

**Building Standards Commission  
January 21, 2020**

Commission Members Present

Joe Milkes, Chairperson  
Andrew Lindquist  
Peter Krause (arrived at 4:15 p.m.)  
Ed Acklin  
Mark Allen Lewis  
Earl Dedman  
Larry Shan

Commission Members Absent

Dawn Wolverton

Staff

Jennifer Knox-Walker, Assistant City Attorney  
Selso Mata, Building Official  
Gary Miles, Assistant Building Official  
Scott Lussier, Property Standards Manager  
Michelle Voirin, Assistant City Attorney  
Lacey Thornton, Sr. Administrative Assistant

Chairperson Joe Milkes called the meeting to order at 4:00 p.m. Tuesday, January 21, 2020 in the Building Inspections Training Room. A quorum was present and notice of the meeting had been posted for the time and manner required by law. The following matters were discussed.

Chairperson Joe Milkes admitted all documents and testimony given into the official Building Standards record.

1. **Public comments:** No public comment.
2. **Approval of Minutes from October 15, 2019.**

Commission Member Andrew Lindquist made a motion to approve the minutes from October 15, 2019. Commission Member Mark Allen Lewis seconded the motion. Ed Acklin abstained from voting as he was not a member of the Building Standards Commission at that time. The Commission voted 5-0-1 in favor of approving the minutes from October 15, 2019.

3. **Discussion and possible action regarding the following property's continued non-compliance with the minimum standards required by Charter 6, Building and Building Regulations, of the City of Plano Code or Ordinances, and consideration of whether to provide further opportunity for the property to come into compliance or to execute final orders for the property.**

3000 Jomar Drive – Owner Marion Rose McBride

Scott Lussier, Property Standards Manager, testified as to the history and violation of the Property located at 3000 Jomar Drive. Mr. Lussier testified the City became aware of the violation when a City Engineer Department went to replace a required screening wall. On September 10, 2019, an inspection of the Property found improvements to the Property, which encroached on the public right-of-way. Mr. Lussier

stated that aerial maps and past real estate listings showed an accessory structure, outdoor kitchen, stone patio, a deck, hot tub, as well as, a gas fire pit that were all built within the parkway area. A Notice of Violation was mailed giving the Property Owner sixty (60) days to remove the items from the parkway. Mr. Lussier stated that he met with the Property Owner, Ms. McBride, and discussed the Property Owner's options related to the encroachment violation and an extension of time to have the improvements removed.

Mr. Lussier testified 6% of the land is required to remain as open areas. The land in the parkway right-of-way is part of that 6% and therefore, cannot sold to the Property Owner. Staff recommendations include thirty (30) days for the Property Owner to bring the Property into compliance. If the Property Owner fails to comply within thirty (30) days, the City will abate the violations with any cost incurred by the City resulting in a lien being placed on the Property.

Mr. Lussier answered questions from the Commission Members.

Marion Rose McBride, Property Owner, testified she acquired the Property in its current state. Ms. McBride stated upon obtaining the Property and reviewing the land value, she was made aware that a section of the land was outside her property line. When she learned that this part of the land was not part of her property, she contacted the City of Plano. Ms. McBride obtained a survey at the request of the City. Ms. McBride testified after two to three years and several conversations and failed attempts to obtain the portion of land from the City, she let the matter go.

Ms. McBride testified that she started to receive Notice of Violation letters stating she has "x" amount of days to become compliant. Ms. McBride testified upon receiving the Notice of Violation letters she contacted contractors to complete the work, but had several tell her they would not do the work. Ms. McBride has since found a contractor to complete the work and is currently in the process of removing portions of the items in violation.

Ms. McBride answered questions from Commission Members.

Mr. Lussier answered questions from the Commission Members.

Chairperson Joe Milkes closed the floor to public comment.

Chairperson Joe Milkes opened the floor to discussion for Commission Members.

Mr. Lussier answered questions from the Commission Members.

Michelle Voirin, Assistant City Attorney for Property Standards, answered questions from the Commission Members.

Commissioner Peter Krause was unable to vote on this matter as testimony and evidence had already begun at the time he was seated.

Commission Member Andrew Lindquist made a motion to approve Staff recommendations as presented. Commission Member Mark Allen Lewis seconded the motion. The Commission voted 6-0 in favor of the motion.

#### **4. Items for future agendas.**

Lacey Thornton, Sr. Administrative Assistant, testified there are no cases scheduled at this time.

The Public Hearing adjourned at 4:33 p.m.

A handwritten signature in black ink, appearing to read "Joe Milkes", written over a horizontal line.

Joe Milkes, Chairperson