

# BOARD OF CODE STANDARDS AND APPEALS MINUTES

March 7, 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, Murabito, 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, March 7, 2011, at 1:31 p.m. in the 1<sup>st</sup> floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

## **Approval of the February 7, 2011, minutes.**

Board Member Willenberg made a motion to approve the February 7, 2011, minutes. Board Member Harder seconded the motion. The motion was approved.

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

## **Approval of the February 2011 license applications as follows:**

<u>Applicant Name</u>	<u>Company Name</u>	<u>Class</u>
James P. Baker	C & J Construction, LLP	Class B
Richard Coleman	Rich Coleman Construction	Class B (off agenda)
Benjamin Dilks	United States Construction, Inc.	Class A
Charles K. Eby	United Methodist Open Door, Inc.	Class A
Brian Giammasi	Next Level Construction	Class C
Preston Rothwell	Rothwell Construction, Inc.	Class B
Murray Steeble, Jr.	Alpha Fire Protection, LLC	Fire Sprinkler Installer (off agenda)
Charles Yood	Rosie's Restoration, LLC	Roofing & Siding

Ed Harrington was present to represent Murray Steeble, Jr., in his request for a Fire Sprinkler Installer Contractor's License. Finding the application packet in order, Board Member Coonrod made a motion to approve Mr. Steeble's request for a Fire Sprinkler Installer Contractor's License. Board Member Willenberg seconded the motion. The motion carried.

Richard Coleman was present to hear the Board's decision on his request for a Class B Contractor's License. Finding the application packet in order, Board Member Harder made a motion to approve Mr. Coleman's request. Board Member Willenberg seconded the motion. The motion was approved.

## **Request for second license - William D. Caylor dba Continental Siding Supply, Inc. (Roofing & Siding)**

Originally before the Board at the February 7, 2011, meeting, the request for a second license was denied because of unresolved permits. The permits have since been resolved, and there were no other questions or concerns expressed by the Board. Board Member Coonrod made a motion to approve Mr. Caylor's request for a contractor's license. Board Member Willenberg seconded the motion. The motion was approved.

## **Request to change company name – Clayton J. Dickehut dba Major, Inc. (Class B)**

Mr. Dickehut requested approval to change his company name, Major, Inc., to Major Concrete, Inc. The change of company name is to clarify the type of business. There was no proof of dissolution of the company as Major, Inc., nor

was there proof that a name change had been requested through the State of Kansas. Board Member Coonrod made a motion that the name change be approved contingent upon proof of dissolution of Major, Inc., or upon proof of a change of company name being filed with the State of Kansas. Board Member Murabito seconded the motion. The motion passed without opposition.

### **Request for second license – Chad Leonard dba Davis-Moore Real Estate, LLC (Class B)**

Mr. Leonard requested that the Board allow him to obtain a second license for his own separate company, Leonard and Associates, LLC. Mr. Leonard would be the qualified person for both licenses. After reviewing the application packet, Board Member Coonrod made a motion to approve Mr. Leonard's request. Board Member Hartwell seconded the motion. The motion was approved.

### **Condemnation Hearings:**

#### **Review Cases:**

#### **1. 2516 E. 20<sup>th</sup> N.**

Oneil Davis, owner, was present.

A one-story frame dwelling about 26 x 42 feet in size, the building has been vacant for at least three years. This structure has a cracking concrete block foundation; deteriorated vinyl siding; badly worn composition roof, with holes; and deteriorated front and rear porches.

This property was first before the Board on December 6, 2010. At that hearing, the Board approved a motion to allow until the regularly scheduled March 2011 meeting for the exterior repairs to be completed and the delinquent taxes to be paid, meanwhile maintaining the property in a clean and secure condition.

The delinquent taxes for 2006, 2007, 2008 and 2009 in the amount of \$2,425.70 have not been paid. There are no special assessments. There are some tree limbs on the premise; some minor repairs have been made; no other work has been done. The structure is secure.

Mr. Davis told the Board that he would need more time to get the taxes paid. He informed the Board that all corrections have been made since the last site visit by Central Inspection staff. The roof has been replaced, and the exterior violations have been brought into compliance with minimum Housing Standards.

Board Member Harder made a motion to return the property to regular Code Enforcement, and added a condition that all delinquent taxes are to be paid by the April Board of Code Standards and Appeals meeting. Board Member Crotts seconded the motion.

Mr. Davis said that he would need more time than granted by the Board to pay the delinquent taxes.

Chairman Hentzen repeated the motion and asked for a vote by the Board. The motion carried.

#### **2. 3933 / 3937 E. Ross Parkway (duplex)**

The owner was not present to represent this property.

This one-story frame duplex is about 56 x 20 feet in size. Vacant and open, this structure has a concrete block foundation with missing blocks; broken and missing transite asbestos siding shingles; collapsed and badly worn composition roof with holes and missing shingles; deteriorated front and back porches; and rotted wood trim.

At the December 6, 2010, meeting, this property was presented to the Board for the first time. At the January 11, 2011, meeting, the Board approved a motion to allow until the March 2011 hearing to either make the required repairs to the exterior, or for the owner to sell the property while maintaining the property in a clean and secure condition in the interim. The owner was directed to reappear before the Board at the March 2011 meeting to provide an update on the status of the property.

The taxes are current, and there are no special assessments against the property. The premise condition is fair. A new front door has been installed, and there is new trim around the windows. The boards have been removed from the windows, and the structure is secure.

Board Member Coonrod 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 demolition. Board Member Willenberg seconded the motion. The motion carried.

### **New Cases:**

#### **1. 1821 E. 23<sup>rd</sup> N.**

Guinn Yates, wife of the property owner, attended the hearing.

Vacant for at least four years, this structure is a one-story frame dwelling about 23 x 41 feet in size. It has a shifting and cracking concrete foundation; missing vinyl siding; badly deteriorated composition roof with holes and missing shingles; and rotted soffit, fascia, wood trim and framing members.

The active file on this property was initiated in January 1996. The 2007, 2008, 2009, and 2010 taxes are delinquent in the amount of \$1,034.75. There are no special assessments against the property. There is bulky waste and tree waste on the premise; no repairs have been made to the building. The structure is unsecured with an open window on the south side.

Ms. Yates explained to the Board that her husband, the owner of the property, is currently incarcerated. She had been paying on the taxes each year, but she is now unemployed. She is still trying to fix it up on her limited income. Ms. Yates said her brother will reroof the structure; however, she will need more time to make the repairs.

Board Member Crotts asked if sixty days would be adequate for completing the work. Ms. Yates said that sixty days would give her a good start.

Board Member Crotts made a motion to allow sixty days to make significant progress on the repairs, pay on the delinquent taxes, and then reappear before the Board to provide an update, maintaining the site in a clean and secure condition in the interim. Board Member Willenberg seconded the motion. The motion was approved.

#### **2. 1106 N. Chautauqua**

Joel Weihe, realtor, was present on behalf of this property.

Approximately 22 x 32 feet in size, this one-story frame dwelling 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.

Initiated in August of 2009, this case has had an improvement notice and several violation notices issued. In September 2009, a Neighborhood Nuisance Enforcement case was abated by the City, and there have been at least two Tall Grass & Weeds cases abated by the City. Central Inspection did an emergency board-up on the property on February 4, 2010, which cost \$575.21. Some repairs were started in April of 2010, and some of the violations

were resolved. A Pre-condemnation Letter was issued in 2009. The taxes are current. There is a 2011 Special Assessment for lot clean up in the amount \$1,098.62. There is bulky waste and trash on the premise. A Vacant Neglected Building case is pending on this property. Formal Condemnation was initiated in January 2011. On February 18, 2011, Central Inspection staff was contacted by a new owner advising that he had purchased the property. During a site inspection by Central Inspection staff on February 24, 2011, it was noted that an individual was cleaning up the exterior of the property. Since that time, boards have been removed from the windows and the doors, and some repairs have been made on the south side of the foundation.

Mr. Weihe told the Board that his client had purchased the property at a tax auction the previous August. After having the foundation shored, Mr. Weihe's client then sold the property to another individual. The new owner had been working on the interior. Mr. Weihe assured the Board that he would advise the new owner to work on the exterior.

Board Member Banuelos made a motion to grant an additional sixty days for the new owner to repair the exterior, meanwhile maintaining the site in a clean and secure condition. Board Member Hartwell seconded the motion. The motion carried.

### **3. 1017 S. Hydraulic**

There was no one present on behalf of this property.

This is a one-story frame dwelling approximately 16 x 21 feet in size. Vacant for at least six years, this structure has broken and missing wood lap siding; sagging, badly deteriorated composition roof with holes; exposed roof framing members and sheathing; rotted rafter tails and wood trim; and the 24 x 20 foot accessory garage is dilapidated, with a collapsing roof.

Board Member Murabito 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 removal. Board Member Banuelos seconded the motion. The motion carried.

### **4. 802 S. Fern**

The owner, Loretta Lineback, attended the hearing.

Vacant for at least four months, this one- and one-half story frame dwelling is about 24 x 36 feet in size. This structure is fire-damaged. It has broken, missing and fire damaged siding shingles; badly worn and fire damaged composition roof; deteriorated, rotted front porch; and the 10 x 15 foot accessory structure is deteriorated.

The case file was started on the property in September of 2010. Since that time, two Notices of Improvement and a Notice of Violation have been issued. In 2010 a Tall Grass & Weeds case was resolved by the owner; an emergency board-up was completed by Central Inspection in October 2010, the cost of \$390.74 assessed against the property. The 2008, 2009, and 2010 taxes are delinquent in the amount of \$1,957.88. There is also a Special Assessment against the property for clean-up in the amount \$1,632.20. Condemnation action was initiated on July 10, 2010. The premise condition is fair; no repairs have been made; the structure is unsecured with an open rear door.

Ms. Lineback informed the Board that she and her husband had been attacked while living at the property. The house was also set on fire. Only recently had Ms. Lineback been able to go inside the house to assess the damage. A contractor that has agreed to assist Ms. Lineback and her disabled husband told her that he felt the damage could be repaired. Ms. Lineback said her son has come from Texas to help with the property, and other family members are also going to provide assistance with getting the property into compliance.

Board Member Murabito suggested that Ms. Lineback check into the possibility that the property was in a target area for a Community Services paint grant. Mr. Schroeder told Ms. Lineback that he would supply the contact information for inquiring about the paint grant as well as other potential assistance through Community Services.

Board Member Harder made a motion to grant ninety days for the owners to make as much progress as possible, maintaining the site in a clean and secure condition. Board Member Banuelos seconded the motion. The motion was approved.

#### **5. 1330 S. Bonn**

The owner of the property, Richard Hopkins, was present.

A 10 x 50 foot mobile home, it is vacant and open. This structure has damaged and missing metal skirting; rotted and missing masonite siding; badly worn, leaking flat roof; rotted wood trim; and the 8 x 10 foot metal accessory shed is deteriorating.

The active housing file was started on this property in June 2008. A Notice of Improvement and several violation notices were issued. A 2007 Environmental case was abated by the City. In November of 2009 Central Inspection did an emergency board-up at a cost of \$624.01. Additionally, a 2008 Neighborhood Nuisance Enforcement case, a 2009 Tall Grass & Weeds case, and a 2010 Tall Grass & Weeds case were abated by the City. A second Tall

Grass & Weeds case was initiated in September 2010 and was resolved through owner compliance. A Pre-condemnation Letter was sent October 6, 2009. The taxes are current; however, there are 2010 Special Assessments against the property in the amounts of \$644.70 for board-up; \$124.23 for weed mowing, including interest; and 124.21 for weed mowing, including interest. There is also a 2011 Special Assessment in the amount of \$123.00 for weed mowing.

The premise is in fair condition. No repairs have been made, but the structure is secure. Central Inspection staff received a telephone call from Mr. Richard Hopkins advising that he had purchased the property at a tax sale in August 2010. Mr. Hopkins told staff that he intended to demolish the mobile home within ninety days.

Mr. Hopkins confirmed that he had purchased the property in August of 2010; however, he told the Board that he did not receive the title to the property until November 2010. He said that the mobile home is on a frame without tires. If he can get it towed to his property in Elk County, he will dispose of it there; otherwise, he plans to raze it at the current site. Mr. Hopkins explained to the Board that his wife's medical condition required that he take her to recurring medical appointments, preventing him from completing the demolition thus far. Since his wife's condition has stabilized, Mr. Hopkins said he anticipated he would be finished with the demolition within ninety days.

Board Member Harder made a motion that Mr. Hopkins be granted until the regularly scheduled June meeting to bring the property into compliance or demolish the structure, meanwhile keeping the site in a clean and secure condition. Board Member Murabito seconded the motion. The motion carried.

#### **6. 2439 W. 3<sup>rd</sup> N.**

No one represented this property at the hearing.

About 14 x 31 feet in size, this is a one-story frame dwelling that has been vacant for at least six months. The structure has cracked and missing stucco and vinyl siding; badly worn composition roof with missing shingles; deteriorated front porch; dilapidated rear porch cover; and the 8 x 10 foot wood frame accessory shed is dilapidated.

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

Board Member Crotts asked if Mr. Schroeder could update him on a property on Lynwood Street that had been the subject of a District Advisory Board meeting. Mr. Schroeder said the owner had been served the necessary paperwork to appear in court regarding the ongoing condition of the property.

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

The meeting adjourned at 2:30 p.m.