

BOARD OF CODE STANDARDS AND APPEALS MINUTES

September 13, 2010

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, Deb Legge, Penny Bohannon, Julie Irvin, 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, September 13, 2010, at 1:32 p.m. in the Council Chambers, 1st floor, City Hall, 455 N. Main, Wichita, Kansas.

Approval of the August 2, 2010, minutes.

Board Member Hartwell made a motion to approve the August 2, 2010, minutes. Board Member Willenberg seconded the motion. The motion was approved. (Board Member Crotts was not present during this vote.)

Approval of the September 2010 license examination applications as follows:

There were no license examination applications for the month of September.

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

Condemnation Hearings

Review Cases:

1. 1600 N. Piatt

There was no one present on behalf of this property.

A two-story frame dwelling about 89 x 36 feet in size, this structure is vacant and open. This structure has damaged and missing asphalt siding shingles; deteriorated metal siding; badly worn composition roof, with missing shingles; and the front porches have exposed structural members.

This property was reviewed by the Board and then sent to the City Council with a recommendation of condemnation. The property went before the City Council in August 2009, and at that time the owner of the property explained that he was working with Mennonite Housing to purchase the property if tax credits were available. The City Council deferred the hearing on the property several times to allow that arrangement to take place; however, the tax credit was not available. The ownership for the property has since changed, the deed returned to an original partner. On July 20, 2010, the City Council approved the condemnation of the structure. It was discovered that legal description provided for the property was only for the parking lot in front of the building. The correct legal description was obtained, a new title was ordered, and the new owner was notified. Since a new owner had purchased the property, Ms. Legge explained that it was necessary for the new owner to have an opportunity to come before the Board on behalf of the property.

Noting that the condition of the property was unchanged, Board Member Coonrod 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 razing. Board Member Harder seconded the motion. The motion was approved.

2. 1737 N. Madison

James Bennett, son of the deceased owner, was present to represent this property.

Approximately 28 x 45 feet in size, this one-story frame dwelling has been vacant for at least two years. This structure has shifting and cracking concrete basement walls; rotted wood lap siding; badly worn composition roof with missing shingles; rotted wood trim and rafter tails; and the front, south and north side porches are deteriorated.

This property was first before the Board on March 1, 2010, and again on April 5, 2010, June 7, 2010, and July 12, 2010. At the July 12, 2010, meeting, the Board granted until the September 13, 2010, meeting for the roof to be repaired, maintaining the site in a clean and secure condition in the interim. The taxes are current, and there are no Special Assessments against the property. At the last inspection it was noted that there were paint cans, trash barrels, tree waste, roofing shingles, and a small pile of bricks and blocks on the premises. Some painting has been done, but no other repairs have been accomplished. The structure is secure.

Addressing the Board, Mr. Bennett explained that the roofing shingles on the premises were debris left by a contractor that he had hired to do the roof repair. The contractor, Mr. Bennett said, was unable to proceed with the job because he (the contractor) said the weather was too hot to continue. Mr. Bennett said he had thus far been unable to obtain a new contractor to complete the job. Other roofing contractors that he had contacted had turned down the job due to excessive heat during that time.

Ms. Legge noted that along with the roofing, some of the siding still needed to be repaired.

Board Member Youle asked Mr. Bennett if, based on the estimates for roof repair, he could afford to complete the repairs to the property. Mr. Bennett said he had the funds available to correct the violations.

Board Member Harder made a motion to allow until the regular monthly meeting in November for the exterior repairs to be completed, or the property would be referred to the City Council with a recommendation of condemnation, with ten days to begin demolition of the structure and ten days to finish removing the structure. Board Member Youle seconded the motion.

At Chairman Hentzen's request, Mr. Schroeder explained the "ten and ten" condemnation procedures. If the exterior violations are not corrected or near completion by the November BCSA meeting, the property will be submitted to the City Council for a final hearing in approximately January 2011. If there has been satisfactory progress by the date of that City Council hearing, Mr. Bennett will have the opportunity to request that the Council allow him an extension to finish the work. If the exterior work is completed after the November BCSA meeting but before the City Council hearing, the property will be removed from the list of proposed condemnations.

The motion was approved.

3. 838 S. Topeka

The owner, Robert Carstedt, attended the meeting.

Vacant for at least ten months, this two-story frame dwelling is about 39 x 44 feet in size. The structure has been badly damaged by fire. It has fire damaged, rotted and missing siding; fire damaged and badly worn composition roof with holes and missing shingles; deteriorated front porch; and the wood trim and framing members are rotted.

The Board was first apprised of this property at the March 1, 2010, regularly monthly meeting. The property was presented to the Board again at the April 5 and July 12 meetings. Mr. Carstedt was present at the July hearing when the Board approved an extension until the September 13, 2010, meeting, to finish the required repairs. The taxes are

current, and there are no Special Assessments against the property. The premise condition is maintained; however, there have been no repairs made, and the roof is collapsing further. The main floor is secure.

A contractor has been hired, Mr. Carstedt informed the Board, and will begin work on the structure around September 30th. Originally, work was to begin earlier in the month, Mr. Carstedt explained, but due to an unavoidable delay, the repairs were set back until the end of September. The roof will be replaced, a portion of the siding will be replaced, and the structural damage will be repaired.

Chairman Hentzen asked Mr. Carstedt if he had a contract from the individual hired to make the repairs. Mr. Carstedt replied that he had the paperwork that the individual had written out, listing the items to be done. In response to Chairman Hentzen's inquiry about permits, Mr. Carstedt said he planned to obtain the required permits before the end of the current week.

Board Member Youle made a motion to grant until the November 1, 2010, regular monthly meeting to allow Mr. Carstedt to bring the exterior into compliance with the minimum housing standards, or the property will be submitted to the City Council with a recommendation of condemnation, with ten days to begin razing the building and ten days to complete the wrecking. Board Member Hartwell seconded the motion. The motion carried.

4. 1002 N. Ohio

This structure was demolished by the property owner prior to the Board meeting.

5. 3916 / 3920 E. Roseberry Ct.

Dale Blubaugh, property owner, was present.

Approximately 24 x 84 feet in size, this is a one-story frame duplex. Vacant and open, this structure has a wood pier and concrete block foundation with missing wood and concrete; rotted and missing asbestos siding; badly worn composition roof; three dilapidated porches; rotted fascia, soffits, and sill plates; and the two accessory structures 13 x 86 foot wood and 6 x 8 foot metal are dilapidated.

Having reviewed the substandard condition of the property at the April 5, 2010, and July 12, 2010, regular monthly meetings, at its August 2, 2010, meeting, the Board granted Mr. Blubaugh until the September hearing to complete the repairs on the structure while maintaining the site in a clean and secure condition, or reappear before the Board to provide an update on the status of the repairs. The taxes are current. There are no special costs assessed against the property. There is bulky waste and tree debris on the premise. There has been some repair to the siding, and one of the porch overhangs has been removed. No other repairs have been made. The main structure is unsecure with an east door and west window open to the exterior. Both accessory structures are open and filled with debris.

Speaking on behalf of the property, Mr. Blubaugh reported to the Board that much of the siding had been repaired within the previous two weeks, and an individual was presently on site and working. Mr. Blubaugh said the painters had left some of the windows open, but he had advised them to secure the property when they had finished for the day. The painting on the windows has been completed. Within the next month, Mr. Blubaugh anticipated that the wooden shed will be repaired; the metal shed will either be repaired or torn down; and the remainder of the exterior repairs to the main structure will be finished.

Board Member Coonrod made a motion to allow until the regularly scheduled November meeting to have all exterior housing violations corrected, or the property will be referred to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete the razing. Board Member Harder seconded the motion. The motion passed.

6. 935 N. Ohio

The owner of the property, Lacy Horner, attended the meeting.

A one- and one-half story frame dwelling about 23 x 46 feet in size, this building has been vacant for at least a year. This structure has rotted and missing wood lap siding; badly worn composition roof with missing shingles; rotted and missing wood trim and framing members; deteriorated front and side porches; and the 16 x 20 foot two-story, concrete block and frame accessory structure is dilapidated.

This property was before the Board for the first time at the May 5, 2009, hearing. The Board received updates on the status of repairs at the August 3, 2009, November 2, 2009, January 11, 2010, May 3, 2010, and July 12, 2010, meetings. With Mr. Horner present at the July 2010 meeting, the Board required that the exterior repairs be complete, or the property would be submitted to the City Council with a recommendation of condemnation.

The taxes are current; however, there is a 2009 Special Assessment against the property for weed mowing in the amount of \$124.45. There are currently tall grass and weeds and an inoperable vehicle on the premise. As of September 3, 2010, some new windows had been installed, the rear of the structure had been resided, and painting was in progress. There is a current Neighborhood Nuisance case because of the inoperable vehicle on site.

Because of the substantial amount of work that has been accomplished on the property, OCI staff recommended that the Board review the status before referring it to the City Council for condemnation action. The remaining violations to correct are the chimney and the overhang on the rear porch. Mr. Horner said that the vehicle is not inoperable, and it is parked on the premises to block vandals from accessing the back door of the house.

Board Member Hartwell made a motion to allow thirty days to complete the remaining repairs. After a brief discussion among the Board, it was decided to allow the property to follow the condemnation process as motioned and approved at the July 12, 2010, hearing. In the event that the repairs are complete prior to the City Council's consideration of the Board's recommendation, the property will be removed from the City Council agenda.

7. 1313 W. 55th S.

The property owner, Norman Massey, was present.

This is a two-story frame commercial building about 30 x 60 feet in size. Vacant for at least one- and one-half years, this structure has rotted and missing wood siding, sagging and badly worn composition roof, with holes; deteriorated front porch; dilapidated rear porch, with collapsing stairs and landing; and the wood trim and framing members are rotted.

This property was first presented to the Board at the June 7, 2010, hearing, and again at the July 12, 2010, hearing. Mr. Norman Massey was present at the July hearing when the motion was approved by the Board to allow until the regular September meeting for Mr. Massey to get the issues with the title cleared, determine a plan of action for the building, and reappear before the Board with an update, maintaining the site in a clean and secure condition in the interim.

The taxes are current; there is a 2010 Special Assessment for weed cutting in the amount of \$132.54. The premise condition is maintained. On July 29, 2010, Central Inspection staff received correspondence from the Wichita Police Department that the property was unsecured. As of September 9, 2010, the collapsed staircase had been removed, the structure was secure, but no other violations had been corrected.

Mr. Massey explained that the issues with the title had been rectified, and that he had filed the proper paperwork with the Sedgwick County Real Estate office. He said he had cleaned up the property and placed it on the market for sale. In the meantime, Mr. Massey said he had also contacted an architect that was in the process of putting together some options for potential use of the structure.

Board Member Youle made a motion to allow until the regular November meeting for Mr. Massey to research his options for the structure, reappearing before the Board at that time to provide a definite course of action and an estimate of cost. In the event that Mr. Massey does not return to the November hearing with a viable plan for the building, the property will be submitted to the City Council with a recommendation of condemnation, with ten days to begin razing the structure, and ten days to finish the removal of the building. Board Member Harder seconded the motion. The motion passed without opposition.

New Cases:

1. 934 S. Emporia

There was no representative at the hearing on behalf of this property.

About 26 x 40 feet in size, this is a one-story frame dwelling. Vacant and open, this structure has a cracking concrete foundation; rotted siding shingles with broken and missing shingles; sagging and badly worn composition roof with missing shingles; deteriorated front porch; dilapidated rear porch; and the soffits and fascia are rotted.

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

2. 936 S. Emporia

No one was present to represent this property.

This two-story frame dwelling has been vacant for at least two years. About 20 x 27 feet in size, this structure has broken wood siding; badly worn composition roof with missing shingles, deteriorated front and rear porches; and the wood trim and framing members are rotted and missing.

Board Member Harder made a motion to submit the property to the City Council with a recommendation of condemnation, with ten days to initiate the demolition and ten days to finish removing the structure. Board Member Coonrod seconded the motion. The motion was carried without opposition.

3. 1427 N. Broadview

There was no representative present at the hearing regarding this property.

A one-story frame dwelling about 43 x 28 feet in size, this building has been vacant for at least five years. The structure has shifting and cracking concrete basement walls, rotted and missing vinyl and wood siding; badly worn composition roof with holes and missing shingles; deteriorated front porch; and the wood trim and framing members are rotted.

Board Member Harder made a motion to send the property before the City Council, recommending condemnation, with ten days to begin razing the structure and ten days to complete the removal. Board Member Willenberg seconded the motion. The motion passed.

4. 515 N. Mathewson

Julius Kammavong, son of one of the owners, and Darlene Nuse, realtor for Four Seasons Realty, were present.

A one-story frame dwelling, this building has been vacant for at least a year. About 34 x 37 feet in size, this structure has shifting block basement walls, some areas have caved in and are missing blocks; rotted and missing wood siding; composition roof with missing shingles; deteriorated front porch; and the rear porch is dilapidated.

The active file was started on this property on January 29, 2009. Since that time, several violation notices have been issued. A Tall Grass & Weeds case was abated by the City in March 2010. A Pre-condemnation Letter was issued March 9, 2010. The taxes are current; however, there is a 2010 Special Assessment for weed mowing in the amount of \$120.24. There is a pending Neglected Building case on the structure.

On June 23, 2010, Central Inspection staff was notified that the property had been sold. On July 1, 2010, a building permit was issued, and on August 17, 2010, a plumbing permit was issued for this property. As of September 3,

2010, all new windows had been installed, some new siding had been installed, and the rear foundation had been repaired. The structure is secure.

Board Member Banuelos made a motion to allow until the November 1, 2010, regularly scheduled meeting to complete the repairs, maintaining the site in a clean and secure condition in the interim, or reappear before the Board. Board Member Crofts seconded the motion. The motion carried.

5. 1715 N. Chautauqua

Alvin Robinson, owner, was present as the representative for this property.

Approximately 37 x 28 feet in size, this one-story frame dwelling has been vacant for at least two years. This structure has a cracking concrete block foundation; missing vinyl siding; and the rear porch is deteriorated.

There has been an active case on this property since January 23, 2008. Several Notices of Improvement and Notices of Violation have been issued. A Tall Grass & Weeds case was initiated on March 1, 2010; this resulted in City abatement. A Pre-condemnation Letter was issued on August 4, 2009. The 2007, 2008, and 2009 taxes are delinquent in the amount of \$668.57. There are no Special Assessments against the property. The premise condition currently has bulky waste, debris, and tall grass and weeds. There is a pending Neglected Building case on this property. Formal condemnation action was commenced on April 26, 2010. Although no repairs have been made, the structure is secure.

Mr. Robinson told the Board that he had inherited the property from his deceased father. Upon first receiving title to the property, Mr. Robinson said he had received estimates for repairing the structure. Since the cost for repairs was prohibitive, Mr. Robinson decided to sell the property. After contracting with a buyer for the property, Mr. Robinson discovered that there was a lien on the property involving his personal financial circumstances. The lien was subsequently removed after Mr. Robinson's attorney verified that the lien had been placed against the property in error. While the issue with the lien was being resolved, the sale of the property fell through; the house was also broken into, and the plumbing and air conditioning unit was stolen. Unable to repair the structure due to financial constraints and personal health problems, Mr. Robinson acknowledged that the house had continued to deteriorate. He stated that he was still trying to find a buyer for the property.

Board Member Hartwell made a motion to allow until the regular November meeting from Mr. Robinson to repair, sell or demolish the structure, or the property will be referred to the City Council with a recommendation of condemnation, with ten days to being wrecking the building and ten days to complete the demolition. Board Member Youle seconded the motion.

Mr. Robinson asked if he would have to pay for razing the structure if the City Council condemned it. Ms. Legge explained that the costs associated with demolition would be billed to him as the property owner. If he was unable to pay the fees, they would be assessed against the property. Additionally, Ms. Legge mentioned that the overall cost would likely be more expensive if the City handled the demolition due to the requirement for an asbestos survey, and the hiring of an asbestos removal contractor if asbestos is present. In response to Mr. Robinson's inquiry about the possibility of locating potential buyers for properties such as his, Mr. Schroeder replied that there were entities that were interested in redevelopment of substandard housing. He told Mr. Robinson that he would try to provide some contact information of various organizations that might be interested in purchasing the property.

With no further discussion, Chairman Hentzen repeated the motion and requested a vote. The motion was approved.

6. 1907 N. Grove

The owner, Evangeline Ruiz, attended the hearing.

This is a one-story frame dwelling about 25 x 31 feet in size. Vacant for at least five years, this structure has shifting and cracking concrete basement walls; broken and cracked wood siding; badly worn composition roof; and the front and rear porches are deteriorated.

On June 26, 2000, the complaint case was initiated on this property. Numerous improvement notices and violation notices have been issued regarding this property. On November 6, 2008, and June 22, 2009, Tall Grass & Weeds cases were initiated on the property; both cases were abated by the City. The taxes are current; however, there is a 2009 Special Assessment for weed mowing in the amount of \$124.45, and a 2010 Special Assessment for weed mowing for \$124.23. There are tall grass and weeds, tree waste, and building materials on the site. On April 20, 2010, a building permit was issued for the property. On July 30, 2010, Central Inspection staff made contact with the current owner, who advised that she had purchased the property in February of 2010. The seller had not advised the new owner of the pending condemnation status nor the required repairs. A copy of the violations and an explanation of the condemnation process were provided to Ms. Ruiz. As of September 3, 2010, painting and foundation repairs have been made. The structure is secure.

Ms. Ruiz told the Board that she had made many repairs since her purchase of the property. She said there were still some corrections to be made to the exterior, and some clean up in the yard to be completed.

Board Member Banuelos made a motion to allow until the regularly scheduled November meeting for the exterior repairs to be finished, maintaining the site in a clean and secure condition. Board Member Crofts seconded the motion. The motion carried.

7. 3519 E. Munger

Representing the property, the owners, Frank and Joyce Smith, attended the hearing.

A one-story frame dwelling approximately 56 x 24 feet in size, the structure has been vacant for at least eight months. It 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.

The active file was started on this property on September 11, 2009. On May 24, 2010, a Tall Grass & Weeds case was initiated, resulting in owner compliance. A Pre-condemnation Letter was issued on November 19, 2009. The 2009 taxes are delinquent in the amount of \$355.67. There are no Special Assessments against the property. The premise condition is maintained; however, the rear door is unsecure. No repairs have been made.

Mr. Smith advised the Board that the 2009 delinquent taxes were paid the Friday preceding the Board meeting. He said that he and his family members would make the repairs. Ms. Legge suggested that he meet with the area inspector to go over what violations existed.

Board Member Youle made a motion to allow until the November 1, 2010, meeting for Mr. Smith to obtain a complete list of required repairs, determine a plan of action, and reappear before the Board with the plan and a cost estimate, maintaining the site in a secure and clean condition. Board Member Harder seconded the motion. The motion passed.

8. 2564 S. Holyoke

Fred Mitchell and his son, Fred Deon Mitchell, were present as representatives for this property.

Vacant and open, this one story frame dwelling, about 113 x 34 feet in size, has missing vinyl siding; badly worn composition roof with holes; and the rear enclosed porch is collapsed.

Since June 15, 1977, Central Inspection has had an active case on this property. Numerous improvement and violation notices have been issued. In January of 2009 a Neighborhood Nuisance Enforcement case was started, resulting in owner compliance. In March of 2010 a new Neighborhood Nuisance Enforcement case was begun and remains open at this time. A Pre-condemnation Letter was issued on April 13, 2010. The 2006, 2007, 2008, and 2009 taxes are delinquent in the amount of \$1,589.30. There are no Special Assessments against the property. There is bulky waste, trailers, and tall grass and weeds on the premises. There is a pending Neglected Building case

on the property. Although a permit was issued for repairs on the structure and roofing repairs were in progress, the area Neighborhood Inspector had a question about the materials being used. The concern was voiced to the Building Section of Central Inspection for investigation. The Neighborhood Inspector could not ascertain whether the property was secure.

Mr. Mitchell (father) told the Board that most of the debris had been removed from the site and the building had been secured. He brought pictures of the site to show the Board. The wood, Mr. Mitchell (father) said, was building material that he had purchased from Boeing Surplus. Mr. Mitchell (father) said he needed more time to complete the repairs; since he also had to work he could only make progress on the structure as his time was available.

Chairman Hentzen asked what would be done with the materials in the pick-up bed. Mr. Mitchell (father) said he did "scrap metalling" for different construction companies as a means to make a living, and the materials in the pick-up bed were scrap metal materials. The larger trailer in front of the structure was full of debris and would be taken to the dump.

Board Member Harder made a motion to grant until the November meeting for the taxes to be paid, and for Mr. Mitchell (father) to return with a plan of action for the property, keeping the site secure and clean in the interim. Board Member Youle seconded the motion. The motion was approved.

Board Members Harder and Coonrod expressed their concern about the number of times some of the properties have returned to the Board for review with little or no progress to report. Additionally, there seemed to be properties that have had active files for a number of years prior to finally reaching the Board for consideration. Mr. Schroeder said that the policy previously set by the Board was to allow thirty- to sixty-day extensions if measurable progress was attained. Generally, the Board would only allow additional time beyond the sixty days if the circumstances warranted more time due to the scope of the repairs and the extent of progress being made. Mr. Schroeder added that the Board's policy for granting additional time could be revisited and revised if the Board desired.

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

The meeting adjourned at 2:34 p.m.