

A G E N D A
Board of Adjustment
Lake Dallas City Hall
212 Main Street
January 19, 2016 7:30 PM

Notice is hereby given as required by Title 5, Chapter 551.041 of the Texas Government Code that the Board of Adjustment of the City of Lake Dallas will meet in a Special Meeting on January 19, 2016 at 7:30 PM in the Lake Dallas City Hall, 212 Main Street, Lake Dallas, Texas. The agenda follows:

1. **Roll Call**
2. **Consideration and Action on approval of Minutes for the November 23, 2015 meeting.**
3. **Public Hearing to hear comments on a request by John Lugenheim for a variance at 107 N Lakeview Drive, Lot 6, Block A, of the Garza Beach Estates, to reduce the front yard setback to a twenty (20) foot setback from the property line where a twenty five (25) foot setback is required and to reduce the south side yard setback to a seven (7) foot setback from the property line where a ten (10) foot setback is required.**
4. **Consideration and Action to approve a request by John Lugenheim for a variance at 107 N Lakeview Drive, Lot 6, Block A, of the Garza Beach Estates, to reduce the front yard setback to a twenty (20) foot setback from the property line where a twenty five (25) foot setback is required and to reduce the south side yard setback to a seven (7) foot setback from the property line where a ten (10) foot setback is required.**

I, Joni Vaughn, City Secretary, certify that this agenda was posted on the City of Lake Dallas bulletin board as required by January 15, 2016 at 5:00 p.m.

Joni Vaughn, City Secretary

This building is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours ahead of meeting. To make arrangements, call 940-497-2226 or (TDD) 1-800-RELAY-TX (1-800-735-2989) to reach 940-497-2226.

The Board of Adjustment reserves the right under Section 551.071(2) of the Texas Government Code to seek legal advice from the City Attorney on any of the agenda matters which under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly establish as confidential.

I certify that the above notice and agenda of items to be considered by the Board of Adjustment was removed by me from the City Hall bulletin board on the _____ day of January, 2016.

Joni Vaughn, City Secretary

**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

Char gave the Board updates on previous cases and the possibility of a variance request in December.

7. Adjournment

Chairperson Bertrand Adjourned the meeting.

The meeting was adjourned at 8:40 PM.

Steven Bertrand, Chair

Khara Sherrill, Planning and Zoning Secretary

**Board of Adjustment
Agenda Items 3 & 4
January 19, 2015**

January 14, 2016

MEMORANDUM

TO: Board of Adjustment

THROUGH: Nick Ristagno, City Manager/Police Chief

FROM: Community Development: Char DuPree

SUBJECT: Variance: 107 N. Lakeview Drive: Front & Side Yard Setback Variance

Request: To approve a variance of a commercial front yard setback of 20 ft. where 25 ft. is required and reduce the side yard setback to 7 ft. where 10 ft. is required.

Zoning: The property is currently zoned C-1 Commercial with an SUP for mixed use.

Background: The replat and site plan for this property was approved approximately 6 years ago, prior to the reconstruction of Lakeview Drive. Part of the reconstruction included the City purchase of a front right of way used to install a pedestrian sidewalk on the west side of the street. As a result of the right of way purchase, this lot does not meet the required setbacks.

Coordination: Community Development Department

Recommendation: The City recommends this request be approved.

Attachments: Variance application, original property survey, right of way survey and site plan



212 Main Street, Lake Dallas, TX 75065
940-497-2226 Ext. 110 Fax 940-497-4485 www.lakedallas.com

City of Lake Dallas Development Application

☐ Special Exception ☐ Special Use Permit ☐ Special Waiver ☒ Variance ☐ Zoning Change

A non-refundable filing fee of \$500.00 must accompany each application.

The Property Address: 107 N. Lakewood Dr. Current Zoning: C1 Proposed Zoning: N/A
Legal Description of Property: Lot 6 Block A of Garza Beach Estates
Explanation of Request: Variance of set back of building on lot.

Applicant Name: John Lugenheim Company: Lakewood Commercial Inc.
Address: P.O. Box 1000 Lake Dallas, Tx 75065
Phone: 972 841 3715 Email Address: jrlugenheim@gmail.com

Property Owner Name: Ivan Alvarez Company: Bean Counters Ventures LLC
Address: 525 Fort Worth Dr. Suite 204 Denton, Tx 76201
Phone: 972 310 0977 Email Address: ivan@ja-cpa.com

☒ Developer

☐ Engineer

☐ Surveyor

Name: John Lugenheim Company: Lakewood Commercial Inc.
Address: P.O. Box 1000 Lake Dallas, Tx 75065
Phone: 972 841 3715 Email Address: jrlugenheim@gmail.com

J.R. Lugenheim
Applicant's Signature

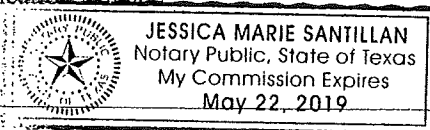
John Lugenheim
Please Print Name

11/20/15
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 Ivan Alvarez on behalf of the owner of this property.
Signed: [Signature] (Agent)

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



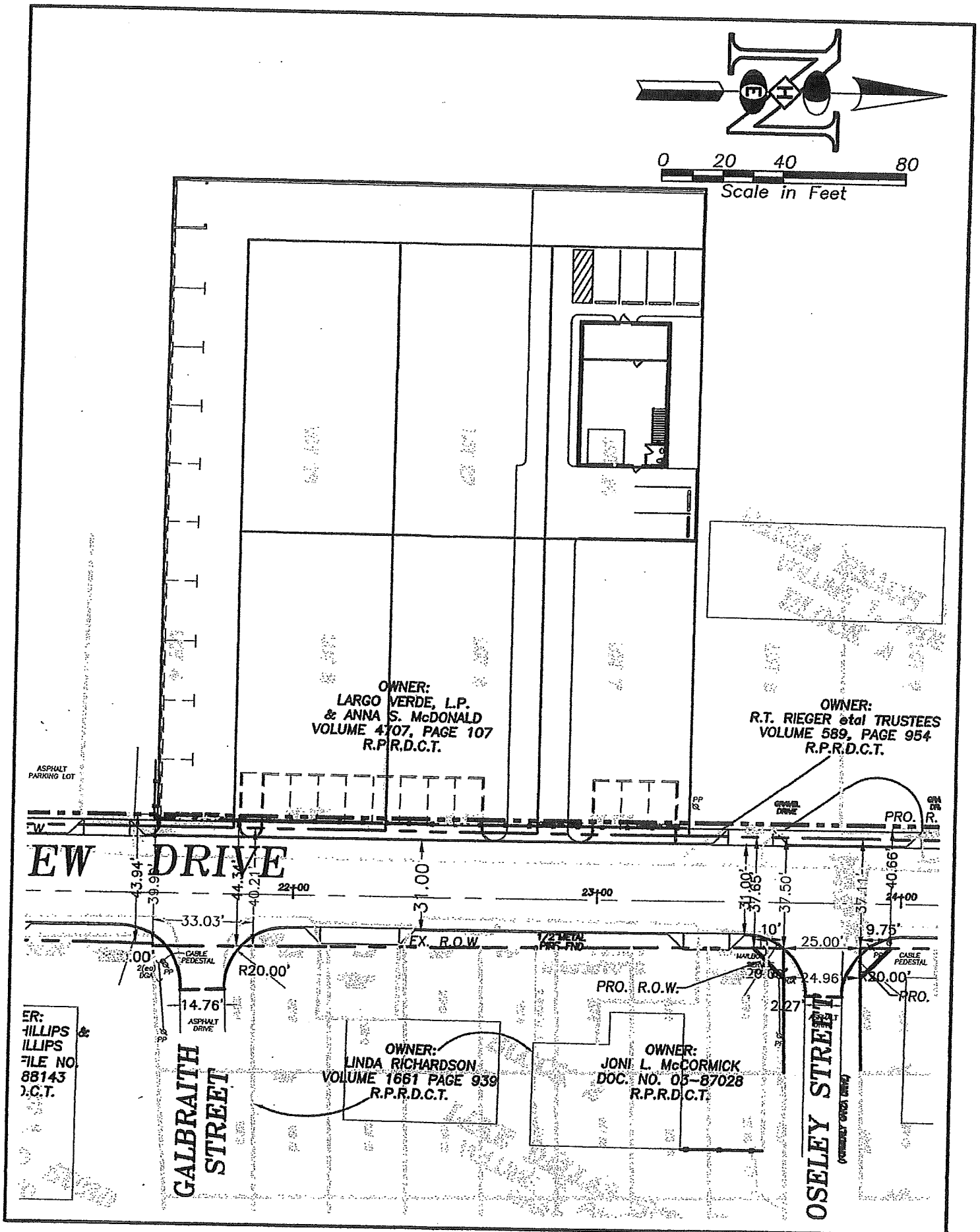
[Signature]
Notary Public Signature

Information listed below to be completed by City Staff:

Date Submitted: _____ Received by: _____ Amount: \$ 500.00

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

RECEIVED NOV 24 2015



LOT 25

LOT 8

1/2" IRF
CM

LOT 26

LOT 7

NORTH 50.00'

10.0'

5.0'

"X" CUT SET

VARIABLE WIDTH
ACCESS EASEMENT
PER INST# 2010-68405

EAST 95.62'

CAP/IRS

GRAVEL

LOT 27

0.11 ACRE
A TRACT OF LAND
DESCRIBED IN A DEED TO
BEAN COUNTER VENTURES
LLC - SERIES 107
INST# 2015-84877
R.P.R.D.C.T.

A PART OF
LOT 6
BLOCK A

VARIABLE WIDTH
UTILITY EASEMENT
CCF# 2010-68404

NORTH 50.00'

POB

5.0'

S 00°05'56" E 50.00'

R.O.W. DEDICATION: INST# 2011-15812

WATER
METER

WEST 95.75'

CAP/IRF

CAP/IRS

5' SANITARY SEWER LINE EASEMENT
VOL. 1053, PG. 644

LOT 28

LOT 5

SOUTH 50.00'

5.0'

CAP/IRF
CM

LOT 29

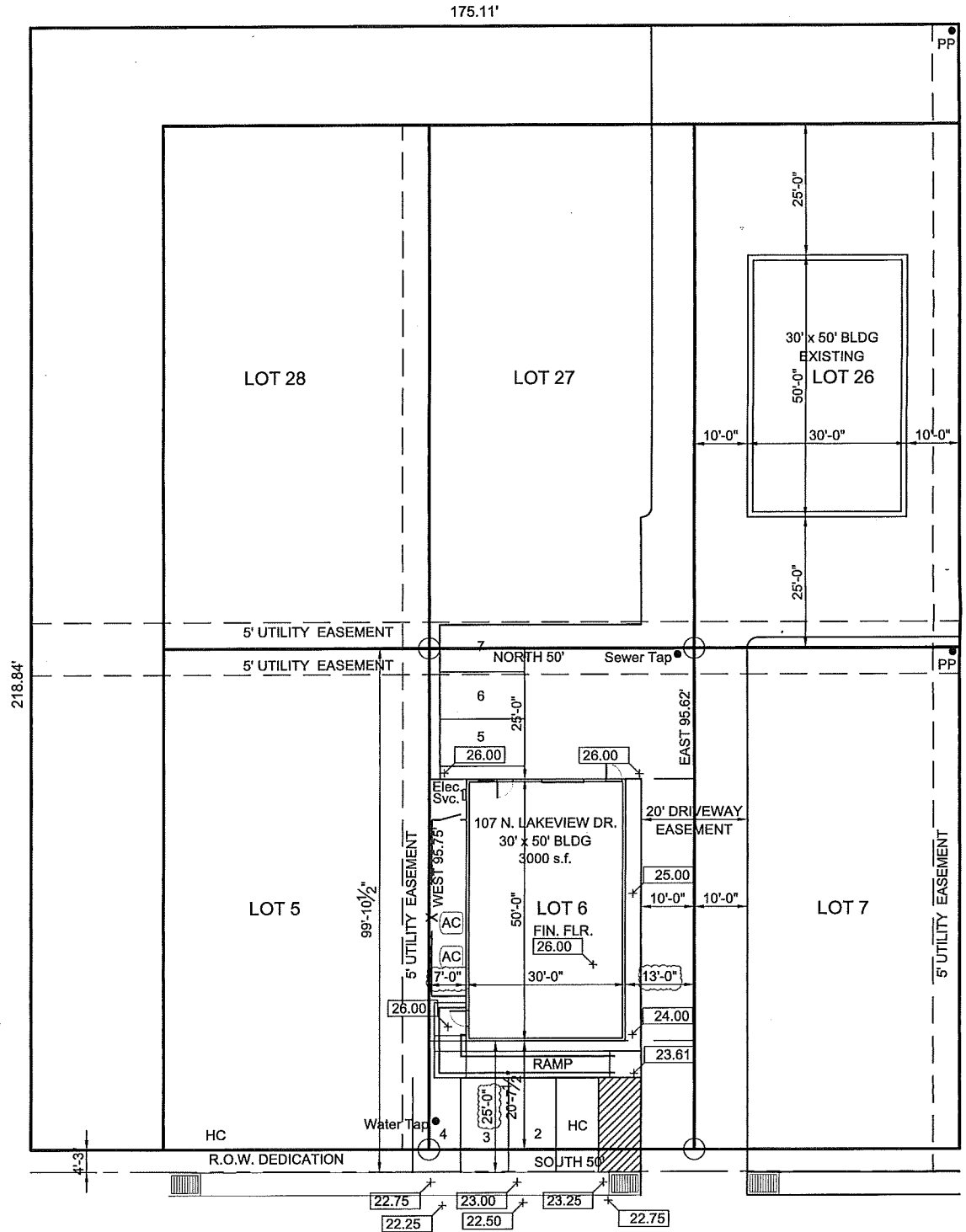
LOT 4

NOTE: BUILDING IS 100% MASONRY

RECEIVED NOV 24 2015

BUILDING SHALL MEET THE FOLLOWING:

2009 INTERNATIONAL BUILDING CODE
2009 INTERNATIONAL PLUMBING CODE
2009 INTERNATIONAL MECHANICAL CODE
2008 NATIONAL ELECTRIC CODE
TEXAS ACCESSIBILITY STANDARD
INTERNATIONAL FIRE CODE
2008 IECC



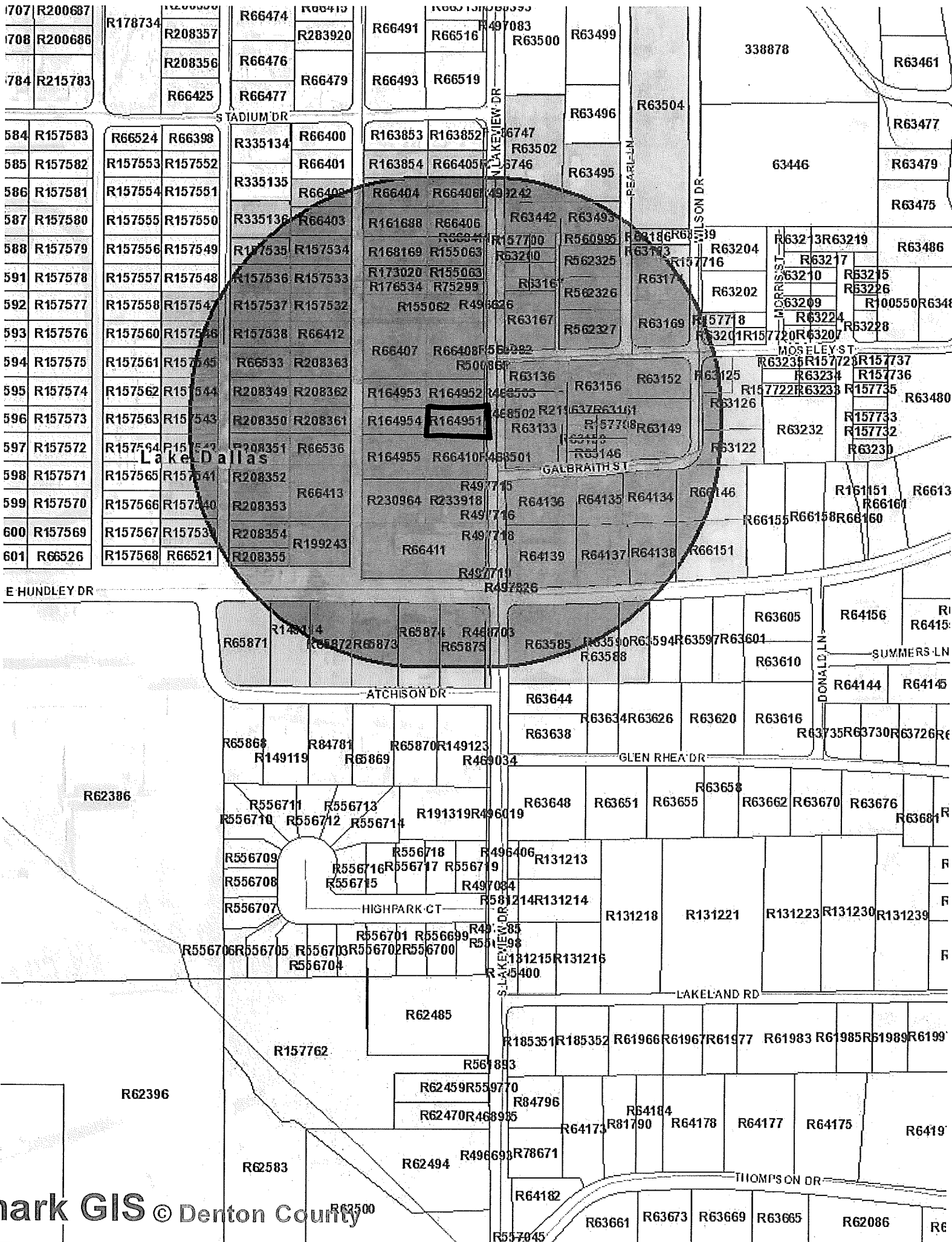
LAKEVIEW DR.

SITE PLAN

1" = 20'-0"

11/23/15





CITY OF LAKE DALLAS
212 MAIN ST.
LAKE DALLAS, TEXAS 75065
(940) 497-2226

54250

DATE 11/24/15

RECEIVED FROM John Lugenheim \$ 5 00 00

Five hundred and 00/100

DOLLARS

FOR BOA - Variance

2005

Thank You

AMOUNT OF ACCOUNT		
THIS PAYMENT	<u>500</u>	<u>00</u>
BALANCE DUE		

☐ CASH

☒ CHECK

☐ M.O.

BY K. Sherrill