

BOARD OF CODE STANDARDS AND APPEALS MINUTES

July 13, 2009

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

Present: Banuelos, Coonrod, Harder, Hartwell, Hentzen, Murabito, Willenberg, Youle

Staff Members Present: Kurt Schroeder, Julie Irvin, Penny Bohannon, Elaine Hammons (Central Inspection)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Murabito on Monday, July 13, 2009, at 1:30 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

1. Approval of the June 1, 2009, minutes.

Board Member Hartwell made a motion to approve the June 1, 2009, minutes as submitted. Board Member Willenberg seconded the motion. The motion passed.

2. Approval of the July 2009 license examination application.

<u>Name</u>	<u>Class</u>	<u>Date</u>
Gerald V. Beasley	Class D	July 2009

Vice Chairman Youle made a motion to approve the license examination application for testing. Board Member Hentzen seconded the motion. The motion was approved.

Chairman Murabito requested that the Board and City staff introduce themselves to the citizens in attendance.

3. Condemnation Hearings

Review Cases:

1. 543 N. Grove

Robert Talbert, owner, was present on behalf of this property.

A one story-frame dwelling about 24 x 52 feet in size, this building has been vacant for at least ten months. This structure has shifting and cracking concrete block basement walls, with missing blocks; rotted wood siding; badly worn composition roof, with missing shingles; deteriorated front porch; rotted wood trim and framing members; and the accessory garage is deteriorated.

The active file was initiated on this property on March 18, 2008. Notices of Improvement and Notices of Violation have been issued since that time. Pre-condemnation procedures were commenced on August 1, 2008. The 2007 and 2008 taxes are delinquent in the amount of \$808.65. The premise is maintained in fair condition except for some construction debris in the back yard. There are two active building permits, and progress is being made. The structure is secure. This property was first before the Board on February 2, 2009, and the Board granted ninety days to complete the repairs or reappear before the Board. At the May 4, 2009, hearing, an additional sixty days was granted for completion of the repairs, maintaining the site in a clean and secure condition in the interim.

Mr. Talbert told the Board that the repairs to the rear of the house were complete. He said that he had someone working on the roof that day. Chairman Murabito asked how long it would take Mr. Talbert to finalize the work on the property. Mr. Talbert estimated that he would have the code violations corrected within another thirty days.

Vice Chairman Youle made a motion to allow thirty days for the completion of the code violations, maintaining the site in a clean and secure condition in the interim. Board Member Banuelos seconded the motion. The motion was approved unanimously.

2. 2048 N. Minneapolis

Ms. Shirley Lugrand and John Dunn, Ms. Lugrand's brother-in-law, were present to represent this property.

Vacant for at least two years, this one-story frame dwelling is about 24 x 32 feet in size. The structure has cracked asbestos siding shingles, with missing shingles; composition roof, with missing shingles; deteriorating rear porch, with cracked concrete; and the soffit, fascia and wood trim are deteriorated.

With an active file started on September 21, 2004, several Notices of Improvement and Notices of Violations have been issued. On January 3, 2007, OCI staff did an emergency board-up of the property at a cost of \$208.25. Although the taxes are current, there is a Special Assessment for front street paving assessed in the amount of \$106.07. A Pre-condemnation Letter was issued on May 15, 2008. Some repairs have been made; however, not all violations have been corrected. At the June 1, 2009, hearing, the Board granted thirty days to complete the exterior repairs or the property would be referred to the City Council with a recommendation of condemnation, with ten days to begin demolition and tens days to complete removal of the structure. Due to a family emergency, no one was present to speak on behalf of this property at the June hearing.

Chairman Murabito provided Ms. Lugrand an opportunity to address the Board. Ms. Lugrand explained that the delay in repairing the property was because she and her husband live out of state. Since Mr. Lugrand is unable to come to Wichita due to his work schedule, Ms. Lugrand said that her sister and brother-in-law had tried to help as much as possible; however, both her sister and brother-in-law are disabled. Ms. Lugrand told the Board that the cracked concrete in the porch had been repaired; the porch overhang had been repaired; the siding has been patched; the eaves have been painted; the back door has been secured; and the downspouts on the guttering has been repaired. She said they had had difficulty finding siding with which to make repairs. Mr. Dunn affirmed Ms. Lugrand's statements, and further explained that the particular type of siding had been located. Mr. Dunn said it would take additional time for the siding to be purchased and then installed. In addition to the repairs first mentioned, Mr. Dunn said that the roof repairs had been completed; the windows and doors had been repaired, but recent rainy weather had caused a delay in completing the job.

Board Member Banuelos offered Ms. Lugrand the opportunity to salvage the siding shingles from a house that he was demolishing. Mr. Schroeder told Ms. Lugrand and Mr. Dunn that it would be sixty days before the property was presented to the City Council, and if they were able to complete the repairs on the property prior to that hearing, they could appeal the Board's recommendation for condemnation before the City Council.

1348 N. Green

Edmond Brown (seller) and Willis Moore (buyer) attended the hearing.

Vacant and open, this one-story frame dwelling is about 22 x 28 feet in size. The structure has shifting and cracking basement walls; rotted and missing wood lap siding; sagging and badly worn composition roof with holes; rotted wood trim; and the 12 x 20 foot accessory structure is deteriorated.

With an active file since May 5, 2007, this property, there have been numerous Notices of Improvement and Notices of Violations issued. In 2007, OCI staff was notified that ownership of the property had changed. A Pre-condemnation Letter was sent to the new owner. Again in 2007, OCI staff was notified that the ownership had changed again.

Taxes for 2008 are delinquent in the amount of \$98.39. The premise has bulky waste, construction debris, and tree debris. Formal condemnation action was started on January 5, 2009. A building permit has been issued for work on the property, and some work has begun. The structure is now secure. Since 2002 through the present, Mr. Brown has had six properties in condemnation; one was demolished by the City; one was demolished by the owner; one was returned to regular Code Enforcement; and three remain open. On March 2, 2009, the Board approved a motion to give Mr. Brown sixty days to either bring the property into compliance or sell the property. At the May 2009 hearing, Mr. Brown told the Board that he had sold the property to Mr. Moore, and the Board granted an additional sixty days for Mr. Moore to bring the property into code compliance.

Mr. Moore explained that he had been working on another property besides 1348 N. Green. He told the Board that he had completed the roof on North Green, and he had a dumpster on site to remove the debris. He added that someone had been contracted to paint the structure beginning the following day, and all repairs should be completed by mid-week.

Board Member Banuelos made a motion to allow thirty days for Mr. Moore to complete the repairs to 1348 N. Green, maintaining the site in a clean and secure condition in the meantime. Board Member Hartwell seconded the motion. The Board approved the motion.

3. 936 N. Holyoke

Edmond Brown (seller) and Willis Moore (buyer) were present on behalf of this property.

This one-story frame dwelling is approximately 24 x 34 feet in size. Vacant for at least one year, this structure has cracking, shifting, caving concrete block basement walls, with missing blocks; badly worn composition roof, with missing shingles; deteriorating front porch; rotted roof decking, wood trim and rafter tails; and the 14 x 16 foot accessory garage is dilapidated, with holes in roof at risk of collapsing.

An active file was started on this property on August 22, 2007. The taxes for 2008 are delinquent in the amount of \$273.08. There is an active building permit on this property; however, the workmanship has not been high quality (rotted wood has been painted over; the foundation is shifting; the front porch is severely leaning). At the March 2, 2009, hearing, the Board granted sixty days to either sell the property or bring it into code compliance. An additional sixty-day extension was granted to Mr. Moore at the May 4, 2009, hearing when Mr. Brown and Mr. Moore appeared and informed the Board that Mr. Moore had purchased the property.

Addressing the Board, Mr. Moore said that all repairs had been completed. The house, Mr. Moore told the Board, had been decked and reroofed, and the structure had been painted.

Chairman Murabito pointed out from recent pictures taken by OCI staff, very little had been done other than some painting. (The picture provided by OCI staff, taken on July 1, 2009, showed a leaning porch; shifting and cracked foundation; and an area of the roof still in need of repair.) Chairman Murabito and Board Member Harder suggested that Mr. Moore contact OCI staff and request a site visit where staff could clarify the needed repairs.

Board Member Harder made a motion to allow thirty days for the property to be brought into compliance, maintaining the site in a clean and secure condition. Board Member Coonrod seconded the motion. The motion was unanimously approved.

4. 1040 N. Vassar

There was no one present as a representative for this property.

Approximately 53 x 25 feet in size, this one-story frame dwelling has been vacant for at least six years. This structure has a cracking concrete foundation; cracked and missing asbestos siding; badly worn composition roof; deteriorating enclosed front porch; and the 4 x 8 foot metal storage shed is dilapidated.

Since the case was initiated on May 2, 2002, numerous Notices of Improvement and Notices of Violation have been issued. OCI staff completed an emergency board-up on January 10, 2008, at a cost of \$399.08. The 2007 and 2008 taxes are delinquent in the amount of \$2,216.12, which includes specials and interest.

Vice Chairman Youle made a motion to refer the property to the City Council for condemnation, with ten days to begin wrecking the structure, and ten days to complete demolition. Board Member Willenberg seconded the motion. The motion carried.

5. 1608 N. Volutsia

There was no party in attendance to represent this property.

This one-story frame dwelling is approximately 38 x 23 feet in size. Vacant and open, this structure has missing and rotted wood siding; deteriorated composition roof, with missing shingles; sinking concrete rear porch slab; and rotted wood trim and framing members.

Since February 8, 2006, there have been several Notices of Violation issued. In February 2006, OCI staff was informed that the owners of the property were deceased. In July 2008, OCI staff had contact with persons who identified themselves as the owner's grandson and granddaughter who indicated they were interested in repairing the property.

The taxes are current, and there are no special assessments against the property. There is bulky waste, tree waste, wood debris, and miscellaneous debris on the premise. No repairs have been made; the front and rear doors are not secure, and there are some broken windows.

Board Member Harder made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin razing the structure, and ten days to complete the wrecking. Board Member Coonrod seconded the motion. The motion carried without opposition.

With no other business to conduct, Board Member Hartwell made a motion to adjourn the meeting. Vice Chairman Youle seconded the motion. The motion carried.

The meeting adjourned at 2:01 p.m.