



**Board of Adjustments
Regular Meeting
212 Main Street
City of Lake Dallas, Texas 75065
Wednesday, March 30, 2022, at 6:00 p.m.
Agenda**

1. Call to Order and Determination of Quorum

2. Pledges of Allegiance

3. Citizen Agenda & Public Comment

An opportunity for citizens to address the Planning & Zoning Commission on matters which are not scheduled for consideration by the Planning & Zoning Commission. Speakers will be limited to five (5) minutes each. The Texas Open Meeting Act prohibits deliberation by the Planning & Zoning Commission of any subject which is not on the posted agenda, therefore the Planning & Zoning Commission will not be able to discuss or take any action on items brought up during the citizen presentations that are not on the agenda.

4. Approval of the minutes of the January 26, 2022, regular meeting.

5. Receive public comment and testimony regarding a request for a variance to the Lake Dallas Municipal Code, Chapter 80 "Signs" specifically Sec. 80-23 Prohibited Signs relating to pole signs situated outside of the IH-35 Business Corridor District. The property is located at A1355A Wright Addition, Tract 37, commonly known as 503 Main Street, Lake Dallas, Denton County, Texas, and is zoned Commercial District (C-3) with a Downtown District Overlay.

6. Receive public comment and testimony regarding an appeal of a decision made by an administrative official pursuant to The Lake Dallas Municipal Code, Chapter 22 "Buildings and Building Regulations," Article II. "Minimum Housing and Building Standards Code," Division IV. "Board of Adjustments," Section 22-164 Appeals, relating to Notice of Violation and abatement action taken pursuant to Sections 22-66 and 42-74 of the Lake Dallas Municipal Code. The subject property is situated at Block 5, Lot 1R, OT Garza, Lake Dallas, Denton County, Texas, and more commonly known as 109 Market Street.

7. Announcements

8. Adjourn.

I certify that the above notice of this meeting was posted on the bulletin board at City Hall of the City of Lake Dallas, Texas on or before March 25, 2022 at 4:30 p.m.

Codi Delcambre, City Secretary

If you plan to attend this public meeting and you have a disability that requires special arrangements at this meeting, please contact City Secretary's Office at (940) 497-2226 ext. 102 or fax (940) 497-4485 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.



Board of Adjustments

Regular Meeting

212 Main Street

City of Lake Dallas, Texas 75065

Wednesday, January 26, 2022 at 6:00 p.m.

Agenda

EARLY WORK SESSION

City Council Chambers- 6:00 P.M.

1. Receive annual Board of Adjustment training

- Member Vrba calls early work session to order at 6:04pm.
- Angie Manglaris delivers training.
- Member Vrba adjourns work session at 6:29pm

OPEN SESSION

City Council Chambers- 7:00 P.M.

1. Call to Order and Determination of Quorum

- Meeting called to order by Member Vrba at 7pm

City Staff present - Director of Development Services Angie Manglaris. Code Compliance Officer Daniel Rusnak

Members present

Julie Mahavier	Member Place 1
Laird Lind	Member Place 2
Chris Rose	Member Place 3
Rudy Vrba	Member Place 4
Brett Clark	Member Place 5
Lesa Wall	Alternate

Members Absent - None

2. Pledges of Allegiance

3. Citizen Agenda & Public Comment

An opportunity for citizens to address the Planning & Zoning Commission on matters which are not scheduled for consideration by the Planning & Zoning Commission. Speakers will be limited to five (5) minutes each. The Texas Open Meeting Act prohibits deliberation by the Planning & Zoning Commission of any subject which is not on the posted agenda, therefore the Planning & Zoning Commission will not be able to discuss or take any action on items brought up during the citizen presentations that are not on the agenda.

No Public comment

4. Appoint and Chair and Vice-Chair of the Board of Adjustments.

Member Mavhavier motions to appoint Member Vrba as Chair. Member Rose seconds

Ayes : Member Mahavier, Member Lind, Member Rose, Member Vrba, Member Clark

Noes: None

Motion passes 5-0

Member Vrba motions to appoint Member Clark as Vice-Chair. Member Rose seconds

Ayes: Member Mahavier, Member Lind, Member Rose, Member Vrba, Member Clark

Noes: None

Motion passes 5-0

5. Receive public comment and testimony regarding a request for a variance to the Lake Dallas Municipal Code, Chapter 122 "Zoning", Article III. "R-1-6000 Single-Family Dwelling District," specifically Sec. 122-87 relating to rear yard setbacks for the construction of a single-family residential home. The property is located at Lot 10, J.V. Thompson Subdivision, commonly known as 313 Dolphin Street, and is zoned R-1-6000 Single-Family Residential.

- Angie Manglaris delivers report
- Member Vrba asks for clarification the variance requested is only for setback. Ms. Manglaris answers.
- Member Lind asks if 1,600 square feet includes garage. Ms. Manglaris answers.
- Member Rose asks if there is home behind parcel in question. Ms. Manglaris answers.
- Member Vrba asks for clarification on location of driveway. Ms. Manglaris answers.
- Applicant addresses Board.
- Member Clark asks applicant if he plans to live in the home. Applicant answers.
- Member Lind asks if the house was previous burned. Applicant answers.
- Member Mahavier asks applicant to verify location of new neighbor house. Applicant answers.
- Member Mahavier asks applicant about size of proposed home. Applicant answers.
- Member Vrba asks applicant if he lived in previous home prior to deciding to demo and rebuild. Asks applicant if home was slab. Asks applicant about distance from original home to property line. Applicant answers.
- Member Vrba opens public comment at 7:26pm.
- Resident Chris Burkowitz addresses the Board and inquires about the markation lines on the Denton County Appraisal District. Ms. Manglaris answers.
- Resident Sharon Ingram addresses the Board and asks if home is single story. Applicant answers. Asks about how to address future concerns of Code Compliance. Ms. Manglaris answers.
- Member Vrba states there is one letter from resident in opposition of variance.
- Member Vrba closes public comment at 7:33pm.
- Board has quick discussion.

Member Lind motions to approve set back variance. Member Vrba seconds.

Ayes : Member Mahavier, Member Lind, Member Rose, Member Vrba, Member Clark

Noes: None

Motion passes 5-0

6. Announcements

Member Manglaris speaks briefly about future Board meetings and the pending case load.

7. Adjourn.

Member Vrba adjourns meeting at 7:40pm

I certify that the above notice of this meeting was posted on the bulletin board at City Hall of the City of Lake Dallas, Texas on or before January 21, 2022 at 4:30 p.m.



Codi Delcambre, City Secretary

If you plan to attend this public meeting and you have a disability that requires special arrangements at this meeting, please contact City Secretary's Office at (940) 497-2226 ext. 102 or fax (940) 497-4485 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.



BOARD OF ADJUSTMENTS
AGENDA MEMO

Prepared By: Angie Manglaris, AICP, Director of Development Services

March 30, 2022

503 Main Street Variance Request – Pole Sign

DESCRIPTION:

Receive public comment and testimony regarding a request for a variance to the Lake Dallas Municipal Code, Chapter 80 "Signs," specifically Sec. 80-23 "Prohibited Signs," relating to the allowance of a pole signs situated outside of the IH-35 Business Corridor District. The property is located at A1355A Wright Addition, Tract 37, commonly known as 503 Main Street, Lake Dallas, Denton County, Texas, and is zoned Commercial District (C-3) with a Downtown District Overlay.

EXISTING CONDITIONS:

The property is situated in the Downtown Overlay and has a base zoning of Commercial (C-3). The property is currently developed with a main structure, which is approximately 6, 282.0 sq ft, and an approximately 2080.0 sq ft accessory structure.

ADJACENT LAND USES AND ZONING:

North: Commercial (C-3) with a Downtown Overlay – Lake Dallas Hardware

East: Commercial (C-3) with a Downtown Overlay – Improved parking area

South: Commercial (C-3) with a Downtown Overlay – DMW Consulting, LLC

West: Commercial (C-3) with a Downtown Overlay – Century Link / Falcon Car Wash

BACKGROUND INFORMATION:

The applicant, Carmen White, has submitted a variance request for the allowance of a pole sign for the advertisement of Lake Dallas Family Medicine and Green Eagle Roofing. Per Section 80-23 of the Lake Dallas Municipal Code, pole signs in the City are prohibited unless the sign is situated within the IH-35 Business Corridor.

The location of Lake Dallas Family Medicine / Green Eagle Roofing was the former location of the Duck Inn, a restaurant in Lake Dallas that opened in 1945. The restaurant experienced a few operational changes and remodels before permanently closing in 2007. The Duck Inn utilized a pole sign for general advertisement and the sign infrastructure remained on the property after the closure of the business. The sign structure was allowed at the time of construction as this was constructed prior to the adoption of the current sign regulations in 2019, which prohibits pole signs in all areas of the City outside of the IH-35 Business Corridor.

The above circumstances led to the sign being classified as a legal nonconforming sign, which is defined as a sign that does not conform to the requirements of this chapter (Chapter 80), but which was in conformance with applicable regulations at the time of its erection, placement or

construction. Any sign erected, constructed, enlarged, altered or converted after the enactment of this chapter that does not conform to the provisions of this chapter shall be considered a prohibited sign, and shall be removed or made to conform to this chapter.

Per Section 80-5. Nonconforming Signs of the Lake Dallas Municipal Code, the right to continue a nonconforming sign shall cease, and such sign shall be removed when an approved application for certificate of occupancy or a certificate of occupancy for a change of business or ownership is issued and the sign is associated with the previous business or ownership.

In January 2022, Carmen White submitted renderings for signage for Lake Dallas Family Medicine and Green Eagle Roofing. The renderings demonstrate use of the pole sign which remains on the property. Because the pole sign no longer meets the criteria to be considered a legal nonconforming sign, staff cannot approve the use of the pole sign administratively; however, the Board of Adjustment has authority to grant exceptions and variances to the Code if the Board determines literal enforcement would result in a practical difficulty or unnecessary hardship.

PUBLIC HEARING:

In accordance with State Law and the Lake Dallas Municipal Code, notice of public hearing was published in the Denton Record Chronicle and sent to property owners within a 200' radius of the property. As of March 24, 2022, the following responses have been received:

- One (1) letter in opposition

FINANCIAL CONSIDERATION:

NA

RECOMMENDED MOTION:

After conducting the public hearing and holding discussion, staff recommends the following motion:

I move to **APPROVE/DENY** a request for a variance to the Lake Dallas Municipal Code, Chapter 80 "Signs" specifically Sec. 80-23 Prohibited Signs relating to the allowance of a pole signs situated outside of the IH-35 Business Corridor District. The property is located at A1355A Wright Addition, Tract 37, commonly known as 503 Main Street, Lake Dallas, Denton County, Texas, and is zoned Commercial District (C-3) with a Downtown District Overlay.

ATTACHMENTS:

- Request for Variance
- Sign application and renderings
- Public Hearing Responses

Date received _____

Permit # _____



212 Main Street · Lake Dallas, Texas 75065 · (940) 497-2226 · (940) 497-4485 Fax · www.lakedallas.com

Sign/Banner Permit Application

Site Address: 503 Main St, Lake Dallas, TX

Sign Description: Pole Sign

Zoning _____ Lot _____ Block _____ Subdivision _____

Owner of Property Green Eagle Roofing Phone 817-808-5626

Owner's Address same Email lance@greeneagle-construction.com

Sign Contractor Sign Smiths Phone 469-200-6680

Address 302 Paul Wilson Rd Wylie, TX 75098

Email production@signsmithsoftx.com Registered with City

Electrical Contractor: N/A - No Elect Phone _____

Address: _____

Email _____ Registered with City

Sign/Banner Dimensions _____ Project Valuation \$5,000

- Type of Sign:
- Awning Banner Canopy Frame Inflatable Monument Projecting Roof Wall Pole
 - Window Other

Submit a set of plans (plot plan and profile) with permit application, including a drawing of the sign.

Read Before Signing:

I hereby agree that if a permit is issued, all the provisions of the City Ordinance and State Laws will be complied with, whether specified or not. All signs must have a permit before erection is commenced and all signs must be inspected after completion.

[Signature]
Contractor/Applicant Signature

Lance White
Printed Name

1/5/22
Date

(Office Use Only)

Issuance Date _____

Permit fee _____

Permit Tech _____

Date _____

REQUIRED DOCUMENTS

- **Plot plan:** show location of sign on property, including property setbacks.
- **Profile view:** show maximum sign height, sign face height and width (include square footage).
 - For **wall signs:** show building height and wall length, AND sign height and width (include square footage).

EXISTING BACK



PROPOSED BACK



EXISTING FRONT



PROPOSED FRONT



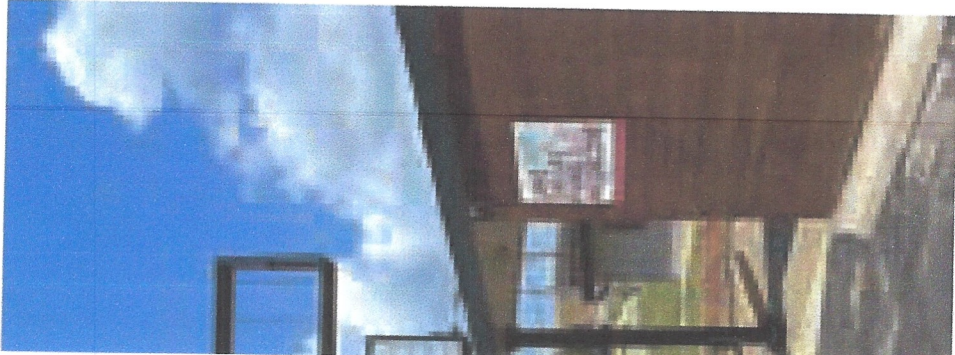
LAKE DALLAS FAMILY MEDICINE / GREEN EAGLE ROOFING & CONSTRUCTION

1. LDFM / Green Eagle illuminated sign will be white polycarbonate with digitally printed vinyl overlay,
2. LDFM / Green Eagle sign will slide into cabinet that will be interior lit with LEDs. N/A *ju*
3. Med Spa sign will be ACM (aluminum composite material) with digitally printed vinyl overlay, non lit.

**This is an artist's rendition of how the design approximately represents the finished product. Colors and placement may vary due to size and complexity. It is the customers responsibility to proofread for accurate verbiage and spelling, and approve the proof prior to SignsSmiths of Texas proceeding with manufacturing. Any changes after approval are subject to additional charges for design and manufacturing.*





Customer Approval: _____ Date: _____



14'

3'10"

 <p>lake dallas family medicine 940-535-5296 Quality Care For The Entire Family</p>	 <p>GREEN EAGLE ROOFING & CONSTRUCTION Residential Commercial 940-535-5296</p>
--	--



18"

3'6"

LAKE DALLAS FAMILY MEDICINE / GREEN EAGLE ROOFING & CONSTRUCTION



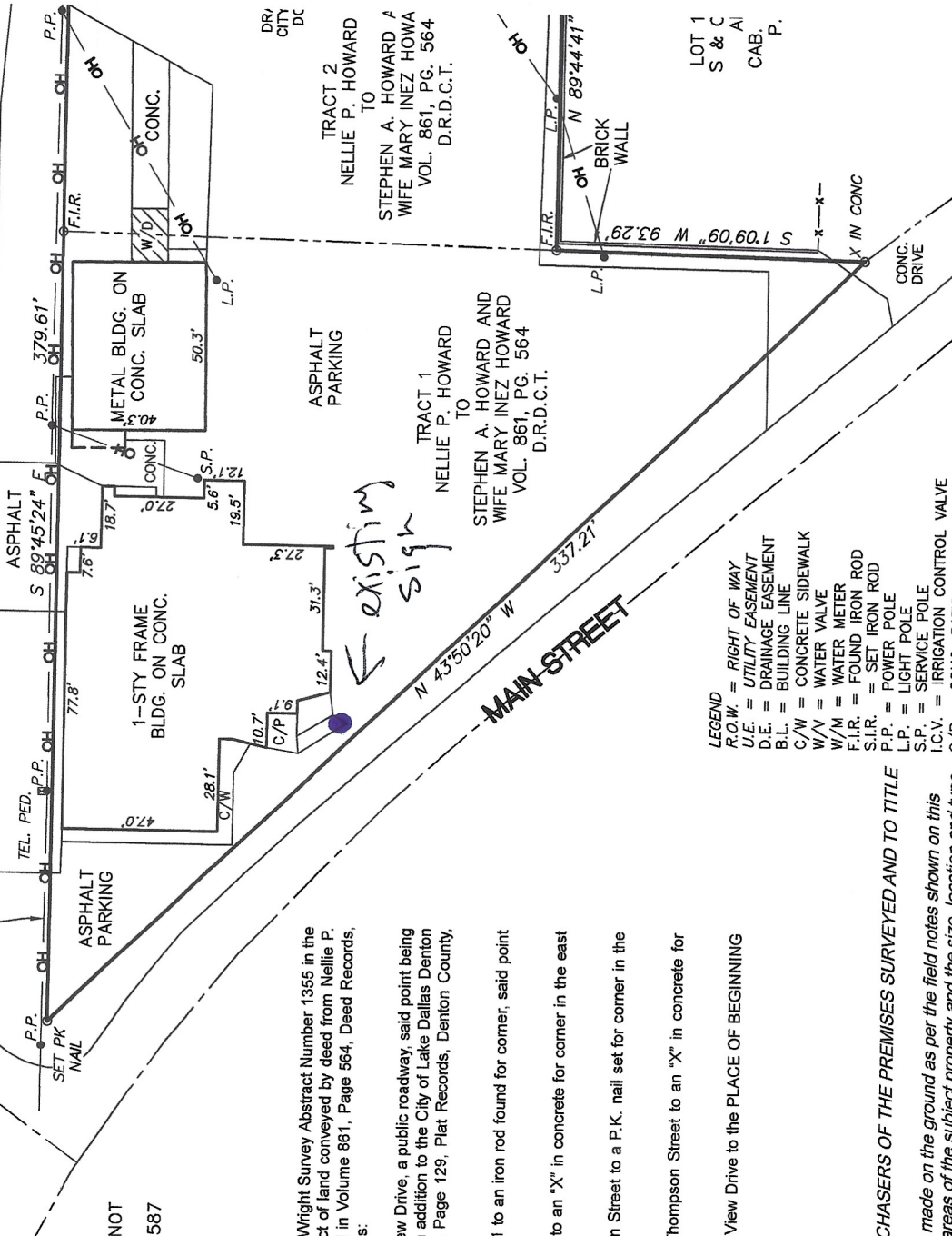
1. LDFM / Green Eagle sign will measure 3 feet 10 inches tall x 14 feet long.
2. Med Spa sign will measure 18 inches tall x 3 feet 6 inches long.

*This is an artist's rendition of how the design approximately represents the finished product. Colors and placement may vary due to size and complexity. It is the customers responsibility to proofread for accurate verbiage and spelling, and approve the proof prior to Signsmiths of Texas proceeding with manufacturing. Any changes after approval are subject to additional charges for design and manufacturing.

Customer Approval: _____ Date: _____

O.H. POWER DIST. LINE
TEXAS POWER & LIGHT CO.
VOL. 308, PG. 601

THOMPSON DRIVE



THE FOLLOWING EASEMENTS ARE BLANKET AND DO NOT VISIBLY AFFECT SUBJECT PROPERTY:
COMMUNITY NATURAL GAS COMPANY VOL. 231, PG. 587
EASEMENT TO ROY V. HARPER VOL. 455, PG. 130

FIELD NOTES
1.145 ACRES

BEING all that certain lot, tract, or parcel of land situated in the M. R. Wright Survey Abstract Number 1355 in the City of Lake Dallas, Denton County, Texas, being all that certain tract of land conveyed by deed from Nellie P. Howard to Stephen A. Howard and wife, Mary Inez Howard recorded in Volume 861, Page 564, Deed Records, Denton County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found for corner in the west line of Lake View Drive, a public roadway, said point being the northeast corner of Lot 1, Block A of S & C Concrete Addition, an addition to the City of Lake Dallas Denton County, Texas, according to the plat thereof recorded in Cabinet U, Page 129, Plat Records, Denton County, Texas;

THENCE N 89° 44' 41" W, 141.00 feet with the north line of said Lot 1 to an iron rod found for corner, said point being the northwest corner of said Lot 1;

THENCE S 01° 09' 09" W, 93.29 feet with the west line of said Lot 1 to an "X" in concrete for corner in the east line of Main Street, a public roadway;

THENCE N 43° 50' 20" W, 337.21 feet with said east line of said Main Street to a P.K. nail set for corner in the south line of Thompson Drive, a public roadway;

THENCE S 89° 45' 24" E, 379.61 feet with said south line of said Thompson Street to an "X" in concrete for corner in said west line of said Lake View Drive;

THENCE S 01° 13' 11" W, 149.00 feet with said west line of said Lake View Drive to the PLACE OF BEGINNING and containing 1.145 acres of land.

TO THE LIENHOLDERS AND/OR THE OWNERS AND/OR PURCHASERS OF THE PREMISES SURVEYED AND TO TITLE RESOURCES:

I hereby certify that on the 12th day of April, 2016, this survey was made on the ground as per the field notes shown on this survey and is true, correct and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements thereon if any, and as to the other matters shown hereon, and correctly shows the location of all visible easements and rights-of-way and of all rights-of-way easements and other matters of record of which I have knowledge or have been advised, whether or not of record, affecting the property. Except as shown on the survey, there are no encroachments upon the subject property by improvements on adjacent property, there are no encroachments on adjacent property, streets or alleys by any improvements on the subject property and there are no conflicts or protrusions. I further certify that only portion shown of subject property lies within a special flood hazard area according to the FLOOD INSURANCE RATE MAP for Denton County and Incorporated Area, Map Number 48121CO535G, dated April 18, 2011. (Subject property lies in Zone A and Zone X approximately as shown).



Gerald D. Yensan, Professional Land Surveyor
Texas R.P.L.S. No. 4561

- LEGEND
- R.O.W. = RIGHT OF WAY
 - U.E. = UTILITY EASEMENT
 - D.E. = DRAINAGE EASEMENT
 - B.L. = BUILDING LINE
 - C/W = CONCRETE SIDEWALK
 - W/V = WATER VALVE
 - W/M = WATER METER
 - F.I.R. = FOUND IRON ROD
 - S.I.R. = SET IRON ROD
 - P.P. = POWER POLE
 - L.P. = LIGHT POLE
 - S.P. = SERVICE POLE
 - I.C.V. = IRRIGATION CONTROL VALVE
 - C/P = CONC. PATIO
 - W/D = WOOD DECK
 - E.B. = ELECTRIC BOX
 - TEL. PED. = TELEPHONE BOX
 - F.H. = FIRE HYDRANT
 - GLM = GAS LINE MARKER
 - STM MH = STORM SEWER MANHOLE
 - SSMH = SANITARY SEWER MANHOLE
 - X = FENCE
 - OH = OVERHEAD POWER LINE

SURVEY PLAT
1.145 ACRES IN THE
M.R. WRIGHT SURVEY A-1.
CITY OF LAKE DALLAS
DENTON COUNTY, TEXA

4238 I-35 NORTH
DENTON, TEXAS 76207
(940) 382-4016
FAX (940) 387-9784

ANDMARK
SURVEYORS, LLC.
TX FIRM REGISTRATION NO. 10098600

DRAWN BY: BTH SCALE: 1"=40'
DATE:

TRACT 2
TO
NELLY P. HOWARD
STEPHEN A. HOWARD &
WIFE MARY INEZ HOWA
VOL. 861, PG. 564
D.R.D.C.T.

TRACT 1
TO
NELLY P. HOWARD
STEPHEN A. HOWARD AND
WIFE MARY INEZ HOWARD
VOL. 861, PG. 564
D.R.D.C.T.

LOT 1
S & C
CAB. A
P.



212 Main Street, Lake Dallas, TX 75065
940-497-2226 Ext. 402 Fax 940-497-4485 www.lakedallas.com

City of Lake Dallas Zoning Application

Zoning Change (incl. Planned Development) Specific Use Permit Variance
ROW-Easement Vacation (Abandonment) Special Waiver or Exception

Property Address: 503 Main Street Current Zoning: _____ Proposed Zoning: _____
Legal Description of Property: _____
Explanation of Request: Reuse the existing double pole sign for our businesses

Applicant Name: Lance White/Carmen White Company: LT Worldwide Solutions
Address: 147 Garth Lane, Hickory Creek, Tx 75065
Phone: 817-808-5626 Email Address: lance@greeneagle-construction.com

Property Owner Name: Lance White/Carmen White Company: same as above
Address: _____
Phone: _____ Email Address: _____



Applicant's Signature

Lance White

Please Print Name

3/14/22

Date

If you are submitting this application on behalf of the property owner, the following must be completed:
I am authorized to make application for a _____ on behalf of the owner of this property.
Signed: _____ (Agent)

The above person is my representative, authorized to make application for a _____ on my behalf,
and I _____, hereby certify that I am owner of the property for which this
application is made.

Notary Public Signature

If required, a notification fee of \$250.00 is required for items that require public notice to newspaper and adjacent properties, in addition to the standard fee.

Information listed below to be completed by City Staff:

Date Submitted: _____ Received by: _____ Amount: \$ _____

Probable P & Z or BOA Date: _____ Probable City Council Date: _____

For all applications the owner or representative of the property must be present at the Public Hearing whether it is the Board of Adjustment, City Council, or Planning and Zoning Commission.



212 Main Street · Lake Dallas, Texas 75065 · (940) 497-2226 · Fax (940) 497-4485

www.lakedallas.com · lakedallas@lakedallas.com

RECEIVED
MAR 18 2022

March 14, 2022,

Dear Sir or Madam:

BY:

This letter is to inform you that a property owner in your area has submitted a request for a variance to sign provisions specified in the Lake Dallas Municipal Code. You are being notified by State law because you own one or more properties that are within 200 feet of the property for which this application has been requested.

Public Notice

Notice is hereby given that the City of Lake Dallas Board of Adjustments will conduct a public hearing on March 30, 2022 at 6:00 p.m. to receive public comment and act on the following item:

Receive public comment and testimony regarding a request for a variance to the Lake Dallas Municipal Code, Chapter 80 "Signs," specifically Sec. 80-23 "Prohibited Signs," relating to the allowance of a pole signs situated outside of the IH-35 Business Corridor District. The property is located at A1355A Wright Addition, Tract 37, commonly known as 503 Main Street, Lake Dallas, Denton County, Texas, and is zoned Commercial District (C-3) with a Downtown District Overlay.

Meetings will take place at Lake Dallas City Hall, 212 Main Street, Lake Dallas, Texas 75065. The public is invited to attend these hearings and make comments. Information and instructions on how to participate in the public hearings will be included with the agenda for the Board of Adjustment Meeting which will be posted on the City's website not later than 5:00 p.m. on Friday, March 25, 2022 at: <https://www.lakedallas.com/AgendaCenter>

You may return this form with your written comments or attend the public hearing. You may scan and email this form to the email address below, drop it off in person at 212 Main St., or mail it to City Hall:

Lake Dallas City Hall
Attn: Angie Manglaris
212 Main St.
Lake Dallas, Texas 75065
amanglaris@lakedallas.com

The Board of Adjustment is informed of responses in support and in opposition.

Please circle one: In favor of request Neutral to request

Opposed to request

Comments:

Signature: _____

Printed Name: _____

Mailing Address: _____

City, State Zip: _____

Telephone Number: _____

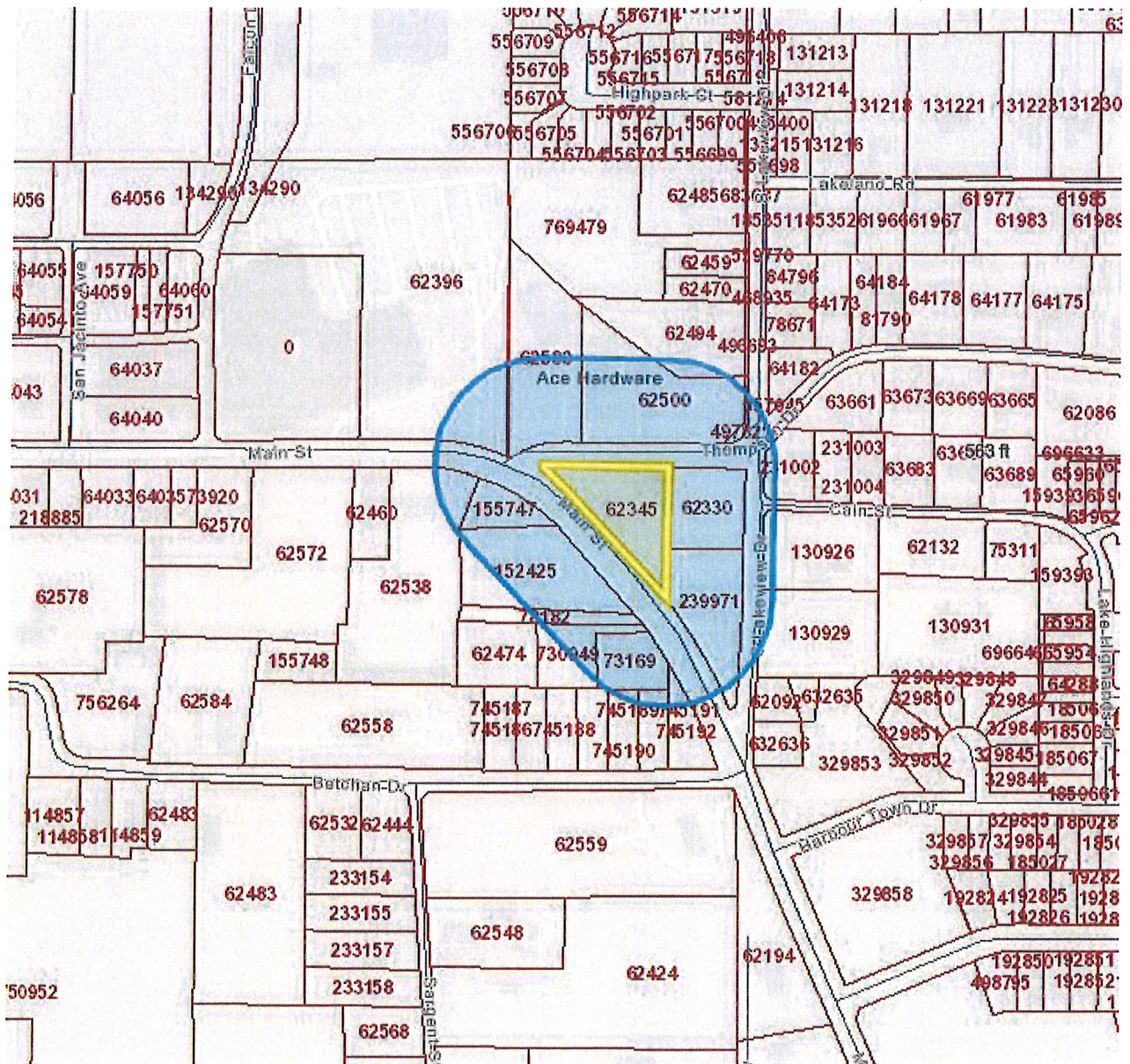
Physical Address of Property within 200 feet: _____

If you have questions prior to these meetings, please contact the Department of Development Services at (940) 497-2226, Ext. 401, or by email at amanglaris@lakedallas.com.

Thank you,

Angie Manglaris, AICP
Director of Development Services

Vicinity Map





BOARD OF ADJUSTMENTS
AGENDA MEMO

Prepared By: Angie Manglaris, AICP, Director of Development Services

March 30, 2022

109 Market Street - Appeal

DESCRIPTION:

Receive public comment and testimony regarding an appeal of a decision made by an administrative official pursuant to the Lake Dallas Municipal Code, Chapter 22 "Buildings and Building Regulations," Article II. "Minimum Housing and Building Standards Code," Division IV. "Board of Adjustments," Section 22-164 Appeals, relating to Notice of Violation and abatement action taken pursuant to Sections 22-62 and 42-74 of the Lake Dallas Municipal Code. The subject property is situated at Block 5, Lot 1R, OT Garza, Lake Dallas, Denton County, Texas, and more commonly known as 109 Market Street.

EXISTING CONDITIONS:

The property is situated in the Downtown Overlay and has a base zoning of Commercial (C-1). The property is currently developed and is the location of the Lake Dallas Bungalows. The site consists of two (2) duplex units, providing for four (4) dwelling units.

ADJACENT LAND USES AND ZONING:

North: Commercial (C-1) with a Downtown Overlay – Single-family residential

East: Commercial (C-1) with a Downtown Overlay – Market Street Mercantile

South: Commercial (C-3) with a Downtown Overlay – The old Boy's and Girl's Club

West: Commercial (C-1) with a Downtown Overlay – Single-family residential

BACKGROUND INFORMATION:

In February 2021, Code Compliance Officer Daniel Rusnak observed brush and limbs discarded in the right-of-way at 109 Market Street, Lake Dallas, Texas. This is the location of the Lake Dallas Bungalows. The observation made by Mr. Rusnak was a violation of the Lake Dallas Municipal Code, Chapter 22 "Buildings and Building Regulations," Section 66 "Land to be free of insect and rodent harborage"; and Chapter 42 "Environment" Section 74 "Trash and Rubbish." The two sections of the Code are attached to this Agenda Memo.

After observing the violations, Mr. Rusnak proceeded with standard Code Enforcement policy and procedures to address the matter. The timeline of events relating to the matter is as follows:

- February 2, 2021 – Daniel Rusnak, Code Compliance Officer, observed an assortment of brush and limbs discarded in the Right-of-Way of 109 Market Street while on routine inspection. Code Compliance Officer Rusnak stopped and left a yellow tag notice of violation warning affixed to the debris.

- The notice of violation provided ten (10) days for the owner to bring the property back into compliance.
- On February 12, 2021, Code Compliance Officer Rusnak conducted a reinspection of the property and confirmed there had been no progress made.
- On February 12, 2021, Code Compliance Officer Rusnak issued a final warning to the property owner regarding the Code Violation. The final warning notice provided the property owner with the City's expected outcome for the case: "remove all trash and debris from the property. Contact Republic at (972) 316.0789 for a special pickup for any items that do not fit in a trash container." The final warning gave a compliance date of February 22, 2021.
- On February 22, 2021, Code Compliance Officer Rusnak reinspected the property and confirmed the violation had not been resolved.
- On February 22, 2021, Code Compliance Officer Rusnak contacted Lawn Butler, City-contract landscaping company authorized to resolve violations, and asked them to address the matter.
- On February 24, 2021, Code Compliance Officer Rusnak confirmed Lawn Butler abated the violations at 109 Market Street.
- On February 26, 2021, the property owner reached out to Code Compliance Officer Rusnak and stated that he was missing a pile of firewood and asked if Officer Rusnak had anything to do with the removal. Officer Rusnak responded by stating that he did not observe any firewood onsite and provided a recap of the notices of violation that had been given to the owner.
- On March 1, 2021, Code Compliance Officer Rusnak received the abatement invoice from Lawn Butler for the property. The invoice was provided to the Finance Department to be processed and sent to the owner for payment of services.
- On May 19, 2021, the Finance Department sent the invoice to the property owner.
- On May 27, 2021, the property owner contacted the interim City Manager, indicating receipt of the invoice and statement of circumstance regarding the debris. The property owner stated he would pay the bill if the City would reimburse him for removed firewood.
- On June 4, 2021, the interim City Manager responded to the property owner's request and informed him the appropriate means of handling the matter was by way of filing an appeal and allowing the Board of Adjustment to resolve the matter.

Per Ordinance, the City may, after ten (10) days of the notice of violation period, do or cause work to be done necessary to bring the property back into compliance. Expenses incurred as part of violation abatement shall be paid by the City and charged to the owner of such property.

PUBLIC HEARING:

In accordance with State Law and the Lake Dallas Municipal Code, notice of public hearing was published in the Denton Record Chronicle and sent to property owners within a 200' radius of the property. As of March 24, 2022, the following responses have been received:

FINANCIAL CONSIDERATION:

NA

RECOMMENDED MOTION:

After conducting the public hearing and holding discussion, staff recommends the following motion:

I move to uphold the notice of violation and subsequent abatement action taken by the City of Lake Dallas pursuant to Sections 22-62 and 42-74 of the Lake Dallas Municipal Code, pertaining to Block 5, Lot 1R, OT Garza, Lake Dallas, Denton County, Texas, and commonly known as 109 Market Street.

I move to overturn the notice of violation and subsequent abatement action taken by the City of Lake Dallas pursuant to Sections 22-62 and 42-74 of the Lake Dallas Municipal Code, pertaining to Block 5, Lot 1R, OT Garza, Lake Dallas, Denton County, Texas, and commonly known as 109 Market Street.

ATTACHMENTS:

- Notices of Violation
- Site Photographs
- Abatement Invoice
- Section 22-66 of the Lake Dallas Municipal Code
- Section 42-74 of the Lake Dallas Municipal Code

Angie Manglaris

From: Daniel Rusnak
Sent: Tuesday, February 2, 2021 11:25 AM
To: Terry Lantrip
Cc: John Cabrales; Angie Manglaris
Subject: RE: MARKET STREET - MATERIALS ON CURB *** 2/2/21 FOLLOW UP ***
Attachments: IMG_2581_020221.JPG

Terry – Following up on the email below from last week. My apologies if I've overlooked a response from you.

Please see attached photograph. As of this morning, the trash and debris is still located in the ROW in front of your property. Since this is a violation of Lake Dallas Municipal Code, I've issued you a Yellow Tag warning and affixed it to the trash. Please remove the trash immediately.

Thank you.

Best Regards,

Daniel Rusnak

Code Compliance Officer, City of Lake Dallas
212 Main Street, Lake Dallas, TX 75065
Cell: 817-403-5477



From: Daniel Rusnak
Sent: Tuesday, January 26, 2021 4:52 PM
To: Terry Lantrip <terrylantrip@hotmail.com>
Cc: John Cabrales <jcabrales@lakedallas.com>; Angie Manglaris <amanglaris@lakedallas.com>; Daniel Rusnak <drusnak@lakedallas.com>
Subject: RE: MARKET STREET - MATERIALS ON CURB
Importance: High

Good afternoon, Terry – Following up on the email thread below to make you aware that someone continues to place materials which appear to be trash in the Right of Way directly in front of your property. Please see attached photographs for reference. As the property owner, you are ultimately responsible. I'm asking you to please investigate and do what's necessary to put a stop to this. There is no reason why the trash can't be put in the dumpsters located on the east side of the bungalows.

In advance, thank you for your cooperation.

Best Regards,

Daniel Rusnak

Code Compliance Officer, City of Lake Dallas
212 Main Street, Lake Dallas, TX 75065
Cell: 817-403-5477



FINAL WARNING

Due to a lack of voluntary compliance in response to a Notice of Violation issued to the owner and/or tenant of this property on 2/2/21, the following will take place **the morning of 2/22/21**:

A **summons** will be requested from the City Municipal Court. If a summons is issued by the Municipal Judge, the defendant must appear in court on the date specified in the summons.

A **citation** will be issued for the violations listed below.

A **work order** will be submitted to a City contractor for the removal/correction of the conditions listed below as allowed by law. You will be billed for all costs of labor, materials, and administrative fees that apply. If the bill is not paid an interest-accruing lien can be placed against the property.

To avoid a summons, citation and/or work order, the following must be completed:

Cut all grass/weeds that is taller than 6" and edge sidewalks on the property.

Remove all vehicles blocking the sidewalk.

Remove all vehicles, including trailers, from the grass/dirt.

Remove all trash and debris from the property. Contact Republic at (972) 316-0789 for a special pickup for any items that do not fit in a trash container.

Make all vehicles on the property operable, have current registration or remove them from public view.

Store your trash/recycling containers at the side or rear of your home, or in a building/garage.

All outdoor storage of tools, equipment, furniture, plastic, wood, metal, containers, buckets, bags, and/or other objects of any kind must be removed from public view.

Other – As a point of clarity to the checked box above regarding trash, suggest you utilize the dumpster located on the east side of the bungalows.

If you have corrected the violation(s) after receiving this Notice, you must contact the Officer below immediately to request a re-inspection and to avoid a summons, citation or work order.

Scheduled Reinspection Date: **2/22/21 8AM**

Officer Daniel Rusnak
drusnak@lakedallas.com
(817)-403-5477



02/02/21 10:49 AM



02/12/21 08:36 AM



02/22/21 10:58 AM



02/24/21 08:37 AM



P.O. Box 2015
 Lake Dallas, TX 75065
 PH# 972-317-2200

Invoice

Date	Invoice #
2/25/2021	27846

Bill To
City of Lake Dallas 212 Main Street Lake Dallas, Texas 75065

Ship To
City of Lake Dallas 109 Market Street Lake Dallas, TX 75065

Terms	Rep
Net 30	DDS

Description	Qty	Rate	Amount
Development Service Abatement-01-08-55507 109 Market Street Pick up limbs and debris under tree in front		50.00	50.00

All invoices are due upon receipt. We appreciate your business.	Subtotal	\$50.00
	Sales Tax (0.0%)	\$0.00
	Total	\$50.00
	Payments/Credits	\$0.00
	Balance Due	\$50.00

Sec. 22-66. Land areas to be free of insect and rodent harborage.

All land areas shall be kept reasonably free from sources of insect, vermin and rodent breeding, harborage and infestation. Where insect, rodent or vermin breeding areas, harborage or infestation exist, such areas, harborage or infestation shall be eliminated.

(Ordinance 193, part 1, § 27, 1985; Code 1989, § 15.12.110)

Sec. 42-74. Trash and rubbish.

- (a) *Nuisance declared.* The following acts constitute a public nuisance and are prohibited:
- (1) Any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, failing to remove any refuse, trash, debris, filth, carrion, junk, or garbage from any such real property, including easements and rights-of-way located on or immediately adjacent to such real property. It is a defense to this subsection (1) that the refuse, trash, debris, filth, carrion, junk, or garbage:
 - a. Has been placed on the property in closed containers in compliance with subsection (b) or (c); or
 - b. Properly placed for collection by the city's authorized solid waste collection contractor in compliance with section 86-33.
 - (2) Any person maintaining real property within the city in a manner that creates unsanitary conditions that are likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests.
- (b) *Closed containers required.* The operator or manager of every business house in the city, and the occupant of every residence within the city, and the manager of each place of public assembly are required to maintain suitable closed containers for the purpose of depositing trash and refuse, which containers shall be kept closed at all times except when refuse is being deposited in or taken from them.
- (1) Trash shall be placed in a proper container in front of each residence on trash pickup day.
- (c) *Containers to be kept in rear of premises.* Containers shall be kept at the rear of the business house, residence or place of public assembly if feasible; and if not feasible, they shall be kept in a place designated by the fire marshal and building inspector of the city.
- (d) *Burning of trash.*
- (1) *Permit required.* Burning of any trash, rubbish, paper, grass or other flammable material within the city without a permit issued by the fire marshal of the city is prohibited.
 - a. The person proposing to burn any trash, rubbish, paper, grass or other flammable material within the city shall, 24 hours prior to such proposed burning of any trash, rubbish, paper, grass or other flammable material, make an application to the fire marshal of the city for a permit to burn any trash, rubbish, paper, grass or other flammable material within the city. Such application shall state the time, place and character of the materials to be burned, the name of the person making the application, and the name of the person who will be in charge of the burning.
 - b. The fire marshal of the city, after examining the application, shall issue a permit to the applicant if he determines that the proposed burning is not extra-hazardous, which permit shall state the time and place of such burning so authorized, the name of the person who will be in charge of the proposed burning and such other requirements as the fire marshal deems necessary to prevent any undue hazards.
 - c. The permit so issued shall be in possession of the person in charge of the burning at all times during the burning.
 - (2) *Burning in public places.* No trash, rubbish, paper, grass or other flammable materials shall be burned in any street, alley or other public place within the corporate limits of the city, nor in any place other than on private premises.
 - (3) *Burning near structures.* No trash, rubbish, paper, grass or other flammable materials shall be burned within the fire limits of the city nearer than 30 feet to any building or other structure; nor shall any

trash, rubbish, paper, grass or other flammable materials be burned nearer than 15 feet to any residence or other structure located within the city and outside the fire limits of the city.

(Ordinance 4, § 5, 1965; Ordinance 70, 1975; Code 1989, § 8.04.050; Ordinance 01-09, §§ I, II, 3-29-01; Ord. No. 2019-07 , § 1, 3-28-2019)