



**MINUTES OF April 2, 2015
BUILDING AND STANDARDS MEETING**

The Building and Standards Board of the City of Coppell met in a Regular Session on Thursday, April 2, 2015 at 7:00 p.m. in the Council Chambers, 255 E Parkway Blvd. Coppell, Texas. The following members were present:

**Donald Perschbacher, Chairperson
Mark LeGros, Vice Chairperson
Laura Ketchum, Commissioner
Tien Le, Commissioner
John Hirschy, Commissioner
Matthew Aycock, Alternate Commissioner
Jerry Hopkins, Alternate Commissioner
Robert McLeroy, Alternate Commissioner**

Also present were Chief Building Official Michael Arellano and Permit Technician Desiree Hall.

REGULAR SESSION

Item 1: Call to Order

Chairperson Perschbacher called the meeting to order at 7:00 p.m.

Convene Executive Session

Chairperson Perschbacher calls meeting into Executive Session at 7:02p.m.

Item 2: Convene Regular Session

A. Approval of the Minutes for July 10, 2014.

Action:

Motion by Vice Chairperson LeGros, seconded by Chairperson Hirschy to approve minutes for July 10, 2014. AYE: Perschbacher, Ketchum, LeGros, Le, Hirschy. NAY: None. The motion passed 5-0.

Item 3: Public Hearing to consider an appeal based on a claim that the true intent of the 2009 International Building Code, or the rules legally adopted, have been incorrectly interpreted and the decision or determination made by the Chief Building Official relative to the application and interpretation of this code are incorrect. In question are the following sections:

108.1 General.

108.1.3 Structure unfit for human occupancy.
A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

**SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT
[A] 116.1 Conditions.**

Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

302.4.5 Subsequent violations within one year. The city, in the notice of violation, may inform the owner(s) or person(s) responsible in the manner prescribed in Sections 107.2 and 107.3 that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owners expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within

the one year period, and the city has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted by this article and assess expenses as provided by this article.

Chairperson Perschbacher administered the oath for those speaking before the Board.

Michael Arellano, Chief Building Official, introduced the case with exhibits. He emphasized the board cannot waive the codes but that they are to determine if his interpretation of the codes were correct or not. He mentioned that notices were mailed to property owners within 200 feet of this request.

Mr. Arellano also mentioned Mr. Peter Winegarner, the applicant and homeowner of 521 Oakgrove Ln., his justification was he felt the letter sent him was illegal, stating he had a citation that was over twelve months old and because of this the code section didn't apply to him. Mr. Arellano clarified Mr. Winegarner was basing that information on the citation that was given to him, but the ordinance is not based on the citation it is based on the letter which was hand delivered to Mr. Winegarner August 12, 2014. Mr. Arellano shows an example of the letter. Mr. Arellano states that he has been working with Mr. Winegarner since 2009 to get his property cleaned up and up to code. Mr. Arellano then briefly goes over the code sections 108.1, 108.1.3, 116.1, and 302.4.5 with supporting pictures from Mr. Winegarner's property. Mr. Arellano also speaks in reference to section 104 which covers the duties and powers of the Building Official. Michael Arellano states, as Chief Building Official he recommends the denial of the appeal.

Chairperson Perschbacher questions the last time the water bill was checked. Michael Arellano clarifies it was last checked on Tuesday, March 31, 2015.

Comments from Mr. Peter Winegarner, property owner of 521 Oak Grove Ln., include:

That he uses water on the property to flush the commodes.

He was originally using space heaters to stay warm therefore Atmos disconnected his gas meter.

Laurie Marshall allowed him to have the overgrown bushes in his front yard. The Church group did not help clean his property.

Tried to start a business where he sold foam from his backyard on Ebay.

He sent a letter to Judge Mosley in reference to the 12 month limit to clean the property post the citation given.

He is storing water in case of an emergency, contrary to using it for flushing the commode.

States he's asked Karen Hartz, Code Compliance Officer, as well as Michael Arellano for an extension on getting his property cleaned.

He states his chronic pain and depression was brought on in 2003 by the Coppell Police Department after a 911 dispatch call was made by his ex-wife. He reads a letter, sent to Judge Mosely, that he was suggested to come before the Board of Adjustments if he wanted to appeal the decision made by the Building Official.

Chairperson Perschbacher asks to hear from the City Attorney, Mr. David Dodd.

David Dodd speaks in reference to Mr. Winegarner's concerns that Judge Mosley is absent from the meeting. Mr. Dodd goes on to say Judge Mosley resides over the municipal court which controls citations, the present case is not in reference to a citation but separate proceeding within a different jurisdiction.

Mr. Winegarner then states the following:

That he is disabled because of the Coppell Police Department that has caused him to have PTSD.

States that DCAD brought his property value down in 2011.

Chairperson Perschbacher asks for clarifications on three different ordinances that Mr. Winegarner spoke to.

Mr. Winegarner states he asked neighbors for the trailers and assistance in effort to further clean the property but was turned down.

Chairperson Perschbacher speaks to the ordinance 108.1 and making sure that Mr. Winegarner understands that is the concern of the Building Official. He then asks about the ordinance 116.1 and unsafe structures and equipment. He questions the lack of water usage.

Mr. Winegarner states he has been using water processed through the City of Coppell but there is no gas. States he showers at Texas Family Fitness.

Chairperson LeGros asks Michael Arellano is heat a requirement for occupancy of a house.

Michael Arellano states heat is a requirement per Code.

Chairperson Perschbacher asks about the pictures referenced by Michael Arellano in aspect of ingress and egress to Mr. Winegarner's. He asked if there was something missing/not presented in the pictures that were presented to the board.

Mr. Winegarner continues to state he does not understand the rush to have his property brought up to code.

Chairperson Perschbacher asks to hear from Michael Arellano, Michael Arellano states two letters were sent out to allow an additional month for Mr. Winegarner to get his property brought up to code.

City Attorney, David Dodd clarifies giving additional time for the cleaning of Mr. Winegarner's property is not the authority of the Board at this time. Only to state if the Building Official interpreted the codes correctly are they allowed to vote on.

Chairperson Perschbacher asks if there is anyone else that would like to speak. No one comes forward. Chairperson Perschbacher closes the public hearing.

Action:

Motion by Vice Chairperson LeGros, seconded by Commissioner Ketchum, to uphold the ruling of the Chief Building Official, in that his interpretation of the City's Ordinance 108.1 was in fact correct. AYE: Perschbacher, LeGros, Ketchum, Le, and Hirschy NAY: None. The motion carried 5-0.

Motion by Vice Chairperson LeGros, seconded by Commissioner Hirschy, to uphold the ruling of the Chief Building Official, in that his interpretation of the City's Ordinance 116.1 was in fact correct. AYE: Perschbacher, LeGros, Ketchum, Le, and Hirschy NAY: None. The motion carried 5-0.

Motion by Vice Chairperson LeGros, seconded by Commissioner Hirschy, to uphold the ruling of the Chief Building Official, in that his interpretation of the City's Ordinance 302.4.5 was in fact correct. AYE: Perschbacher, LeGros, Ketchum, Le, and Hirschy NAY: None. The motion carried 5-0.

There being no further business, the meeting adjourned at 8:03 p.m.

Donald Perschbacher, Chairperson

ATTEST:

Desiree Hall, Permit Technician

