

BOARD OF CODE STANDARDS AND APPEALS MINUTES

April 4, 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, 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, April 4, 2011, at 1:31 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

Approval of the March 7, 2011, minutes.

Board Member Hartwell made a motion to approve the March 7, 2011, minutes. Board Member Harder seconded the motion. The motion was approved. (Board Member Youle was not present for this vote.)

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

Approval of the April 2011 license applications as follows:

<u>Applicant Name</u>	<u>Company Name</u>	<u>Class</u>
Alvaro Arevalo	The Rock Construction Wichita, LLC	Class C
Aaron L. Busse	Minnesota Renewable Energies, Inc. dba Accelerated Installations	Class C
Dick Cook	Hutch Remodeling, Inc.	Siding
Bernard Fleischman	dba Cobalt Group	Class B
Brian Giammasi	dba Next Level Construction	Class C
Royal Gurganus	Regent Roofing, Inc.	Roofing
Cory Hoobler	dba Hoobler Construction	Class B
Rodney Scott Hornecker	dba Hornecker and Son Construction	Class B
John M. Hurley, Jr.	Cutting Edge Construction & Remodeling, LLC	Class C
James Jantzen	Jantzen Building, Inc.	Class C
Douglas A. King	dba Accent Home Exteriors	Class A
Adley E. Kraus	Kraus Construction, LLC	Class B
Albert Murray III	Harlan Rose Investments, LLC	Class D
Phong "Mike" Nguyen	dba Mike's General Contracting	Class B
Nathan Payne	Whitetail Roofing, LLC	Class C
John L. Ricketts	dba John L. Ricketts	Class D
Dean Saaranen	dba Finnish Creations	Class B
Gary R. Schuessler	Left Schu, Inc.	Class B
Travis Shaffer	Falcon Roofing, LLC	Roofing
James D. Stomberg	Energy Guard, LLC	Class B
Charles R. Williams	dba F & W Companies	Siding

Mr. Bernard Fleischman was present. After reviewing his paperwork and finding it in order, Board Member Hartwell made a motion to approve his request for licensing. Board Member Willenberg seconded the motion. The motion carried.

Mr. John Hurley, Jr., attended the meeting. Finding Mr. Hurley's application packet in order, Board Member Youle made a motion to approve his license request. Board Member Coonrod seconded the motion. The motion was approved.

Mr. Phong "Mike" Nguyen was present at the meeting. Satisfied that the necessary information had been submitted, Board Member Coonrod made a motion to approve his contractor license application. Board Member Hartwell seconded the motion. The motion passed.

Mr. Schroeder advised the Board that the applicant for Harlan Rose Investments, LLC, (Class D), had recently passed the licensing examination. The applicant for John Ricketts dba John L. Ricketts (Class D) had not taken the Class D examination but was requesting permission to sit for the exam.

Board Member Hartwell made a motion to approve the remaining list of applicants. Board Member Coonrod seconded the motion. The motion carried.

1. Request for Company Name Change – Ken Kiser formerly dba Kiser Enterprises (Class B)

Mr. Kiser requested that he be allowed to change his company name from Kiser Enterprises to K Carpentry (Class B). The previous company was dissolved because Mr. Kiser moved out of state in 2008. There was no listing for the former company with the State of Kansas. Because there were unresolved permits, Board Member Coonrod made a motion to approve the name change upon the satisfactory resolution of the expired permits. Board Member Harder seconded the motion. The motion was approved.

2. Request for Second License and Change of Qualified Person – Benjamin Littlejohn, Superior Pools (Swimming Pool)

Due to the death of his father, James Littlejohn, on February 14, 2011, Mr. Benjamin Littlejohn requested that he be permitted to take over as the Qualified Person for Superior Pools (Swimming Pool), in addition to maintaining his own current license for Superior Homes (Class B). Because there were unresolved permits under Superior Pools, Board Member Coonrod made a motion to deny the request until the expired permits have been resolved; Mr. Littlejohn will then need to reapply for the Board to consider his request at that time. Board Member Harder seconded the motion. The motion was approved.

3. Request for Company Name Change – Robert D. Smith formerly dba Brooks & Sons Installations (Class C)

Mr. Robert D. Smith requested that he be permitted to change his company name to Robert D. Smith dba Robert D. Smith Construction. The license would remain as a Class C. The Secretary of State for the State of Kansas did not have a listing for the old company. Board Member Harder made a motion to deny the request for name change until all unresolved permits are complete, at which time Mr. Smith will be required to reappear before the Board to ask that the Board reconsider the name change. Board Member Banuelos seconded the motion. The motion passed.

4. Condemnation Hearings:

Review Cases:

1. 3519 E. Munger

Shirley Smith, sister of the owner, was present.

This one-story frame dwelling is about 56 x 24 feet in size. Vacant for at least eight months, this structure has a shifting and cracking concrete block foundation; rotted and missing asbestos siding; sagging and badly worn composition roof with missing shingles; two dilapidated front porches; two deteriorated rear porches; and the soffits, wall sheathing and sole plates are rotted.

Ms. Irvin advised the Board that the staff recommendation for this property was to return it to regular code enforcement. Substantial improvements were made on the site, and the taxes have been paid.

Board Member Harder made a motion to return the property to regular code enforcement. Board Member Coonrod seconded the motion. The motion carried.

New Cases:

1. 1546 N. Grove

James Fairly, the property owner, was at the meeting.

Approximately 44 x 24 feet in size, this is a one- and one-half story frame dwelling. 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.

The active file for this property was started on September 5, 2007. In April of 2007, an Environmental case was initiated and was brought into compliance by the owner. In July of 2008, and again in July of 2009, Tall Grass & Weeds cases were initiated against the property. The owner brought the site into compliance on each occurrence. Formal condemnation action was started on February 3, 2011. The taxes are delinquent for 2007, 2008, 2009, and 2010 in the amount of \$1,920.67. There are building materials and bulky waste on the premise. No repairs have been made, and the structure is not secure. The property is up for historical review and may be designated as an historical resource or placed on the register of historic properties.

Mr. Fairley explained that he had acquired the property in October of 2010. He told the Board that some work had been done on the deck, and most of the work had been completed on the interior. Mr. Fairley said his plan was to bring the property into compliance. He requested that the Board grant him nine months to pay the property taxes so he could also continue to make the necessary repairs. He anticipated having the foundation repaired during the upcoming summer months, hopefully by August. The delinquent taxes, Mr. Fairly said, should be paid within the next six to nine months.

Board Member Hentzen inquired whether Mr. Fairley had received any cost information for the repairs on the foundation. Mr. Fairley said he had received some cost estimates, and he had contacted someone who might be able to realign the foundation wall without having to rebuild it. Board Member Youle asked if Mr. Fairley had an estimate for the rest of the required repairs. Mr. Fairley responded that he did not have estimates for the remainder of the repairs, wanting to concentrate on paying the taxes and having the foundation repaired before beginning work on the roof. Board Member Youle emphasized that it would be unusual for the Board to grant beyond six months for exterior repairs.

Board Member Youle made a motion to allow until the May meeting for Mr. Fairley to obtain estimates for the repairs needed to the foundation, the roof, and the remaining repairs needed for the exterior and to present the information to the Board at the May meeting, meanwhile maintaining the site in a clean and secure condition. Board Member Harder seconded the motion. The motion passed.

2. 2526 E. Shadybrook

The property owner, Oneil Davis, was in attendance.

Vacant for at least four years, this one-story frame dwelling is about 26 x 42 feet in size. This 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.

The active file on this property was initiated November 29, 2007. There have numerous violation notices issued. A Pre-condemnation Letter was sent on August 13, 2010. The 2006, 2007, 2008, 2009, and 2010 taxes are delinquent in the amount of \$2,792.44, including interest. At the last site inspection, there were sapling trees that needed to be removed, and no repairs had been made; however, the structure was secure. Mr. Davis has previously had five properties in condemnation, with three of those properties repaired and two of them demolished. There are currently four properties in active condemnation status.

Mr. Davis told the Board that he had accomplished the removal of the trees and planned to fix the foundation. Of the properties on the active condemnation list, this property is the final one on the list needing repaired.

Board Member Harder asked how long it would take Mr. Davis to make the repairs and to bring the taxes current.

Mr. Davis replied that he was trying to get this property, along with the others that he owns, in good repair. He stated that all of his properties had been placarded by Central Inspection.

Board Member Crotts reiterated the question about how long it would take for Mr. Davis to pay the delinquent taxes. Mr. Davis said he would pay them when he had money available. Since he had other properties that he had had to repair and pay taxes on, Mr. Davis said he didn't know how long it would take him to put the funds together for this property.

Board Member Harder made a motion to allow until the regular July meeting for the property to be brought into compliance and the delinquent taxes paid, maintaining the property in a clean and secure condition in the interim. Board Member Banuelos seconded the motion. The motion carried with one opposing vote.

3. 3008 W. Maple

No one attended the hearing as a representative for this property.

This is a one-story frame dwelling about 38 x 24 feet in size. Vacant for at least one year, this structure has broken and missing transite siding; exposed, rotted framing members; deteriorated front porch; rotted wood trim; and the 20x20 foot accessory garage is deteriorated.

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

4. 2321 N. Fairview

There was no party present on behalf of this property.

A one-story frame dwelling about 27 x 41 feet in size, this structure is vacant and open. This structure has deteriorated and missing vinyl and metal siding; rotted rafters; dilapidated rear porch; rotted soffits, fascia and wood trim; and the five attached accessory (10 x 10, 6 x 6, 9 x 8, 10 x 19, 8 x 24) structures are deteriorated.

Board Member Harder made a motion to submit the property to the City Council, recommending condemnation, with ten days to start wrecking and ten days to complete the demolition. Board Member Coonrod seconded the motion. The motion passed unopposed.

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

The meeting adjourned at 2:19 p.m.