

# BOARD OF CODE STANDARDS AND APPEALS MINUTES

September 8, 2008

**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:** 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 Chairman Murabito on Monday, September 8, 2008, at 1:30 p.m. in the Council Chambers, 1st floor, City Hall, 455 N. Main, Wichita, Kansas.

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

## **1. Approval of the Minutes of the July 14, 2008, meeting. (August 4, 2008, meeting cancelled.)**

A motion was made by Board Member Willenberg to approve the July minutes as submitted. Board Member Hartwell seconded the motion. The motion carried. (Board Members Coonrod and Youle were not present during this vote.)

## **2. Approval of the September 2008 contractor license examination applications.**

There were no contractor license examination applications for September.

## **3. Request for a second license by Craig Stuart d/b/a Craig Stuart Homes.**

Craig Stuart, the qualified person for Craig Stuart Homes, Class C contractor, requested a second license under the name of Stuart Construction, LLC, for the purpose of building rental properties and performing remodeling as a separate entity from his current Class C contractor's license.

Chairman Murabito requested that Mr. Stuart explain his desire to obtain the second license to the Board. Mr. Stuart told the Board that his reason was to keep his business for new home construction separate from the remodeling and rental property construction company.

Board Member Hentzen made a motion to approve Mr. Stuart's request to be the qualified person for a second Class C contractor's License. Board Member Harder seconded the motion. The motion carried.

## **4. Condemnation Hearings**

### **Review Cases:**

#### **1. 1226 N. Lorraine**

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

Approximately 24x38 feet in size, this one-story frame dwelling is vacant and open. This structure has shifting and cracking concrete block basement walls; rotted and missing asbestos siding; sagging and badly worn composition roof, with missing shingles; deteriorating front porch; rotted wood trim and framing members; and the accessory structure is dilapidated.

At the May 5, 2008, hearing, this property was brought before the Board for the first time. The new owner, Jerry McCray, was present at that meeting and was granted an extension of ninety days to clear the debris from the premises and make the required repairs, maintaining the site in a clean and secure condition in the interim.

The 2004, 2005, 2006, and 2007 taxes are delinquent in the amount of \$968.78. There is a pending special assessment for a board up in the amount of \$152.03. There are tall grass and weeds, bulky waste, and debris on the premises. Although the structure is secure, no work has been done.

Board Member Harder made a motion to refer the property to the City Council with a recommendation of demolition, with ten days to start demolition and ten days to complete demolition. Board Member Willenberg seconded the motion. The motion passed.

## **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 first presentation of this property to the Board was at the July 14, 2008, meeting. There was no one attending the hearing as a representative of that property; however, the Board approved a motion to defer action on the property until the regularly scheduled meeting in August (which was cancelled due to the lack of a quorum) in order to allow Central Inspection staff an opportunity to make contact with the owner.

Central Inspection has received no response from the property owner. The taxes are current and there are no special assessments against the property. Central Inspection staff has noted that some repair work has been done and the premises are being maintained.

Board Member Youle made a motion to allow thirty days for the owner of the property to respond to Central Inspection and appear at the next regularly scheduled Board meeting. Should the owner fail to respond, the property would be referred to the City Council with a recommendation of demolition, with ten days to commence wrecking the structure and ten days to complete the removal. Board Member Harder seconded the motion. The motion was unanimously approved.

## **3. 1327 N. Ohio**

Kenneth Rogers, owner, was in attendance to represent this property.

A one-story frame dwelling about 26x36 feet in size, this structure has been 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; the 12x18 foot accessory structure has collapsed.

The property was first before the Board at the July 14, 2008, hearing. Mr. Rogers was present at the hearing. At that time, the Board approved a motion to allow sixty days for the demolition of the accessory structure and the debris to be removed from the site and for Mr. Rogers to reappear before the Board with an update on the status.

The taxes are current and there are no special assessments against the property. There are large piles of debris and bulky waste and tall grass on the premises. No repairs have been made; however, the structure is secure.

Addressing the Board, Mr. Rogers explained that he had cut the grass and had been working on razing the accessory structure. Mr. Rogers further explained that, in addition to his financial constraints, his third shift job prevented him from spending much time on the repairs to the property.

Board Member Hartwell asked whether Mr. Rogers thought the property was worth the monetary investment that would be required to correct the violations. Mr. Rogers replied that he would have to get more information on the costs for all of the repairs.

Board Member Youle made a motion to allow thirty days for Mr. Rogers to put together cost estimates for the repairs and then reappear before the Board to report his findings. Board Member Willenberg seconded the motion. The motion was approved with Board Member Hentzen opposing.

#### **4. 929 N. Crestway**

John Hund was present as the representative for this property.

This is a one-story frame dwelling about 47x26 feet in size. Vacant and open, this 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.

Originally presented to the Board at the July 14, 2008, hearing, a motion was made at that time to allow sixty days for the sale of the property and for the new owner to make the necessary repairs. The taxes are current and there are no special assessments against the property. There is bulky waste, scattered debris, volunteer trees, and tall grass and weeds on the property. Some repairs have been made, and the structure is secure.

Updating the Board on the progress of repairs, Mr. Hund said that all framing in the interior was complete. The old roofing shingles have been removed, the new felt layer has been applied, and the installation of the new shingles had begun that day. The tall grass had been cut and most of the trash and debris had been removed.

Board Member Hartwell inquired about the remainder of the repairs to the exterior. Mr. Hund replied that some painting and the repair of a window was still needed. He anticipated that the roofing and painting and other exterior repairs would be completed within four to six weeks.

Board Member Hartwell made a motion to return the property to regular code enforcement. Board Member Harder seconded the motion. The motion was approved unanimously.

#### **5. 2001 E. 21<sup>st</sup> N. (aka: 2138 N. Minnesota)**

Joseph Weber, Attorney for Sienna Capital, LLC, and (formerly Business Loan Center, Inc.) represented this property.

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

This property was first before the Board at the July 14, 2008, hearing. Mr. Weber was present at that time as a representative of the company, which was in the process of foreclosing on the property. At that hearing, the Board approved a motion to allow sixty days for Sienna Capital, LLC, to formulate a plan of action and then reappear to update the Board on the status.

The 2006 and 2007 taxes are still delinquent in the amount of \$30,742.51, including special assessments against the property for weed mowing and lot clean up. There is also a pending special assessment for weed mowing in the amount of \$138.69. No repairs have been made to the structure, but it is secure.

Reporting to the Board, Mr. Weber explained that Sienna Capital, LLC, was waiting on the bids from companies for the environmental cleanup. The company has received one bid so far. Because the loan is a Small Business Administration loan, the SBA has to approve whatever is to be done. A decision from the SBA is expected within the next two weeks.

Mr. Weber has recommended to the SBA that all underground tanks be removed and the entire lot be cleared in order to make it marketable. Once it is cleaned up, the property is estimated to be worth approximately \$210,000. The Kansas Department of Health and Environment would have to monitor the clean up because there has been leakage from the underground tanks in the past. The representative of KDHE indicated to Mr. Weber that the clean up would not be a major issue.

Sienna Capital, LLC, intends to have the grocery building demolished and will probably raze the rest of the structures, clean up the lot, and then sell the property, according to Mr. Weber. He asked the Board to grant an additional thirty days to allow for the receipt of the remainder of the bids for consideration by the company.

Board Member Hartwell made a motion to allow thirty days for Sienna Capital, LLC, to obtain the necessary bids and then reappear before the Board with an update of the property. Board Member Banuelos seconded the motion. The motion was approved.

As an off agenda item, Board Member Hentzen inquired about the status of Herbey Portillo d/b/a H & R Construction. Ms. Dickgrafe informed the Board that neither Mr. Portillo, nor his representative, had been in contact with Central Inspection. A letter stating the suspension and possible revocation of his Class B contractor's license was sent by certified and regular mail advising Mr. Portillo of the Board's action at the July 14, 2008, meeting. Since Mr. Portillo had not made contact with Central Inspection and had not corrected the violations at 119 W. 33<sup>rd</sup> N. by the September 8, 2008, meeting, Ms. Dickgrafe stated that the Class B contractor's license of Herby Portillo d/b/a H & R Construction would be revoked.

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

The meeting adjourned at 2:09 p.m.