

BOARD OF CODE STANDARDS AND APPEALS MINUTES

July 11, 2011

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

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

Staff Members Present: Kurt Schroeder, Julie Irvin, Penny Bohannon, Lance Davis, Elaine Hammons (Central Inspection); Jeff Van Zandt (Law Dept.)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Hentzen on Monday, July 11, 2011, at 1:30 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

Approval of the June 6, 2011, minutes.

Board Member Harder made a motion to approve the June 6, 2011, minutes. Board Member Hartwell seconded the motion. The motion was approved. (Board Member Crotts was not present for this vote.)

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

Approval of the July 2011 license applications as follows:

<u>Applicant Name</u>	<u>Company Name</u>	<u>Class</u>
Nathan Birkmeier	Encompass Restoration Company & Construction, Inc.	Class B
Benjamin Fluegge	Homestyle, LLC dba Franchise Builders	Class B
Roosevelt Hunt	Roosevelt Hunt, LLC	Class B
Peter Joyce	N-Store Services, LLC	Class B
Bruce Levey	Superior Roofing, Inc.	Roofing
Thomas Matos	Thomas Matos dba South Central Remodeling	Class B
Josh Murdock	1 st Priority Roofing, LLC	Roofing
Kathy Nebel	Norwood Commercial Contractors, Inc.	Class A
Trung Nguyen	Trung Nguyen dba KNA Rentals	Class B
Richard Noble	Bonel Building Corp., Inc.	Class B
Nathan Payne	Whitetail Roofing, LLC	Class B
Al Penner	D. P. Byers & Company, LLC	Roofing
Scott S. Shrader	Shrader and Martinez Construction, Inc. dba SMC, Inc.	Class B
Emily M. Timmerman	Conlon Construction Company, Inc.	Class B
John Tory	Rectenwald Brothers Construction, Inc.	Class B
Thomas P. York	Thomas P. York dba Tomsco Drywall and Remodeling	Class C

Thomas Matos dba South Central Remodeling was present to discuss his application for a Class B Contractor's license. Prior to the meeting, Mr. Matos was contacted and asked to meet the homeowner at 5901 W. 42nd S. regarding a garage that had been started by another contractor. Mr. Matos gave the homeowner a written opinion regarding the completion of the construction as well as how to resolve problems created by the substandard work of the other contractor. Mr. Matos stated that he asked the homeowner if a permit had been issued for the garage construction. The homeowner confirmed that a permit had been issued for the construction. Mr. Matos said that he (Mr. Matos) was under the impression that he could finish the construction using the permit that had been issued to the other contractor. Building Inspector Lance Davis was sent to 5901 W. 42nd S., to verify that work on the project had continued with Mr. Matos' company, South Center Remodeling, performing the work. Once at the site, Mr. Davis issued a verbal "stop work" order and informed the homeowner and Mr. Matos that a letter from the homeowner

stating that the previous contractor was no longer doing the work and had been released from the contract should be presented to the permit desk at Central Inspection. A new permit would be required, and Mr. Matos dba South Central Remodeling should obtain the permit prior to proceeding with the construction.

Board Member Coonrod asked whether the situation at 5901 W. 42nd S. was the only construction job Mr. Matos had started without the required permit. Mr. Matos replied that it was the only construction in which his company was involved; and he would not have proceeded with that job if he had been aware of the permit requirement.

Mr. Schroeder interjected that the homeowner had considered the previous contractor to have abandoned the job, and the homeowner contacted Mr. Matos in hopes of having the garage completed. Mr. Davis told the Board that the footings had been done by the previous contractor and had passed inspection. No other inspections had been requested by the original contractor.

Board Member Harder inquired whether the structure was erected. Mr. Davis responded that the structure was framed, boxed in, and was in the process of being sided when the "stop work" order was issued.

Board Member Coonrod asked if the homeowner seemed to be satisfied with Mr. Matos work. Mr. Schroeder said that the homeowner had indicated that he was satisfied. Mr. Davis added that the work done by Mr. Matos' company appeared to be in compliance with the building code.

Board Member Coonrod made a motion that Mr. Matos' request for a Class B Contractor's license be approved and that he obtain a permit for the work at 5901 W. 42nd S. and pay the standard penalty (double the regular permit fee) for starting the work without a permit. Board Member Harder seconded the motion. The motion was approved. (Board Member Crotts was not present for this vote.)

Trung Nguyen was present to answer questions regarding his request for approval for a Class B Contractor's license. After perusing the submitted documentation, Board Member Harder made a motion to approve Mr. Nguyen's request. Board Member Youle seconded the motion. The motion carried. (Board Member Crotts was not present for this vote.)

Attending the meeting on behalf of Richard Noble, Mr. Kenneth Hall was present regarding Mr. Noble's request for a Class B Contractor's license. Finding the necessary documentation in order, Board Member Youle made a motion to approve Mr. Noble's request for a license. Board Member Harder seconded the motion. The motion carried. (Board Member Crotts was not present for this vote.)

Board Member Coonrod made a motion that the remaining applicants be approved. Board Member Harder seconded the motion. The motion was approved. (Board Member Crotts was not present for this vote.)

Request for Change of Company Name – Aubrey Collins dba A & C Construction (Roofing & Siding)

Mr. Collins requested that he be permitted to change his current company name, A & C Construction, to the original name of A-Collins Construction (Roofing & Siding). There were no unresolved permits.

Board Member Hartwell made a motion to approve the requested name change. Board Member Youle seconded the motion. The motion passed.

Request for Second License – Brian Plumer dba B P Properties, LLC (Class B)

Mr. Plumer requested that he be permitted to be the qualified person for a second company to be called B P Remodeling, LLC, (Class B). The purpose for the second license is to maintain his rental properties separately from his construction business. There were no unresolved permits. Board Member Coonrod made a motion that the request for a second license be approved pending the required certificate of insurance. Board Member Hartwell seconded the motion. The motion was approved.

Condemnation Hearings:

Review Cases:

1. 1106 N. Chautauqua

There was no representative present for this property.

A one-story frame dwelling about 22 x 32 feet in size, this structure is vacant and open. This structure has a severely shifting concrete block foundation; exposed, rotted sill plate; rotted and missing wood lap siding; dilapidated, rotted rear porch; rotted and missing wood trim and framing members; and the 8 x 8 foot metal accessory shed is deteriorated.

Most recently before the Board at the May 2011 meeting, progress on the exterior repairs has ceased since that time. The taxes are current. There are Special Assessments against the property, including one for a 2010 board-up in the amount of \$594.18.

Board Member Coonrod made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to initiate wrecking and ten days to finish the demolition. Board Member Harder seconded the motion. The motion passed.

2. 1546 N. Grove

Mr. James Fairly attended the hearing on behalf of this property.

This is a one- and one-half story frame dwelling approximately 44 x 24 feet in size. Vacant and open, this structure has shifting and cracking concrete block basement walls; sagging composition roof; deteriorated front porch; and the wood trim and framing members are deteriorated.

At the April 4, 2011, regular monthly meeting, Mr. Fairley was present, and at that time the Board approved a motion to allow until the July 11, 2011, hearing for Mr. Fairley to begin making repairs, maintaining the site in a clean and secure condition in the interim, and report to the Board on the status of repairs. The taxes are delinquent for 2007, 2008, 2009, and 2010 in the amount of \$1,949.55. The premise has bulky waste and building debris on it. In April 2011, a permit was issued for the foundation repair. At the last site visit, the foundation repairs had not been completed.

Mr. Fairley addressed the Board and explained that most of the items that have been labeled as debris are actually materials that he is using for construction. The foundation wall has been completed and inspected. Mr. Fairley said only a portion of the wall needed repairs, and that is what has been repaired and inspected.

Board Member Harder asked how much longer Mr. Fairley would need to complete the remainder of the exterior repairs. Mr. Fairley said he discovered that the scope of work was larger than he had anticipated and had taken longer than he had expected. He hoped to do the painting first since he has had the house scraped, then repair the roof, then work on the siding. He also wants to pay at least one period of the delinquent taxes. If possible, Mr. Fairley said, he would like sixty days to finish the work.

Board Member Youle made a motion to allow until the September Board Meeting for the exterior repairs to be completed, maintaining the site in a clean and secure condition in the meantime, and to arrange for payment of the delinquent taxes. If Mr. Fairley meets those conditions, he will not have to reappear before the Board at the September meeting. Board Member Harder seconded the motion. The motion carried.

3. 2526 E. Shadybrook

The owner of the property, Oneil Davis, was present at the hearing.

Vacant for at least four years, this is a one-story frame dwelling about 26 x 42 feet in size. The structure has a cracking and shifting concrete block foundation; deteriorated vinyl siding with holes; sagging composition roof; rotted wood trim; and the front and rear porches are deteriorated.

Mr. Davis informed the Board that all repairs have been completed.

Board Member Coonrod asked if Central Inspection staff had inspected and approved the repairs and if the delinquent taxes were paid. Mr. Schroeder said that the property had not been in compliance at the last site inspection, but that Mr. Davis stated to him that the violations had been corrected since the last inspection.

Mr. Davis said the delinquent taxes had not been paid, but he was working on getting that done. Mr. Davis said he would pay for the required meter reset permit and have the inspection for electrical service scheduled. He anticipated that the electrical meter will be installed within the next thirty days.

Board Member Coonrod made a motion to return the property to regular Code Enforcement. Board Member Harder seconded the motion. The motion was approved.

New Cases:

1. 342 N. Pennsylvania.

There was no party in attendance representing the property.

A two-story frame dwelling, this structure is about 50 x 28 feet in size. Vacant and open, the structure has been damaged by fire. It has a shifting and cracking block foundation, with missing blocks; rotted, missing and fire damaged wood lap siding; badly worn composition roof, with missing shingles and fire damage; fire damaged front porch; and fire damaged wood trim and framing members.

The active file on this property was started in March of 2010. Notices of Improvement and several violation notices have been issued.

Board Member Harder made a motion to submit the property to the City Council, recommending condemnation with ten days to begin wrecking the structure and ten days to complete the removal. Board Member Banuelos seconded the motion. The motion carried without opposition.

2. 437 N. Grove

No one attended the hearing on behalf of this property.

This one-story frame dwelling is about 55 x 22 feet in size and has been vacant for at least three years. The structure has shifting block basement walls; rotted and missing wood lap siding; badly worn composition roof, with missing shingles; dilapidated front and rear porches; and the roof rafters and wood trim are rotted.

In September of 2002, the active file was started on this property.

Board Member Youle made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to initiate demolition and ten days to finish razing the structure. Board Member Harder seconded the motion. The motion was approved.

3. 1101 N. New York

There was no representative for this property at the meeting.

This is a two-story frame dwelling about 25 x 30 feet in size. Vacant for at least three years, this structure has a shifting and cracking concrete foundation; badly worn composition roof, with holes; and deteriorated, rotted front porch and steps.

With an active file since 2008, this property has had several improvement notices and violation notices issued. The City of Wichita has abated six nuisance cases, and Central Inspection staff has completed five emergency board-ups, with a sixth board-up case pending.

Board Member Crotts made a motion to send the property before the City Council with a recommendation of condemnation, with ten days to initiate demolition and ten days to finish wrecking the structure. Board Member Banuelos seconded the motion. The motion passed.

4. 1233 N. Estelle

There was no one present on behalf of this property.

Vacant and open, this one-story frame dwelling is approximately 28 x 35 feet in size. This structure has shifting and cracking basement walls; badly cracked and shifting block walls; rotted wood siding; badly worn composition roof; and rotted soffit, fascia, wood trim and framing members.

Board Member Coonrod made a motion to refer the property to the City Council, recommending condemnation, with ten days to begin removal of the structure and ten days to complete the demolition. Board Member Youle seconded the motion. The motion was approved.

5. 1347 N. Minnesota

There was no one attending the meeting as a representative of this property.

Measuring about 50 x 40 feet in size, this is a one-story frame dwelling. Vacant and open, this structure has a shifting and cracking limestone foundation; missing veneer; missing siding shingles; badly worn composition roof; rotted soffits, fascia and window trim; and the 10 x 4 foot wood accessory structure is deteriorated.

Board Member Youle made a motion to present the property to the City Council with a recommendation of condemnation, with ten days to start wrecking the building and ten days to complete the removal. Board Member Willenberg seconded the motion. The motion carried.

6. 1711 N. Madison

The owner of the property, Mr. Caster Berry, was at the meeting to represent the property.

This one-story frame dwelling is approximately 42 x 29 feet in size. Vacant for at least five years, this structure has a cracking block foundation; missing brick, hardy plank siding; badly deteriorated composition roof, with holes and areas of missing shingles; and rotted soffits, fascia and wood trim.

The active file was initiated on this property on December 18, 2007. Several Notices of Improvement and Notices of Violation have been issued since that date. An Environmental Nuisance case was started in May of 2008 resulting in owner compliance. The property has been the subject of a Neighborhood Court proceeding. A Pre-condemnation Letter was issued on November 5, 2010.

There are no Special Assessments against this property, and the taxes are current. A roofing permit was issued on May 13, 2011.

Mr. Berry told the Board he had received confusing information regarding who was allowed to obtain permits for the property. After visiting with one of the senior permit writers in Central Inspection, Mr. Berry said he was able to

purchase a permit for the roof repair. Mr. Berry told the Board that he had been pooling his finances to put toward the cost of repairs. He said he had already replaced some rotted decking and rotted soffits.

Board Member Banuelos made a motion to allow until the October meeting to complete the roof and reappear before the Board with an update on the repairs. Board Member Coonrod seconded the motion. The motion carried.

7. 2200 E. Pawnee

The property owner, Mr. Dale Hancock, was present.

Approximately 20 x 30 feet in size, this one-story commercial building is vacant and open. The structure has been badly damaged by fire. It has collapsed block walls and missing roof; fire damaged wood trim; and the interior has been destroyed by fire.

The original file was initiated on this property on March 4, 2011, and a Notice of Violation was sent at that time. The taxes are current, and there are no Special Assessments against the property. There is bulky waste on the premise.

Board Member Hartwell asked Mr. Hancock what he planned to do with the building. Mr. Hancock said he had been working every day to get his inventory out of the damaged building and sorted for recycling. He added that it was his opinion that the walls of the structure were sound.

Board Member Willenberg 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 the demolition.

Board Member Crotts asked when the fire damaged the property. Mr. Hancock replied that the fire occurred on November 19, 2010.

Board Member Crotts seconded the motion. The motion carried.

Mr. Schroeder explained the procedure regarding the Board's referral of the property to the City Council. A letter will be sent to Mr. Hancock advising him of the date that the property will be presented to the City Council. At that time, the Council will review the progress made on the site and make a determination.

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

The meeting adjourned at 2:23 p.m.