

BOARD OF CODE STANDARDS AND APPEALS MINUTES

May 5, 2008

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

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

Staff Members Present: Kurt Schroeder, Deb Legge, Penny Bohannon, 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, May 5, 2008, at 1:37 p.m. in the Board Room, 1st floor, City Hall, 455 N. Main, Wichita, Kansas.

1. Approval of the Minutes of the April 7, 2008, meeting.

A motion was made by Board Member Hartwell to approve the April minutes as submitted. Board Member Harder seconded the motion. The motion carried. (Board Member Youle was not present for this vote.)

2. Approval of the May 2008 license examination applications.

<u>NAME</u>	<u>CLASS</u>	<u>TEST DATE</u>
Gerald R. Chrans	Roofing & Siding	May 2008
Peter Heiland	Roofing & Siding	May 2008

Board Member Hentzen made a motion to approve the license examination applicants for testing. Board Member Hartwell seconded the motion. The motion was approved. (Board Member Youle was not present for this vote.)

3. Update on Striper Ordinance.

Mr. Schroeder provided the Board with an update on the status of the adoption of the Striper Ordinance. With the recommended changes requested by the Board, the ordinance was accepted and adopted by the City Council.

4. Condemnation Hearings

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

Review Cases:

1. 1344 North Spruce

This property was represented by Samuel Roberts.

A one story frame dwelling about 25x40 feet in size, this structure has been vacant for at least ten years. The structure has a cracking foundation; rotted and missing wood lap siding; sagging and badly worn composition roof with missing shingles; rotted and missing wood trim; and rotted framing members.

This case was first presented to the Board at the February 4, 2008, hearing. A motion was made and approved to allow three months for repairs to begin, and then have Mr. Roberts report the status of the property to the Board.

The taxes are current on this property. There are no special cost assessments against this property. The premise conditions are fair. Although no repairs have been started, the structure is secure.

Mr. Roberts addressed the Board. He told the Board that the roof had been replaced. Most of the rear addition of the house had been removed, according to Mr. Roberts. Chairman Murabito asked how long it would take Mr. Roberts to complete the repairs. Mr. Roberts replied that he had to have a new electric meter installed, and there was other electrical work to be done. At the end of the week, he anticipated receiving paint through the Neighborhood Improvement Services paint program. An individual that Mr. Roberts had hired to assist him with the repairs was no longer able to devote time to helping him. Mr. Roberts indicated that the remainder of the repairs could be completed within two months, since he was doing the repairs by himself. Board Member Hartwell asked if the structure was habitable. Mr. Roberts said that it would be once the repairs were complete. He said a threshold needed to be replaced, and he was concerned that once the boards were removed from the windows that vandals would break the glass. It is possible, Mr. Roberts continued, that he has a potential buyer for the property.

Board Member Harder made a motion to allow sixty days for the remainder of the exterior repairs to be completed, or the property would be submitted to the City Council with a recommendation of condemnation, with ten days to begin the demolition and ten days to complete removal of the structure. Board Member Coonrod seconded the motion. The motion carried.

At Chairman Murabito's request, Ms. Legge explained the procedures once a property was sent before the City Council with a recommendation of condemnation.

2. 927 North Wabash

Ivan Ray, owner, was present on behalf of this property.

This one story frame dwelling, about 24x47 feet in size, has been vacant for at least fourteen years. This structure has cracking concrete block basement walls; rotted and missing metal and wood lap siding; sagging and badly worn composition roof, with missing shingles; rotted wood trim and framing members, and the 20x10 foot accessory structure is deteriorating.

The property was first before the Board on March 3, 2008. The taxes are current and the site is clean. No repairs appear to have been made; however, access to the property has been denied by Mr. Ray, who ordered Central Inspection staff from his property and told them not to come back. At the March hearing, Mr. Ray reported that he intended to remove the accessory structure within forty days, and needed to meet with Central Inspection staff to be informed of what repairs would be required. When Central Inspection went to the site, Mr. Ray refused to meet with them and ordered them to leave the property at that time.

Mr. Ray told the Board that he had met most of the requirements except for removing the accessory structure. The main structure still needed repairs on two windows. He explained that the delay in removing the shed was due to the time spent at 1009 N. Wabash, where he had been working on the roof of that structure.

Board Member Youle inquired whether Mr. Ray repaired the roof on the main structure at 927 N. Wabash. Mr. Ray said that repairs were not needed because the roof did not leak, and he did not have the resources to replace the roof. Board Member Youle then asked Ms. Legge if the roof repair had been listed in the original list of requirements for code compliance. Ms. Legge said that roof repair was one of the requirements. Mr. Ray said that no one had contacted him to meet with him on the site. Ms. Legge reminded the Board that when Central Inspection Staff did go to the property, Mr. Ray refused to meet with them.

Board Member Hartwell asked what Mr. Ray's next improvement would be on the structure. Mr. Ray said whatever the inspector required would be his next repair.

Board Member Coonrod made a motion to allow thirty days for compliance on the exterior repairs, maintaining the site in a clean and secure condition in the interim, or the property would be referred to the City Council for

condemnation, with ten days to begin demolition and ten days to complete demolition. Board Member Youle seconded the motion. The motion was unanimously approved.

3. 1009 North Wabash

The owner, Ivan Ray, was present for the hearing on this property.

About 32x26 feet in size, this one story frame dwelling has been vacant for at least 5 years. This structure has cracking and shifting block basement walls; missing asbestos siding; sagging and badly worn composition roof; deteriorating front and rear porches, and the 25x34 foot concrete block accessory structure has a collapsing roof with a shifting foundation.

Presented to the Board for the first time at the March 3, 2008, hearing, the taxes are current on this property. There is scattered construction debris in the back yard; although the garage roof is under repair, the roofing permit has expired, and there have been no inspections requested for the trusses. There have been no repairs to the main structure. Again, Central Inspection Staff was ordered from the property by Mr. Ray when attempting to assess the status of the repairs.

After viewing the photos of the site, provided by Central Inspection Staff, Board Member Hartwell inquired whether the roof on the accessory building was open all the way to the ceiling. He expressed concern that the roof rafters were not tied in with horizontal members to prevent collapse. Mr. Ray said that he could install the horizontal members if need be.

Board Member Youle made a motion to allow thirty days for compliance on the exterior repairs, maintaining the site in a clean and secure condition in the interim, or the property would be referred to the City Council for condemnation, with ten days to begin demolition and ten days to complete demolition. Board Member Willenberg seconded the motion. The motion carried with Board Member Hentzen voicing his opposition to passage of the motion.

4. 1132 North Ash

Edmond Brown was present to represent this property.

Vacant for at least 6 months, this one story frame dwelling is approximately 24x50 feet in size. The 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.

At the March 3, 2008, hearing, the Board granted sixty days for minimum exterior compliance. The taxes are current and the site is clean. Although there have been no repairs started, the main structure is secure. The rear structure was open at the last inspection.

Addressing the Board, Mr. Brown said that all the repairs had been completed since the last site visit by Central Inspection. He said that he had not made repairs to the roof because there had been no leaks. Board Member Youle interjected that the roof would require repairs if it had been listed on the requirements for code compliance. Mr. Brown replied that he would repair the roof if he was required to do so.

Board Member Coonrod made a motion to allow thirty days for the compliance of the remaining repairs, or Mr. Brown would be required to reappear before the Board with a status update on the property. Board Member Youle seconded the motion. The motion passed.

5. 3429 Roseberry Court

Rob Snyder, owner, was present on behalf of this property.

This structure is a one story frame dwelling about 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.

At the March 3rd hearing, a motion was passed allowing sixty days for the fire-damaged unit to be removed and the exterior of the structure repaired, maintaining the site in a clean and secure condition in the interim. There are no cost assessments against the property. The taxes are current. The premise condition is fair, although no repairs have been made. Numerous windows had been broken, and the wood had been removed from one of the doors; the structure was open at the last site inspection.

Mr. Snyder told the Board that he had boarded up the structure, and he had removed the fire-damaged portion. Chairman Murabtio asked what time frame would be involved in having the remainder of the debris removed from the site. Mr. Snyder replied that if the contractor did not have the debris removed from the premise by the upcoming Friday, he would clean up the site himself. Once the debris had been removed, Mr. Snyder said he would have siding installed on the exposed side of the structure and then sell the property.

Board Member Harder made a motion to allow an additional thirty days for the site to be cleaned and the siding to be installed on the exposed side of the structure, maintaining the site in a clean and secure condition in the interim. Board Member Hentzen seconded the motion. The motion was approved.

6. 1314 North Lorraine

Louis Bush, maintenance contractor for this structure, attended the hearing on behalf of this property.

A one story frame dwelling about 35x38 feet in size, this structure has been vacant for an undetermined amount of time. This structure has shifting and cracking concrete block basement walls; rotted and missing asbestos siding; rotted wood trim; and the 10x16 foot accessory is deteriorating.

This property was first before the Board on April 7, 2008. At that hearing, the heirs of the estate represented the property by letter. At that time, the Board approved a motion to allow thirty days for the heirs to obtain the deed to the property and arrange for the sale of the house. If the heirs were unable to obtain the deed and sell the property or make repairs, the property would be referred to the City Council with a recommendation of condemnation, with ten days to begin razing the structure and then days to complete the demolition. There has been no contact from the heirs since that time.

Mr. Bush said he had not had much contact with the heirs. It was his understanding that the owner(s) planned to paint and repair the structure. At the current time, Mr. Bush said that he thought the heirs were trying to determine who would be in charge of the repairs.

It was determined by the Board that since nothing had changed since the April hearing and there had been no further contact from the heirs, the property would go before the City Council with a recommendation of condemnation.

7. 1325 North Lorraine

The owner of the property, Louis Bush, was present on behalf of this property.

About 36x22 feet in size, this one story frame dwelling has been vacant for at least ten years. This structure has shifting and cracking concrete basement walls; cracking brick siding; sagging and badly worn composition roof; and the front porch is deteriorating.

At the April 7, 2008, hearing, the Board approved a motion to allow thirty days for Mr. Bush to evaluate the property and the cost of repairs and reappear before the Board with his findings. The 2004, 2005, 2006, and 2007 taxes are delinquent in the amount of \$1,015.11, and the property is currently in tax foreclosure. There

are no special cost assessments against the property. Although the premise is clean, no repairs have been made, and there is an open basement window.

Mr. Bush explained to the Board that he had hired a contractor to replace the roof, but the contractor had taken the money and had not returned to do the work. In response to Board Member Hartwell's concerns about the condition of the foundation, Mr. Bush had contacted a foundation contractor to provide an estimate for repairs; however, upon learning that the foundation contractor charged for estimates, Mr. Bush cancelled the appointment. Mr. Bush told the Board that he had made the interior repairs and has complied with most all other requirements. Mr. Bush said he was unable to complete all of the repairs at present because of financial restrictions due to paying the delinquent taxes.

Board Member Harder made a motion to allow thirty days to formulate a plan to complete the repairs; if the repairs are not complete within that time, 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 the removal of the structure. Board Member Hartwell seconded the motion. The motion carried.

New Cases:

1. 435 North Piatt

There was no one present to represent this property.

A one and one half story frame dwelling about 42x36 feet in size, this structure has been vacant for at least one year. This structure has a shifting and cracking concrete block foundation; rotted and missing vinyl and wood lap siding; badly worn composition roof, with missing shingles; deteriorating front porch; and the wood trim and framing members are rotted.

The active file was initiated on this property in April of 1993.

Board Member Hentzen 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 razing the structure. Board Member Coonrod seconded the motion. The motion carried.

2. 2042 East 9th

Vaniece Crawford was present as the representative of this property.

Vacant for at least thirteen years, this one and one-half story frame dwelling is about 26x49 feet in size. 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.

There has been an active case on this property since April of 1995. Numerous Notices of Violation and Notices of Improvement have been issued on this property. The original owner is deceased, and the daughter of the deceased owner now has possession of the property. From 1995 through 2005 there was some work done to the property, progressing slowly. The 2003, 2004, 2005, 2006, and 2007 taxes are delinquent in the amount of \$1,369.84, and it is in tax foreclosure. There are no special cost assessments against the property. There is scattered trash and debris in the back yard. The building is secure.

Ms. Crawford explained to the Board that her first priority was the delinquent taxes, which she was required to pay by June 2008. Once she had resolved the delinquent tax issue, Ms. Crawford said she intended to make the required exterior repairs. She requested that the Board grant her thirty days to pay the delinquent taxes and make the exterior repairs.

Board Member Hartwell made a motion to allow sixty days for Ms. Crawford to determine if she is financially able to pay the delinquent taxes and then report back to the Board, maintaining the property in a clean and secure condition in the interim. Board Member Hentzen seconded the motion. The motion was approved.

3. 1006 North Grove

There was no one present to represent this property.

This is a one story frame dwelling about 28x28 feet in size. Vacant and open, this structure has shifting and cracking concrete block basement walls; bent and torn metal siding; sagging and badly worn composition roof; rotted and missing wood trim; and the 12x22 foot accessory structure is deteriorating.

Board Member Harder made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin wrecking the structure and ten days to complete the removal. Board Member Coonrod seconded the motion. The motion passed.

4. 1338 North Green

There was no representative present for this property.

Vacant since 2005, this one story frame dwelling is about 28x27 feet in size. This structure has a shifting and cracking concrete block foundation; rotted and missing lap siding; sagging and badly worn composition roof, with holes; deteriorating front porch; rotted wood trim; and the 12x20 foot accessory structure is dilapidated.

Board Member Youle 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 Willenberg seconded the motion. The motion carried.

5. 1707 North Minneapolis

Robert Grant was present as the representative of this property.

A one story frame dwelling about 26x46 feet in size, this structure has been vacant for an unknown amount of time. This structure has missing composition shingles; dilapidated front porch; collapsing rear porch; rotted wood trim and framing members; and the 30x36 foot accessory structure is deteriorating.

The active file on this property was initiated in January 2007. In June of 2007, the owner indicated that he wanted to demolish this structure along with 1719 North Minneapolis. In February of 2008, the owner notified Central Inspection staff that a church was interested in purchasing the property at 1707 North Minneapolis. There are no special cost assessments; the taxes are current. The carport on the north side of the structure has been removed. There is some tree waste on the site. The structure is secure.

Addressing the Board, Mr. Grant said that he planned to demolish the structure; however, he has been unable to accomplish that due to health issues. He requested that the Board allow additional time for him to complete the demolition.

Board Member Coonrod made a motion that Mr. Grant be allowed thirty days to demolish the structure, or the property would be referred to the City Council with a recommendation of condemnation, with ten days to begin wrecking the structure and ten days to finish the removal of the structure. Board Member Harder seconded the motion. The motion passed unanimously.

6. 1719 North Minneapolis

Robert Grant was present as the representative of this property.

This is a one story frame dwelling about 32x37 feet in size. Vacant for an unknown amount of time, this structure has a shifting, cracking and buckling concrete block foundation; rotted and missing siding; sagging and badly worn composition roof; and the windows and doors are deteriorating.

Board Member Harder made a motion to allow thirty days for the razing of this structure by the owner, or the property will be referred to the City Council with a recommendation of condemnation, with ten days to begin wrecking the structure and ten days to finish the removal of the structure. Board Member Willenberg seconded the motion. The motion was approved.

7. 1226 North Lorraine

Jerry McCray, the new owner, was present to represent 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.

The active file was started on this property in November of 2002. There have numerous Notices of Violation and Notices of Improvement issued; a Uniform Criminal Complaint has also been issued on this property. Central Inspection has completed an emergency board up on the property at a cost of \$152.03. There is an active Environmental Case on this property. The 2004, 2005, 2006, and 2007 taxes are delinquent in the amount of \$922.76. There is tree waste and scattered debris on the property.

Mr. McCray requested that the Board allow ninety days for him to clean the premises and make the required repairs. He said that he had a list of requirement repairs; however, he wanted to meet with an inspector on site to be certain that he understood what needed to be addressed.

Board Member Harder made a motion to allow ninety days for the premises to be cleared of debris and the required repairs made to the structure, maintaining the site in a clean and secure condition in the interim. Board Member Banuelos seconded the motion. The motion passed.

8. 916 North Harding

There was no one in attendance on behalf of this property.

A one story frame dwelling approximately 22x35 feet in size, this structure has been vacant for at least two and one-half years; this structure has a cracking concrete foundation; missing and vinyl siding; badly worn composition roof; deteriorating rear porch; and the wood trim is rotted and missing.

Board Member Willenberg made a motion to refer the property to City Council with a recommendation of condemnation, with ten days to begin removal of the structure and ten days to complete the wrecking. Board Member Banuelos seconded the motion. The motion was unanimously approved.

9. 4338 East Wilma

No one was present to represent this property.

This is a one story frame dwelling about 57x24 feet in size. Vacant for at least sixteen months, this structure has a shifting and sinking block foundation; broken, missing and fire damaged asbestos siding; sagging composition roof, with holes and missing shingles; and the wood trim is rotted.

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

10. 14621 Sport of Kings

The owner of the property, David Rathbone, was present at the hearing. Several concerned neighbors were also in attendance.

A two story frame dwelling this structure is about 58x54 feet in size. Vacant for an unknown amount of time, this structure has shifting concrete basement walls; fire damaged masonite lap siding; fire damaged roof, with holes; deteriorating rear porch; and the wood trim, fascia, and soffits are fire damaged.

The active file was initiated on this property in November 2007 due to fire damage that occurred in February of 2007. The property was annexed into the City of Wichita in October 2007. The taxes are current; there is a 2007 special assessment in the amount of \$3,917.77 for sewer improvement, street improvement, a lot clean up and water lines. There is also a 2008 special assessment in the amount of \$2484.35 for sewer improvement and street improvement. There is some debris in the driveway. There is an active Neglected Building case on this property. No repairs have been made; however, the structure is secure.

Mr. Rathbone told the Board that he thought an agreement had finally been reached with the insurance company and the mortgage company. It was his hope to have the matter settled within sixty days, and that he would be able to have the structure demolished and then sell the lot. Mr. Rathbone said that he had enlisted the aid of an attorney to help resolve the remaining issues with the mortgage and insurance companies.

Nick Howell, a resident of a neighboring property, addressed the Board with his concerns. A large dumpster was left sitting on the site, and trash would often blow out of the dumpster. The deck was removed from the house some time ago and has been sitting in the driveway. Three years prior to the fire, there had been on-going issues with the property.

Pete Mietzner, a resident of a neighboring property, told the Board of vermin problems resulting from the condition of the property. Mr. Mietzner said that the structure was also an attractive nuisance to children. Mr. Mietzner said he had concerns about disease that might be caused by the vermin. He said that as a member of the homeowners' association, he also had concerns about the financial liability that might be incurred by the association if someone should be injured or become ill because of the vermin.

Mr. Rathbone explained that he had been banned from the site during the arson investigation and during the legal proceedings that followed.

Board Member Harder made a motion to send 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 Willenberg seconded the motion. Chairman Murabito requested that Ms. Legge explain the procedure involved in sending the property to the City Council.

Miley Craft, a resident of a neighboring property, voiced her concern about recurring vandalism on the property.

Another neighbor, who declined to identify himself, expressed concern about the basement of the structure being full of water. He said that the water caused mold growth and encouraged the breeding of mosquitoes.

Mr. Rathbone said that he would arrange to have the water pumped out of the basement.

Chairman Murabito requested that the Board vote on the motion. The motion carried.

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

The meeting adjourned at 2:55 p.m.