

Building Standards Commission
April 21, 2009

Present

Jim Degnan, Chairman
Rich Prusha
Jim Kesterson
Ann Nurre
Art Stone, Alternate

Present, not seated

Brian Eisenrich
Mo Khoshkar, Alternate
Gary Johnston, Alternate

Absent

Brian Eisenrich

Staff

Selso Mata, Chief Building Official
Warren Spencer, Assistant City Attorney III
Rodney Patten, Assistant City Attorney II
Scott Neumeyer, Inspections Services Supervisor
Doug Angle, Property Standard Specialist
Cynthia O'Banner, Director Property Standards
Gary Miles, Building Inspections Manager
Diana Gallegos, Sr. Administrative Assistant

1. Public comments: **No Public Comment**
2. Approval of Minutes from March 17, 2009 Minutes.

Commission member Rich Prusha, made the motion to approve the minutes from March 17, 2009 as written. Commission member Jim Kesterson seconded the motion. The Commission voted 5/0 in favor of the motion.

3. Consideration of appeal of Substandard Deficiency List of Property located at 1520 Janwood Dr., Plano, Texas, 75075 – Owner, Jay S. Cooper

Cynthia O'Banner, Director Property Standards gave an introduction on the property at 1520 Janwood Dr.

Mr. Jay S. Cooper, Homeowner, stated his Case before the Commission and his reasons for the appeal of the decisions of the Property Standards Department.

After Mr. Coopers Testimony, City Attorney, Rodney Patten, responded to Mr. Coopers' appeal and his issues with the Property Standards Department.

He asked that the commission only address the issues outlined in the appeal process under section 111.1 of the Property Maintenance Code and Stated that Mr. Cooper has failed to address all of these issues. The Commission also heard testimony from Scott Neumeyer, Inspections Services Supervisor.

The Commission discussed with Mr. Cooper each deficiencies item on the report given to him by the Property Standards Department. The Commission asked Mr. Cooper if he was willing to start making repairs on his property in the next thirty days. Mr. Cooper said he was willing to start.

Warren Spencer, City Attorney, instructed the Commission that before the motion was made that given the basis for the appeal under Section 111.1 of the Property Maintenance Code, he would recommend the motion include the Commission's findings with regard to that Section 111.1.

After hearing testimony and receiving direction from Council, Commission member Rich Prusha made the following motion:

With respect to the three items in Section 111.1 of the Property Maintenance Code to be addressed;

- Point number 1. A claim the intent of this code or rules legally adopted there under have been incorrectly interpreted, the motion is as follows, for the seven items;
 - 1) Foundation must be maintained plumb and be free from open cracks and breaks. Was not interpreted correctly.
 - 2) All masonry joints, as well as those between the building envelope and the perimeter of windows and doors shall be maintained weather resistant and water tight has been correctly interpreted.
 - 3) Structural columns in front of home must be capable of safely supporting the imposed live and dead loads, was not interpreted correctly.
 - 4) All exterior trim and siding must have a sound coat of paint or other approved protective coating, has been correctly interpreted.
 - 5) Chimney and chimney cap must be maintained structurally safe and sound, and in good repair, has been correctly interpreted.
 - 6) Sagging deck/platform, on west side of home, must be maintained in good repair and properly anchored so as to be kept in a sound condition or removed. Deck/platform must have sound coat of paint or other approved coating, has been correctly interpreted.
 - 7) Utilities must be active to occupy home, has been correctly interpreted.
- Point number 2. The provisions of this code do not fully apply. Yes, the provisions of this code do fully apply to all seven items on the deficiency list.

- **Point number 3. The requirements of this code are adequately satisfied by other means. At this time the seven deficiency items are not satisfied by other means.**

Therefore based on that, our motion would be to table this item until sufficient progress has been made by the homeowner to comply with the City of Plano by the next scheduled meeting of the Building Standards Commission.

Commission member Art Stone seconded the motion. The Commission voted 5/0 in favor of the motion.

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

1909 Sandpiper, Lane, Plano, Texas 75075- Owner- Stefan Wilson

Mr. Angle went on to give a presentation on the condition of 1909 Sandpiper.

Mr. Tony Waddell, of Barrett Daffin Frappier Turner & Engel, representing Wells Fargo gave testimony on what Wells Fargo can and cannot do at this time and that Wells Fargo would like to have time to foreclose on this property and rebuild, and asked the Commission to revisit this at the May 19th meeting.

Homeowner, Stefan Wilson, gave testimony on events leading up to appearing before the Commission stating that he is waiting on the insurance money to demolish the property and rebuild and asked the Commission to give him some time to get this accomplished.

After hearing testimony from all parties, Commission Member Rich Prusha made the motion that the owner of this property Stefan Wilson be given no more than thirty (30) days from the date the order is signed to bring the structure at 1909 Sandpiper Lane, Plano, Texas into compliance, or to demolish the structure and remove all subsequent debris from the property. And that if the owner does not comply with the terms of the order in its entirety by May 21, 2009, the City of Plano is authorized to take action to demolish the property and recoup all expenses incurred for doing so by filing a lien as necessary. Chairman Jim Degnan seconded the motion. The Commission voted 5/0 in favor of the motion.

5. Consideration of appeal of the Building Officials denial of applicant's request to use exit stairs as an alternate method pursuant to International Building Code Sections 1004.1.1, 1004.4, 1015.1, 1021.1, 1021.2, and 1021.3 which are codified in Chapter 6, Building and Building Regulations, Article II. Building Code of the Code of Ordinances of the City of Plano Texas. Applicant: Brad Russell, BR

Architects and Engineers, Project Address: Madison @ Willow Bend, 2525 Preston Road, Plano, Texas.

Selso Mata gave a brief description of why the applicant was here and to give background on the project. Mr. Mata also answered questions from the Commission.

Brad Russell, BR Architects and Engineers, gave presentation on his request for alternate method on Exiting Stairs, and answered questions from the Commission.

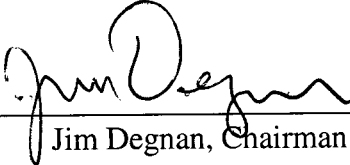
After discussion among the Commission, Commission Member Jim Kesterson made the motion to deny this alternate method stating that it does not equal or meet the current code requirement. Commission Member Rich Prusha seconded the motion. The Commission voted 5/0 in favor of denying the alternate method.

6. Future Items.

Item 3, Appeal for 1520 Janwood Dr., as presented at this meeting and tabled until the May 19, 2009 meeting.

An update on the progress of the property at 1909 Sandpiper Lane, presented at this meeting.

The Public Hearing adjourned at 6:58 P.M.


Jim Degnan, Chairman