

BOARD OF CODE STANDARDS AND APPEALS MINUTES

January 10, 2011

Members: Francisco Banuelos, Randy Coonrod, Daryl Crotts, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, John Youle

Present: Banuelos, Coonrod, Crotts, Hartwell, Hentzen, Murabito, Willenberg

Staff Members Present: Kurt Schroeder, Deb Legge, Penny Bohannon, Elaine Hammons (Central Inspection); Jeff Van Zandt (Law Department)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Hentzen on Monday, January 10, 2011, at 1:31 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

Approval of the December 6, 2010, minutes.

Board Member Willenberg made a motion to approve the December 6, 2010, minutes. Board Member Murabito seconded the motion. The motion was approved. (Board Member Crotts was not present for this vote.)

Approval of the 2010 Annual Report of the Board of Code Standards and Appeals.

Board Member Murabito made a motion to approve the 2010 Annual Report of the Board of Code Standards and Appeals. Board Member Hartwell seconded the motion. The motion passed. (Board Member Crotts was not present for this vote.)

Chairman Hentzen requested that the Board Members and City staff introduce themselves to the public in attendance.

Approval of the January 2011 license applications as follows:

<u>Applicant Name</u>	<u>Company Name</u>	<u>Class</u>	<u>Date</u>
John Ario	GRB Service Systems dba Southwestern Services	Class B	January 2011
Jim Arnett	E & A Construction	Class A	January 2011
Danny Boyles III	Delta Innovative Services, Inc.	Roofing	January 2011
Nathan Chambers	All Service Electric	Class C	January 2011
Bruce E. Gilder	A Home Expert	Class C	January 2011
Colleen Johnson	Osage Crane, LLC dba Johnson Contracting	Roofing	January 2011
Thomas Meyer	Commercial Installation & Construction	Class B	January 2011
George A. Newman IV	Newman Enterprises of Kansas, LLC	Class B	January 2011
Lynn Roose, Jr.	Roose Company, Inc.	Class B	January 2011
Joseph Seelye	Select Roofing, LLC	Roofing & Siding	January 2011
Alan Severt	Alan Severt	Class C	January 2011
Natalya Steinke	MW Builders, Inc.	Class B	January 2011
Mike Swindle	Mike's Custom Flooring	Class B	January 2011

George Newman IV was present to answer questions that the Board had regarding his request for approval to obtain a Class B Contractor's License. After reviewing the paperwork provided by Mr. Newman, Board Member Coonrod made a motion to approve the application. Board Member Murabito seconded the motion. The motion carried.

Mark Hegarty was present on behalf of Natalya Steinke's request to obtain a Class B Contractor's License. Mr. Hegarty, the qualified person for the license, advised the Board that he had been approved as a Class A Contractor

and had brought his proof of examination with him. Since the packet originally submitted to the Board was for a Class B Contractor's License,

Board Member Coonrod made a motion to approve the request for the Class B Contractor's License, stating that a new application packet for a Class A consideration would have to be submitted at a future date if Mr. Hegarty or Ms. Steinke wished to pursue a Class A Contractor's License. Board Member Willenberg seconded the motion. The motion passed.

For the remainder of the contractor license applications, except those being heard on a case-by-case basis, Board Member Coonrod made a motion that they be approved, pending verification of all required documentation by Central Inspection. Board Member Murabito seconded the motion. The motion was approved.

Request for approval – License Change (Mark Bolt – Mahaney Roofing Company, Inc.)

Mark Bolt, new owner of Mahaney Roofing Company, Inc., attended the meeting. Mr. Bolt requested that the Board approve him as the new qualified person for Mahaney Roofing Company, Inc. Finding that the application packet did not include the examination results for Mr. Bolt, Board Member Coonrod made a motion to approve Mr. Bolt's request upon verification of his passing score on the required examination. Board Member Hartwell seconded the motion.

Chairman Hentzen inquired whether the list of expired permits should be considered in allowing a change of qualified person. Mr. Van Zandt explained that the responsibility for the permits still exists with the company. Board Member Crofts asked why there were such a large number of expired permits. Mr. Bolt said he believed that there were some inspections that were inadvertently missed when the company was placed on the Self Inspection program, which allows roofing companies who meet the necessary qualifications to provide their own inspections on roofing jobs. Mr. Bolt said that he accepted responsibility for following up on those expired permits and resolving them.

Repeating the original motion as made by Board Member Coonrod, and seconded by Board Member Hartwell, Chairman Hentzen asked for a vote of the Board. The motion was approved.

Request for approval – License Change (Michael Page – Page Enterprises)

After reviewing the paperwork submitted by Mr. Page, Board Member Hartwell made a motion to approve the request to change Page Enterprises to Page Corporation dba RTI. Board Member Coonrod seconded the motion. The motion carried.

Request for approval – License Change (Thomas Meyer – American Space Construction)

Board Member Coonrod made a motion to approve Mr. Meyer's request upon the resolution of the expired permit still pending under the current company name. Board Member Hartwell seconded the motion. The motion was passed.

Condemnation Hearings

Review Cases:

1. 3933 / 3937 E. Ross Parkway (duplex)

No one attended the hearing on behalf of this property.

Approximately 56 x 20 feet in size, this one-story frame duplex is vacant and open. The structure has a concrete block foundation with missing blocks; broken and missing transite asbestos siding shingles; collapsed and badly worn composition roof with holes and missing shingles; deteriorated front and back porches; and rotted wood trim.

This property was brought before the Board for the first time at the December 6, 2010, hearing. The taxes are current and the premise is clean. A permit was issued for reroofing the structure after the meeting on December 6. The roofing has been completed, although no inspection has been done. There have been no other repairs made on the building.

Board Member Banuelos made a motion to allow sixty days to complete the repairs or sell the property, maintaining the property in a clean and secure condition in the interim, or reappear before the Board to provide a status update. Board Member Willenberg seconded the motion. The motion passed.

New Cases:

1. 2603 / 2605 E. Stadium (duplex)

Oneil Davis, owner, was present.

A one-story frame dwelling, approximately 26 x 42 feet in size, it has been vacant for at least five years. This structure has a shifting and cracking concrete block foundation; badly worn composition roof, with holes and missing shingles; missing fascia; and the chimney is deteriorated.

The active case was initiated on this property in September of 2004. There have been numerous violation notices issued on this property. Additionally, there have been notices issued on Nuisance cases and Tall Grass & Weeds cases that were initiated on this property, all with which the owner complied. A Pre-condemnation Letter was issued on July 1, 2010.

The taxes for 2006, 2007, 2008, 2009, and 2010 are delinquent in the amount of \$2,393.07, including interest. There are no Special Assessments against the property. There is an active Vacant Neglected Building case on this property. There is some scattered debris and trash on the premises. No repairs have been made to the structure, and it is not completely secured.

Mr. Davis addressed the Board, explaining that this property was one of several in that area that he had purchased with the intention of repairing it. Because he owns other properties that he is in the process of repairing, Mr. Davis told the Board he would need at least six to nine months to bring this structure into compliance. He also noted that the house had been secured but speculated that someone had removed the boards.

Board Member Murabito asked if Mr. Davis had owned the property since 2006. Mr. Davis answered in the affirmative. Board Member Crotts stated that six to nine months was too long to allow for repairs to be made on the building.

Board Member Coonrod made a motion to allow ninety days for the delinquent taxes to be paid and for the repairs to be completed, maintaining the site in a clean and secure condition in the interim, or the property will be referred to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete the wrecking. Board Member Hartwell seconded the motion. The motion was approved.

2. 2511 E. 20th N.

Oneil Davis, property owner, was present.

About 56 x 26 feet in size, this one-story frame dwelling has been vacant for at least three years. This structure has a cracking concrete block foundation; missing wood lap siding; badly worn wood shake shingle roof, with missing shingles; deteriorated carport; and the 8 x 12 foot accessory structure is deteriorated.

A substandard housing complaint was started on this site in March 2007. Several violation notices have been issued on this property. In 2006 there was an Environmental case initiated on this property; the owner took the necessary steps to comply with the conditions. On February 26, 2010, a Pre-condemnation Letter was issued. The taxes are delinquent for 2006, 2007, 2008, 2009, and 2010 in the amount of \$2,776.86. There are no Special Assessments against the property. There is scattered debris and trash, including tires and tree waste, on the site. There is also

a Vacant Neglected Building case on this property. The structure is not secured; no repairs have been made.

Chairman Hentzen inquired whether this property was in close proximity to the property at 2603-05 E. Stadium. Mr. Davis confirmed that it is in the same area.

Board Member Coonrod made a motion to allow ninety days for the delinquent taxes to be paid, and the repairs to be completed, maintaining the premise in a clean and secure condition; or the property will be referred to the City Council with a recommendation of condemnation, with ten days to begin razing the building and ten days to finish the removal. Board Member Banuelos seconded the motion. The motion carried.

3. 2520 E. Shadybrook

The property owner, Oneil Davis, was present.

Vacant for at least four years, this one-story frame dwelling is approximately 26 x 42 feet in size. The structure has a shifting and cracking concrete block crawl space; vinyl and wood siding with holes; sagging and badly worn composition and wood shake roof; deteriorated rear porch; and deteriorated wood around front door.

On November 29, 2007, the active case was started on this property. Numerous improvement notices and violation notices have been issued. A Tall Grass & Weeds case was initiated on the property in August of 2009; the owner complied with the notice to mow. A Pre-condemnation Letter was issued on August 12, 2010.

The taxes are delinquent for 2006, 2007, 2008, 2009, and 2010 in the amount of \$1,943.18. There are no Special Assessments against the property. There is some tree waste and bagged trash on the premise. A Neglected Building case is pending on this site. No repairs have been made; however, the structure is secure.

Board Member Murabito made a motion to allow ninety days for the delinquent taxes to be paid and the repairs to be completed, maintaining the property in a clean and secure condition in the interim; or the property will be submitted to the City Council with a recommendation of condemnation, with ten days to tear down the structure and ten days to clear the site. Board Member Willenberg seconded the motion. The motion was approved.

4. 2139 E. Shadybrook

There was no party in attendance representing this property.

Vacant for at least ten months this one-story frame dwelling about 33 x 25 feet in size. This structure has a shifting concrete foundation; cracking brick siding; and the front porch is deteriorated.

The active case was started on this property on July 9, 2009. A Nuisance case in 2009 resulted in the owner complying with the notice. An emergency board-up was also performed by OCI in 2009 at a cost of \$794.76. In May of 2010 another Nuisance case was initiated, resulting in contractor abatement.

Board Member Hartwell made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to finish wrecking the structure. Board Member Banuelos seconded the motion. The motion passed.

5. 1410 / 1412 N. Chautauqua (duplex)

Richard Murney, Project Manager for Holy Savior Catholic Church, attended the hearing as a representative for the property. The church notified Central Inspection by letter that it had recently purchased the property with the intent of demolishing the structure.

This one-story frame dwelling is about 38 x 48 feet in size. Vacant for at least four months, this structure has a shifting and cracking concrete block crawl space; missing wood lap siding; deteriorated composition roof; deteriorated front and rear porches; and rotted wood trim and fascia.

The active case was started on the property in March 2004; since that time, numerous notices have been issued. A Pre-condemnation Letter was issued on November 13, 2009. The 2010 taxes are delinquent in the amount of \$187.46. There are no Special Assessments against the property, and the premise condition is clean. No repairs have been made to the structure.

Mr. Murney explained that the church is in the process of purchasing a property south of this site and hoped to wait until it had closed on the sale in order to demolish both structures at one time. By having both buildings demolished at the same time, it would save the church approximately \$1,300.

Board Member Coonrod made a motion to allow sixty days for the structure to be removed or the property will be submitted to the City Council with a recommendation of condemnation, with ten days to begin razing the building and ten days to complete the removal. Board Member Banuelos seconded the motion. The motion was approved.

6. 1731 N. Volutsia

Jon Schubach attended the hearing on behalf of this property.

This is a one-story frame dwelling that has been vacant for at least three years. About 38 x 23 feet in size, this structure has shifting and cracking concrete basement walls; missing vinyl siding; badly worn composition roof; deteriorated front porch; and the wood trim and framing members are deteriorated.

The active file was initiated on this property on March 2007. Since that time, several violation notices have been issued. On April 16, 2010, a Pre-condemnation Letter was issued. The 2009 and 2010 taxes are delinquent in the amount of \$295.96. There are no Special Assessments on the property. There is some scattered debris on the premise. At the last site inspection, the south side was unsecured, and no repairs were made.

Mr. Schubach told the Board that he was trying to sell the property. He said that the structure had been secured, but someone continually attempted to break into the south side.

Board Member Coonrod made a motion to allow ninety days for the delinquent taxes to be paid and the repairs to be completed or for the property to be sold, meanwhile, keeping the premise clean and secure. In the event that the conditions are not met, the property will be referred to the City Council with a recommendation of condemnation, with ten days to wreck the building and ten days to clear the site. Board Member Banuelos seconded the motion. The motion was approved.

7. 2961 / 2965 S. Rutan (duplex)

There was no representative present for this property.

A one-story frame dwelling about 24 x 57 feet in size, the building has been vacant for at least one year. This structure has a deteriorated concrete block foundation with missing concrete blocks; missing asbestos siding shingles; deteriorated rear and front porches; rotted wood trim; and the 8 x 10 and 10 x 12 foot metal accessory structures are dilapidated.

Board Member Coonrod made a motion to submit the property to the City Council, recommending condemnation, with ten days to begin razing the structure and ten days to complete the demolition. Board Member Willenberg seconded the motion. The motion carried.

8. 2524 W. 36th N.

No one attended the hearing on behalf of this property.

This double-wide manufactured home is about 30 x 70 feet in size. Vacant for at least three years; this structure has shifting block supports; deteriorated composition roof; deteriorated front porch; deteriorated wood trim; and the 24 x 24 detached garage, 8 x 10 metal accessory structure, 8 x 8 metal accessory structure and 10 x 10 concrete safe room are deteriorated.

The case on this property has been active since January of 2008. Numerous notices have been issued. A Residential Zoning case was initiated in 2008 and remains open, as well as a Neighborhood Nuisance case, which was initiated in 2009 and remains open.

Board Member Coonrod made a motion to send the property to the City Council with a recommendation of condemnation, with ten days to start demolition and ten days to complete removal of the structure. Board Member Crotts seconded the motion. The motion passed.

Review of the BCSA Policy on Unsafe and Dangerous Structure Condemnation Actions

Based on the Board's discussion at the December 2010 meeting, Mr. Schroeder explained that he added the items that the Board had requested be included in the Policy on Unsafe and Dangerous Structure Condemnation Action. The policy outlines what the general expectation will be for anyone appearing before the Board with a property that fits in the dangerous or unsafe category who asks for an extension of time for compliance. The guidelines include making certain that the property is secure and clean immediately (within a two-week period of the hearing) if it does not already meet those conditions. The owner/representative of the property must agree to repair the items that have been identified by Central Inspection as substandard and must also agree to pay any delinquent taxes, or at least pay a substantial portion of them.

The "10 and 10" motion is explained in bold type, giving owners/representatives an idea about the general time period before a property actually goes before the City Council for a hearing. Interested parties who may appear before the Board may request an extension in hopes of selling or acquiring the property; the potential thirty to sixty day extension would allow the interested party to develop a plan of action for the Board's review.

Extensions of time for completing exterior repairs should be sixty days, with a maximum of 120 days granted, or the property should be submitted to the City Council for condemnation. Throughout any extension, properties would be required to be maintained in a clean and secure condition. If the Board sees significant progress toward compliance on a property, it could grant an additional sixty days for completion of repairs.

Mirroring the City Council policy, in the case where 80% of the repairs have been completed in the opinion of Central Inspection staff, the property can be returned to regular code enforcement for resolution.

In most instances, the period for compliance should not be extended beyond a total of 180 days. This is a general statement; however, there may be situations that require the Board to re-evaluate the circumstances and grant additional time to property owners/representatives.

Mr. Craig Gabel asked to address the Board regarding its Policy on Unsafe and Dangerous Structure Condemnation Action. He told that Board that he had presented a plan to Council Member Williams that would help retain the value of a property by avoiding demolition of substandard structures. Rather than condemn the structures, Mr. Gabel suggested that the City abate the problem by boarding up the buildings. Properties being sold at tax sales would have a greater monetary value if there were still structures on them; this would also benefit the City, Mr. Gabel stated, because the City would not have to pay demolition contractors to raze buildings. He added that his plan would pertain to properties where owners/representatives did not respond to Central Inspection's notices to appear before the Board.

Board Member Banuelos said that he appreciated the idea and could see a benefit to the approach that Mr. Gabel suggested; but the Board was obligated to consider the condition of each property and make a determination of whether the structure was worth trying to repair. Additionally, Board Member Crotts asserted, vacant, boarded structures often became a neighborhood nuisance by enticing vagrants and creating potential gang issues.

Ms. Legge interjected that all properties that are presented to the Board have been screened for tax status and for property and owner history in relation to condemnation. Generally, properties that are very close to being sold at tax sales are not included in those brought to the Board for action.

Chairman Hentzen inquired whether there was a minimum price on properties sold at tax sales. Mr. Schroeder said that pending Special Assessments would have to be paid, but old cost assessments are not recovered. Mr. Van Zandt further clarified the process by adding that after the redemption period has passed, if the property is sold to the general public, the only taxes that must be paid are the current year's taxes that are due.

Board Member Hartwell asked about the Board's responsibility regarding the structural condition of the foundations on properties brought before the Board. His concern stemmed from the Board's inability to assess the foundations since there is not always visible evidence of damage. Mr. Schroeder agreed that foundation issues are not always obvious in the photos shown to the Board; however, often times the interior inspections done by Central Inspection staff can identify structural problems, which are relayed through the case files and summaries presented to the Board.

Board Member Crotts made a motion to approve the Policy on Unsafe and Dangerous Structure Condemnation Action. Board Member Willenberg seconded the motion. The motion carried with two opposing votes.

Ms. Legge advised the Board that all cases require an interior inspection prior to release for occupancy.

With no other business to conduct, Board Member Crotts made a motion to adjourn the meeting. Board Member Murabito seconded the motion. The motion passed.

The meeting adjourned at 2:46 p.m.