

BOARD OF CODE STANDARDS AND APPEALS MINUTES

May 7, 2012

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

Present: Francisco Banuelos, Randy Coonrod, Daryl Crotts, Brad Doeden, Larry Webb, Gregg Wilhite, Warren Willenberg

Staff Members Present: Rick Stubbs, Deb Legge, Penny Bohannon, Elaine Hammons (Central Inspection)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Coonrod on Monday, May 7, 2012, at 1:33 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

Approval of the April 2, 2012, minutes.

Board Member Banuelos made a motion to approve the April 2, 2012, minutes. Board Member Wilhite seconded the motion. The motion carried. (Board Member Crotts was not present for this vote.)

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

Approval of the May 2012 license applications as follows:

<u>Applicant Name</u>	<u>Company Name</u>	<u>Class</u>
Drew Bisping	Blu Sky Restoration Contractors, Inc.	Class A
Tom Browning	2 Point Construction Co., LLC	Class B
Jerry Dalrymple	Pioneer Infrared, LLC	Class C
Glen E. Hansard	Hansard, LLC	Class C
Hunter Landers	Comanche Contractors, LP	Class A
Richard Linsmeier	Barsto Construction, Inc.	Class A
Curtis Peterson	Curtis Peterson dba Solid Construction	Roofing/Siding
John T. Rawlins	GT Innovations, Inc.	Class B
James Schreffler	James Schreffler dba ASAP Plumbing & Construction	Class B
Roy A. Schmucker	S & S Remodeling, Inc.	Class A
Wayne Troyer	Kustom Design Homes, LLC, dba Koehn Construction	Class B
George Waggoner	Phoenix Roofing, Inc.	Roofing
Aldon Wentworth	Christian Carpenters, LLC	Class B

Mr. Jerry Dalrymple was present on behalf of his request for approval for his Class C Contractor's License. Finding his documentation in order, Board Member Wilhite made a motion to approve Mr. Dalrymple's request. Board Member Willenberg seconded the motion. The motion was approved. (Board Member Crotts was not present for this vote.)

Mr. Curtis Peterson was present on behalf of his request for approval of his Roofing/Siding Contractor's License. After reviewing his application packet, Board Member Wilhite made a motion to approve his request. Board Member Webb seconded the motion. The motion carried. (Board Member Crotts was not present for this vote.)

Upon reviewing the remaining application packets, Board Member Webb made a motion to approve the remaining applicants except Mr. Tom Browning, Mr. Richard Linsmeier, and Mr. Roy Schmucker, which were lacking a portion of the proper documentation in their respective application packets. Board Member Banuelos seconded the motion. The motion passed. (Board Member Crotts was not present for this vote.)

Change of Qualified Person – Bear Claw Construction Management, LLC (Class A)

As an owner and managing member of Bear Claw Construction Management, LLC, Mr. Samuel E. Petrie requested that he be allowed to become the new Qualified Person for the company. The only unresolved permits were active permits taken out in January of 2012.

Board Member Webb made a motion that the open permits be satisfactorily closed before allowing the change of Qualified Person. Board Member Banuelos seconded the motion. The motion carried. (Board Member Crotts was not present for this vote.)

Change of Qualified Person – Lowe's Home Centers, Inc. (Class B)

Due to the impending retirement of the current Qualified Person, Ms. Karen Rodebush requested that she be allowed to become the new Qualified Person for the company. There were no unresolved permits.

Board Member Banuelos made a motion to approve the change of Qualified Person. Board Member Webb seconded the motion. The motion passed. (Board Member Crotts was not present for this vote.)

Condemnation Hearings:

Review Cases:

1. 823 N. Lorraine

Mr. Bill Freidline, Chairman of the Board for Alliant Bank, was present on behalf of this property.

A one-story frame dwelling about 30 x 36 feet in size, this building is vacant and open. This structure has shifting and cracking basement walls; broken and missing siding shingles; sagging and badly worn composition roof, with holes; deteriorated front porch; rotted and missing soffit and fascia; rotted wood trim; and the rear addition roof has collapsed. The 12 x 19 foot accessory structure is deteriorated.

Before the Board at the April 2, 2012, hearing, the Board deferred any action on the property until the May 2012 meeting to allow the new owner to finalize the purchase of the property and to appear before the Board on behalf of the property. The taxes are current, and there are no Special Assessments against the property. The premises are being kept in a clean and secure condition.

Mr. Freidline explained that a complication occurred when the buyer arranged to have the funds transferred to the title company. Although that has since been straightened out, he suggested that a thirty-day extension would allow adequate time for the closing to be finalized.

Board Member Wilhite made a motion to grant a thirty-day extension to allow the sale to be finalized, maintaining the property in a clean and secure condition in the interim. Board Member Webb seconded the motion. The motion carried. (Board Member Crotts was not present for this vote.)

New Cases:

1. 2703 E. 13th N.

No one was present on behalf of this property.

A two-story frame dwelling about 36 x 60 feet in size, the building is vacant and open. This structure has been badly damaged by fire. It has broken and missing transite siding; badly worn, fire-damaged, composition roof with holes and missing shingles; deteriorated side porch; fire-damaged interior walls, ceilings and floors; and the 25 x 30 foot garage/carport is fire damaged and partially collapsed.

Board Member Banuelos 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 the razing of the structure. Board Member Webb seconded the motion. The motion was approved.

2. 8000 E. Tipperary

There was no party attending the meeting on behalf of this property.

Approximately 54 x 74 feet in size, this two-story frame dwelling is vacant and open. This structure has been damaged by fire. It has fire-damaged brick veneer; fire-damaged and missing wood shingles; and the attached garage has been fire damaged.

Board Member Wilhite made a motion to submit the property to the City Council for condemnation, with ten days to initiate the wrecking of the structure and ten days to complete the removal. Board Member Willenberg seconded the motion.

Board Member Crofts asked whether Central Inspection had made contact with the property owner. Ms. Legge replied that all notices were returned to Central Inspection as "unclaimed." Board Member Crofts said he felt that the potential rehabilitation of the property warranted another attempt at making contact with the owner. He requested that the Board consider deferring any action for another thirty days. Board Member Wilhite withdrew his original motion for condemnation. Board Member Crofts made a motion to allow until the June meeting for the owner to be contacted. Board Member Wilhite seconded the motion. The motion passed.

3. 724 W. Dayton

There was no one in attendance on behalf of this property

Vacant for at least one year, this two-story frame dwelling is about 28 x 40 feet in size. This structure has broken and missing siding; badly worn composition roof with missing shingles; deteriorated rear porch; and the 24 x 12 and 36 x 20 foot accessory structures are deteriorated.

The active case was started on this property in 1996. Numerous notices have been issued, and several emergency board-ups have been done by Central Inspection staff.

Board Member Crofts made a motion to refer the property for condemnation, with ten days to begin demolition and ten days to finish the demolition. Board Member Willenberg seconded the motion. The motion carried.

4. 1818 S. Shefford Cr.

Paul Zachare, property owner, attended the hearing.

This is a one-story frame dwelling about 20 x 24 feet in size. Vacant for at least six months, this structure has been badly damaged by fire. It has fire-damaged and missing composition siding; fire-damaged, sagging composition roof with holes; fire-damaged front porch; fire-damaged wood trim and framing members and the interior has been gutted by fire.

There has been active case on this property since December 2011, after the fire. There is an arson investigation in progress. A Pre-condemnation letter was sent on December 20, 2011; the taxes are current and there are no Special Assessments against the property. Although no repairs have been made, the structure is secure and the premise is being maintained.

Addressing the Board, Mr. Paul Zachare explained that he had not been permitted to disturb anything or remove anything from the site due to the arson investigation. The previous Thursday he was granted clearance to access the site and begin cleaning it up by both the insurance company and the Wichita Fire Department.

Chairman Coonrod inquired about the time frame anticipated for repairing or rebuilding the structure. Mr. Zachare stated that he planned to repair as much as possible and rebuild what had been totally damaged. Chairman Coonrod

asked if the exterior could be repaired within ninety days. Mr. Zachare replied that he anticipated that most of the exterior work could be addressed within ninety days. Board Member Wilhite expressed a concern for the hazard presented by a portion of the severely damaged areas of the structure, and added that the items that Central Inspection staff had deemed dangerous should be addressed immediately (within 24-48 hours).

Mr. Stubbs asked Mr. Zachare if the settlement with the insurance company had been achieved. Mr. Zachare said that a settlement had been reached; however he was still waiting for the funds to be disbursed.

Neighbors of the property attended the meeting to voice concerns about the condition of the site.

Ms. Heather Brown (1829 S. Shefford Cr.) stated that she was concerned about the safety of the structure at 1818 S. Shefford Cr., as were other residents living nearby. Ms. Brown said she wanted the repairs or rebuild done quickly because of the number of children in the neighborhood and the danger that the current condition of the site posed to the neighborhood children. She said there was a concern about portions of the structure coming loose in the wind and blowing into a neighboring yard, possibly causing injury to someone.

Ms. Virginia Schroeder (1826 S. Shefford Cr.) told the Board that she had intercepted young teenagers who were attempting to break into the structure. There is an odor of mold emanating from the structure. Ms. Schroeder said her main concern is the danger the property poses to the children in the area.

Board Member Webb said additional security, such as temporary fencing, should be used to help prevent access to the property by the children in the area. Additionally, all structural items creating a stability issue should be addressed immediately to eliminate those hazards. Mr. Zachare said a privacy fence enclosed the rear of the property, and he was willing to have a temporary construction fence installed to enclose the front of the property. Klein Construction has been contracted to do the reconstruction and surmised it would take approximately six months to complete.

Board Member Wilhite made a motion that Mr. Zachare and/or his contractor address the specific safety hazards on the site within 24-48 hours, that all non-secure areas be secured within 24-48 hours, that Mr. Zachare and/or his contractor work in coordination with the Central Inspection staff throughout the project, and the remainder of the project be completed by the end of six months. Board Member Webb seconded the motion. The motion was approved.

5. 523 S. Richmond

Mr. Fred Ludwig attended the meeting on behalf of this property.

Vacant for at least two years, this is a one-story frame dwelling about 31 x 49 feet in size. This structure has been damaged by fire. It has fire-damaged and missing vinyl and transite siding; fire-damaged, sagging composition roof; fire-damaged wood trim and framing members; and fire-damaged attached garage.

The active case was started on this property on October 14, 2009. Numerous notices have been issued. There has been City abatement of tall grass and weeds, and Central Inspection did an emergency board-up of the structure in January 2010 at a cost of \$714.64. A Pre-condemnation Letter was issued on September 29, 2011. The taxes are current; however, there is a Special Assessment against the property in the amount of \$108.55 for board-up, including interest. Materials have been removed from the interior of the structure and are currently being stored on the exterior. Formal condemnation action was initiated on March 20, 2012.

On April 26, 2012, Mr. Fred Ludwig contacted Central Inspection staff to advise that he had purchased the property within the previous thirty days. Staff informed him of the condemnation process and notified him of the May 7th meeting. As of April 30th, no repairs had been made. The structure is secure.

Mr. Ludwig told the Board that he had been unaware that the property was in the process of condemnation proceedings when he purchased the property. He said the fees for the board-up were supposed to have been paid, along with the delinquent taxes, when he bought the property. Since buying the property, Mr. Ludwig said he had been cleaning up the site and plans to begin repairs on the roof, replace the windows, and reside the structure. He hoped to have the exterior repairs completed at the end of ninety days.

Board Member Banuelos made a motion to allow until the August 6, 2012, meeting for the exterior repairs to be completed, maintaining the property in a clean and secure condition in the interim. Board Member Doeden seconded the motion. The motion carried.

6. 1821 N. Broadway

The owner was not present on behalf this property.

This two-story frame dwelling is about 32 x 56 feet in size. Vacant for at least one year, this structure has deteriorated and missing wood siding; deteriorated composition roof with missing shingles; deteriorated front and rear porches; rotted soffits, fascia and wood trim; and the 10 x 10 foot accessory structure is dilapidated.

The original housing file was started on this property in 1999. Since that time, several notices have been issued. There is an open Neighborhood Nuisance Case on the property that has recently been processed for abatement by the City contractor. Taxes are delinquent for 2008, 2009, 2010, and 2011 in the amount of \$2,555.96. There is junk, debris and bulky waste on the premise. The structure is not secure.

The property may be listed on the National Historic Register; therefore, if the Board action is in favor of condemnation, the property will then be submitted to the City of Wichita Historic Preservation Office who will take it to the Historic Preservation Committee for review.

Board Member Webb made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to initiate wrecking and ten days to finish the removal of the structure. Board Member Willenberg seconded the motion. The motion was approved.

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

The meeting adjourned at 2:10 p.m.