

**BUILDING AND STANDARDS COMMISSION**  
**December 7, 2009**

**MEMBERS PRESENT:**

Arnulfo Alvarado  
William Culhane  
Peggy Ellis  
Pete Samsury  
Kent Paluga  
Randall Wilder  
Nye Gorelangton

**STAFF PRESENT:**

Mike Morrissey, Code Compliance Supervisor  
J'ainene Lowing, Administrative Assistant  
Todd Sukup, Building Inspector  
Guy Giersch, Historic Preservation Officer  
Lori Dees, Environmental Health Manager

The meeting was called to order at 4:01 p.m. by Kent Paluga who explained the purpose and authority of the Building and Standards Commission.

First on the Agenda was the reading and approval of the minutes from the October 12, 2009 meeting. Pete Samsury moved to approve the minutes. Second was made by Bill Culhane. Motion carried unanimously.

Second on the Agenda was Item #09-020, 1101 Oak Street. Staff presentation was made by Guy Giersch. Mr. Giersch stated that staff is recommending final approval of a 30% tax exemption for this property under Level 3 of the Historic Neighborhood Improvement Zone Tax Exemption program.

Pete Samsury moved that the structure located at 1101 Oak Street be granted the tax exemption as applied for and stated and verified by the Preservation Officer. Second was made by Peggy Ellis. Motion carried unanimously.

Third on the Agenda was Item #09-021, 1801 Oak Street. Staff presentation was made by Mike Morrissey. Mr. Morrissey informed the Commission that the owner of the property is Kenneth Spurgin. Staff recommendation for the property is the owner of the property must obtain a building permit within 30 days and have the work completed and inspected within 90 days or obtain a demolition permit and demolish the structure, clean and grade the lot with proper drainage within 30 days of the ordered action. Failure of the owner to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property.

Arnulfo Alvarado moved that the owner of the property must obtain a proper building permit within 30 days and have the work inspected and completed within 90 days or obtain a demolition permit and have the lot cleared and graded within 30 days. If construction is not complete within 90 days the Commission may review the item and may grant additional time if a plan, a schedule, proof of substantial hardship, and proof of substantial progress is given. Failure to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property. Second was made by Randall Wilder. Motion carried unanimously.

Fourth on the Agenda was Item #09-022, 802 East Standifer Street. Staff presentation was made by Mike Morrissey. Mr. Morrissey informed the Commission that the owner of the property is Juan Herrera & Alejandra Garza. Staff recommendation for the property is the owner of the property must grade the lot with proper drainage within 30 days of the ordered action. Failure of the owner to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property.

Pete Samsury moved that the owner of the property must grade with proper drainage within 30 days and provide some kind of ground cover to prevent further erosion. Failure to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property. Second was made by Bill Culhane. Motion carried unanimously.

Fifth on the Agenda was Item #09-023, 515 Wood Street. Staff presentation was made by Mike Morrissey. Mr. Morrissey informed the Commission that the owner of the property is Alexander Park. Staff recommendation for the property is the owner of the property must obtain a building permit within 30 days and have the work completed and inspected within 90 days or obtain a demolition permit and demolish the structure, clean and grade the lot with proper drainage within 30 days of the ordered action. Failure of the owner to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property.

Mr. Morrissey stated that the order needs to include the stand alone garage on the property.

Bob West, 114 College Street, Farmersville, Texas, stated he is the general contractor for the said property. Mr. West stated that he has submitted plans to the City. Mr. West stated that he believes the job can substantially be completed within 90 days.

Peggy Ellis moved that the owner of the property must obtain a proper building permit within 30 days and have the work inspected and completed within 90 days or obtain a demolition permit and have the lot cleaned and graded within 30 days of this order. If construction is not complete within 90 days the Commission may review the item and may grant additional time if a plan, a schedule, proof of substantial hardship, and proof of substantial progress is given. Failure to take the ordered action within the specified time may result in the City taking action to demolish the structure, clean and grade the lot and establish a lien on the property. Second was made by Randall Wilder. Motion carried unanimously.

Sixth on the Agenda was Item #09-024, 808 Fitzhugh Street. Staff presentation was made by Mike Morrissey. Mr. Morrissey informed the Commission that the owner of the property is Virginia Carpenter. Staff recommendation for the property is the owner of the property must obtain a building permit within 30 days and have the work completed and inspected within 90 days or obtain a demolition permit and demolish the structure, clean and grade the lot with proper drainage within 30 days of the ordered action. Failure of the owner to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property.

Artie Gray, 1005 North Cottonwood, Richardson, Texas, stated that he has a contract on the property. Mr. Gray stated that a closing date is set for tomorrow, December 8<sup>th</sup>, but there are some title issues and they can not get clear title. Mr. Gray stated that he is indecisive on whether he will demolish or rebuild.

Randall Wilder moved that the owner of the property must obtain a proper building permit within 30 days and have the work inspected and completed within 90 days or obtain a demolition permit and have the lot cleaned and graded within 30 days of this order. If construction is not complete within 90 days the Commission may review the item and may grant additional time if a plan, a schedule, proof of substantial hardship, and proof of substantial progress is given. Failure to take the ordered action within the specified time may result in the City taking action to demolish the structure, clean and grade the lot and establish a lien on the property. Second was made by Pete Samsury. Motion carried unanimously.

Seventh on the Agenda was Item #09-025, 501 North Church Street. Staff presentation was made by Guy Giersch. Mr. Giersch stated that staff is recommending final approval of a 50% tax exemption for this property under Level 2 of the Historic Neighborhood Improvement Zone Tax Exemption program.

Peggy Ellis moved that the structure located at 501 North Church Street be granted the tax exemption as applied for and stated and verified by the Preservation Officer. Second was made by Bill Culhane. Motion carried unanimously.

Eight on the Agenda was a recess. Recess was granted at 4:45 p.m. Pete Samsury moved in favor of the recess. Second was made by Bill Culhane. Motion carried unanimously. The meeting resumed at 4:55 p.m.

Ninth on the Agenda was Staff Summary. Staff presentation was made by Mike Morrisey. Mr. Morrisey stated that the next nine properties on the agenda are properties that have already had orders issued on them. Mr. Morrisey stated that all of them are in some stage of repair except two. Mr. Morrisey stated that staff is looking for a determination on how to proceed with the properties. Mr. Morrisey requested that new orders be issued to allow all of these properties to be completed. Mr. Morrisey stated that all of the property owners have been contacted and asked to attend so that they can address the board on their progress and intentions with the property.

Tenth on the Agenda was Item #09-013, 907 West Virginia Street. Staff presentation was made by Mike Morrisey. Mr. Morrisey informed the Commission that the structure was tagged in November 2008. Mr. Morrisey stated that there have been permits pulled and there is work being conducted currently. Mr. Morrisey stated that there has been considerable contact from local citizens who have voiced concerned over the lack of activity on the property and the failure of the owner to comply within the time frames established by the previous order.

Paul Phebus, 710 North Church Street, McKinney stated that he is the owner and a friend of his is actually the lien holder on the property. Mr. Phebus stated there have been a lot of weather related issues along with other issues. Mr. Phebus stated that he would need approximately 90 days to complete the project.

Kyra Efrin, 906 and 908 West Virginia Street, stated that she is concerned about the property. Ms. Efrin stated that when the property became vacant she met with two builders because she was considering buying the property. She was told this property would be extremely difficult to rehabilitate and would cost at least \$100,000 to do so. Ms. Efrin stated it has been one year since this process has been started. She also stated that she has watched and there have been months with no activity. Ms. Efrin stated that she is horrified that this seems to be unending.

Janis Hall, 902 West Virginia Street, stated that she calls it the dump. Ms. Hall stated that Mr. Morrisey did state the owner of the property. Mr. Phebus is the note holder. He is not in the tax records. Ms. Hall stated that Mr. Phebus has connected to the neighbors electrical to run his cement mixer. Ms. Hall stated that they are so frustrated with the situation.

Randall Wilder recused himself from voting on this item as the owner of the property is his personal accountant.

Bill Culhane moved that the owner of the property must have all the work completed and inspected within 45 days or that the owner must obtain a demolition permit and have the lot cleaned and graded within 45 days of this order. Failure to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property. Second was made by Peggy Ellis. Motion carried unanimously.

Eleventh on the Agenda was Item #08-035, 614 North Kentucky Street. Staff presentation was made by Mike Morrisey. Mr. Morrisey informed the Commission that the owner of the property is Jose Montaniel. Staff recommendation for the property is the owner of the property must have the work completed and inspected and have a Certificate of Occupancy issued within 90 days of the date of this hearing. Failure of the owner to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property.

Mr. Morrisey stated that work on the property has been very slow and the original permit recently expired due to lack of inspection activity. Mr. Morrisey stated that the permits have been reinstated and work is progressing.

Linda Montaniel, 400 Spinaker Dr, Allen, Texas stated that she is Jose's mother. Ms. Montaniel stated that financing has been an issue along with other issues. Ms. Montaniel stated that work has progressed to the extent that the work should be completed within one month.

Peggy Ellis moved that the owner of the property must have the work completed and inspected and have a Certificate of Occupancy issued within 60 days from the date of this meeting. Failure of the owner to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property. Second was made by Arnulfo Alvarado. Motion carried unanimously.

Twelfth on the Agenda was Item #08-014, 413 Oak Street. Staff presentation was made by Mike Morrissey. Mr. Morrissey informed the Commission that the owner of the property is Christian & Janice Morriss. Staff recommendation for the property is the owner of the property must have the work completed and inspected and a Certificate of Occupancy issued within 90 days of the date of this hearing. Failure of the owner to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property.

Christian Morriss, 1205 Waddill St, stated that the permit is currently expired due to lack of inspections. Mr. Morriss stated financing has been secured and it is just a matter of him being able to actually be there. Mr. Morriss stated that he feels like 90 should be sufficient. He stated that if it is not he would not like to see a bull dozer in front of the house.

Arnulfo Alvarado moved that the owner of the property must obtain a proper building permit within 30 days and have the work inspected and completed within 90 days or obtain a demolition permit and have the lot cleared and graded within 30 days. Failure to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property. Second was made by Pete Samsury. Motion carried unanimously.

Thirteenth on the Agenda was Item #08-032, 1105 Florence Street. Staff presentation was made by Mike Morrissey. Mr. Morrissey informed the Commission that the owner of the property is Medina Gayle Joshi. Staff recommendation for the property is the owner of the property must have the work completed and inspected and have a Certificate of Occupancy issued within 90 days of the date of this hearing. Failure of the owner to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property.

Medina Joshi, 2104 Savannah, McKinney, Texas, stated that she purchased the property as an investment property. Ms. Joshi stated that it is impossible to get financing. Ms. Joshi stated that she has every intention on completing the project and would ask for as much time as can be allowed. Ms. Joshi stated that she would need 120 days to complete the project.

Peggy Ellis moved that the owner of the property must have the work completed and inspected and a Certificate of Occupancy issued within 120 days from the date of this meeting. Failure to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property. Second was made by Bill Culhane. Motion carried unanimously.

Fourteenth on the Agenda was Item #06-048, 313 North Bradley Street. Staff presentation was made by Mike Morrissey. Staff recommendation for the property is the owner of the property must have the work completed and inspected and have a Certificate of Occupancy issued within 90 days of the date of this hearing. Failure of the owner to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property.

David Gregory, 3021 Mallard Place, Plano, Texas, stated he is the general contractor for the property. Mr. Gregory stated that the owner very uncommunicative. He stated that he had asked her to attend the meeting but did not show. Mr. Gregory stated that \$250,000 has been put into the property at this time. Mr. Gregory stated that he could complete the property within 30 days but without being able to contact the owner.

Pete Samsury moved that the owner of the property must have the work completed and inspected and have a Certificate of Occupancy issued within 90 days from the date of this meeting. Failure to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property. Second was made by Bill Culhane. Motion carried unanimously.

Fifteenth on the Agenda was Item #08-034, 1009 A Tennessee Street. Staff presentation was made by Mike Morrisey. Mr. Morrisey informed the Commission that the owner of the property is Christopher Ging. Staff recommendation for the property is the owner of the property must obtain a building permit within 30 days and have the work completed and inspected and have a Certificate of Occupancy issued within 90 days of the date of this hearing. Failure of the owner to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property.

Christopher Ging, 500 West Main Street, Arlington, Texas, stated that he has done his best to make the building most attractive building on the block. Mr. Ging stated that he has spent nearly \$275,000 so far. Mr. Ging stated that he would need about six months to complete.

Bill Culhane moved that the owner of the property must have all work completed and inspected within 120 days of this meeting. Failure to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property. Second was made by Randall Wilder. Motion carried unanimously.

Sixteenth on the Agenda was Item #06-042, 710 North Kentucky Street. Staff presentation was made by Mike Morrisey. Mr. Morrisey stated that this is a vacant lot which has not been graded to drain. Staff recommendation for the property is the owner of the property must grade the lot to drain within 30 days of this ordered action. Failure of the owner to take the ordered action within the specified time may result in the City taking a subsequent action to grade the lot and establish a lien on the property.

Leonard Gonzales, 1306 North Powell Parkway, Anna, Texas, stated that he has put in eight yards of dirt and because of the weather and the mud he can not grade at this time. Mr. Gonzales stated that he will grade the lot as soon as the weather allows.

Randall Wilder moved that the owner of the property must grade the lot to drain within 30 days of the ordered action. Failure to take the ordered action within the specified time may result in the City taking a subsequent action to grade the lot and establish a lien on the property. Second was made by Bill Culhane. Motion carried unanimously.

Seventeenth on the Agenda was Item #09-005, 1104 Canal Street. Staff presentation was made by Mike Morrisey. Mr. Morrisey stated that the property is also known at 1004 Canal Street. Mr. Morrisey stated that the numbering on the east side of town is sometimes odd. Mr. Morrisey informed the Commission that the owner of the property is Leonard Evans. Staff recommendation for the property is the owner of the property must obtain a building permit within 30 days and have the work completed and inspected within 90 days or obtain a demolition permit, clean and grade the lot with proper drainage within 30 days of the ordered action. Failure of the owner to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property.

Terry Evans, 904 Throckmorton Street, McKinney, Texas, stated that she is the sister of the owner. Ms. Evans stated that her brother and his wife want to use the structure as their primary residence. Ms. Evans stated that they are ready and able to start pulling permits within 90 days.

Peggy Ellis moved that the owner of the property must obtain a building permit within 30 (30) days and have the work inspected and completed within 90 days or obtain a demolition permit, demolish the structure and have the lot cleared and graded with proper drainage within 30 (30) days of the ordered action. Failure to take the ordered action within the specified time

may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property. Second was made by Pete Samsury. Motion carried unanimously.

Eighteenth on the Agenda was Item #06-042, 708 A & B North Kentucky Street. Staff presentation was made by Mike Morrissey. Mr. Morrissey informed the Commission that the owner of the property is Leonard Gonzales. Staff recommendation for the property is the owner of the property must vacate the structures and obtain a building permit within 30 days and have the work completed and inspected within 90 days or obtain a demolition permit and demolish the structure, clean and grade the lot with proper drainage within 30 days of the ordered action. Failure of the owner to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property.

Leonard Gonzales, 1306 North Powell Parkway, Anna, Texas, stated he does not know what the City wants him to do. Mr. Gonzales stated a lot of work has been done.

Peggy Ellis moved that the owner of the property must vacate the structure and obtain a building permit within 30 (30) days and have the work inspected and completed within 90 days or obtain a demolition permit, demolish the structure, clean and grade the lot with proper drainage within 30 days of the ordered action. Failure to take the ordered action within the specified time may result in the City taking a subsequent action to demolish the structure, clean and grade the lot and establish a lien on the property. Second was made by Bill Culhane. Motion carried unanimously.

Pete Samsury moved to adjourn the meeting. Second was made by William Culhane. The meeting was adjourned at 7:30 p.m.

---

Kent Paluga, Chairperson