

# BOARD OF CODE STANDARDS AND APPEALS MINUTES

February 2, 2009

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

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

**Staff Members Present:** Kurt Schroeder, Deb Legge, Penny Bohannon, Darlene Hultman, Elaine Hammons (Central Inspection)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Murabito on Monday, February 2, 2009, at 1:30 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

## 1. Approval of the February 2009 license examination applications.

<u>Name</u>	<u>Class</u>	<u>Date</u>
Dustin W. Haas	Roofing & Siding	February 2009

Board Member Hartwell made a motion to approve the application for testing. Board Member Hentzen seconded the motion. The motion was approved.

## 2. Discussion of Code Review 2009.

Darlene Hultman addressed the Board inviting any interested Board Member to participate as a committee member for the 2009 code review panels. In addition to the City of Wichita, Sedgwick County, Rosehill, and other surrounding jurisdictions will have representatives on the panels. Kurt Schroeder added that the International Residential Code and International Building Code books should be available approximately early to mid-April, which is when the committees are expected to convene. It is anticipated that the review process will last approximately four to six months.

## 3. Condemnation Hearings

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

### New Cases

#### 1. 405 W. University

Eder Guardado, son of the owner, Nelson R. Guardado, was present to represent this property.

A one-story frame dwelling about 22 x 50 feet in size, this structure has been vacant for over a year. The structure has a cracking concrete block foundation; cracked wood siding; badly worn composition roof; rotted soffits and fascia; and the 10 x 16 foot accessory garage is deteriorated.

There has been an active case on this property since July of 2007. A Notice of Improvement and Notices of Violation have been issued. An emergency board-up was performed by Central Inspection at a cost of \$143.48. Since the property was submitted for formal condemnation, Central Inspection was informed that there was a new owner. The taxes are current; there is a 2008 special assessment against the property for the emergency board-up in the amount of \$149.32. There is bulky waste, miscellaneous debris, and tree waste on the premises. There is no neglected building case on this property. Formal condemnation action was started on December 23, 2008. There have been no repairs made to the structure; however, it is secure.

Mr. Eder Guardado told the Board that he and his father, Nelson Guardado, had purchased the property; and they expected to close on the property in three weeks. As soon as they closed on the property, Mr. Guardado stated that he planned to clean up all the debris on the premise and begin repair of the accessory building. He speculated that the interior remodel would take up to five months.

Board Member Harder inquired how long Mr. Guardado would need to bring the exterior of the property into compliance with the minimum housing standards. Mr. Guardado replied that he felt certain the exterior could be completed in approximately thirty days, including the cleaning of the premises. He said that he and his father were only waiting for the finalization of the contract.

Board Member Harder made a motion to allow ninety days for the exterior of the property to be brought into compliance, maintaining the premises in a clean and secure condition in the interim. Board Member Banuelos seconded the motion. The motion carried.

## **2. 512 N. Indiana**

There was no party present to represent this property.

Vacant for at least five years, this one-story frame dwelling is approximately 24 x 38 feet in size. The structure has shifting and cracking concrete block walls; badly worn composition roof, with missing shingles; deteriorating front porch; rotted wood trim and framing members; and the 10 x 10 and 8 x 6 foot aluminum accessory sheds are dilapidated.

Board Member Banuelos made a motion to refer the property to the City Council for condemnation, with ten days to begin razing the structure and ten days to complete the wrecking. Board Member Harder seconded the motion. The motion passed.

## **3. 1035 N. Indiana**

Michael Rolle, owner, represented this property.

This is a two-story frame dwelling about 28 x 54 feet in size. Vacant for at least two years, this structure has shifting and cracking concrete block basement walls; rotted and missing wood lap siding; deteriorating composition roof, with missing shingles; rotted and missing wood trim and framing members; and the front and rear porches are dilapidated, with shifting and cracking concrete.

The active case was initiated on this property on June 6, 2000. Since that time, several Notices of Improvement and Notices of Violation were issued for this property. In January of 2009, Mr. Rolle contacted Central Inspection staff, advising that he had purchased the property in August of 2008. Mr. Rolle told staff that he was unaware of Central Inspection's pending actions against the property. Central Inspection staff notified Mr. Rolle of the status of the property, including the neglected building case, as well as the condemnation process. Mr. Rolle was also notified that the property would be presented to the Board of Code Standards and Appeals hearing on the February agenda.

A Pre-condemnation letter was issued on August 12, 2008. The 2007 taxes are delinquent in the amount of \$90.09; the 2008 taxes are delinquent in the amount of \$68.97; and there is a special assessment pending for lot clean up and weed mowing in the amount of \$2,048.69. There is scattered trash and debris on the site, and there is an active neglected building case on the property. The structure is secure, although no repairs have been made.

Mr. Rolle explained that he had not been aware of the past due taxes on the property. His intention upon purchasing the structure was to use it as a limited group residence or possibly as a Section 8 multi-unit complex. As he investigated the requirements for the group residence, he learned that a rezoning action had occurred, changing the zoning to single-family use. Before the structure can be used as a limited group residence, the interior will have to be refurbished. The dilemma, Mr. Rolle stated, was trying to determine what action he should take regarding the use of the structure. He said he was in the process of trying to ascertain what options were available to him with the present zoning of the site. Wishing to confer with someone who could give him some direction, Mr. Rolle said that it would be at least three months before he was able to give the Board a definite answer. In the meantime, Mr. Rolle assured the

Board that he was willing to maintain the property in a clean and secure condition while he waited for an answer about the use of the property.

Chairman Murabito asked what Mr. Rolle's plan for the property would be if the zoning prevented him from converting it into a limited group residence or a Section 8 multi-unit complex. Mr. Rolle replied that he would have to consider whether it would be feasible for him to convert the structure into a single-family dwelling.

Mr. Rolle anticipated that he would need at least ninety days to get the exterior in compliance. He said that he was willing to do whatever he needed to do in order to get an extension of time until the zoning situation is clarified. Mr. Schroeder recommended that the Board set the matter over for thirty days to give him a chance to discuss the situation with Mr. Rolle. Mr. Schroeder verified that rezoning usually takes approximately ninety days.

Board Member Banuelos asked Mr. Rolle if he was willing to paint the structure. Mr. Rolle agreed that he was willing to do so.

Board Member Banuelos made a motion to allow sixty days for the exterior to be painted and to allow Mr. Rolle to determine what his plan of action will be. Board Member Willenberg seconded the motion. The motion carried without opposition.

#### **4. 1002 N. Ohio**

The property owner made arrangements, prior to the hearing, to demolish this structure.

#### **5. 1036 N. Minnesota**

There was no one in attendance as a representative for this property.

This two-story frame dwelling is about 24 x 40 feet in size. Vacant for at least ten months, this structure has severely shifting and cracking concrete block basement walls; cracked and missing asbestos siding shingles; sagging and badly worn composition roof, with missing shingles; dilapidated front and rear porches; rotted wood trim and framing members; and the 8 x 8 foot metal accessory structure is dilapidated.

Board Member Harder made a motion to send the property before the City Council with a recommendation of condemnation, with ten days to start demolition and ten days to complete demolition. Board Member Youle seconded the motion. The motion passed unanimously.

#### **6. 1522 N. Madison**

No one was present to represent this property.

Vacant and open, this one-story frame dwelling is about 38 x 68 feet in size. The structure has cracked and missing asbestos siding shingles; badly worn composition roof, with missing shingles; and the front, rear and north porches are deteriorated, with cracked and collapsing concrete.

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

#### **7. 1817 N. Spruce**

The owner, Andrew Johnson, was present to represent this property.

This is a one-story frame dwelling about 33 x 25 feet in size. Vacant for at least 10 months, this structure has severely shifting and cracking brick basement walls; deteriorating brick siding and the south side brick wall has fallen; badly

worn composition roof; deteriorated front and rear porches, with cracked concrete; and the 8 x 12 foot metal accessory shed is dilapidated.

The active file was initiated on November 27, 2008. Since that time, two Notices of Violation were issued. In March of 2008, the Wichita Fire Department responded to a call about a gas leak at this property. The Fire Department called for Central Inspection staff to inspect the property. It was determined that the basement walls collapsing against the gas lines in the interior caused the gas leak. Due to the damage, the gas and electric meters were removed from the building and the owner moved out of the structure. There is an open Neighborhood Nuisance case against the property. The 2008 taxes are delinquent in the amount of \$377.45; there are no special assessments against the property. There is some tree debris and some bulky waste on the premises, along with bricks and a vehicle in the rear yard. Formal condemnation action was commenced on December 23, 2008. No repairs have been made; however, the structure is secure.

Mr. Johnson explained that he was not financially able to repair the structure. He asked if there was some type of program available to assist low-income homeowners with needed repairs. Mr. Schroeder replied that Neighborhood Improvement Services has various programs that might have funds to assist Mr. Johnson. Ms. Legge also interjected that she was of the opinion that someone had previously attempted to get financial help for Mr. Johnson through Neighborhood Improvement Services, but NIS funds had been depleted at that time, and the cost for the needed repairs were too high.

Mr. Johnson told the Board that he would allow the City to demolish the property if he was unable to obtain financial assistance for the repairs.

Board Member Coonrod made a motion to refer the property to the City Council for condemnation, with ten days to begin wrecking and ten days to complete the demolition. Board Member Hartwell seconded the motion. The motion carried.

Ms Legge explained the condemnation procedure to Mr. Johnson. Mr. Schroeder also told Mr. Johnson that costs for the demolition are assessed against the property if the owner is unable to pay the fees.

#### **8. 543 N. Grove**

Rosie Dear and Robert Talbert, owners, represented this property.

Vacant for at least ten months, this one-story frame dwelling is approximately 24 x 52 feet in size. The 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 started on this property on March 18, 2008. Since that time a Notice of Improvement and two Notices of Violation were issued. A pre-condemnation letter was issued on August 1, 2008. The 2007 taxes are delinquent in the amount of \$482.19, and the 2008 taxes are due in the amount of \$595.42. There are no special assessments against the property. There is a large trailer in the back yard with bulky waste and salvage material. There is an active Neglected Building case on this property. Formal condemnation proceedings were initiated on December 28, 2008. No repairs have made; however, the structure is secure.

Mr. Talbot addressed the Board. He said that he had been unable to work on the roof; however, he had cut the trees around the structure and had been working on the interior.

Board Member Coonrod asked how long Mr. Talbot thought he might need to make the exterior repairs. Mr. Talbot replied that it would take one or two months to make the exterior repairs. Board Member Coonrod made a motion to allow ninety days for the exterior repairs, maintaining the site in a clean and secure condition in the interim. Board Member Banuelos seconded the motion. The motion carried.

**9. 1215 N. Grove**

There was no representative present for this property.

Approximately 28 x 41 feet in size, this one-story frame dwelling is vacant and open. This structure has a shifting and cracking concrete block foundation; damaged steel siding; shifting and cracking front and rear porches; rotted wood trim and framing members; and the 20 x 15 foot accessory structure is deteriorated.

Board Member Coonrod made a motion to refer the property to the City Council for condemnation, with ten days to initiate demolition and ten days to complete razing of the structure. Board Member Harder seconded the motion. The motion passed.

**10. 1054 N. Green**

No one was present on behalf of this property.

A one-story frame dwelling about 27 x 29 feet in size, it is vacant and open. The structure has a shifting and cracking concrete foundation; cracked asbestos siding shingles; sagging and badly worn composition roof, with holes and missing shingles; rotted sill plate; and the 14 x 20 foot accessory structure is dilapidated at risk of collapsing.

Board Member Youle 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 Coonrod seconded the motion. Unanimously, the motion carried.

**11. 4953 E. Morris**

There was no one in attendance to represent this property.

Vacant for at least three years, this is a one-story frame dwelling approximately 32 x 40 feet in size. This structure has rotted masonite and brick siding; sagging and badly worn composition roof, with holes and missing shingles; dilapidated front porch; and the wood trim and framing members are rotted.

Board Member Harder made a motion to send the property to the City Council for condemnation, with ten days to commence razing the structure and ten days to complete the wrecking. Board Member Youle seconded the motion. The motion passed.

**12. 10402 E. Harry**

Prior to the hearing, arrangements were made by the property owner for the demolition of this structure.

With no other business to conduct, Board Member Willenberg made a motion to adjourn the meeting. Board Member Hartwell seconded the motion. The motion was approved.

The meeting adjourned at 2:10 p.m.