



MINUTES
Meeting of the Prosper
Board of Adjustment/Construction Board of Appeals
108 W. Broadway St., Prosper, Texas
Town of Prosper Municipal Chambers
Tuesday, August 29, 2017, 6:00 p.m.

1. Call to Order / Roll Call.

The meeting was called to order at 6:03 p.m.

Board members present: John Borden, Rob Stogsdill, George Dupont, Tracy Kirl, Phyllis Hoffschwelle, and Cliff Freeman (alternate)
Board member absent: Brent Wells (alternate)
Cliff Freeman left the meeting at 7:10 p.m.

Staff present: Alex Glushko, Senior Planner; Scott Ingalls, Planner; Trish Eller, Code Compliance Officer; Todd White, Building Official; Terry Welch, Town Attorney; and Pamela Clark, Planning Technician

REGULAR AGENDA

2. Consider and act upon the appointment of a Chair and Vice-Chair.

Hoffschwelle nominated George Dupont for Chair, seconded by Stogsdill. Motion approved 5-0.

Hoffschwelle nominated Tracy Kirl for Vice-Chairman, seconded by Stogsdill. Motion approved 5-0.

3. Consider and act upon minutes from the June 6, 2016, Regular Board of Adjustment/Construction Board of Appeals meeting.

Motioned by Stogsdill, seconded by Borden, to approve the BOA/CBOA Minutes from June 6, 2016. Motion approved 5-0.

4. Conduct a public hearing concerning a substandard structure located at 1450 Cedar Ridge Drive, in the Town of Prosper, and thereafter discuss, consider and take action regarding said substandard structure.

Glushko: Provided a history, description, and timeline of this item and involvement of Town staff.

White: Informed Board members of the findings resulting from the courtesy inspection performed by Town staff, and provided information on the necessary repairs needed to prevent further damage to the structure.

Board members asked for additional information on the damage inside of the home and how the Town would ensure those repairs would be completed prior to restoring electric, gas, and water service to the property.

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White: Provided information on the permitting process for this type of damage and how the Town would ensure all necessary repairs are completed to Town Code prior to reconnecting services to the property.

Welch: Explained the authority of the Board is to determine if the structure is substandard and to establish a timeframe by which the repairs resulting in a nuisance should be completed. Informed Commissioners that the house will not be occupied until all external and internal work is completed and inspections are passed.

James Creedon (Property Owner's Legal Representative): Requested the Board allow the property owner 60 days to complete the roof repairs.

Timothy Mullen (Roofing Contractor): Explained what repairs would be done and provided an estimated timeline of 5 days needed to complete the necessary repairs.

The Public Hearing was opened by Chairman Dupont.

Jerald Danhaus (Neighbor): Expressed concern regarding the disrepair of the structure and whether the Town should allow the property owner additional time to make necessary repairs. Requested the Board take immediate action to repair the property and prevent further damage.

There being no other speakers, the Public Hearing was closed.

Board members agreed that the property owner had exceeded an adequate amount of time to repair the property, the structure is substandard, and that a timeframe should be established to complete the repairs.

Motioned by Borden, seconded by Hoffschwelle, to order repairs at 1450 Cedar Ridge Drive and based on evidence presented at the hearing, moved that the Town of Prosper Construction Board of Appeals find that the following facts exist:

1. That the building located at 1450 Cedar Ridge Drive in the Town of Prosper, Texas, is substandard and a public nuisance; and
2. That the conditions set forth in the Building Inspection Division's report exist to the extent that the life, health, property or safety of the public are endangered; and
3. That the owner has presented a plan of repair and schedule of work to be completed; and
4. That 30 days is a reasonable period of time to complete the needed repairs taking into account the owner's interests and the interests of public safety; and
5. That if the structural elements of the roof is not repaired within said time period, that there is no reasonable probability that the structural elements of the roof will be repaired within a reasonable period of time if additional time is given.

Further moved that the Construction Board of Appeals for the Town of Prosper, Texas, order:

1. That the structural elements of the roof be repaired in conformance with the requirements of the applicable building and construction codes of the Town of Prosper, Texas, or demolished and the debris removed within 30 days; and

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2. If the structural elements of the roof are not repaired or the building is not demolished and the debris removed within said time period to full conformance with the requirements of the applicable building and construction codes of the Town of Prosper, Texas, then the Town of Prosper, Texas, shall have the discretionary authority to repair and/or demolish the building at its expense and place a lien on the property to recover its costs; and
3. Adopt an Order reflecting the foregoing.

Motion approved 5-0.

5. Board member orientation.

Welch: Explained the duties, proceedings, and responsibilities of the Zoning Board of Adjustment according to Local Government Code, which includes the following: special exceptions to the Zoning Ordinance, what qualifies as a hardship or variance, reconstruction of non-conforming uses, and interpretation of Zoning Ordinance regulations. Offered definitions and examples of variances, hardships, and uses. Cited scenarios in which the Town or any citizen may appeal the Board's decision. Explained the duties, proceedings, and responsibilities of the Construction Board of Appeals, which includes reviewing determinations made by the Building Official regarding a technical issue or code and interpretations of any building related code.

6. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.

No items were discussed.

7. Adjourn

Motioned by Hoffschwelle, seconded by Stogsdill, to adjourn. Motion approved 5-0 at 7:46 p.m.


Pamela Clark, Planning Technician


Chairman/Vice-Chairman