

BOARD OF CODE STANDARDS AND APPEALS MINUTES

July 12, 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, Youle

Staff Members Present: Kurt Schroeder, Julie Irvin, Penny Bohannon, Paul Hays, Darlene Hultman, 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, July 12, 2010, at 1:30 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

Approval of the June 7, 2010, minutes.

Board Member Hartwell made a motion to approve the June 7, 2010, minutes. Board Member Harder seconded the motion. The motion was approved. (Board Member Youle was not present during this vote.)

Approval of the July 2010 license examination applications as follows:

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

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

Condemnation Hearings

Review Cases:

1. 641 N. Volutsia

Craig Gabel was present as an interested party.

A two-story frame dwelling about 37 x 22 feet in size, this building has been vacant for at least ten years. This structure has cracking concrete block basement walls; rotted wood lap siding; badly worn composition roof with holes and missing shingles; deteriorated front and rear porches; and the wood trim and framing members are rotted.

A substantial amount of work has been done on this property. The recommendation of OCI staff is that the case be returned to regular Code Enforcement.

Board Member Coonrod made the motion to return the property to regular Code Enforcement. Board Member Harder seconded the motion. The motion was approved.

2. 1737 N. Madison

James Bennett, son of the deceased owner, represented this property.

Vacant for at least two years, this one-story frame dwelling is about 28 x 45 feet in size. 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.

Prior to the July 12, 2010, hearing, this property was before the Board at three previous hearings. The taxes are current; the porch has been repaired; the painting is nearly completed. Since his last appearance before the Board, Mr. Bennett explained that he had been unable to get the roof repaired within the thirty days granted at the last meeting due to the frequent rains during June and the first part of July. Unable to work on the exterior of the house, Mr. Bennett said he had used the time to repair the interior. Concern that preparing the roof for reshingling would leave it exposed to the rain, causing a leak that would damage the interior, he decided it would be better to wait until there was a stretch of dry weather.

Board Member Banuelos asked if an additional thirty days would give Mr. Bennett time to complete the roof. Mr. Bennett replied that he thought it would be an adequate amount of time if there were no frequent periods of rain.

Board Member Banuelos made a motion to allow until the scheduled September hearing for the roof to be repaired, maintaining the site in a clean and secure condition in the interim. Board Member Hartwell seconded the motion. The motion carried.

3. 838 S. Topeka

The property owner, Robert Carstedt, attended the hearing.

Approximately 39 x 44 feet in size, this two-story frame dwelling has been vacant for at least ten months. This 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.

On April 5, 2010, at its regularly scheduled meeting, the Board granted ninety days for the completion of the repairs, maintaining the site in a clean and secure condition in the meantime. The 2008 and 2009 taxes are delinquent in the amount of \$1430.02; no repairs have been made.

Mr. Carstedt said that the financing he had arranged to fund the repairs had fallen through; however, another family member was able to obtain financing in the first part of July. The taxes are paid through 2010. A contractor has been hired to begin assisting with the repairs beginning the middle of the upcoming week.

Board Member Youle made a motion to grant an extension until the regularly scheduled September meeting for the repairs to be completed. Board Member Banuelos seconded the motion. The motion passed.

4. 1002 N. Ohio

Victor Scott, Chairman of New Hope Baptist Church, and Val J. Brown, Sr., M.D., a Trustee of New Hope Baptist Church, were present.

A one-story commercial building about 20 x 12 feet in size and vacant for at least four years, this structure has a cracking concrete foundation; rotted and missing siding; sagging and badly worn composition roof, with holes and missing shingles; and the wood trim and framing members are rotted.

Speaking on behalf of the church, Mr. Scott told the Board that he and Dr. Brown were preparing to attend the Historic Preservation Committee (HPC) Hearing at 2:00 p.m. that afternoon in the Metropolitan Area Planning Department. Mr. Scott said they were hopeful that the HPC would vote in favor of allowing the church to demolish the structure. With the HPC's approval, the demolition would begin on the upcoming Thursday of that week.

Board Member Coonrod made a motion to allow thirty days for the demolition of the building, or the structure would be referred to the City Council with a recommendation of condemnation, with ten days to start and ten days to complete the wrecking. Board Member Harder seconded the motion. The motion was approved.

5. 935 N. Ohio

Lacy Horner, property owner, was present.

Vacant for at least a year, this one- and one-half story frame dwelling is about 23 x 46 feet in size. 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.

The initial file was started on this property in February of 2008. Since that time, the property has been before the Board at least five times. Although the taxes are current, there is an unpaid 2009 Special Assessment for weed mowing in the amount of \$124.45. At the May 3, 2010, hearing, the Board granted an additional sixty days for the delinquent taxes to be paid and the violations to be corrected, or the property would be referred to the City Council with a recommendation of condemnation.

Some new windows have been installed; broken window panes have been replaced; and siding has been repaired. Mr. Horner indicated that he was told by Sedgwick County Real Estate staff that all delinquent taxes and special assessments had been paid in full. Mr. Schroeder noted that a 2009 Special Assessment should have been included in the amount paid by Mr. Horner when the 2009 taxes were paid.

At the last site visit, the extent of the progress on the repairs was such that Deb Legge, Neighborhood Inspection Administrator, determined that the Board should re-evaluate the property. Mr. Horner also provided photos showing all work completed except for the chimney. He explained that he had just recently recovered from surgery, and he was also somewhat strapped financially due to a recent death in his family for which he had been obligated to cover the funeral expenses. Although he may have to hire someone to properly repair the chimney, Mr. Horner assured the Board that he intended to finish the work as soon as he was capable of doing so.

Board Member Coonrod made a motion to extend the deadline for repairs until the regularly scheduled September meeting, or the property would be sent before the City Council with a recommendation of condemnation, with ten days to begin wrecking and ten days to complete the demolition. Board Member Youle seconded the motion. The motion carried.

6. 3916/3920 E. Roseberry Ct.

The property owner, Dale Blubaugh, attended the hearing on behalf of this property.

A one-story frame duplex about 24 x 84 feet in size, this structure is vacant and open. The 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.

Recent photos of the property were distributed to the Board by Mr. Blubaugh. The taxes are current; there was some tree debris on site, noted at the last inspection.

Mr. Blubaugh said that the tree debris was from the tree trimming done by a crew that he had hired. The crew took most of the usable wood and left the rest of it on the property; Mr. Blubaugh told the Board that he had loaded the debris and hauled it away himself. The window repairs were taking extra time, Mr. Blubaugh explained, because he had been glazing the panes, priming the windows and then painting them.

Board Member Harder made a motion to allow until the August meeting to have the repairs completed, maintaining the premise in a clean and secure condition in the interim. Board Member Coonrod seconded the motion. The motion passed without opposition.

7. 3861 E. Roseberry Ct.

Appearing before the Board as an interested party, Craig Gabel was present.

Vacant for at least six months, this one-story frame duplex is about 24 x 65 feet in size. This structure has a shifting and cracking concrete block foundation, with missing blocks; broken and missing asbestos tile siding; sagging composition roof; four dilapidated porches; rotted wood trim and wall sheathing; and the two 8 x 10 foot metal sheds are deteriorated.

Mr. Gabel informed the Board that he had been unable to arrange the purchase of this property.

The previously approved motion to send the property to the City Council with a recommendation of condemnation, with ten days to begin wrecking and ten days to complete removal of the structure, was upheld by the Board.

8. 1313 W. 55th S.

Norman Massey, owner of the property, was present.

Approximately 30 x 60 feet in size, this two-story frame commercial building has been vacant for at least 1-1/2 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.

Presented to the Board at the June 5, 2010, hearing, the property was represented by Mr. Massey's son. At that time, the Board approved a motion to allow until the regularly scheduled July meeting for the owner or his representative to appear before the Board with a clarification of ownership and a plan of action for the property.

The Sedgwick County Real Estate Records show the property was owned by an individual (Mr. Julius), who sold the property to another party (Mr. Trotter), who then sold the property to Mr. Massey. Mr. Massey has not received clear title to the property because the proper documentation has not been received by the Sedgwick County Registrar of Deeds for the sale of the property from Mr. Julius to Mr. Trotter.

No repairs have been made to date. There are delinquent taxes in the amount of \$1,917.00; a Special Assessment for weed mowing in the amount of \$132.54 has been assessed against the property.

Mr. Massey said he had hired an individual to clean up the property; he had gone by the site the morning of the July hearing and discovered that the premise had not been cleaned. Mr. Massey explained that he had paid the delinquent taxes and Special Assessment. Asked by Board Member Harder what he planned to do with the property, Mr. Massey responded that he intended to clean up the property and put it up for sale. In reply to the amount of time needed for cleaning up the site, Mr. Massey said it would be completed by the end of the week. Board Member Crotts stressed to Mr. Massey the importance of getting the title work cleared.

Board Member Youle made a motion to allow until the September Board meeting for Mr. Massey to get the title cleared and determine a plan of action for the property, maintaining the site in a clean and secure condition in the meantime, and then reappear before the Board with an update. Board Member Hartwell seconded the motion. The motion carried.

Overview of proposed amendments to the currently adopted building codes.

Mr. Schroeder explained that the proposed amendment packages for the 2006 IRC and the 2006 IBC were those previously reviewed by the Board. The proposed amendments had originally been presented as part of the prospective adoption of the 2009 IRC and 2009 IBC. Although the Board voted not to adopt the 2009 IRC and 2009 IBC as the codes to be enforced in the City of Wichita, many of the proposed amendments were viewed as positive changes that would benefit the public as well as the industry.

2006 IBC

Paul Hays, Senior Plans Examiner, provided copies of the 2006 IBC amendment draft to the Board.

105.2 Work exempt from permit:

The verbiage in this section was clarified and coordinated with the verbiage of the IRC so that both codes were parallel in requirements.

105.5 Expiration:

This section was modified to mirror the wording in the IRC.

Plan review fees:

The percentage (of the building permit fee) for plan review fee was lowered to fifty-five percent.

308.5.1 Adult care facility:

This section was included to correct the error in the current ordinance. The classification of Group A-3 was changed to Group R-3 in the exception.

402.6.1 Reduced open space:

This includes language from the 2009 IBC, which offers the same reduction of space that unlimited area buildings are permitted.

412.2.6 Fire suppression:

This wording expands on aircraft hangers and adds exception no. 3, which was deleted when the previous amendment was adopted.

421 Occupancies:

This section is from the 2009 IBC, which establishes live/work units.

507.6 Group A-3 buildings:

Condition No. 3 was stricken, eliminating the twenty-one inch restriction.

Table 601:

The 2009 IBC better distinguishes between primary and secondary structures. It also allows for reduction in secondary structural framing. Footnote h-4 was deleted, and the canopy area was increased from 1,000 square feet to 1,500 square feet.

Site-fabricated Stretch System:

Not addressed in the 2006 IBC, these provisions were taken from the 2009 IBC because of the increase in use of these types of assemblies.

903.2.3.1 Woodworking operations:

This proposed amendment would establish perimeters for the fire area in woodworking operations.

903.3.1.2.1 Balconies and decks:

This modification eliminates the need for exterior sprinkler protection at balconies and decks where no roof or deck is located above in buildings of Type V construction.

907.2 Where required---new buldings and structures:

Changes in this section eliminate the requirement for outside pull stations in apartments, which also reduces the number of false alarms. The changes also mirror the current practice of the Fire Department.

1007.3 Exit Stairways:

The language has been modified to mirror the ADA requirements.

1008.1.2 Door swing:

Modifications in this section provide additional options for door swing, including verbiage in the exceptions for horizontal sliding doors.

1008.1.4 Floor Elevation:

The change clarifies the types of qualifying access elements, such as "doors, gates and panels", but specifies where the exception does not apply, based on the specific uses.

1008.1.8.4 Bolt locks:

Language in this provision expands the types of situations in which bolt locks can be used.

1008.1.8.8 Special Locking Arrangements in Group I-2:

Provisions in this section allow for special locking arrangements in Group I-2.

1008.1.8.9 Electromagnetically Locked Egress Doors:

This proposed amendment allows for the electromagnetically locked egress doors meeting the specified conditions.

1009.12 Access to equipment rooms and areas:

The addition of this section eliminates the requirement for stairs for access to equipment rooms and areas, allowing means of access as provided by other adopted standards of the City of Wichita and OSHA. This was inadvertently left out when the amendments to the 2006 IBC were adopted.

1014.3 Common path of egress travel:

This section expands on length of common path of egress for Group-R occupancies when protected throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

1017.3 Dead ends:

The 2009 IBC greatly expands the occupancy groups that can have the dead ends in a sprinklered building, allowing more flexibility in design.

1019.1 Minimum number of exits:

This section brings in the exception that refers to floors and basements used exclusively for service or equipment to have access to only one exit.

1019.2 Buildings with one exit:

The language of the current amendment would be deleted and replaced with the language from the 2009 IBC. This provision sets out the criteria where a building with a basement or a building with a second story, or possibly a third story in certain occupancies, would be permitted to have a single exit as long as it met the travel distance requirements. This would only apply to the floor in consideration.

Counters and bars:

The proposed exception brings back the allowance that was inadvertently left out of the 2006 amendment package adoption. In addition, the base requirement clarifies that the provision applies to uses where food and/or alcohol is consumed.

Parking Space Design:

This provision brings in verbiage that was inadvertently left out of the 2006 IBC amendment package.

1503.4 Roof drainage, condensate drainage and waster water:

This proposed amendment provides clarification on roof drainage systems that specifies when a scupper can be used as a main drain versus a secondary drain, and the spacing requirements between the main drain and the overflow drain.

1613.5.3 Site coefficients and adjusted maximum considered earthquake spectral response acceleration parameters:

This corrects the standard for the seismic requirements.

17:

This section gives the definition of Special Inspection and includes the language from the 2009 IBC, which allows the owner to employ either the engineer of record or the architect of record to perform the special inspections. The exceptions specifying when special inspections are not required have been consolidated and area & height allowances reduced.

2902.4 Required public toilet facilities:

This clarifies the conditions for which public toilet facilities are required.

2903 Accessible urinal partitions:

The requirement and qualifying conditions for privacy screening is specified.

Board Member Coonrod made a motion that approval for the proposed amendment package to the 2006 IBC and the 2006 IRC be tabled until the regularly scheduled September meeting. Board Member Crofts seconded the motion. The motion carried.

Mr. Hays gave a brief presentation of the proposed amendments to the fee schedule. The total valuation from \$1.00 to \$500.00 would be changed to \$1.00 to \$1,000.00. The minimum fee would increase from \$25.00 to \$40.00 as the minimum fee.

After discussion with the Wichita Fire Department, Mr. Hays explained that Table D would be amended to increase the fee charged for air supported structures, 1,000 square feet or less, from the originally proposed increased amount of \$40.00 to \$85.00, which more closely reflects the actual cost of performing the inspections. The fee for tent permits, 1,000 square feet or fraction thereof, would increase from the originally proposed amount of \$40.00 to \$85.00 as well.

The remainder of the fee schedule was presented to the Board at previous meetings as part of the 2009 IBC proposed amendment package.

2006 IRC

A copy of the proposed amendment overview was distributed to each Board Member.

Darlene Hultman, Inspection Administrator/Building, briefly explained that one of the purposes of the proposed amendments for the 2006 IRC was to have the 2006 IRC mirror the requirements in the 2006 IMC (International Mechanical Code) and the 2006 IBC. The intent is to eliminate confusion about which code will be enforced when the requirements differ.

Richard Meier, Building Construction Inspector, summarized the proposed amendments for the 2006 IRC.

Section R105.2

These amendments coincide with the 2006 IBC proposed amendment package, listing items exempt from permitting requirements. This provision would also codify a standard policy of allowing windows, doors, and skylights to be replaced, provided the work is nonstructural, without the requirement of permit.

Section R109.1.6

Modification to this section allows the waiver of the final inspection requirement for contractors who are part of the self-certification programs established and monitored by Central Inspection.

Table R301.2(1)

In previous years, the required data has not been filled in on this table to make it useful. The necessary data has been entered into the table.

Section R303.3

The provisions of this amendment brings together in one area and clarifies the requirements for venting bathroom exhaust to attic spaces.

Section R308.4

The language in this amendment clarifies the requirements for safety glazing in walls which are adjacent to hot tubs, whirlpools, saunas, steam rooms, bathtubs, and showers.

Section 310.2.1

This mirrors language in the Uniform Building Code, which had previously outlined the requirements for window well covers.

Section R404

This amendment codifies the policy allowing use of the "Basement Standards for One and Two Family Dwellings" as prepared by Central Inspection and in use since 1988.

Section R502.2.2

Provides an alternative method to use the "City of Wichita Standard for Residential Wood Framed Decks," as prepared by Central Inspection, for deck construction.

Section R602.10

In addition to the other options listed in this section, the option to use the method(s) published in the City of Wichita "Bracing of Wall Sections in Residential Homes Up to 12 Foot Vertical Walls," adopted in 2007, will be listed.

Section R907.3

The wording in this section has been changed to clarify the number of roof layers that must be removed under the specified conditions.

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 2:44 p.m.