



BUILDING ADVISORY AND APPEALS BOARD
CITY HALL - COUNCIL CHAMBERS, 300 W. MAIN STREET
MONDAY, MAY 03, 2021 AT 6:00 PM

AGENDA

The meeting will be held at City Hall Council Chambers, 300 W. Main St, Grand Prairie, Texas.

CALL TO ORDER

AGENDA ITEMS

1. Introduction of New Staff
2. Approval of minutes from April 5, 2021 Board Meeting
3. Discussion of prior Board Orders and owners' compliance concerning:
 - *4513 Sussex Ave, Grand Prairie, Texas
 - *214 NW 15th St, Grand Prairie, Texas
 - *702 MacArthur Blvd, Grand Prairie, Texas
4. Consideration of compliance with and amendment of April 5, 2021 Building Advisory and Appeals Order for the property located at 1502 Ranch Road, Grand Prairie, Texas
5. Consideration of compliance with and amendment of April 5, 2021 Building Advisory and Appeals Order for the property located at 2107 N. Kirbywood Trail, Grand Prairie, Texas
6. Hearing concerning the Nuisance Determination for the property located at 3439 Racquet Club Drive, Grand Prairie, Texas
7. Hearing concerning the Nuisance Determination for the property located at 3441 Racquet Club Drive, Grand Prairie, Texas
8. Discussion of Donation Box Ordinance
9. Open Meetings Act Training

CITIZEN COMMENTS

Citizens may speak during Citizen Comments for up to five minutes on any item not on the agenda by completing and submitting a speaker card.

ADJOURNMENT

The Grand Prairie City Hall is accessible to people with disabilities. If you need assistance in participating in this meeting due to a disability as defined under the ADA, please call (972)237-8296 or email kwilkinson@gptx.org at least three (3) business days prior to the scheduled meeting to request an accommodation.

Certification

In accordance with Chapter 551, Subchapter C of the Government Code, V.T.C.A, the Building Advisory and Appeals Board agenda was prepared and posted April 29, 2021.

A handwritten signature in black ink that reads "Karen Wilkinson". The signature is written in a cursive style with a large initial 'K'.

Karen Wilkinson, Admin Supervisor

MINUTES
CITY OF GRAND PRAIRIE
BUILDING ADVISORY AND APPEALS BOARD MTG
IN-PERSON MEETING / MONDAY, APRIL 5, 2021
6:00 P.M.

BOARD MEMBERS PRESENT

Wendell Davidson, Chairperson
 Janie Mendez-Adhikari, Vice-Chairperson
 Starling Oliver
 Ada French-Goring
 Valerie Hernandez

ABSENT

David Pomerantz
 Robert Adame

STAFF

Tiffany Bull, Assistant City Attorney
 Patrick Wilson, Assistant City Attorney
 Steve Collins, Code Compliance Manager
 Allan Brown, Code Compliance Field Supervisor
 Karen Wilkinson, Board Secretary
 Randall Richardson, GPPD

CALL TO ORDER 6:00pm**AGENDA ITEMS**

1. **Approval of minutes from November 2, 2020 Board Meeting**
 Starling Oliver motioned and Ada French-Goring seconded Motion carries 5-0
2. **Discussion of prior Board Orders concerning:**
 - 1701 Ranch Road, Grand prairie, Texas
 - 4901 Matthew Road, Grand prairie, Texas
3. **Hearing concerning the Nuisance Determination for the property located at 4513 Sussex Avenue, Grand Prairie, Texas**

In August 2020, Code Compliance observed trash and outside storage in the driveway, front yard, and back yard at 4513 Sussex Avenue, Grand Prairie, Texas. The property is occupied by a tenant. The owner and tenant were give notice to clean the property to remove the violations on August 12, 2020. The owner and tenant failed to comply with the notice and open outside storage and accumulations of trash (unclean premises) are still present at the location. The City has received complaints from citizens concerning the condition of the property.

CONCERNS:

Accumulations of Trash, Rubbish, and Debris

Outside Storage

STAFF'S RECOMMENDED FINDINGS:

- The owner is storing furniture, toys, appliances and other items in the driveway, front, and back yard at 4513 Sussex Avenue, Grand Prairie, Texas;
- The owner is allowing accumulations of trash, rubbish, and debris throughout the premises at 4513 Sussex Avenue, Grand Prairie, Texas;
- The owner was previously given notice to remove all outside storage and accumulation of trash, rubbish, brush, and debris from the property;
- The owner has failed to remove all outside storage and accumulation of trash, rubbish, brush, and debris from the property;
- The presence of the trash, rubbish, brush, and debris is a nuisance and violation of Section 29-73 of the Grand Prairie Code of Ordinances.
- The outside storage is a nuisance and violation of Section 29-68(30).

STAFF'S RECOMMENDED ORDERS:

- ABATE THE NUISANCE BY REMOVING ALL OUTSIDE STORAGE AND ACCUMULATIONS OF TRASH, RUBBISH, BRUSH, OR DEBRIS FROM THE PROPERTY WITHIN ten (10) DAYS OF THE DATE OF THIS ORDER IN ACCORDANCE WITH ALL APPLICABLE LAWS.
- SHOULD THE OWNER FAIL TO COMPLY WITH THE ORDER AND TIMELY ABATE THE NUISANCE AS DESCRIBED ABOVE, THE CITY IS AUTHORIZED, AT ITS DISCRETION AND THE OWNER'S EXPENSE, TO CAUSE THE NUISANCE TO BE ABATED BY CITY FORCES OR PRIVATE CONTRACT.
- THE CITY IS FURTHER AUTHORIZED TO RECOVER EXPENSES THE CITY INCURS WHILE ABATING THE NUISANCE THROUGH THE PLACEMENT OF A LIEN IN ACCORDANCE WITH APPLICABLE LAW.

Nobody was present to speak on behalf of this property.

ORDERS

Based upon the evidence and arguments of the parties, **IT IS ORDERED** that the owner of the property known as **4513 Sussex**, and more fully described in Exhibit A, shall:

- ABATE THE NUISANCE BY REMOVING ALL ACCUMULATIONS OF TRASH, RUBBISH, BRUSH, OR DEBRIS AND OUTSIDE STORAGE FROM THE PROPERTY WITHIN TEN (10) DAYS OF THE DATE OF THIS ORDER IN ACCORDANCE WITH ALL APPLICABLE LAWS.

IT IS FURTHER ORDERED THAT:

- SHOULD THE OWNER FAIL TO COMPLY WITH THE ORDER AND TIMELY ABATE THE NUISANCE AS DESCRIBED ABOVE, THE CITY IS AUTHORIZED, AT ITS DISCRETION AND THE OWNER'S EXPENSE, TO CAUSE THE NUISANCE TO BE ABATED BY CITY FORCES OR PRIVATE CONTRACT.
- THE CITY IS FURTHER AUTHORIZED TO RECOVER EXPENSES THE CITY INCURS WHILE ABATING THE NUISANCE THROUGH THE PLACEMENT OF A LIEN IN ACCORDANCE WITH APPLICABLE LAW.

IT IS FURTHER ORDERED that notice of this order and of the action to be taken by the City of Grand Prairie is to be sent, certified mail, to the owners of record of this property as shown in Exhibit "B" within five (5) days.

Starling Oliver motioned for staff recommendation.

Valerie Hernandez seconded motion.

Motion Carries 5-0

4. **Hearing concerning the Nuisance Determination for the property located at 214 NW 15th Street, Grand Prairie, Texas**

There is a history of open outside storage and unclean premises, accumulations of trash, rubbish, and debris, at the property. The owner cleans up the property and then it returns to the prior condition, or worse. In October 2020, the property was brought into compliance, but unclean premises and outside storage were present just a few months later. On December 14, 2020 a notice to abate the nuisance conditions was sent to the owner. However, the owner has failed to comply with the notice and open outside storage and unclean premises are still present at the location.

CONCERNS:

Unclean Premises (Accumulations of Trash, Rubbish, and Debris }

Outside Storage

STAFF'S RECOMMENDED FINDINGS:

- The owner is storing or allowing to be stored furniture, toys, and other items throughout the premises at 214 NW 15th Street, Grand Prairie, Texas;
- The owner is allowing accumulations of trash, rubbish, and debris throughout the premises at 214 NW 15th Street, Grand Prairie, Texas;
- The owner was previously given notice to remove all outside storage and accumulation of trash, rubbish, brush, and debris from the property;
- The owner has failed to remove all outside storage and accumulation of trash, rubbish, brush, and debris from the property;
- The presence of the trash, rubbish, brush, and debris is a nuisance and violation of Section 29-73 of the Grand Prairie Code of Ordinances.
- The outside storage is a nuisance and violation of Section 29-68(30).

STAFF'S RECOMMENDED ORDERS:

- ABATE THE NUISANCE BY REMOVING ALL OUTSIDE STORAGE AND ACCUMULATIONS OF TRASH, RUBBISH, BRUSH, OR DEBRIS FROM THE PROPERTY WITHIN ten (10) DAYS OF THE DATE OF THIS ORDER IN ACCORDANCE WITH ALL APPLICABLE LAWS.
- SHOULD THE OWNER FAIL TO COMPLY WITH THE ORDER AND TIMELY ABATE THE NUISANCE AS DESCRIBED ABOVE, THE CITY IS AUTHORIZED, AT ITS DISCRETION AND THE OWNER'S EXPENSE, TO CAUSE THE NUISANCE TO BE ABATED BY CITY FORCES OR PRIVATE CONTRACT.
- THE CITY IS FURTHER AUTHORIZED TO RECOVER EXPENSES THE CITY INCURS WHILE ABATING THE NUISANCE THROUGH THE PLACEMENT OF A LIEN IN ACCORDANCE WITH APPLICABLE LAW.

Nobody was present to speak on behalf of this property.

ORDERS

Based upon the evidence and arguments of the parties, **IT IS ORDERED** that the owner of the property known as **214 NW 15th St.**, and more fully described in Exhibit A, shall:

- ABATE THE NUISANCE BY REMOVING ALL ACCUMULATIONS OF TRASH, RUBBISH, BRUSH, OR DEBRIS AND OUTSIDE STORAGE FROM THE PROPERTY WITHIN TEN (10) DAYS OF THE DATE OF THIS ORDER IN ACCORDANCE WITH ALL APPLICABLE LAWS.

IT IS FURTHER ORDERED THAT:

- SHOULD THE OWNER FAIL TO COMPLY WITH THE ORDER AND TIMELY ABATE THE NUISANCE AS DESCRIBED ABOVE, THE CITY IS AUTHORIZED, AT ITS DISCRETION AND THE OWNER'S EXPENSE, TO CAUSE THE NUISANCE TO BE ABATED BY CITY FORCES OR PRIVATE CONTRACT.
- THE CITY IS FURTHER AUTHORIZED TO RECOVER EXPENSES THE CITY INCURS WHILE ABATING THE NUISANCE THROUGH THE PLACEMENT OF A LIEN IN ACCORDANCE WITH APPLICABLE LAW.

IT IS FURTHER ORDERED that notice of this order and of the action to be taken by the City of Grand Prairie is to be sent, certified mail, to the owners of record of this property as shown in Exhibit "B" within five (5) days.

Starling Oliver motioned for staff recommendation.

Ada French-Goring seconded motion.

MOTION CARRIES 5-0

5. Hearing concerning the Nuisance Determination for the property located at 2107 N. Kirbywood Trail, Grand Prairie, Texas

In July 2020, the City received a complaint concerning a large shed being built in the backyard of 2107 N. Kirbywood Trail. The structure was being built without a permit. Upon inspection, it was discovered the shed exceeded the allowable size restrictions and was also placed in a utility easement. After several warnings from the City, they applied for a permit for the shed. However, the permit application did not include all of the required information, and they have failed to follow up with the City.

CONCERNS:

Unpermitted partially constructed, dangerous secondary structure

STAFF'S RECOMMENDED FINDINGS:

- In accordance with applicable law, notice of this hearing was given to the owner, lien holder, and other parties with an interest in the property located at 2107 N. Kirbywood Trail, Grand Prairie, Texas (the "Property").
- The partially constructed secondary structure located on the Property ("the Structure") was constructed without proper permits.
- The owner has not obtained a permit for the Structure.
- The size of the Structure exceeds the maximum size permitted by law and no variance has been authorized.
- The Structure is partially located in an easement in violation of applicable law.
- The Structure is a dangerous structure as that term is defined in Grand Prairie Code of Ordinances Section 29-28 (13) and (14).

STAFF'S RECOMMENDED ORDERS:

- Owner shall ensure the Structure is repaired, removed, or Demolished, in accordance with applicable law, within THIRTY (30) days of the date of this order. Repair of the Structure may not be possible due to the current legal restrictions on the Property. This order
- Owner shall keep the Structure secure from entry until the Structure is in compliance with applicable law.
- Any person having an interest in the Structure may remove or demolish the Structure at such person's own risk to prevent the acquiring of a lien against the land upon which the Structure stands.

- Should the Owner fail to comply with the order, the City is authorized, at its discretion, to repair, remove, or demolish the structure and any accessory required to be demolished at the owner's expense or, in the alternative, assess a civil penalty in the amount of one thousand dollars (\$1,000) per day for each day that the structure continues to be in violation.
- Any expenses owed to the City by the Owner will be billed to the Owner. Failure to pay the charges will result in a lien placed on the property. Such costs, penalties, or expenses shall accrue interest at a rate of ten percent (10%) per annum. The City shall have all remedies provided by law to recover money owed the City, including the right to place a lien on the property unless it is a homestead protected by the Texas Constitution.
- Any subsequent purchaser of the Property is required to comply with this order.

Mr. Visothvaddhana L. Kiv and another man were present to speak on behalf of this property.

Mr. Visothvaddhana Kiv stated he began building storage sheds and then he received a notice from the City of Grand Prairie Code; then he stopped due to covid and he didn't know how big it was supposed to be but will reduce size..

Mr. Visothvaddhana will cut sheds down to 14x14 and obtain a variance in May 2021.

Tiffany Bull stated just for the board's knowledge in order for him to obtain a variance he must have an approval for a from the Planning and Zoning Commission so I'm assuming it will have to go before the Planning and Zoning Commission in May in order for them to consider if they will grant a variance -it's not a guarantee and that would be considered in May 2021 as well. The Planning & Zoning Commission meets the 2nd and 4th Mondays of every month.

Tiffany Bull one thing the Board should keep in mind is that under our ordinance whenever you demolish a structure, you have to demolish it completely, so if the board were to issue an order requiring him to attempt to comply and he were to demolish it, the board order would require him to take the slab with it; just if you were to do a standard order, and I just wanted to make sure you were aware of that because it's all one structure and at least a portion of the slab would need to be removed to take it out of the utility easement.

Based upon the evidence and arguments of the parties, **IT IS ORDERED** that owner, occupant, mortgagee, lessee, agent, and/or all other persons having an interest in the property known as **2107 N. Kirbywood Trail, Grand Prairie, Texas**, and more fully described in Exhibit A, shall:

- ENSURE THE WALLS AND ROOF OF THE STRUCTURE ARE REMOVED WITHIN FIFTEEN (15) DAYS OF THE DATE OF THIS ORDER.
- ENSURE ALL ITEMS, INCLUDING THE CONCRETE FOUNDATION, ARE REMOVED FROM THE EASEMENT WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS ORDER.
- ENSURE THE STRUCTURE IS IN COMPLIANCE WITH ALL APPLICABLE LAWS THROUGH REPAIR, REMOVAL, OR DEMOLITION WITHIN SIXTY (60) DAYS OF THE DATE OF THIS ORDER.
- PROVIDE WEEKLY UPDATES ON THE STATUS OF COMPLIANCE WITH THIS ORDER TO GRAND PRAIRIE CODE COMPLIANCE.
- OWNER SHALL KEEP THE STRUCTURE SECURE FROM ENTRY UNTIL THE STRUCTURE IS IN COMPLIANCE WITH APPLICABLE LAW.

IT IS PROVIDED BY THE ORDER THAT ANY PERSON HAVING AN INTEREST IN SAID BUILDING OR STRUCTURE MAY DEMOLISH SAID DANGEROUS STRUCTURE AT SUCH PERSON'S OWN RISK TO PREVENT THE ACQUIRING OF A LIEN AGAINST THE LAND UPON WHICH SAID DANGEROUS STRUCTURE STANDS BY THE CITY.

IT IS FURTHER ORDERED THAT:

- SHOULD THE OWNER FAIL TO COMPLY WITH THE ORDER, THE CITY IS AUTHORIZED, AT ITS DISCRETION, TO DEMOLISH THE STRUCTURE AND ANY ACCESSORY STRUCTURE REQUIRED TO BE DEMOLISHED AT THE OWNER'S EXPENSE OR, IN THE ALTERNATIVE, ASSESS A CIVIL PENALTY IN THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000) PER DAY FOR EACH DAY THAT THE STRUCTURE CONTINUES TO BE IN VIOLATION.
- ANY EXPENSES OWED TO THE CITY BY THE OWNER WILL BE BILLED TO THE OWNER. FAILURE TO PAY THE CHARGES WILL RESULT IN A LIEN PLACED ON THE PROPERTY. SUCH COSTS, PENALTIES, OR EXPENSES SHALL ACCRUE INTEREST AT A RATE OF TEN PERCENT (10%) PER ANNUM. THE CITY SHALL HAVE ALL REMEDIES PROVIDED BY LAW TO RECOVER MONEY OWED THE CITY INCLUDING THE RIGHT TO PLACE A LIEN ON THE PROPERTY UNLESS IT IS A HOMESTED PROTECTED BY THE TEXAS CONSTITUTION.
- ANY SUBSEQUENT PURCHASER OF THE PROPERTY IS REQUIRED TO COMPLY WITH THIS ORDER.

IT IS FURTHER ORDERED, AND THE OWNER OF THE PROPERTY IS NOTIFIED, that in the event of an order of demolition, there is a right of appeal by filing suit in a court of appropriate jurisdiction within thirty (30) days of the date of this order, with notice sent to the City of such suit;

IT IS FURTHER ORDERED that notice of this order and of the action to be taken by the City of Grand Prairie is to be sent, certified mail, to the owners and interested parties of record of this property shown in Exhibit "B" unless such party has filed an affidavit designating a specific address or denying interest in said property with the Secretary of the Building Advisory and Appeals Board. If a designation of address is filed, notice shall be sent to the address shown in the most recently filed affidavit for that person. If an affidavit denying interest is received, that party submitting the affidavit shall be deemed to have waived receipt of any future notices related to the property.

Janie Mendez-Adhikari, Vice-Chairperson motioned for (15) fifteen days to remove walls/roof / disassemble building, (30) thirty days to remove concrete from easement and return to May 3, 2021 BAAB; (60) sixty days to complete with weekly progress report and adopt staff recommended findings.

Starling Oliver seconded motion.

MOTION CARRIES 5-0

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6. Hearing concerning the Nuisance Determination for the property located at 1502 Ranch Road, Grand Prairie, Texas

This property located at 1502 Ranch Road, Grand Prairie, Texas is owned by the Matthew Road Water Supply Corporation. There is a single building located on the property with a fence partially surrounding the property. The building is constructed of wood and is not fully painted. There are holes and the building is deteriorating due to the lack of weather protection.

CONCERNS:

Dangerous Structure

STAFF'S RECOMMENDED FINDINGS:

- In accordance with applicable law, notice of this hearing was given to the owner, lien holder, and other parties with an interest in the property located at 1502 Ranch Road, Grand Prairie, Texas, (the "Property").
- The building located on the Property ("the Structure") is dilapidated.
- The Structure has faulty weather protection including holes in the structure.

- The Structure is a dangerous structure as that term is defined in Grand Prairie Code of Ordinances Section 29-28 (8), (9), (12), (13), and (17).

STAFF'S RECOMMENDED ORDERS:

- Owner shall ensure the Structure is repaired, removed, or Demolished, in accordance with applicable law, within thirty (30) days of the date of this order.
- Owner shall keep the Structure secure from entry until the Structure is in compliance with applicable law.
- Any person having an interest in the Structure may remove or demolish the Structure at such person's own risk to prevent the acquiring of a lien against the land upon which the Structure stands.
- Should the Owner fail to comply with the order, the City is authorized, at its discretion, to repair, remove, or demolish the structure and any accessory required to be demolished at the owner's expense or, in the alternative, assess a civil penalty in the amount of one thousand dollars (\$1,000) per day for each day that the structure continues to be in violation.
- Any expenses owed to the City by the Owner will be billed to the Owner. Failure to pay the charges will result in a lien placed on the property. Such costs, penalties, or expenses shall accrue interest at a rate of ten percent (10%) per annum. The City shall have all remedies provided by law to recover money owed the City, including the right to place a lien on the property unless it is a homestead protected by the Texas Constitution.
- Any subsequent purchaser of the Property is required to comply with this order.

Arnie Murillo – Manager for Owner

Russel Guthrie – President of Owner's Board

Arnie Murillo stated this is a building that their corporation purchased a year ago and back then it was patched up but they are in the process of demolishing that and they have bids and when they have their next board meeting the last Wednesday of the month on April 28, 2021 and they will proceed with the demolition and as soon as they can get the contractor they agreed to take over and if they are not busy they can proceed with demolition; Mr. Murillo asked for an extension.

Mr. Russell Guthrie stated 1806 Mobile Rd, GP Tx 75052 he is the sitting President of the Matthew Road Board and back in 2019 they replaced a lot of the roof and just within the last two weeks holes have been kicked in and boards taken off. They have completed a financial study the last week and it will be much cheaper just to remove the structure and re-build to turn into a storage / office. They own both properties.

- In accordance with applicable law, notice of this hearing was given to the owner, lien holder, and other parties with an interest in the property located at 1502 Ranch Road, Grand Prairie, Texas, (the "Property").
- The building located on the Property ("the Structure") is dilapidated.
- The Structure has faulty weather protection including holes in the structure.
- The Structure is a dangerous structure as that term is defined in Grand Prairie Code of Ordinances Section 29-28 (8), (9), (12), (13), and (17).
- Under the circumstances, thirty (30) days is not sufficient time to bring the property into compliance with applicable law.

Based upon the evidence and arguments of the parties, **IT IS ORDERED** that owner, occupant, mortgagee, lessee, agent, and/or all other persons having an interest in the property known as **1502 Ranch Rd., Grand Prairie, Texas**, and more fully described in Exhibit A, shall:

- ENSURE THE STRUCTURE IS REPAIRED, REMOVED, OR DEMOLISHED WITHIN **FORTY-FIVE (45) DAYS OF THE DATE OF THIS ORDER IN ACCORDANCE WITH APPLICABLE LAW.**
- OWNER SHALL PROVIDE WEEKLY UPDATES TO CODE COMPLIANCE RELATED TO THE STATUS OF THE PROPERTY STARTING AFTER THE OWNER'S BOARD MEETING ON APRIL 28, 2021.
- OWNER SHALL KEEP THE STRUCTURE SECURE FROM ENTRY UNTIL THE STRUCTURE IS IN COMPLIANCE WITH APPLICABLE LAW.

IT IS PROVIDED BY THE ORDER THAT ANY PERSON HAVING AN INTEREST IN SAID BUILDING OR STRUCTURE MAY DEMOLISH SAID DANGEROUS STRUCTURE AT SUCH PERSON'S OWN RISK TO PREVENT THE ACQUIRING OF A LIEN AGAINST THE LAND UPON WHICH SAID DANGEROUS STRUCTURE STANDS BY THE CITY.

IT IS FURTHER ORDERED THAT:

- SHOULD THE OWNER FAIL TO COMPLY WITH THE ORDER, THE CITY IS AUTHORIZED, AT ITS DISCRETION, TO DEMOLISH THE STRUCTURE AND ANY ACCESSORY STRUCTURE REQUIRED TO BE DEMOLISHED AT THE OWNER'S EXPENSE OR, IN THE ALTERNATIVE, ASSESS A CIVIL PENALTY IN THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000) PER DAY FOR EACH DAY THAT THE STRUCTURE CONTINUES TO BE IN VIOLATION.
- ANY EXPENSES OWED TO THE CITY BY THE OWNER WILL BE BILLED TO THE OWNER. FAILURE TO PAY THE CHARGES WILL RESULT IN A LIEN PLACED ON THE PROPERTY. SUCH COSTS, PENALTIES, OR EXPENSES SHALL ACCRUE INTEREST AT A RATE OF TEN PERCENT (10%) PER ANNUM. THE CITY SHALL HAVE ALL REMEDIES PROVIDED BY LAW TO RECOVER MONEY OWED THE CITY INCLUDING THE RIGHT TO PLACE A LIEN ON THE PROPERTY UNLESS IT IS A HOMESTED PROTECTED BY THE TEXAS CONSTITUTION.
- ANY SUBSEQUENT PURCHASER OF THE PROPERTY IS REQUIRED TO COMPLY WITH THIS ORDER.

IT IS FURTHER ORDERED, AND THE OWNER OF THE PROPERTY IS NOTIFIED, that in the event of an order of demolition, there is a right of appeal by filing suit in a court of appropriate jurisdiction within thirty (30) days of the date of this order, with notice sent to the City of such suit;

IT IS FURTHER ORDERED that notice of this order and of the action to be taken by the City of Grand Prairie is to be sent, certified mail, to the owners and interested parties of record of this property shown in Exhibit "B" unless such party has filed an affidavit designating a specific address or denying interest in said property with the Secretary of the Building Advisory and Appeals Board. If a designation of address is filed, notice shall be sent to the address shown in the most recently filed affidavit for that person. If an affidavit denying interest is received, that party submitting the affidavit shall be deemed to have waived receipt of any future notices related to the property.

Janie Mendez-Adhikari, Vice-Chairperson motioned to amend Staff recommendation of (30) thirty days to (45) forty-five days to repair, remove or demolish and provide an update after MRMHP meeting on April 28, 2021 and weekly updates and will return on May 3, 2021 Building Advisory & Appeals Board hearing and adopting staff recommended findings.

Valerie Hernandez seconded motion.

MOTION CARRIES 5-0

7. Hearing concerning the Nuisance Determination for the property located at 702 MacArthur Blvd., Grand Prairie, Texas

There is a dilapidated, non-operational car wash located at 702 MacArthur Blvd. There has been a significant amount of graffiti at the location which the City has abated. The walls of the car wash are cracked and there are portions missing. The carwash is a dangerous structure.

CONCERNS:

Dangerous Structure

STAFF'S RECOMMENDED FINDINGS:

- In accordance with applicable law, notice of this hearing was given to the owner, lien holder, and other parties with an interest in the property located at 702 MacArthur Blvd, Grand Prairie, Texas, (the "Property").
- The abandoned commercial car wash located on the Property ("the Structure") is dilapidated.
- The Structure has portions missing as demolition has partially began.
- The Structure is a dangerous structure as that term is defined in Grand Prairie Code of Ordinances Section 29-28 (5), (7), (8), (9), (12), (17), and (18).

STAFF'S RECOMMENDED ORDERS:

- Owner shall ensure the Structure is repaired, removed, or Demolished, in accordance with applicable law, within Thirty (30) days of the date of this order.
- Any person having an interest in the Structure may remove or demolish the Structure at such person's own risk to prevent the acquiring of a lien against the land upon which the Structure stands.
- Should the Owner fail to comply with the order, the City is authorized, at its discretion, to repair, remove, or demolish the structure and any accessory required to be demolished at the owner's expense or, in the alternative, assess a civil penalty in the amount of one thousand dollars (\$1,000) per day for each day that the structure continues to be in violation.
- Any expenses owed to the City by the Owner will be billed to the Owner. Failure to pay the charges will result in a lien placed on the property. Such costs, penalties, or expenses shall accrue interest at a rate of ten percent (10%) per annum. The City shall have all remedies provided by law to recover money owed the City, including the right to place a lien on the property unless it is a homestead protected by the Texas Constitution.
- Any subsequent purchaser of the Property is required to comply with this order.

Liem Mai – Son of the Owner, on behalf of the Owner.

Mr. Liem Mai stated they have spoke with a demolition contractor and they believe they submitted a permit to demolish it this past friday and now waiting on permit to be approved and once approved they should start demolisation. The one thing they are still working on is capping off the sewer lines to the car wash and they reach out to a plumber to find sewer lines and a quote but they weren't able to find the sewer lines to the car wash and they will call and ask code compliance if they can do the sewer lines cap off after the demolition so that they can find the sewer lines after the demolition it would be easier to cap. The plumber tried to access 2 spots around the car wash and he wasn't able to see down the pipes and they were collapsed and unable to access sewer lines.

They can only locate the lines outside the property and said to call a plumber and we did for inside the property and their plumber had no luck finding or seeing down the plumbing lines.

Chairman Wendell Davidson asked if the demolition includes the concrete slab?

Allan Brown, Code Field Supervisor stated yes if the city demolishes structure, it would include the concrete slab.

Janie Mendez-Adhikari, Vice-Chairperson asked Mr. Mai if 30 thirty days was a reasonable time ?

Mr. Mai stated yes the contractor is just waiting for the permit to be approved and they should be able to start soon after.

Allan Brown stated he will work with our water dept and city departments and this gentleman Mr. Mai.

Steve Collins stated environmental will require asbestos testing due the age of this structure; they may require asbestos testing.

Mr. Mai stated they did have someone come and complete the asbestos test and demolition contractor submitted test with the permit.

- In accordance with applicable law, notice of this hearing was given to the owner, lien holder, and other parties with an interest in the property located at 702 MacArthur Blvd, Grand Prairie, Texas, (the "Property").
- The abandoned commercial car wash located on the Property ("the Structure") is dilapidated.
- The Structure has portions missing as demolition has partially began.

- The Structure is a dangerous structure as that term is defined in Grand Prairie Code of Ordinances Section 29-28 (5), (7), (8), (9), (12), (17), and (18).

Based upon the evidence and arguments of the parties, **IT IS ORDERED** that owner, occupant, mortgagee, lessee, agent, and/or all other persons having an interest in the property known as **702 MacArthur Blvd, Grand Prairie, Texas**, and more fully described in Exhibit A, shall:

- ENSURE THE STRUCTURE IS REPAIRED, REMOVED, OR DEMOLISHED WITHIN **THIRTY (30) DAYS** OF THE DATE OF THIS ORDER IN ACCORDANCE WITH APPLICABLE LAW.

IT IS PROVIDED BY THE ORDER THAT ANY PERSON HAVING AN INTEREST IN SAID BUILDING OR STRUCTURE MAY DEMOLISH SAID DANGEROUS STRUCTURE AT SUCH PERSON'S OWN RISK TO PREVENT THE ACQUIRING OF A LIEN AGAINST THE LAND UPON WHICH SAID DANGEROUS STRUCTURE STANDS BY THE CITY.

IT IS FURTHER ORDERED THAT:

- SHOULD THE OWNER FAIL TO COMPLY WITH THE ORDER, THE CITY IS AUTHORIZED, AT ITS DISCRETION, TO DEMOLISH THE STRUCTURE AND ANY ACCESSORY STRUCTURE REQUIRED TO BE DEMOLISHED AT THE OWNER'S EXPENSE OR, IN THE ALTERNATIVE, ASSESS A CIVIL PENALTY IN THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000) PER DAY FOR EACH DAY THAT THE STRUCTURE CONTINUES TO BE IN VIOLATION.
- ANY EXPENSES OWED TO THE CITY BY THE OWNER WILL BE BILLED TO THE OWNER. FAILURE TO PAY THE CHARGES WILL RESULT IN A LIEN PLACED ON THE PROPERTY. SUCH COSTS, PENALTIES, OR EXPENSES SHALL ACCRUE INTEREST AT A RATE OF TEN PERCENT (10%) PER ANNUM. THE CITY SHALL HAVE ALL REMEDIES PROVIDED BY LAW TO RECOVER MONEY OWED THE CITY INCLUDING THE RIGHT TO PLACE A LIEN ON THE PROPERTY UNLESS IT IS A HOMESTED PROTECTED BY THE TEXAS CONSTITUTION.
- ANY SUBSEQUENT PURCHASER OF THE PROPERTY IS REQUIRED TO COMPLY WITH THIS ORDER.

IT IS FURTHER ORDERED, AND THE OWNER OF THE PROPERTY IS NOTIFIED, that in the event of an order of demolition, there is a right of appeal by filing suit in a court of appropriate jurisdiction within thirty (30) days of the date of this order, with notice sent to the City of such suit;

IT IS FURTHER ORDERED that notice of this order and of the action to be taken by the City of Grand Prairie is to be sent, certified mail, to the owners and interested parties of record of this property shown in Exhibit "B" unless such party has filed an affidavit designating a specific address or denying interest in said property with the Secretary of the Building Advisory and Appeals Board. If a designation of address is filed, notice shall be sent to the address shown in the most recently filed affidavit for that person. If an affidavit denying interest is received, that party submitting the affidavit shall be deemed to have waived receipt of any future notices related to the property.

Janie Mendez-Adhikari, Vice-Chairperson motioned for staff recommendation (30) thirty days to demolish and recommended findings.

Ada French-Goring seconded motion.

MOTION CARRIES 5-0

CITIZEN COMMENTS

Citizens may speak during Citizen Comments for up to five minutes on any item not on the agenda by completing a speaker card. NONE

ADJOURNMENT

With no other business brought before the Board, Wendell Davidson, Chairperson asked for a motion to adjourn. Vice-Chairperson Janie Mendez-Adhikari made a motion to adjourn and Valerie Hernandez seconded motion approved with all members present voting aye.

MOTION CARRIES 5-0



CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 05/03/2021

PRESENTER: Allan Brown, Code Enforcement Supervisor

TITLE: Consideration of compliance with and amendment of April 5, 2021 Building Advisory and Appeals Order for the property located at 1502 Ranch Road, Grand Prairie, Texas

RECOMMENDED ACTION: To Be Presented At the Meeting

ORDER SUMMARY:

On April 5, 2021, the Board found the structure located at 1502 Ranch Road to be a dangerous structure. The structure is owned by Matthew Road Water Supply Corporation. Representatives of the owner appeared at the hearing and testified they had decided to demolish the structure. They had already obtained quotes which were to be presented to their board at the next meeting on April 28, 2021. The Board ordered the property to be brought into compliance within 45 days and asked the owner to provide weekly progress reports starting after their board meeting.

OWNER PROGRESS REPORTS:

Due to circumstances beyond our control, this agenda had to be posted prior to the deadline for the first progress report. However, any information received will be provided to the Board at the meeting.

STAFF RECOMMENDATION:

Staff is not opposed to providing additional time to complete the demolition if the Owner can show Owner has been diligently working to resolve the issue by entering into a contract for the demolition of the structure. However, Staff would oppose a significant extension given that minors have been seen using the unsafe structure and summer is quickly approaching. Staff will make a recommendation at the hearing based upon the information provided by the Owner.



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 05/03/2021

PRESENTER: Allan Brown, Code Enforcement Supervisor

TITLE: Consideration of compliance with and amendment of April 5, 2021 Building Advisory and Appeals Order for the property located at 2107 N. Kirbywood Trail, Grand Prairie, Texas

RECOMMENDED ACTION: Modify order as specified below

ORDER SUMMARY:

On April 5, 2021, the Board found the unpermitted partially constructed secondary structure located in the backyard of 2107 N. Kirbywood Trail, Grand Prairie, Texas to be a dangerous structure. The structure is owned by Kiv Visothvaddhana who appeared at the hearing. The owner represented that he had applied for variances which could not be heard until May. The owner was given 15 days to remove the walls and roof of the structure, 30 days to remove items, including the concrete foundation, which were in the easement, and 60 days to bring the property into compliance. The Owner was to provide weekly progress reports. The Board asked the property to be brought back to the next board meeting.

OWNER PROGRESS REPORTS:

The Owner provided the City with a progress report and photograph reflecting the walls and roof were removed as required.

STAFF RECOMMENDATION:

Staff has learned that the request for a variance is scheduled in front of the ZBA on May 17, 2021. The results of that meeting will determine the Owner's course of action. The owner has removed the walls and roof of the structure as required. The current deadline for compliance is prior to the Board's next meeting on June 7, 2021. Staff is not opposed to extending the deadline for compliance with all applicable code to June 11, 2021 and leaving the remaining orders unchanged.



CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 05/03/2021

PRESENTER: Allan Brown, Code Enforcement Supervisor

TITLE: Hearing concerning the Nuisance Determination for the property located at 3439 Racquet Club Drive, Grand Prairie, Texas

RECOMMENDED ACTION: Adopt Staff's Recommended Findings and Orders

SUMMARY:

This is one half of a duplex. Each half has a different owner, however, they are family members. The property owners are using the backyard area to store indoor furniture, building materials, buckets, and other items on the property. They are also allowing the accumulation of trash, rubbish, and debris. The property owners were given notice on February 1, 2021 to correct the violations by February 8, 2021. However, they have failed to do so. The property owners have allowed the outside storage and accumulations of trash, rubbish, and debris (unclean premises) to exist on the property.

ENFORCEMENT HISTORY:

Notice to Abate Unclean Premises/Outside Storage sent 2/1/2021
Citation Issued (Unclean Premises/Outside Storage) 4/19/21

CONCERNS:

Outside Storage and Unclean Premises which are a nuisance and have resulted in citizen complaints.

STAFF'S RECOMMENDED FINDINGS:

- The owner of the property located at 3439 Racquet Club Drive, ("the Property") was given notice of this hearing in accordance with applicable law.
- The owner is storing buckets, building materials, indoor furniture, and other items on the Property;
- The owner is allowing accumulations of trash, rubbish, and debris in the backyard of the property where it is visible from the alley;
- The owner was previously given notice to remove all outside storage and accumulation of trash, rubbish, brush, and debris from the Property;
- The owner has failed to remove all outside storage and accumulation of trash, rubbish, brush, and debris from the Property;
- The presence of the trash, rubbish, brush, and debris upon the Property is a nuisance and violation of Section 29-73 of the Grand Prairie Code of Ordinances.
- The outside storage on the Property is a nuisance and violation of Section 29-68(30).

STAFF'S RECOMMENDED ORDERS:

- Abate the nuisance by removing all outside storage and accumulations of trash, rubbish, and debris from the Property within **TEN (10)** days of the date of this Order in accordance with all applicable laws.
- Should the Owner fail to comply with the order and timely abate the nuisance as described in this Order, the City is authorized, at Its discretion and the Owner's expense, to cause the nuisance to be abated by City forces or private contract.
- The City is further authorized to recover expenses the City incurs while abating the Nuisance through the placement of a lien on the Property in accordance with applicable law.

INTERESTED PARTIES:

Roxanna Trevino
3439 Racquet Club Dr.
Grand Prairie, Tx 75052



CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 05/03/2021

PRESENTER: Allan Brown, Code Enforcement Supervisor

TITLE: Hearing concerning the Nuisance Determination for the property located at 3441 Racquet Club Drive, Grand Prairie, Texas

RECOMMENDED ACTION: Adopt Staff's Recommended Findings and Orders

SUMMARY:

This is one half of a duplex. Each half has a different owner, however, they are family members. The property owners are using the backyard area to store indoor furniture, building materials, buckets, and other items on the property. They are also allowing the accumulation of trash, rubbish, and debris. The property owners were given notice on February 1, 2021 to correct the violations by February 8, 2021. However, they have failed to do so. The property owners have allowed the outside storage and accumulations of trash, rubbish, and debris (unclean premises) to exist on the property.

ENFORCEMENT HISTORY:

Notice to Abate Unclean Premises/Outside Storage sent 2/1/2021
Citation Issued (Unclean Premises/Outside Storage) 4/20/21

CONCERNS:

Outside Storage and Unclean Premises which are a nuisance and have resulted in citizen complaints.

STAFF'S RECOMMENDED FINDINGS:

- The owner of the property located at 3441 Racquet Club Drive, ("the Property") was given notice of this hearing in accordance with applicable law.
- The owner is storing buckets, building materials, indoor furniture, and other items on the Property;
- The owner is allowing accumulations of trash, rubbish, and debris in the backyard of the property where it is visible from the alley;
- The owner was previously given notice to remove all outside storage and accumulation of trash, rubbish, brush, and debris from the Property;
- The owner has failed to remove all outside storage and accumulation of trash, rubbish, brush, and debris from the Property;
- The presence of the trash, rubbish, brush, and debris upon the Property is a nuisance and violation of Section 29-73 of the Grand Prairie Code of Ordinances.
- The outside storage on the Property is a nuisance and violation of Section 29-68(30).

STAFF'S RECOMMENDED ORDERS:

- Abate the nuisance by removing all outside storage and accumulations of trash, rubbish, and debris from the Property within **TEN (10)** days of the date of this Order in accordance with all applicable laws.
- Should the Owner fail to comply with the order and timely abate the nuisance as described in this Order, the City is authorized, at Its discretion and the Owner's expense, to cause the nuisance to be abated by City forces or private contract.
- The City is further authorized to recover expenses the City incurs while abating the Nuisance through the placement of a lien on the Property in accordance with applicable law.

INTERESTED PARTIES:

Jessica Darquea
3441 Racquet Club Dr.
Grand Prairie, Tx 75052



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 05/03/2021

PRESENTER: Patrick Wilson, Assistant City Attorney

TITLE: Discussion of Donation Box Ordinance

RECOMMENDED ACTION: No action required

SUMMARY:

The City of Grand Prairie enacted a Donation Box Ordinance which requires Donation Boxes to have permits. The Building Advisory and Appeals Board serves as the appeal board for certain matters related to Donation Boxes. The purpose of this presentation to familiarize the Board with the ordinance and the types of matters which may be presented to the Board for consideration.



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 05/03/2021
PRESENTER: Tiffany Bull, Assistant City Attorney
TITLE: Open Meetings Act Training
RECOMMENDED ACTION: No action required

SUMMARY:

The City Attorney's Office will be providing a brief Open Meetings Act Training.