

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

The Board of Adjustments of the City of Lake Dallas met October 27, 2014 at 7 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, Danny Everett, Carol Ann Connors
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 18, 2014 meeting.

Motion to approve the minutes for August 18, 2014 was made by Carol Ann Connors; second by Terry Tuck.

Ayes: Steven Bertrand, Terry Tuck, Danny Everett, Carol Ann Connors

Noes: None

3. Public Hearing on a Variance

Char DuPree, Community Development Director, was the first to speak in regards to the variance. She advised Mr. Frapp was in the hospital so could not be present to speak. The City is not against the variance. The Board decided they would have the public hearing even though Mr. Frapp was not present.

Mr. Frapp's wife, Debbie Frapp from 5417 Prince Dr was able to attend the meeting and spoke on Mr. Frapp's behalf. They have lived in Lake Dallas for 22 years. They installed a new fence in 2011 and got the proper paperwork. Mr. Frapp restores old cars and wanted to install a carport. Many years ago Oncor had to put in new electric lines and placed them inside the resident's property line so they are not allowed to put poles into the ground to support the fence. Thus, he put in the carport in conjunction with the fence.

Char DuPree also mentioned when the fence was inspected back in 2011, the inspector told them incorrect information, advising them that if they put the carport behind the fence they wouldn't need a permit. There has not been any opposition by surrounding neighbors to the installation of the carport. It wasn't until another person wanted to put in a carport did it come to Code Enforcement's attention.

Public Hearing Closed

4. Consideration and Action on a Variance

The Board didn't have any other questions or concerns on the matter.

Motion to approve the variance was made by Terry Tuck; second by Danny Everett.

Ayes: Steven Bertrand, Terry Tuck, Danny Everett, Carol Ann Connors

Noes: None

5. Consideration and Action regarding the revocation of a Certificate of Occupancy for Jen's Hand Me Ups located at 130 W. Hundley Drive, Lake Dallas, Texas.

Carol Ann Connors asked Jennifer Thrailkill why the property looked like it did on the day of the meeting. She answered that she is in the middle of cleaning it up since people dropped off a lot of stuff over the weekend. Ms. Thrailkill discussed that she is aware of the ordinance to get a dumpster but money is an issue right now. She put up a temporary fence but it keeps getting blown down.

The Board was given pictures taken at 3 PM in the afternoon on the day of the meeting which showed the various debris all over her property. Ms. Thrailkill said she was going through the items left which explained the condition it was currently in. The plan is for a dumpster to be placed in the far corner parking spot where her trailer used to be and a fence would be installed next to it.

Steven Bertrand asked Ms. Thrailkill about the electrical contractor that registered and accepted responsibility on the work that was done. He asked Ms. DuPree if she was happy with that. She advised she was not but the City really doesn't have a choice in the matter since he has accepted responsibility. The plumbing contractor has not submitted liability insurance. He was called by Ms. DuPree three times but has not returned phone calls.

Chairman Bertrand went over the fact that they don't have the documentation they have repeatedly requested and there are still problems with items either in the doorway or surrounding the property. This appears to be a long term trend and even though he understands it is economic, Ms. Thrailkill has been unable to do what the City has required of her. The Board and City have been dealing with this for over four months. Ms. Thrailkill said she has been keeping it clean and they have not had any problems. But Ms. DuPree stated a neighbor has been complaining and submitted a letter and pictures, also claimed there were rodents. Ms. Thrailkill said there have never been any rodents.

Carol Ann Connors said they do feel for her situation but at this point they don't have any other choice. Terry Tuck said is it basically the area is not compatible with the type of business she has. She has eyes surrounding her entire business. Ms. Thrailkill said she has storage in the back and she usually goes through it within a 24 hour time period. Carol Ann Connors said the pictures look like it is a junk shop. The Board stated the neighbor's don't care what day it is, it needs to be clean all the time. Ms. Thrailkill said she could possibly get a loan from a friend in order to put a fence up in the back of the property, which would require a permit, and she would also need to enclose the required commercial dumpster. She could have items outside during business hours but otherwise it needs to be put away.

Bertrand stated he is sympathetic to her situation and the apparent need for her business, but he doesn't know how he can get beyond what they are seeing. She has made strides given her financial situation but how do they keep people from dumping

items onto her property, whether she has a fence or not. Mr. Bertrand asked the Board, is there any way out of this so that the neighbors would be happy and she could continue doing her business? Terry Tuck said the only thing he could think about is finding another location where she could do her business and he asked Char if she was aware of any location. Char DuPree told the Board she actually purchased the property, it is not a lease location. The Board felt this changed the circumstances to an extent. Chairperson Bertrand asked Ms. DuPree if the C/O was revoked would she have a chance to get another certificate of occupancy. Ms. DuPree stated she could possibly get another one but it must meet code. Ms. DuPree told the board how she never met with Ms. Thrailkill when she bought the property and went over a plan of how she should use the property.

The Board and Ms. DuPree discussed how they represent the City and they have to think about the citizens. Terry Tuck asked if it is even feasible to construct a fence at the location. Char DuPree answered she could put a fence on the west side of the property in the back and in one parking space. The dumpster could be placed next to the apartment dumpster with a masonry enclosure on three sides and a solid gate on the fourth side. Carol Ann Connors mentioned that masonry does not only include bricks, but concrete blocks or bricks. The fence must be a solid privacy fence. Char DuPree had asked Jennifer Thrailkill to meet with Chad Thiesen, the Fire Marshal, in regards to the fire lane and where she is allowed to put a fence. The Board expressed their concern of putting a fence between the fire lane and building and even with a tall fence; the apartment complex next door could still see the merchandise.

Ms. DuPree said a responsible business owner needs to think about all these issues before she buys the property for their business. There are also issues with too many items in the entryway which poses a fire issue. Ms. Thrailkill said she keeps the isles clear by measuring them to make sure they are the appropriate amount of feet.

Ms. Thrailkill requested more time so she could install a fence. Chairperson Bertrand asked what she is going to do for masonry around the dumpster. Ms. Thrailkill answered that she would get cinder blocks from her parent's farm. Mr. Bertrand asked if she can put herself in the place of her neighbors and having to look at the mess all around them. She said she keeps the place cleaned up during her business hours on Tuesday through Saturday. She was told it must be cleaned up 24/7. The Board asked how she is going to keep people from dumping their stuff on the property. She said she would put a sign up stating no dumping allowed and put donations behind the fence. She said she would do whatever it takes and pleaded with the Board to give her more time. Ms. Thrailkill has a disabled husband and is the only one to take care of her family. Terry Tuck said there are actually two options for her, install the fencing or remove everything from the exterior of the property. Basically it would be a daily thing to remove everything from the exterior of the property and the neighbors would be happier with that. She stated she talked to several people at the apartments and was not aware there was still a problem with her neighbors.

Mr. Bertrand asked where she could get a loan for the fence and Ms. Thrailkill said

she could get a loan from her husband's best friend. A set of plans must be submitted for a fence permit which includes a survey marking the placement and dimensions of the fence, dumpster and its enclosure. The fence must have poles cemented into the ground and the masonry enclosure must have proper footing so it is secure.

Terry Tuck asked what size of dumpster is required. Char DuPree said it is usually a standard size, much like the size the apartment complex has next door. The masonry must be placed around it where the trash truck could easily pull out the dumpster. Usually it would be around 12 feet wide, 8 feet deep and have a height of 6 feet on three sides and a wooden gate on the fourth side. Ms. Thrailkill said she could get this done by the first week of November.

Carol Ann Connors said she believes that they should give her a two week extension to finish all that needs to be done; if it is not done, then her certificate of occupancy will be revoked. The other Board members agreed. Char DuPree was instructed to write a detailed list of what is required of Ms. Thrailkill and give it to Ms. Thrailkill the next day. This list would include: Liability insurance for the registered plumber, Char to talk to Chad in regards to confirming placement of fire lanes, sidewalk paint marking where the fence would be allowed, description of acceptable fence material allowed, order and have commercial dumpster delivered by Waste Management, and turn in a plan for the dumpster screening which includes marking on the survey its location, how deep the footing is going to be and how it is going to be installed. The location of the dumpster most likely is determined by Waste Management since it must be where they can most easily access it.

Motion to grant an extension to the Temporary Certificate of Occupancy to Monday morning November 10, 2014 at 10 AM that must meet all requirements on the detailed list compiled by Char DuPree in order for her Certificate of Occupancy to be reinstated. If everything is not done as specified then the Certificate of Occupancy will be revoked with no recourse, was made by Carol Ann Connors; second by Danny Everett.

Ayes: Steven Bertrand, Terry Tuck, Danny Everett, Carol Ann Connors

Noes: None

Motion Passed

6. Adjournment

Chairperson Bertrand Adjourned the meeting.

The meeting was adjourned at 8:45 PM.

Steven Bertrand, Chair

Khara Sherrill, Planning and Zoning Secretary