

# BOARD OF CODE STANDARDS AND APPEALS MINUTES

July 14, 2008

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

**Present:** Banuelos, Coonrod, Hentzen, Willenberg, Youle

**Staff Members Present:** Kurt Schroeder, Deb Legge, Penny Bohannon, Darlene Hultman, Elaine Hammons (Central Inspection); Sharon Dickgrafe (Law Department)

The regular meeting of the Board of Code Standards and Appeals was called to order by Vice Chairman Youle on Monday, July 14, 2008, at 1:32 p.m. in the Board Room, 1st floor, City Hall, 455 N. Main, Wichita, Kansas.

## 1. Approval of the Minutes of the June 2, 2008, meeting.

A motion was made by Board Member Banuelos to approve the June minutes as submitted. Board Member Willenberg seconded the motion. The motion carried.

## 2. Approval of the July 2008 license examination applications.

<u>NAME</u>	<u>CLASS</u>	<u>TEST DATE</u>
Janice M. Wright	Class D	July 2008
Gary L. Cook	Wrecking	July 2008

Board Member Hentzen made a motion to approve the license examination applicant for testing. Board Member Coonrod seconded the motion. The motion was approved.

## 3. Request by George T. Page d/b/a Pageco to obtain a second contractor's license.

Board Member Hentzen made a motion to approve Mr. Page's request for a second license for roofing and siding only. Board Member Willenberg seconded the motion. The motion carried.

## 4. Appeal action against Herbey Portillo d/b/a H & R Construction.

Since the homeowners making the appeal to the Board had not arrived, Board Member Willenberg made a motion that the matter be deferred until they were present at the meeting. Board Member Hentzen seconded the motion. The motion passed.

The appeal action was resumed when Mr. and Mrs. Montanez, homeowners of 119 W. 33<sup>rd</sup> N., arrived. Mr. Portillo did not attend the meeting or contact Central Inspection regarding the notice to appear at the July 14, 2008, Board of Code Standards and Appeals meeting.

Darlene Hultman explained to the Board that Herbey Portillo d/b/a H & R Construction had obtained a permit for constructing a room addition at 119 W. 33<sup>rd</sup> N. Originally taken out in June 2007, the permit expired in December 2007 with no inspection requests. Ms. Hultman said that she had received a request from the District Attorney's Office, Consumer Fraud Division, to look into the possible abandonment of the job at 119 W. 33<sup>rd</sup> N. After making a site inspection, Mr. Richard Brown, Combination Building Inspector, took digital photos of the open footing/foundation trench. Photos of the property were included in the Board packet for each Board Member. Ms. Hultman said that the rebar in the trench was rusted, the form lumber was warped, and the trenches had collapsed. Mr. and Mrs. Montanez stated that they had paid Mr. Portillo \$9,000 in advance for his work, and he had not returned since placing the forms for the footing.

Ms. Dickgrafe asked Mr. and Mrs. Montanez if they had been able to contact Mr. Portillo. Mr. and Mrs. Montanez said that they had not been able to reach Mr. Portillo since he had installed the footing forms. Mr. Portillo had not returned their calls or responded to their letters.

Although Central Inspection staff had not been back to the site, Ms. Hultman said they had maintained contact with the Montanez's and were told that there had been no change in the condition of the construction job or in the ability to contact Mr. Portillo.

Board Member Coonrod made a motion to suspend Mr. Portillo's Class B Contractor's License for sixty days with the following conditions: 1) Mr. Portillo would not be allowed to obtain any new permits during the time of suspension; 2) Mr. Portillo would be required to complete the construction of the room addition at 119 W. 33<sup>rd</sup> N.; 3) Mr. Portillo would be required to appear before the Board after that sixty days. If Mr. Portillo failed to complete the room addition and then appear before the Board, his Class B Contractor's License would be revoked. Board Member Hentzen seconded the motion. The motion carried.

## **5. Condemnation Hearings**

Vice Chairman Youle requested that the Board Members and City staff introduce themselves to the citizens in attendance.

### **Review Cases:**

#### **1. 1132 N. Ash**

Edmond Brown, owner of the property, was present at the hearing.

A one-story frame dwelling about 24x50 feet in size, this structure has been vacant for at least six months. This structure has a shifting block foundation; missing asbestos siding; sagging and badly worn composition roof, with missing shingles; collapsing front porch; rotted and missing wood trim and framing members; and the 20x16 foot accessory structure is deteriorating.

Originally before the Board at the March 3, 2008, hearing, this property was presented at the May hearing, and then at the June 2, 2008, hearing. In June the Board approved a motion to allow an additional thirty days for Mr. Brown to complete the exterior repairs, maintaining the site in a clean and secure condition in the interim.

At the last site inspection, the inspector noted that owner has continued to make repairs and most of the painting is complete. The structure is being maintained in a secure condition. The staff recommended that the property be returned to regular code enforcement.

Board Member Coonrod made a motion to return the property to regular code enforcement. Board Member Hentzen seconded the motion. The motion carried.

#### **2. 3429 E. Roseberry Ct.**

There was no one present to represent this property.

This one-story frame dwelling is approximately 24x84 feet in size. Vacant and open, this structure has a deteriorated and fire damaged foundation; fire damaged and cracking asbestos siding; sagging composition roof, with holes and missing shingles; rotted wood trim; and fire damaged framing members.

The taxes on this property are current. Since the removal of the fire damaged portion of the structure, no other work has been done.

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

**3. 2042 E. 9<sup>th</sup> N.**

No one was in attendance to represent this property.

A one- and one-half story frame dwelling about 26x49 feet in size, this structure has been vacant for at least thirteen years. This structure has shifting and cracking concrete block basement walls; missing asbestos siding; holes in roof, with missing composition shingles; dilapidated front and rear porches; rotted and missing wood trim and framing members; and the 20x24 foot accessory structure is deteriorating.

This property was presented to the Board for the first time at the May 2008 hearing. At that time Vaniece Crawford was present to explain her desire to resolve the issue with the delinquent taxes and make the required exterior repairs. The taxes for 2003 through 2007 are delinquent in the amount of \$1,386.11 and is now in tax foreclosure. There has been no further contact from Ms. Crawford. The premise condition is fair and the structure is secure. No repairs have been made.

Board Member Coonrod 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 complete demolition. Board Member Hentzen seconded the motion. The motion passed.

**New Cases**

**1. 1437 N. Otis**

There was no one present to represent this property.

Vacant and open, this one-story frame dwelling is approximately 30x46 feet in size. This structure has a cracking concrete block basement, with missing blocks; missing asbestos siding; collapsing exterior walls; sagging and badly damaged roof, with missing shingles and holes; deteriorating front porch; and the soffits are rotted and missing.

Board Member Coonrod made a motion to send the property to the City Council with a recommendation of condemnation, with ten days to start wrecking the structure and ten days to finish the removal of the structure. Board Member Willenberg seconded the motion. The motion carried.

**2. 648 N. New York**

There was no representative for this property in attendance.

Approximately 33x22 feet in size, this one-story frame dwelling has been vacant for at least eight months. This structure has a shifting and cracking block foundation, with missing blocks; rotted and missing woodlap siding; sagging and badly worn composition roof, with missing shingles; dilapidated front porch; rotted and missing wood trim and framing members; and the 15x12 foot accessory structure is deteriorating.

The taxes are current; there is some debris in the rear yard; although there has been no contact from the owner, repairs have been started. There appears to be a new roof on the structure and some windows have been installed.

Board Member Hentzen made a motion to defer action on this property until the regularly scheduled meeting in August, allowing Central Inspection staff to try to make contact with the property owner. Board Member Willenberg seconded the motion. The motion was approved.

### **3. 607 N. Ash**

There was no representative present for this property.

A one-story brick dwelling about 28x36 feet in size. Vacant for at least seven years, this structure has a shifting and cracking brick foundation; shifting brick walls; badly worn composition roof, with missing shingles; deteriorating front and rear porches; and the wood trim and framing members are rotted.

Board Member Hentzen made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to initiate the removal of the structure and ten days to complete the demolition. Board Member Coonrod seconded the motion. The motion was approved without opposition.

### **4. 1327 N. Ohio**

The owner, Kenneth Rogers, represented the property.

This is a one-story frame dwelling approximately 26x36 feet in size. Vacant for at least six months, this structure has a shifting and cracking block foundation, with missing blocks; missing asphalt siding; sagging and badly worn composition roof, with holes and missing shingles; deteriorating front porch; rotted wood trim and framing members; and the 12x18 foot accessory structure has collapsed.

The active file on this property was initiated on November 20, 2007. The 2007 taxes are delinquent in the amount of \$98.39; there are no cost assessments against the property. There have been no repairs made to the property. The structure is secure.

Mr. Rogers told the Board that his current financial situation would not permit him to have the roof repaired. He said he would be willing to tear down the accessory structure and remove all debris from the site.

Vice Chairman Youle asked Mr. Rogers if he intended to occupy the property or rent it out. Mr. Rogers said that he hoped to fix up the structure and live in it.

Board Member Banuelos made a motion to allow sixty days for the accessory structure to be razed, the debris to be cleared from the site, and for Mr. Rogers to reappear before the Board at the end of the sixty days and report on the status of the property. Board Member Hentzen seconded the motion. The motion passed.

### **5. 929 N. Crestway**

Mark Nordyke was present at the hearing.

A one-story frame dwelling about 47x26 feet in size, it is vacant and open. The structure has shifting and cracking concrete basement walls; shifting and missing brick walls, with missing bricks; and the fire damaged composition roof is sagging, missing shingles and has holes.

The active file was started on this case March 17, 2008. The taxes are current; there are no special cost assessments; no repairs have been made; there is an open window.

At Vice Chairman Youle's request, Mr. Nordyke addressed the Board. Mr. Nordyke explained that the structure had caught fire in November of 2007. The property is currently involved in a Chapter 11 reorganization of Nordyke Ventures. McCurdy Auction auctioned the property in June 2006. The sale is due to close at the end of July 2008. Mr. Nordyke said that his attorney had received copies of the violation notices that had been issued, and he had assumed that the attorney had handled them. Mr. Nordyke told the Board that the funds for purchase of the property included roof repairs.

Board Member Banuelos made a motion to allow sixty days for the sale of the property to close and for the new owner to make the necessary repairs. Board Member Hentzen seconded the motion. The motion was approved.

**6. 2001 E. 21<sup>st</sup> N. aka 2138 N. Minnesota (Commercial)**

This property was represented by Joseph Weber, attorney for the Ciena Capital, LLC, the financial institution foreclosing on the property.

Vacant for at least three years, this one-story commercial building is about 45x20 feet in size. This structure has deteriorating brick veneer siding; exposed and rusted metal studs; and the interior has been vandalized.

There has been an active file on this property since August 2007. An emergency board up was done by Central Inspection staff at a cost of \$157.04; there is currently an active Environmental case on this property; the 2006 and 2007 taxes are delinquent in the amount of \$30,263.89, including special cost assessments. There are 2007 and 2008 lot mowing assessments in the amount of \$2,339.80. There is a pending special in the amount of \$138.69. At the last site visit, the premise condition was good; no repairs have been made. The structure is secure.

Mr. Weber explained that his client has foreclosed on the property and are in the process of getting bids for possibly removing the underground tanks. He said that he has been in contact with a representative of the Kansas Department of Health and Environment to determine what has to be done for the environmental clean up. Mr. Weber requested that the Board grant an additional thirty to sixty days to complete the bidding process. He said that his client has not yet received the title to the property.

Board Member Coonrod made a motion to allow sixty days for the company to formulate a plan of action, and then a representative for the property must appear before the Board to give a status update. Board Member Willenberg seconded the motion. The motion was approved.

With no other business to conduct, Board Member Hentzen made a motion to adjourn the meeting. Board Member Coonrod seconded the motion. The motion carried.

The meeting adjourned at 2:15 p.m.