, the Building Official's decision would stand.

Fan asked about the process if the Board heard the case and denied the request. Foote stated if the Board denies the request, the applicant would have the option to appeal the decision to the District Court.

**Herman moved to close the public hearing; second by Folmer and the motion was approved with a unanimous 9-0 vote.**

**4. Case BOA 2018-04.** Trinity Signs and Service, owner Lisa M. Renfro, on behalf of ML Realty Partners is requesting a variance from Chapter 151.84 Ground Signs Section (C) of the Carrollton Sign Code due to a hardship on behalf of their ability to properly market the property for lease. The variance request is to reduce the sign setback from 25' to approximately 9' on a temporary ground sign located

1445 W. Belt Line Road, John Nix Abst 1089 PG 114, with the sign facing north toward W. Belt Line Road.

Lisa Renfro, 4611 Langlin Road, Ste. 101, Dallas, referred to the packet information provided to the Board and advised that they did permit and install a leasing sign at the corner that did meet the 25 foot setback, the client did not want it there; the property slopes so visibility of the sign is limited. She stated that BOA 2018-04 and 2018-05 relate to this property. The client is requesting a sign facing Hutton and Belt Line noting the limitation to market the property. She stated that were it not for the setbacks, there is enough acreage there to allow for two leasing signs based on ordinance. The design of the sign and installation is pursuant to Code and restated that the only issue was with the setback. She stated that the proposed location would not hinder visibility since there is no visibility triangle; it is not at an intersection, stop sign or stop light nor would it create any type of hardship. She stated that ML recently acquired the property and was in the process of updating the exterior and interior to market to a new tenant. She stated the client feels not being able to have a sign on Hutton and on Belt Line creates a hardship based on traffic patterns and visibility.

King referred to the information provided in the Board packet and confirmed that a permit had been issued for a sign at the corner when the packet was created. He stated there is a sign facing the intersection that meets the 25 foot setback.

Renfro stated that if the two requests are granted, they would remove the existing sign at the intersection.

In response to questions by the Board, King advised that the property was a single-tenant building that was currently vacant. He explained the rationale for setbacks is to get uniformity on the street; the standard setback for all free-standing signs is 25 feet from the back of curb. At one time it was 15 feet from the property line, which was hard to determine at times. The current setback keeps the signs out of all visibility clips and keeps it far enough away from the street. With regard to harm, King stated that staff only speaks to whether or not the application meets the ordinance. He stated neither of the requests moves the signs into the visibility clip; it simply does not meet the ordinance.

Folse noted that the request was asking that the sign not be installed until a lease agreement has been signed and asked if there was a time limit. King replied that ground signs are permitted for one year at a time. Folse asked the applicant if the 25 foot setback would put the sign next to the building and Ms. Renfro replied that due to the way the property is laid out, there is no option. She also noted that Carrollton does not allow skid signs. She stated that nine feet was as far back as they could go. She stated 25 feet would place the sign in the parking lot. She said that the location of utilities are visible on the Belt Line side by the distinction in the concrete. The utilities run back toward the building so putting the sign in the concrete by anchoring the sign down by drilling holes into the concrete could be risky. The Hutton side would not be a problem. She added that they cannot do a banner sign right now because they are renovating the outside of the building.

**Fan moved to close the public hearing; second by Folmer and the motion was approved with a unanimous 9-0 vote.**

**Chair Pfeil moved to grant the variance requested in Case BOA 2018-04 as submitted reducing the sign setback from 25 feet to nine feet; second by Pipkin and the motion was approved with a 7-2 vote, Fan and Folse opposed.**

5. **Case BOA 2018-05.** Trinity Signs and Service, owner Lisa M. Renfro, on behalf of ML Realty Partners is requesting a variance from Chapter 151.84 Ground Signs Section (C) of the Carrollton Sign Code due to a hardship on behalf of their ability to properly market the property for lease. The variance request is to reduce the sign setback from 25' to approximately 10' on a temporary ground sign located 1445 W. Belt Line Road, John Nix Abst 1089 PG 114, with the sign facing west toward Hutton Drive.

Chair Pfeil opened the public hearing for Case BOA 2018-05 noting the request was for a 10-foot setback for a sign facing Hutton Drive.

Renfro noted the additional foot on the Hutton side to make it 10 feet from back of curb and reiterated that the visibility triangle would not be hindered. She described the sign material and how it would be installed.

King stated his comments from the previous case stood for this case as well.

**Fan moved to close the public hearing and approve the request by ML Realty Partners for a variance of 10 feet at the property located at 1445 W. Belt Line Road; second by Folmer.** Chair Pfeil stated he was not a fan of skid signs and was glad Carrollton didn't allow them. **The motion was approved with a 7-2 vote, Fan and Folse opposed.**

6. **Adoption of the 2018 International Construction Codes and 2017 National Electrical Code.**

King requested the Board recommend approval to the City Council. He stated the item was on the City Council agenda for November 27 with an effective date of January 1, 2019. He referred to the letter from the Council of Governments recommending adoption with the exception of two changes; one naming the Department and one because Carrollton requires a fence permit for fences longer than 20 feet in length. He explained the purpose for the difference. He also brought attention to the changes between the 2015 and 2018 Code noting the biggest change pertaining to storm shelters in schools.

Chair Pfeil asked about a new requirement in the Fire Code regarding illumination of the exit discharge path of travel to the public way or safe dispersal area for all occupancies. King explained that the public way did not necessarily mean right-of-way; a public way is where you can get to a parking lot or street.

**Folmer moved that the Board make the recommendation that the Council approve the Ordinance adopting the 2018 International Construction Codes and the 2017 National Electrical Code with amendments to be effective January 1, 2019; second by Whitley and the motion was approved with a unanimous 9-0 vote.**

7. **Election of Vice-Chair.**

**Hermon moved nomination of Andy Folmer to be Vice Chair; second by Fan and the motion was approved with a unanimous 9-0 vote.**

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

King advised there would not be a meeting in December and wished everyone a Happy Thanksgiving, Christmas and New Year. He advised that staff was working on amending the Sign Code and specifically mentioned a provision for roof-top signs based on the two approvals by this Board. He also noted that the Comprehensive Zoning Ordinance was being reviewed for amendments and adjustments. He explained

that staff was moving to a new code enforcement and permitting software system that would allow for an on-line portal for people to make applications. The current schedule is to go live with the new software at the end of January 2019. He noted that in FY 2017, the Building Inspection Department permitted about \$392M in valuation in the City and in FY 2018, permitted \$598M in valuation which shows the level of work being accomplished by staff.

**ADJOURNMENT**

Chair Pfeil adjourned the meeting at 7:33 p.m.

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Chairperson

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Secretary