

# BOARD OF CODE STANDARDS AND APPEALS MINUTES

June 7, 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, 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, June 7, 2010, at 1:33 p.m. in the 1<sup>st</sup> floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

## **Approval of the May 3, 2010, minutes.**

Board Member Harder made a motion to approve the May 3, 2010, minutes. Board Member Hartwell seconded the motion. The motion was approved. (Board Member Crotts was not present during this vote.)

## **Approval of the June 2010 license examination applications as follows:**

<u>Name</u>	<u>Class</u>	<u>Date</u>
Chad A. Elmore	Wrecking	June
Stan Graber	Wrecking	June

Board Member Harder made a motion to approve the license examination applications for testing. Board Member Coonrod seconded the motion. The motion carried. (Board Member Crotts was not present during this vote.)

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 Gable was present as an interested party.

This is a two-story frame dwelling about 37 x 22 feet in size. 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.

Originally brought before the Board at the March 1, 2010, hearing, the property was presented to the Board again at the April 5, 2010 hearing. Present at April hearing as an interested party, Mr. Gable was granted sixty days to finalize the purchase of the property. The taxes are current; there is a 2010 Special Assessment for lot clean-up in the amount of \$1,075.40, including interest. There are tall grass and weeds on the property; no repairs have been made on the structure; the building is secure.

Mr. Gable explained that the former owner of the property did not sign the sales contract until the "last minute." Since obtaining the signed contract, Mr. Gable said the site had been mowed, and a crew was on site preparing the structure for painting. A bid for the roof repair has been received from a contractor.

Board Member Coonrod inquired about the length of time needed to bring the property into compliance. Mr. Gable estimated that the violations should be corrected in thirty days.

Board Member Coonrod made a motion to allow until the next regularly scheduled meeting to complete the repairs and to pay the 2010 Special Assessment, while keeping the property in a clean and secure condition in the interim. If the conditions are met, there will be no need for Mr. Gable to reappear before the Board. Board Member Youle seconded the motion. Board Member Crofts asked that a copy of the signed contract be shown to OCI staff to verify the purchase of the property. Mr. Gable agreed to provide the document. The motion carried.

## **2. 1737 N. Madison**

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

About 28 x 45 feet in size, this is a one-story frame dwelling. 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 brought before the Board at the March 1, 2010, hearing, and again at the April 5, 2010, hearing. Mr. James Bennett, and his brother, Mr. Henry Bennett, were present at the April meeting. At that time, a motion was made and approved to allow sixty days to bring the exterior into compliance, maintaining the premises in a clean and secure condition. The taxes are current; there are no cost assessments against the property; the site is being maintained and secure; and at the last site visit, OCI staff verified that work was in progress.

Chairman Hentzen asked Ms. Legge if OCI staff had a recommendation for the disposition of the case. Ms. Legge asked whether Mr. James Bennett had obtained any bids for replacing the roof. Mr. James Bennett replied that he had not been able to obtain bids for the roof because his time had been spent painting the structure and cleaning the site.

Board Member Crofts made a motion to allow an additional thirty days, or until the next regularly scheduled Board meeting, to complete the repairs, including the roof, maintaining the site in a clean and secure condition. Board Member Banuelos seconded the motion. Board Member Harder inquired whether Mr. James Bennett could have the roof repaired in the proposed time frame. Mr. James Bennett confirmed that he could have it completed. The motion carried.

## **3. 1002 N. Ohio**

There was no one present to represent this property.

This is a one-story commercial building about 20 x 12 feet in size. 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.

First before the Board at the March 1, 2010, hearing, the Board heard from Victor Scott, the church board chairman, who told the Board that the church did plan to demolish the building. A motion was approved to allow ninety days to allow demolition of the structure, or it would be referred to the City Council with a recommendation of condemnation. A member of the church contacted Central Inspection, indicating that the church intended to demolish the structure as planned; however, an issue with historic preservation had arisen, preventing the church from proceeding with razing the building within the ninety days. Ms. Legge informed the Board that the case would be presented to the City Council for consideration of condemnation, with ten days to begin wrecking the structure and ten days to finish the removal.

**New Cases:**

**1. 1328 N. Lorraine**

No representative was present on behalf of this property.

Approximately 27 x 26 feet in size, this is a one-story frame dwelling. Vacant for at least four years, this structure has been damaged by fire. It has missing and fire damaged siding; deteriorated front and rear porches; and the wood trim and framing members are rotted and fire damaged.

Ms. Legge advised the Board that she had received a phone call from the property owner that morning and was told that the property was going into foreclosure.

Board Member Harder made a motion to send the property to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete razing the structure. Board Member Coonrod seconded the motion. The motion was approved.

**2. 1220 N. Piatt**

There was no representative present at the hearing.

Vacant and open, this one-story frame dwelling is about 33 x 31 feet in size. The building has a cracking concrete block foundation; rotted and missing hardyboard siding; sagging composition roof with holes and missing shingles; deteriorated front and rear porches; and the wood trim and framing members are rotted and missing.

Board Member Youle made a motion to refer the property to the City Council for condemnation, with ten days to initiate wrecking of the structure and ten days to complete the removal. Board Member Harder seconded the motion. The motion passed without opposition.

**3. 1036 N. Poplar**

There was no representative in attendance at this meeting.

A one-story frame dwelling about 25 x 42 feet in size and vacant for at least ten years, this structure has shifting and cracking concrete block basement walls; damaged steel siding; deteriorated front and rear porches; and the wood trim and framing members are rotted.

Board Member Willenberg made a motion to refer the property to the City Council, recommending condemnation, with ten days to commence razing the building and ten days to finish the demolition. Board Member Youle seconded the motion. The motion carried.

**4. 1454 N. New York**

Letha Jeffery, owner, and her stepson, Duane Tate, were present.

A one story frame dwelling, about 25 x 48 feet in size, this structure has been vacant for at least three years. This structure has a sagging composition roof; deteriorated front and rear porches; and the fascia, wood trim and rafter tails are rotted.

The active file was initiated on the property on April 2, 2007. Since that time, several improvement notices and numerous violation notices have been issued. In July of 2005, an Environmental Case was initiated, resulting in owner compliance. A Tall Grass and Weeds Case was started on the property on May 3, 2010; the case has since been closed. A Pre-condemnation Letter was issued on September 24, 2009.

The taxes are current; there are no special assessments against the property. At the last site inspection, it was noted that there were junk and debris on the site, as well as tall grass and weeds. Currently, a Neglected Building Case is pending against the property. On March 29, 2010, formal condemnation action was commenced. Some repairs have been made to the front porch roof, however, no other repairs have been completed. The structure is secure.

Chairman Hentzen inquired about the owner's plans for the property. Ms. Jeffrey stated that she had hired individuals to make the repairs to the property, but once paid, the individuals had not returned to do any of the work. Mr. Tate told the Board that he had tried to explain to his stepmother that it would be in her best interest to give him Power of Attorney over the property in order to give him the authority to make decisions about the repairs.

Board Member Harder asked how long it would take to get the exterior violations corrected. Mr. Tate replied that he could do the work himself if his stepmother would give him the legal authority to make the repairs and permit him to arrange for the necessary work to be done. After contacting the Neighborhood Improvement Services (NIS), Mr. Tate said NIS staff told him that the property was in the target area, and qualified for assistance for funding the repairs.

Board Member Youle asked Mr. Tate if the repairs could be completed in sixty days. Mr. Tate responded that he could finish everything except for the roof; he reiterated that he would be unable to have the roof repaired unless his stepmother was willing to give him Power of Attorney so he could apply for the assistance from NIS.

Board Member Harder made a motion to allow ninety days for the repairs to be completed, or substantial progress to be made, keeping the site clean and secure in the interim. In the event that the exterior violations are not corrected, or if significant progress has not been made, the property will be sent to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete the wrecking. Board Member Hartwell seconded the motion. The motion was approved.

#### **5. 1508 N. Grove**

No one was present to represent this property.

Vacant for at least 2-1/2 years, this two-story frame dwelling is about 24 x 24 feet in size. This structure has been damaged by fire. It has fire damaged wood siding; badly worn composition roof, with fire damage and missing shingles; and the second floor porch is fire damaged.

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

#### **6. 1528 N. Erie**

There was no one present as a representative for this property.

A one-story frame dwelling about 38 x 23 feet in size. Vacant for at least 3 years, this structure has a cracking concrete block foundation, with missing blocks; rotted and missing wood siding; deteriorated rear porch, and the wood trim and framing members are rotted and missing.

Board Member Coonrod made a motion to send the property before the City Council with a recommendation of condemnation, with ten days to begin removal of the structure and ten days to complete the wrecking. Board Member Harder seconded the motion. The motion was approved.

#### **7. 1434 N. Bluff**

Elweard Garrett, owner, was present as a representative for this property.

This is a one-story frame dwelling about 38 x 28 feet in size. Vacant for at least one year, this structure has shifting and cracking concrete basement walls; rotted wood siding, with missing siding; deteriorated rear porch; and the wood trim and framing members are rotted.

On May 7, 2009, the active file was started on this property. A Notice of Improvement and two Notices of Violation were issued since that time. In May of 2008 an Environmental Case was begun, resulting in the issuance of a Uniform Criminal Complaint. A Neighborhood Nuisance Enforcement Case, started in June of 2009, resulted in contractor abatement through the City of Wichita. A Pre-condemnation Letter was issued on August 5, 2009.

The 2009 taxes are delinquent in the amount of \$347.54; a 2010 Special Assessment for lot clean-up was assessed in the amount of \$240.21. The premise is being maintained. A formal condemnation letter was issued on March 29, 2010. No repairs have been made; however, the structure is secure.

Chairman Hentzen asked Mr. Garrett to explain the course of action planned for the property. Mr. Garrett stated that he planned to demolish the structure because of its condition. A family member that had been occupying the structure did not maintain it, leaving it in its current state. After obtaining bids from contractors, Mr. Garrett said that repairing the house would be too costly. Once the structure is demolished, Mr. Garrett told the Board that he intended to keep the lot and possibly have another house built there through Habitat for Humanity at a later date. Razing of the building, Mr. Garrett estimated, would probably be accomplished within sixty to ninety days. Mr. Garrett said he had already obtained a bid from a wrecking contractor; the major obstacle in pursuing the demolition was obtaining the necessary financing.

Board Member Youle made a motion to grant sixty days for the structure to be removed, or the property will be referred to the City Council with a recommendation of condemnation, with ten days to begin the wrecking and ten days to complete the demolition. Board Member Banuelos seconded the motion. The motion passed.

Mr. Schroeder explained the procedure for the Board's "10 and 10" recommendation to the City Council.

#### **8. 3861 E. Roseberry Ct.**

Craig Gable was present as an interested party.

Approximately 24 x 65 feet in size, this one-story frame duplex has been vacant for at least six months; 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. Gable addressed the Board as an interested party attempting to purchase this property. If he is able to buy the property, he said he intended to repair it.

Board Member Harder made a motion to allow thirty days for the sale of the property to be accomplished or the property will be sent to the City Council with a recommendation of condemnation, with ten days to initiate wrecking of the structure and ten days to finish the demolition. Board Member Coonrod seconded the motion. The motion was approved.

#### **9. 1313 W. 55<sup>th</sup> S.**

Kevin Massey attended the hearing.

Vacant for at least 1-1/2 years, this structure is a two-story frame commercial building approximately 30 x 60 feet in size. The 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.

An active case was begun on this property in January 2010. A previous condemnation case was initiated against this property, but repairs had progressed far enough that the case was removed from the condemnation list. A Tall Grass

and Weeds Case in 2009 was resolved by contractor abatement through the City of Wichita. There is an active Neglected Building Case on the property. A Pre-condemnation Letter was issued on January 25, 2010.

The 2009 taxes are delinquent in the amount of \$1,906.72, including interest; a 2010 Special Assessment for weed mowing was assessed against the property in the amount of \$132.54. No repairs have been made to the structure; the exterior stairway is collapsing and is dangerous; the structure is secure. There is bulky waste and trash on the premise due to illegal dumping.

Mr. Massey explained that he had received a call from his father, Norman Massey, asking that he attend the Board Meeting in his father's behalf since the elder Mr. Massey was unable to attend.

Mr. Van Zandt explained that the owners of the property had requested that the notice for tax purposes be sent to Mr. Norman Massey, who actually has no legal interest in the property and is not registered as a legal owner.

Board Member Coonrod made a motion that the Board allow Mr. Massey to reappear before the Board at the next regularly scheduled meeting with a clarification of the Masseys' interest in the property and/or a plan of action for the property, or the property will be referred to the City Council for condemnation, with ten days to start wrecking the structure and ten days to complete the removal. Board Member Harder seconded the motion. The motion was carried.

#### **Unfit for Habitation Case Review:**

##### **1623 N. Arkansas**

Ronald Sickmann, attorney for the Estate of Mack Watson, and Darren Watson, son of the deceased owner, were present.

Mr. Schroeder gave a brief history of the circumstances surrounding the property. The case was first brought to the Board February 1, 2010, at which time no one attended the hearing as a representative of the property. After reviewing the case, the Board declared the property as "Unfit for Habitation," and ordered the premise vacated and the structure demolished in thirty days. Mr. Sickmann, on behalf of the estate, appealed the Board's decision and requested to appear before the Board, stating that he had been unaware of the previous hearing in which the Board had determined the property Unfit for Habitation. A decision was made to have the Board re-hear the case on April 5, 2010, before conducting an appeal hearing before the City Council. Mr. Sickmann and Mr. Darren Watson attended the April 5, 2010, hearing, and requested that the Unfit for Habitation declaration be reversed. At the April meeting the Board granted thirty days to allow Mr. Watson to schedule an interior and exterior inspection with OCI Neighborhood Inspection; the OCI Neighborhood Inspector(s) would report back to the Board with the findings at the next regularly scheduled Board Meeting. By the May 3, 2010, hearing, no inspection request had been received from Mr. Watson. The Board directed Mr. Schroeder to give a final notice to Mr. Sickmann and Mr. Watson that the inspection must be scheduled at the end of the thirty-day grace period or the premise would default to the Unfit for Habitation status.

On May 11, 2010, Julie Irvin, Neighborhood Inspector Field Supervisor, and OCI inspectors from the Mechanical, Electrical, and Plumbing Sections made an interior and exterior inspection of the premise. Ms. Irvin noted that there was no electrical service to the property, and a generator was being used, installed backward through an outlet; there was no water service, and the water meter had been bypassed with a hose to bring water into the house; the water could not be left on because of the number of leaks in the structure. The electrical panel was completely rusted out due to water leaking into it; in various areas throughout the house, there was open wiring with splices. There was no gas service to the house; the heating ducts had been disconnected from the heating system, an old boiler-type system from the early 1950's; there was asbestos-wrapped duct work throughout the basement. Both bathrooms are non-functional; one of the bathrooms has a collapsed ceiling; the sewer system has a blockage, at some point, a sewer "snake" was used to partially clear the blockage, but the "snake" was left in the line. When the sewer line completely clogged again, there was another attempt to clear the blockage with the "snake." The line from the "snake" came loose and remains in the sewer system.

Mr. Watson told the Board that the sewer system had since been cleared and the broken "snake" removed from the sewer line. He said that he had been taping the ducts and had removed the gas water heater tank. He stated that he had photos of the improvements; however, he was unable to have them developed prior to the meeting. Mr. Sickmann interjected that attempts by the licensed electrician to obtain the required permit had been denied by Central Inspection. Mr. Schroeder clarified the situation, explaining that the electrician was told that a permit for replacing the electrical panel could be obtained; however, Westar Energy would not restore electrical service to the property until the necessary corrections had been made to the electrical system to ensure safe operation and only after the OCI Electrical inspector gave Westar Energy the required inspection approval for the electric power to be restored. The electrician had made a call to OCI on a Friday afternoon to request inspection, but the required permit had not been obtained or requested at that time.

Board Member Crotts commented that even with the sewer system working, unless water service had been restored, the sewer was still unusable. Mr. Watson agreed, noting that he had to make a payment to the Water Department before the water service will be restored. In the meantime, Mr. Watson said he was borrowing well water from a neighbor in order to flush the sewer.

Board Member Harder made a motion to uphold the Unfit for Habitation status as declared by the Board on February 1, 2010, with thirty days to vacate the premise and demolish the structure under the authority granted to the Board by Section 20.104.180 of the Code of the City of Wichita, Kansas. Board Member Crotts seconded the motion. The motion carried.

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

The meeting adjourned at 2:29 p.m.