

**State of Texas
County of Denton
City of Lake Dallas**

The Board of Adjustments of the City of Lake Dallas met November 23, 2015 at 7:30 p.m. in the Lake Dallas City Hall located at 212 Main Street, Lake Dallas, Texas with notice of the meeting posted as required by Title 5, Chapter 551.041 of the Texas Government Code.

1. Roll Call

Members Present: Steven Bertrand, Terry Tuck, Cindy Nelson, Karl Hammond, and Kathy Brownlee

Staff Present: Community Development Director Char DuPree and Planning and Zoning Secretary Khara Sherrill

2. Consideration and Action on approval of Minutes for the August 24, 2015 meeting.

Motion to approve the minutes for August 24, 2015 was made by Terry Tuck; second by Cindy Nelson

Ayes: Terry Tuck, Cindy Nelson, Steven Bertrand, Karl Hammond and Kathy Brownlee

Noes: None

3. Public Hearing to hear comments on a request by Sam Montalvo for a variance at 750 Carlisle Drive, Abstract 0284a of the Cobb Survey, Tract 39, to reduce the backyard setback to a twenty three and a half (23 1/2) foot setback from the property line where a thirty (30) foot setback is required.

David Owen, who resides at 611 Lake, and is a long time friend of the applicant, Sam Montalvo, spoke of Mr. Montalvo's character and was in favor of the variance request.

Kathy Brownlee, who resides at 740 Carlisle, believes that all should follow the rules especially Mr. Montalvo who has been a contractor for many years.

The applicant, Sam Montalvo, residence is also in Lake Dallas at 602 Myers, spoke in regard to the variance. He is the owner and the contractor for the property at 750 Carlisle. He built the house on the property in 1997.

No one else came forward and the public hearing was closed.

4. Consideration and Action to approve the request by Sam Montalvo for a variance at 750 Carlisle Drive, Abstract 0284a of the Cobb Survey, Tract 39, to reduce the backyard setback to a twenty three and a half (23 1/2) foot setback from the property line where a thirty (30) foot setback is required.

Char DuPree, Community Development Director, gave an overview regarding this variance request. Once the complaint came in, a letter was sent to Mr. Montalvo. He immediately submitted the plans for review. The plan review was denied and halted because it did not meet the rear setback requirements, and a variance would be required. Ms. DuPree gave the board options in regard to this request. The International Building Code allows permit fees to be doubled if the contractor or property owner fails to obtain a permit and a citation can be issued to Mr. Montalvo. The Board can allow the variance or require him to remove the addition entirely. If the variance passes, the plan review can continue.

Steve Bertrand asked Mr. Montalvo how long ago he started this project and he answered it was six months ago.

Steven Bertrand asked the Brownlee's how the construction affects them. Their concern is that the building does not meet code and is not safe and due to its proximity to the Corp property it could negatively impact the value of their home.

Char DuPree shared with the Board the building permit application and the corresponding fees.

The Board discussed the various fees that would be required of Mr. Montalvo. It was determined that the permit fees would be doubled and a citation issued for building without a permit.

Motion to approve the variance at 750 Carlisle to reduce the backyard setback to a twenty three and a half foot setback from the property line where a thirty foot setback is required and require the permit fees doubled and a citation issued for building without a permit was made by Terry Tuck; second by Kathy Brownlee.

Ayes: Terry Tuck, Kathy Brownlee, Steven Bertrand, Cindy Nelson, and Karl Hammond

Noes: None

Motion Passed

5. **Public Hearing to hear comments regarding the City's request to condemn the residential structure at 326 Main due to the structure being uninhabitable and substandard as defined by the minimum building standards in the City of Lake Dallas Municipal Code and the 2009 International Building Code.**

Jason Masten, 108 Hickory Ln in Hickory Creek, is the owner of the property in question and is in agreement that the structure needs to be condemned. He asked the Board to approve the request.

No one else came forward and the public hearing was closed.

6. **Consideration and Action to approve the City's request to condemn the residential structure at 326 Main due to the structure being uninhabitable and substandard as defined by the minimum building standards in the City of Lake Dallas Municipal Code and the 2009 International Building Code.**

Char DuPree explained to the Board the reason this was before them and explained that Mr. Masten bought the property from the previous owner Avi Collins. If the property is condemned by the Board of Adjustment it allows Mr. Masten to immediately demolish the structure at his own expense.

Motion to approve the condemnation of the residential structure at 326 Main was made by Karl Hammond; second by Terry Tuck.

Ayes: Karl Hammond, Terry Tuck, Steven Bertrand, Cindy Nelson and Kathy Brownlee,

Noes: None

Motion Passed

6. Consideration and Action to approve the City's request to condemn the residential structure at 326 Main due to the structure being uninhabitable and substandard as defined by the minimum building standards in the City of Lake Dallas Municipal Code and the 2009 International Building Code.

Char DuPree explained to the Board the reason this was before them and explained the Mr. Masten bought the property from the previous owner Avi Collins. If the property is condemned by the Board of Adjustment it allows Mr. Masten to immediately demolish the property without requiring him to do an asbestos mediation and other certain requirements which is very expensive. The City will not incur any charges with this request.

Motion to approve the condemnation of the residential structure at 326 Main was made by Karl Hammond; second by Terry Tuck.

Ayes: Karl Hammond, Terry Tuck, Steven Bertrand, Cindy Nelson and Kathy Brownlee,
Noes: None

Motion Passed

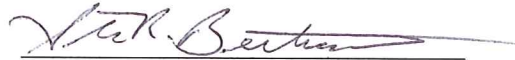
7. Adjournment

Chairperson Bertrand Adjourned the meeting.

The meeting was adjourned at 8:40 PM.



Khara Sherrill, Planning and Zoning Secretary



Steven Bertrand, Chair