

State of Texas
County of Denton
City of Lake Dallas

The Board of Adjustments of the City of Lake Dallas met on April 21, 2014 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, Cindy Nelson, Terry Tuck, Danny Everett,
Staff Present: Community Development Director Char DuPree and Planning and Zoning
Secretary Khara Sherrill

2. **Consideration and Action on approval of Minutes for the January 27, 2014 meeting.**

Motion to approve the minutes for January 27, 2014 was made by Terry Tuck; second by Danny Everett

Ayes: Terry Tuck, Steven Bertrand, Danny Everett, Cindy Nelson

Noes: None

Motion Passed

3. **Public Hearing to hear a request by David Chidsey for a variance at 725 Glen Rhea drive, Lot 5, Block A of the WW Little Subdivision, to reduce the backyard setback to a twenty nine and a half (29 1/2) foot setback from the property line where a thirty (30) foot setback is required.**

David Chidsey of 725 Glen Rhea came up to speak regarding his request for the variance. After reviewing hundreds of plans he decided on this final one which lends itself to the lot. It has a very unique layout which backs up to the Corps Property and this plan is the best one he could find. It only extends the extra six inches due to the master bedroom and the chimney and instead of changing the integrity of the design he is requesting this variance from the Board.

There were no complaints from the neighbors and Mr. Chidsey advised they seemed excited about the home he is planning to build.

Steven Bertrand closed the public hearing.

4. **Consideration and Action to approve a request by David Chidsey for a variance at 725 Glen Rhea drive, Lot 5, Block A of the WW Little Subdivision, to reduce the backyard setback to a twenty nine and a half (29 1/2) foot setback from the property line where a thirty (30) foot setback is required.**

Cindy Nelson advised she walks by there every day with her dog and she feels Mr. Chidsey did a good job with the lot and six inches is very minimal.

Motion to approve the variance was made by Danny Everett; Second by Cindy Nelson.

Ayes: Terry Tuck, Steven Bertrand, Danny Everett, Cindy Nelson

Noes: None

Motion Passed

5. **Consideration and Action to hear an appeal regarding the condemnation of the residential structure located at 703 Glen Rhea. The City of Lake Dallas is requesting an order to vacate, secure, repair, remove or demolish the structure in accordance with the City's current Minimum Housing and Building Standards Code and the 2003 International Residential Code.**

Steven Bertrand advised this is normally when they would open it up for public comment but no one was present to speak and he wanted to hear from City Staff. Char DuPree was sworn in by Chairperson Bertrand and gave an overview of what has happened since the last meeting. She has had very little contact with the resident Courtney Varnell. On March 3, 2014, the date set for interior inspection, a friend of Ms. Varnell called Char DuPree and told her Ms. Varnell was in Austin with her daughter and would not be home. Another inspection was scheduled for March 5, 2014, but Ms. DuPree received another call from her friend, Ms. Webber, stating she was still not home. Ms. DuPree advised her to have Ms. Varnell call her as soon as possible but she never called. A letter was hand delivered on April 7, 2014 to Courtney Varnell regarding notice of this meeting. Deputy Code Officer Khara Sherrill was present as a witness. Nothing has been done to the property. The trash that was removed before the January meeting is all that has been done. There is still no potable water or solid waste service.

Cindy Nelson advised she went by the house prior to the meeting and there is still old trash left in the waste management container. Char DuPree referenced the pictures given to the Board and the buckets left in the yard that she uses for obtaining water. She has had contact with the Police Department but the City Attorney, David Berman, advised the contact hasn't had anything to do with the condition of the house. It has mainly been regarding her trying to burn trash which is not allowed within the city limits. Char DuPree did advise Ms. Varnell does currently have electricity but no gas service. The City Attorney confirmed for the record that Ms. DuPree has never had access to the inside of the home and she stated that is correct. He also referred to the carpeting seen in the pictures and that it is wet due to most likely the roof leaking. The structure has obvious broken windows, and a number of locations are currently exposed to the elements. He asked Char DuPree does she believe that the interior of the structure is not fit for human occupation and she advised she does.

David Berman referenced the Order discussed in the January meeting which also required a status report to the Board thirty days after the meeting which Char DuPree confirmed was done. Steven Bertrand stated they had to give her a chance in January to do something to the property but she obviously never complied. He is concerned that Ms. Varnell is basically going to be homeless once the house is condemned but the Board needs to now consider the plight of the neighbors and what they have gone through. Danny Everett mentioned that there apparently has been very little effort to fix what they had requested of her in the January meeting.

The City Attorney stated that even though he cannot tell them what to do, they do have the authority to order the property to be vacated. Also, if they require the structure to be demolished, he recommends that they request it to be done in no more than 30 days from today's date. The Council can determine if they want to extend the time frame. It is not recommended for it to be repaired since they have given her time and nothing has been done.

If for some reason Ms. Varnell does start fixing the property the City could stop the demolition. Chairperson Bertrand wanted to make sure that money would not be taken from the actual homeowner that is currently in a nursing home and has Alzheimer's; the City Attorney assured him that could not happen. If the house does end up being condemned a lien would be placed on the property but the actual initial cost of the demolition would come from the City and the tax payers.

Motion to order the property at 703 Glen Rhea to be vacated immediately and demolition scheduled in 30 days by Danny Everett; Second by Terry Tuck.

Ayes: Terry Tuck, Steven Bertrand, Danny Everett, Cindy Nelson

Noes: None

It was determined that in order to be an official order the Board has to approve the minutes of this meeting and approve the formal order. The meeting just has to be posted within 72 hours but it will not delay the order. A short meeting will be scheduled in the next couple weeks.

6. Adjournment

Motion to adjourn was made by Cindy Nelson; second by Danny Everett.

Ayes: Cindy Nelson, Terry Tuck, Steven Bertrand, Danny Everett

Noes: None

Motion Passed

The meeting was adjourned at 8:33 PM.



Khara Sherrill, Planning and Zoning Secretary



Steven Bertrand, Chair