

BOARD OF CODE STANDARDS AND APPEALS MINUTES

May 3, 2010

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

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

Staff Members Present: Kurt Schroeder, Julie Irvin, 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, May 3, 2010, at 1:32 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

Approval of the April 5, 2010, minutes.

Board Member Coonrod made a motion to approve the April 5, 2010, minutes. Board Member Harder seconded the motion. The motion was approved.

Approval of the May 2010 license examination applications as follows:

There were no contractor license examination applications for the month of May.

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

Condemnation Hearings

Review Cases:

1. 935 N. Ohio

Lacy Horner, owner of the property, was present.

A one- and one-half story frame dwelling about 23 x 46 feet in size that has been vacant for at least a year, this structure has rotted and missing wood lap siding; badly worn composition roof with missing shingles; rotted and missing wood trim and framing members; deteriorated front and side porches; and the 16 x 20 foot two-story, concrete block and frame accessory structure is dilapidated.

This property was first brought before the Board on May 5, 2009, at its regular monthly meeting. Since that date, the Board reviewed the property on August 3, 2009, and again on November 2, 2009, with ninety-day extensions granted to Mr. Horner to make repairs and pay the delinquent taxes.

As of April 28, 2010, the delinquent taxes for 2007 and 2008 had been paid; however, the 2009 taxes were due in the amount of \$468.70, and the 2009 Special Assessment for weed mowing had not been paid. The roofing permit for the structure has been finalized, and some painting has been done. There are still siding repairs needed.

Chairman Hentzen asked Mr. Horner to apprise the Board of his schedule for completion of repairs, cautioning Mr. Horner that the Board was not generally in favor of granting extensions for repairs when the duration exceeded a year.

Mr. Horner told the Board that he had paid the taxes and could provide the receipt. He also provided photographs showing that the grass had been cut and the debris cleared from the premise. Due to a personal injury, Mr. Horner said he had hired an individual to assist with the work; but due to a miscommunication, the helper created more work to be done by removing a much larger area of siding instead of just the area that required repair. Since his last appearance before the Board, Mr. Horner said he had purchased materials for the repairs and could provide receipts as proof if the Board desired. He also said that the house had been boarded up.

Board Member Harder asked how long it would be until the repairs were completed. Mr. Horner responded that he could not give a definitive time period because he was about to undergo surgery and was uncertain how long he would be incapacitated.

Board Member Coonrod made a motion to allow a final thirty days for the repairs to be completed, or the property would be referred to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete demolition.

Board Member Crotts inquired whether Mr. Horner would be able to meet that deadline. Mr. Horner replied that he could not have the repairs made in thirty days with his pending surgery and recovery. After some discussion, Board Member Coonrod revised his motion to allow a final sixty days for the repairs to be completed, or the property would be referred to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete demolition. Board Member Harder seconded the motion. The motion carried.

Mr. Schroeder explained the condemnation process, adding that if the repairs were substantially complete, or the exterior had been completed by the date of the City Council hearing, Mr. Schroeder could withdraw the property from the City Council agenda.

Unfit for Habitation Review:

1623 N. Arkansas

There was no one present to represent this property.

Mr. Schroeder gave a brief account of the history of the property since it was first brought before the Board at the February 2010 regular meeting. At that time, with no party attending the hearing to speak on behalf of the property, the Board approved the motion to declare the property Unfit for Habitation, and ordered the structure to be vacated and demolished. Subsequently, Mr. Ronald Sickmann, the attorney representing the estate of the deceased owner, contacted Central Inspection and requested the opportunity to appeal the Board's decision, stating that neither he nor the tenant of the property received notice of the hearing. Mr. Sickmann addressed the Board at the April 5, 2010, hearing; the tenant, Mr. Darren Watson, was also present. On April 5, 2010, the Board approved the motion to allow thirty days for the tenant to permit Central Inspection staff access to the structure and report back to the Board with the findings. Contingent upon the documented report from Central Inspection staff, the Board would either reverse the Unfit for Habitation ruling, or stand by the Unfit for Habitation ruling and order the property vacated and demolished within the specified time period of thirty days.

Correspondence outlining the Board's action on April 5, 2010, was sent to Mr. Sickmann by Certified and regular mail, and Mr. Schroeder also had occasion to verbally remind Mr. Sickmann of the Board's action. On April 29, 2010, Julie Irvin, Neighborhood Inspection Field Supervisor, received a call from the tenant. She asked the tenant if he wished to schedule an inspection for the premise, and the tenant told her that he was not ready for inspection. As of April 29, 2010, no permits had been issued for repairs of the structure.

Mr. Van Zandt suggested Mr. Schroeder contact Mr. Sickmann with a definite date and time for inspection, allowing a full thirty days for compliance with the Board's April 5, 2010, ruling.

Board Member Coonrod made a motion that Central Inspection staff notify Mr. Watson, or Mr. Sickmann as the legal representative of the estate, of a date and time for an interior and exterior inspection of the premises. If the violations have not been corrected by the date and time of the inspection as documented by Central Inspection staff, or if access is denied to Central Inspection staff, the Unfit for Habitation ruling will stand, and the structure will be ordered

vacated and demolished within a time period of thirty days. If corrections have been completed by the date and time of the inspection as documented by Central Inspection staff, a representative of the property shall appear before the Board at the June 7, 2010, regular monthly meeting of the Board of Code Standards and Appeals. Board Member Crofts seconded the motion. The motion carried.

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

The meeting adjourned at 1:51 p.m.