

BOARD OF CODE STANDARDS AND APPEALS MINUTES

November 7, 2011

Members: Francisco Banuelos, Randy Coonrod, Daryl Crotts, Brad Doeden, Randy Harder, Russ Redford, Larry Webb, Gregg Wilhite, Warren Willenberg

Present: Banuelos, Coonrod, Doeden, Harder, Redford, Webb, Wilhite, Willenberg

Staff Members Present: Kurt Schroeder, Deb Legge, Penny Bohannon, Elaine Hammons (Central Inspection); Jeff Van Zandt (Law Dept.)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Coonrod on Monday, November 7, 2011, at 1:30 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

Approval of the October 3, 2011, minutes.

Board Member Harder made a motion to approve the October 3, 2011, minutes. Board Member Banuelos seconded the motion. The motion was approved. (Board Member Wilhite was not present for this vote.)

Approval of the November 2011 license applications as follows:

<u>Applicant Name</u>	<u>Company Name</u>	<u>Class</u>
Mohammad H. Akhavan	KSAR Construction, Inc.	Class B
Michael Austin	Jerry Austin Excavating, Inc.	Class B
John Donaldson	John Donaldson Construction, Inc.	Class B
Arlen Flora	Arlen Flora dba Midwest Construction	Roofing & Siding
Richard A. Glover	Corporate Contractors, Inc.	Class A
Cesar Guterrez	Cesar Guterrez dba C.G. Construction and Remodeling	Class B
Brent Huston	Atlas General Contractors, LLC	Class B
James Johnson	James Johnson dba Johnson's Demolition	Wrecking
Romualdo Lopez	Oakridge Remodeling, LLC	Class A
Doreen Morse	Doreen Morse dba All Kan Construction	Roofing
Phil Peffly	Phil Peffly Construction Company	Class B
Samuel E. Petrie	Bear Claw Construction Management, LLC	Class A
Dustin K. Stanfield	Stanfield Roofing, Inc.	Class A
Darrell Winter	Extreme Roofing, LLC	Class B

Board Member Harder made a motion to approve the application for KSAR Construction pending Central Inspection's receipt of the required proof of insurance. Board Member Webb seconded the motion. The motion was approved. (Board Member Wilhite was not present for this vote.)

Finding the other applicants' documentation in order, Board Member Harder made a motion to approve the remaining applicants. Board Member Banuelos seconded the motion. The motion carried. (Board Member Wilhite was not present for this vote.)

Chairman Coonrod requested that the Board and City Staff introduce themselves to the public in attendance.

Condemnation Hearings:

Review Cases:

1. 802 S. Fern

Mario Hernandez, property owner, was present.

A one- and one-half story frame dwelling, this building is about 24 x 36 feet in size. Vacant for at least four months, this structure has been damaged by fire. 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 property was first brought before the Board on March 7, 2011; on August 7, 2011, the property was again before the Board, and Mr. Hernandez, the new owner, was present at the meeting. At the August meeting, Mr. Hernandez was granted ninety days to bring the exterior of the property into compliance, maintaining the site in a clean and secure condition in the interim. If the violations were not corrected by the ninety-day time limit, Mr. Hernandez was to reappear before the Board.

The 2008, 2009, and 2010 taxes are delinquent in the amount of \$1,701.56. There is a 2011 Special Assessment against the property for lot cleanup and a board up in the amount of \$1,681.06 and \$402.44, respectively. The premise condition has improved. A building permit was obtained on August 1, 2011, and repairs have started. The roof has been repaired, according to the area inspector; an electric meter has been installed; and most of the exterior painting has been done. There is still work needed on the porch, and the patched area of the porch does not appear to be an adequate repair. The foundation needs to be tuck-pointed; there is a window that needs a new windowsill; repairs are needed on the chimney; and the exterior painting needs to be completed.

Mr. Hernandez explained to the Board that he has had family issues that have prevented the completion of the repairs to the property. He told the Board that he was doing his best to get the work done but would appreciate another thirty-day extension.

Board Member Harder made a motion to allow until the regular December meeting for Mr. Hernandez to bring the property into compliance, maintaining the site in a clean and secure condition in the interim. Board Member Banuelos seconded the motion. The motion passed. (Board Member Wilhite was not present for this vote.)

New Cases:

1. 722 S. Estelle

The owners, Rhoda and Glen Myers, attended the meeting.

This two-story frame dwelling is about 48 x 24 feet in size. Vacant for at least four years, this structure has been damaged by fire. It has fire damaged, rotted and missing wood lap siding; fire damaged, sagging and badly worn composition roof, with missing shingles, holes; deteriorated front porch; and rotted rafters.

The active file on this property was initiated in May 2002; several Notices of Improvement and Notices of Violation have been issued. In April of 2005, an environmental case was started on the property by Environmental Health; the owner complied with the notice and cleaned up the premises. In February of 2009, a neighborhood nuisance case resulted in owner compliance. In July of 2011, another nuisance case was initiated and remains open. Some repairs occurred between 2005 and 2008 resulting in a few of the violations being corrected. The property has been the subject of Neighborhood Court.

A Pre-condemnation Letter was issued on July 8, 2011; the taxes are current and there are no Special Assessments against the property. There is bulky waste and debris on the premises, and no repairs have been made to the structure. The structure is secure.

Mrs. Myers told the Board that she and Mr. Myers had been working on repairs to the property. Responding to Chairman Coonrod's inquiry about how much longer it would take to complete the repairs, Mrs. Myers said she didn't

know. Mr. Myers added that they had worked on the roof, replacing the wood (decking) as needed. Board Member Harder reiterated the question about how long it would take them to complete the repairs. Mr. Myers said it would take ninety days for the violations to be ninety-nine percent corrected; he also stated he had recently had a medical issue that left him hospitalized until approximately two weeks prior to the Board meeting.

Board Member Webb asked if Mr. and Mrs. Myers had had any type of assessment on the property to determine what would be required to bring the property into compliance. Mr. Myer's reply was that they had purchased a roofing permit for the northwest side of the roof. Mr. Myers stated that a recent acquisition of a table saw would assist him with getting the work finished. He also noted that in the photographs taken by Central Inspection staff on the last site inspection, the property appeared to be in worse condition than what he had believed it to be.

Chairman Coonrod opened the floor to allow other interested parties in attendance to speak about the structure:

Dunbar: I don't mind speaking. We live right next to the property.

Chairman: Could you identify yourself, please?

Dunbar: John Dunbar, 716 S. Estelle.

Chairman: Ok.

Dunbar: And the main problem that we have with it is that, not only does it devalue our own property, if we were going to go try to sell ours, but it's all...it's a danger. There's a-an extension ladder, there's scaffolding on the other side. We have five children in our home, and we keep an eye on them, but, you know, one of the older children, if they want to go over there, I mean the ladder is right next to our property, right there, and actually, it's worse than it was. I mean, he was up there and tore a lot of the singles off, and now there's a big hole in the roof that's covered by a tarp, and one ladder holding it down...

Carmichael: (showing photo to Board) (inaudible) ...the ladder...

Dunbar: ...holding the tarp down...

Carmichael: It's been there for over a year...

Dunbar: Yeah, the ladder's been there for quite awhile. I thought about moving it myself, but that would be trespassing, and I didn't want to get in trouble for it, but it's a danger. I mean if one of our kids happens over there, it's...

Carmichael: (showing photos to Board) This is some of the work that went on last weekend. See the ladders stacked against ladders. This is the quality of work that's going on underneath the shingles that you see today, and---

Chairman: Sir, I'm sorry, sir---

Van Zandt: Sir, can you please identify yourself?

Carmichael: My name is Dahl Carmichael and I stay at 713 S. Estelle, right across the street, and I've watched this for about...

Female (unidentified): Ten years...(inaudible)

Carmichael: ...at least ten years...

Female (unidentified): ...oh, nine years since (inaudible)

Carmichael: You know---

Van Zandt: Excuse me for a minute, when we transcribe this...what I need you to do is one of you at a time speak. Procedurally you have up to five minutes to speak, and then state your name and address, and then if somebody else wishes to, at that time, they can; but we can't have everybody at the same time talking or we can't figure out who it is or track it. Thank you.

Chairman: ...(inaudible)...Are you done?

Dunbar: Well, that's pretty much what I had, the dangers and then the devaluation. Well, yeah, to do the work on the roof, do they have to have a permit to do that kind of thing, reroof, to do any kind of work...not getting it cleaned up the way that it should be...?

Chairman: Yes, they do have to have a permit, to answer your question. Mr. Carmichael, would you like to state....?

Carmichael: Sure....I brought several photos (distributes to Board Members) and I have dates on some of them...not dates on all of them...ah, he's already mentioned about the devaluation, and, the danger...And what I'm here to talk about is the progress. Over the last ten years, since the property caught on fire, there's been no progress at all. This house has been doused with water to put the fire out, and this is what it looks like today...actually, it looks worse than that today...and, and now the water's pouring in right now. So inside that house, I can't really...it's not really fair to speculate here how bad it can be inside that house as far as invisible microbial growth. After ten years of a lot of water...

Board Member Harder: Just so you know, we only deal with the outside...

Carmichael: Ok...

Board Member Harder: ...we can't---

Carmichael: The, the point is, I'm not real---there's not really any salvage for this property. I don't, there's not any, there's not any way to salvage this property that I can see, and I've been in property ever since I was fourteen years old, rentals, and, you know, real estate sales, architectural and engineering design. That's what I do for a living, so, I can, I can just tell you after watching this property for about twenty years now, there's not much hope for it. Today, I think one of those pictures shows the slats underneath, the slats un—and I think he has gone and got a building permit, it sounds like, but the building permit would also include that the work has to be done in a workmanlike manner and up to City code, and you can tell that those slats are not up to City codes, and putting some shingles on top of those slats is not going to be up to City code. And you guys would know better than me, but I'm pretty sure that all of those shake shingles have to be taken off before we can put another layer of shingles on, felt and shingles. So...

Chairman: (inaudible)

Carmichael: The work's not being done in a workmanlike manner and progress is not going forward, it's going backwards.

Chairman: Yes?

Neal: My name is Officer Stephanie Neal...

Chairman: Would you come up here, just so we can make sure it's transcribed, stand up here...

Neal: I'm the community police officer for thirty-two beat, which 722 S. Estelle falls on... I got involved in this because residents of the neighborhood contacted me because they were tired of the state of disrepair of this house. This is not the only property that is owned by them, by the property owners, that's in a state of disrepair...(inaudible)...other houses that have violations, environmental health violations. They do own other properties that are also under condemnation, my understanding, and are also...have housing code and health code violations. Like I said, we had a neighborhood meeting to get everyone from the neighborhood together so that they could express their concerns. Their main thing is the fact that this has gone on for ten years. For ten years they've watched their property values and...deplete...because the state of this house has

fallen into such a state of disrepair. Since I got involved this summer, that scaffolding has been up there and has not moved, which is a danger. The ladder has been up there and has not moved, which is a danger. You know, part of the reason we get involved in these things is we're supposed to fight blight in our neighborhoods to keep crime down. This is a house that's not...very easily be secured because there is so much stuff in there which means people can get in there and do whatever. And I do have a background in construction, my father owns a construction company and I grew up with it for many years, and in my personal opinion, from walking just even on the outside of this house, it is not something structurally that can be salvaged with some, some wood and nails. It's-it basically has to be torn down and rebuilt from the ground up because it's not a structurally sound house. So, we encouraged the neighbors to take time off of work to come in to express to you guys what they've been through for the last ten years. We told them to take photographs of what they had to look at outside of their front doors every day, or from their side doors, or what their, you know, children have to play next to that they have to worry about their kids getting hurt at, So that was one of the things we encouraged and I think the fact that any of these homeowners took the time off of work to come to this meeting shows how strongly they feel about this issue and how much they care about their neighborhood in the state that it's in and what it looks like. Thank you.

Mrs. Myers: Could I respond to that, please?

Chairman: Just a minute...Is anybody else here...(inaudible)...please come up and identify yourself and your address.

Martin: Joyce Martin and I live at 713 S. Estelle, which is across the street, catty-corner from this house, and pretty much most of what I would have had to say has been said, except that I do want to emphasize that I am also in the construction trades and I do not believe that the work that Mr. Myers has done would comply with any sort of codes. My understanding of how a house is supposed to be roofed, or reroofed, and this does not cut it. Off and on, for the last ten years he's gotten up on the roof, and he's put up a few shingles and he's put up a few boards, but it's not roofing. It's what you see there, is the work that he has done for the last ten years, and that is not roofing. And I do believe that this house probably has some structural dangers on the inside because it has been raining inside this house since it caught on fire, and there were all those openings made in 2009. I mean in, nine years ago, so we're just, and the neighborhood is really tired of staying in and the dangers that we believe exist. Thank you.

Chairman: Thank you. Anyone else?

Johnson: My name's Kyle C. Johnson, 711 S. Estelle resident. Everything they said is true and correct. I've grown up in 711 S. Estelle, all twenty-eight years, and this house has pretty much been like this or has gotten worse, all twenty-eight years of my life, and I don't have any background as far as buildings, or anything like that, but I was a Wichita-Sedgwick County Fireman, er, volunteer fireman, and I took a few building construction classes, and this house is structurally not intact in any way, shape, or form. And the, Christine and John Dunbar, they... I just worry about their kids playing over there since it's right next to the house, and that ladder could probably fall most any time. so, that'sthank you.

Van Zandt: Procedurally you can speak and then the Board can address the issue.

Mrs. Myers: Well, I was, I was not even aware of any community meeting, and it would have been nice to have been invited to a meeting where you were going to criticize. That's my comment. I was not aware of it until after the fact. And we do own one and a half houses in that area.

Mr. Myers: The lower, lower area, all around, low, has been painted, painted last summer. Mostly on the back, up high, it's not painted, but, but this, well, this ladder will be gone within the week. If it stops raining enough, because that's, I..I worked three days on that...(inaudible)..the ladder will be gone. They have, they have a legitimate complaint there. But the ladder will be gone. It's almost done. I worked three days on it. But-but that ladder will be gone.

Chairman: Any, any other questions from the Board?

Board Member Harder: Somebody needs to (inaudible)

Board Member Redford: Well, from the pictures, for the roof decking, replacing the boards, 2-bys isn't structural enough. You need a plywood roof deck, or a diaphragm, to tie it together and just from the pictures it doesn't look...it doesn't appear salvageable to me.

Mr. Myers: You say it does not appear salvageable? Is that what you're saying? I'm sorry?

Board Member Redford: For the roof deck, it doesn't appear salvageable. You need...It, it needs to be stripped (inaudible)---

Mr. Myers: Well this, this, this side here was stripped. This was stripped. And...and...and the boards were put in where needed. I've kept, I've kept them, I've kept them covered with, roofing so it won't rot.

Board Member Redford: Per code, old style construction you had two-bys, two-bys, and then you used to put one-bys on top, and put your shingles on one-bys. Per code nowadays, you need a plywood roof deck, and create a roofing diaphragm. It's ok to replace two-bys, but you need a roof, a plywood roof deck for a diaphragm, correct?

Schroeder: You need solid roof decking.

Board Member Redford: You need a solid roof deck, because you can't even...it's not structural.

Mr. Myers: If, if, if, well...these boards need to be replaced, places where code requires, I can probably use plywood. I can cut plywood, now I have a table saw.

Board Member Banelos: I make a motion to go ten and ten.

Board Member Harder: Second, Harder.

Chairman: It's been moved and seconded by Banelos and Harder to go ten and ten on this property. All those in favor say 'Aye.'

Board Members: Aye. (Board Member Wilhite was not present for this vote.)

Chairman: Opposed? (No opposition was voice by the Board Members) So moved. You want to explain that, Kurt?

Schroeder: What the Board's done, based on the evidence presented today is they voted to recommend to the City Council that the City Council proceed with condemnation of this building. That would, I can't give you an exact date, that will probably be around the second or third week in January. But you'll be notified of the date of that hearing in advance, and then, of course, given an opportunity at the Council meeting to, to speak about this issue.

Mr. Myers: Thank you for your consideration.

Schroeder: That's all for today.

2. 1780 S. Seneca Ct.

No one was present to represent this property.

Vacant and open, this is a one-story frame dwelling about 30 x 42 feet in size. This structure has rotted and missing masonite siding; missing metal and vinyl siding; badly worn composition roof, with holes and missing shingles; deteriorated fascia, soffits and wood trim; and the 27 x 24 foot accessory structure is deteriorated.

The active case was started on this property on June 5, 2009. There have been numerous improvement notices issued on the property.

Board Member Harder 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 Banuelos seconded the motion. The motion was approved. (Board Member Wilhite was not present for this vote.)

3. 2107 W. Irving

There was no one in attendance to represent this property.

Approximately 24 x 31 feet in size, this one-story frame dwelling has been vacant for at least two months. The structure has rotted and missing wood lap siding; badly worn composition roof; deteriorated front porch; rotted wood trim; and the 6 x 6 foot metal accessory structure is deteriorated.

The property owner's daughter, Roberta Lilly, was unable to attend the meeting due to illness. She requested through Central Inspection staff that the Board defer any action on the property until the December meeting so that she could be present.

Board Member Harder made a motion to defer action on the property until the December meeting and that the owner maintain the site in a clean and secure condition in the meantime. Board Member Banuelos seconded the motion. The motion passed. (Board Member Wilhite was not present for this vote.)

4. 2704 N. Wellington

There was no representative present on behalf of this property.

This one-story frame dwelling has been vacant for at least five years. About 28 x 30 feet in size, this structure has broken and missing asbestos siding shingles; exposed, deteriorated wall sheathing and rotted fascia and wood trim.

On November 29, 2006, the active file was initiated on this property. The 2007, 2008, 2009, and 2010 taxes are delinquent in the amount of \$7,685.32, which includes specials and interest. There is a 2007 Special Assessment in the amount of \$1,946.73; a 2008 Special Assessment in the amount of \$335.40; a 2009 Special Assessment in the amount of \$1,762.04; a 2010 Special Assessment for weed cutting in the amount of \$124.23; a 2011 Special Assessment for weed cutting in the amount of \$126.68; and a 2011 Special Assessment for board-up in the amount of \$138.85. All assessments include interest.

Board Member Webb made a motion to refer the property to the City Council, recommending condemnation, with ten days to begin removal of the structure and ten days to complete the razing and clean up of the site. Board Member Harder seconded the motion. The motion carried.

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

The meeting adjourned at 2:03 p.m.