

MEMORANDUM

TO: Claire Powell, City Manager

FROM: Jeremy Booker, Building Official

VIA: Chris McGinn, Director of Neighborhood & Inspection Services

DATE: July 20, 2026

SUBJECT: **Continued Public Hearing: In Accordance with Chapter 214 of the Local Government Code and Article VII, Chapter 4 of the Lewisville City Code, a Public Hearing is Required so that City Council Can Consider Whether the Structure Located at 2328 S Uecker Lane (A 1.5-Acre Tract (Tract 16) in the L. Burgois Survey Abstract 52A) Should be Declared a Substandard Structure and Whether the Structure Must Be Secured, Vacated, Repaired, Removed, or Demolished.**

BACKGROUND

At the July 20, 2026, City Council meeting, this item was continued to the August 3, 2026, City Council meeting.

The property located at 2328 S Uecker Lane, owned by DMR Homes & Constructions LP, has been vacant for an extended period and has sustained extensive damage due to vandalism. Over time, the structure on the property became an attractive nuisance and a safety concern, with reports of unauthorized individuals occasionally occupying the vacant property.

Due to the deteriorating conditions and concerns regarding safety, fire risk, and hazards to first responders, the Lewisville Fire Marshal reached out to the property owner on January 27, 2026, and successfully obtained written consent to enter and inspect the structure.

On February 3, 2026, the Building Official, alongside the Fire Marshal and Code Enforcement Officers, conducted a joint inspection of the property including the structure. During this inspection, staff observed that the structure was completely uninhabitable. The interior drywall had been completely removed, doors and windows were broken or missing (leaving the structure open to the elements and unauthorized entry), and all mechanical, electrical, and plumbing systems had been stripped from the structure. Furthermore, the structure was not adequately secured to prevent continued unauthorized entry.

ANALYSIS

City Council is authorized to find that a structure is a substandard structure if any of the seventeen (17) conditions or defects listed in Sec. 4-246 of the Lewisville City Code exist to the extent that the structure is dilapidated, substandard, or unfit for human habitation and constitutes a hazard to the public health, safety, and welfare. In conjunction with the Code Enforcement Division and the Lewisville Fire Marshal's Office, the Building Official, Jeremy Booker, assisted with the inspection of the structure at 2328 S Uecker Lane on February 3, 2026, and documented in his substandard structure inspection report that at least eight (8) such conditions or defects exist. This report has been provided to City Council in the agenda backup. The conditions or defects identified by the Building Official are:

- The structure has been damaged by vandalism to such extent that the structural strength or stability thereof is subject to partially or fully collapsing;
- More than 50% of the total area of nonsupporting coverings of walls, ceilings, roofs, and floors are damaged or deteriorated;
- The structure or part thereof has been damaged to such an extent that it has become dangerous to the public health, safety, and welfare;
- Due to its condition, the structure is unsafe, unsanitary, and dangerous to the health, safety or general welfare of the city's citizens including conditions conducive to harboring rodents or other disease-carrying animals, or insects reasonably believed to spread disease;
- The structure has become so dilapidated or deteriorated as to become an attractive nuisance to children; a harbor for vagrants, criminals, or trespassers; and enables use for unlawful acts;
- The electrical system is totally or partially damaged, destroyed, removed, or otherwise made inoperable, unsafe, or hazardous;
- The plumbing system is totally or partially damaged, destroyed, removed, or otherwise made inoperable or unsanitary; and
- The mechanical system or any portion of the mechanical system is totally or partially damaged, destroyed, removed, or otherwise made inoperable or unsafe.

The Building Official further finds that the violations constitute a hazard to the public health, safety, and welfare, and that the structure is in such a condition as to make it immediately dangerous to the public and to any person entering the structure, including first responders, trespassers, and children drawn to the open and unsecured structure.

Following a diligent effort by City staff to discover the identity and address of each owner, mortgagee, and lienholder, notice of the public hearing containing all the information required by law was sent by certified mail and regular mail to the owner of record, the mortgagee of the property, and a lienholder of the property. A notice of the public hearing was posted on the structure informing of the date and description of the hearing. A copy of the public hearing notice was also filed in the real property records in Denton County.

The owner, lienholder, or mortgagee may testify and present witnesses or written information during the public hearing and has the burden of proof to demonstrate the scope of work that may be required to bring the property into compliance and the time required to reasonably perform the work.

If the structure is found to be a substandard structure by the City Council, the City Council shall order the owner of the property to, within thirty (30) days, secure the structure from unauthorized entry or repair, remove, or demolish the structure, unless the owner, lienholder, or mortgagee establishes at the hearing that work cannot be reasonably performed within thirty (30) days. The City Council's order shall also specify an additional reasonable time of at least thirty (30) days to allow any mortgagees or lienholders to complete the ordered action if the owner fails to comply within the time provided in the order.

If City Council allows the owner, lienholder, or mortgagee more than thirty (30) days to repair, remove, or demolish the structure, the City Council shall establish specific time schedules for the commencement and performance of the work and shall order the property to be secured from unauthorized entry while the work is being performed. The City Council may not allow more than ninety (90) days to repair, remove, or demolish unless the owner, lienholder, or mortgagee submits a detailed plan and time schedule for the work at the public hearing and proves that the work cannot be reasonably completed within ninety (90) days.

It is the opinion of the Building Official that the repairs needed to bring the structure into compliance with current building codes, fire code and other current applicable codes would significantly exceed ninety (90) days. It is also the opinion of the Building Official that, due to the current condition of the structure, repairs are not financially feasible as the cost of repairing the structure would exceed its market value after completion of the repairs.

In accordance with Lewisville City Code section 4-247(g), the following standards shall be followed by the City Council when ordering the repair, vacation, or demolition of a substandard structure:

1. The structure shall be repaired in accordance with current building codes, fire code, and other codes applicable to the type of substandard conditions requiring repair; and
2. If the City Council finds that the structure is in such a condition as to make it immediately dangerous to the health, safety, and welfare of the occupants, it shall be ordered to be vacated and secured from unlawful entry. (Note: the structure located on 2328 S Uecker Lane is currently vacated, but it is not secured against unlawful entry.)

Following the public hearing, City staff will (1) serve a copy of the signed order on the owner and each lienholder and mortgagee; and (2) within ten (10) days after the order is issued, file a copy of the order with the City Secretary and publish notice of the order in a newspaper of

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general circulation, all as required by Section 4-248. If the owner fails to comply, the City may secure, remove or demolish the structure without additional action from City Council. City staff shall obtain a lien against the property and will record said lien with the Denton County Clerk to secure recovery of the City's costs. The cost of demolition of this structure is estimated to be between \$30,000 - \$50,000.

CITY STAFF'S RECOMMENDATION

That the City Council finds the conditions of and defects in the structure located at 2328 S Uecker Lane exist to an extent that the structure is dilapidated, substandard, or unfit for human habitation and constitutes a hazard to the public health, safety and welfare; declares the structure located at 2328 S Uecker Lane a substandard structure that is in such a condition as to make it immediately dangerous to the public health, safety and welfare; further finds, based on the Building Official's inspection report and testimony, that the repairs necessary to bring the structure into compliance with current codes would significantly exceed ninety (90) days to complete and that, due to the current condition of the structure, repair is not financially feasible because the cost of repairing the structure to compliance would exceed the market value of the structure after completion of the repairs; concludes that demolition is the appropriate remedy and that repair is not a reasonable or feasible alternative; and thus orders the owner to: (1) ensure the structure remain vacated; (2) immediately relocate all occupants, if any, at the owner's expense; (3) immediately secure the structure from unauthorized entry; and (4) within 30 days, demolish said structure; except that, any mortgagees or lienholders shall be provided an additional thirty (30) days to comply with the order if the owner fails to comply with the order but no further notice shall be required to be furnished to a mortgagee or lienholder other than a copy of this order in the event the owner fails to timely take the ordered action.