

# BOARD OF CODE STANDARDS AND APPEALS MINUTES

**November 5, 2012**

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

**Present:** Francisco Banuelos, Randy Harder, Russ Redford, Larry Webb, Gregg Wilhite, Warren Willenberg

**Staff Members Present:** Rick Stubbs, Deb Legge, Richard Meier, 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 Vice Chairman Harder on Monday, November 5, 2012, at 1:31 p.m. in the 1<sup>st</sup> floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

In the absence of Chairman Coonrod, Vice Chairman Harder presided over the meeting.

## **Approval of the October 1, 2012, minutes.**

Board Member Willenberg made a motion to approve the October 1, 2012, minutes. Board Member Banuelos seconded the motion. The motion carried.

Vice Chairman Harder requested that the Board and City staff introduce themselves to the public in attendance.

## **Approval of the October 2012 license applications as follows:**

| <u><b>Applicant Name</b></u> | <u><b>Company Name</b></u>                   | <u><b>Class</b></u> |
|------------------------------|----------------------------------------------|---------------------|
| Scott Brummer                | Scott Brummer dba Bluestem Construction      | Class C             |
| Jeston Few                   | Jeston Few dba JEF-CO                        | Roofing             |
| Darren Gregory               | Ram Jack of Oklahoma, Inc.                   | Class B             |
| Herm Harms                   | Puetz Corporation                            | Class A             |
| Brett Horth                  | Brett Horth dba Dream Life Homes             | Class C             |
| Daniel R. Montano            | DRM Construction, LLC                        | Class B             |
| Garland Schlenker            | Garland Schlenker dba Schlenker Construction | Class B             |
| Lisa Scudder                 | Top Master, Inc.                             | Class B             |
| Paul Stowe                   | Robbins Service, Inc.                        | Roofing             |
| David Taylor                 | Orinoco Wind & Solar Energy                  | Class B             |
| Jeremy Voth                  | Voth Construction, LLC                       | Class C             |
| LaVerne Waalkes              | LaVerne Waalkes dba LaVerne Waalkes          | Class D             |
| Glenn Williams               | Limitless Construction, LLC                  | Class B             |

Board Member Redford recused himself from the discussion and vote regarding Mr. Herm Harms' request for a Class A Contractor's License.

Board Member Webb made a motion to approve the request by Mr. Herm Harms for a Class A Contractor's License. Board Member Willenberg seconded the motion. The motion carried. (Board Member Redford did not vote.)

Finding the submitted documentation in order, Board Member Webb made a motion to approve the remaining applicants' requests for contractor licenses. Board Member Willenberg seconded the motion. The motion was approved.

## **Condemnation Hearings**

### **New Cases:**

#### **1. 1844 S. Lulu (aka: 1838 S. Lulu)**

Ms. Yoanna Castillo, contract buyer, was present on behalf of the property.

This is a one-story frame dwelling about 40 x 55 feet in size. Vacant for at least seven years, this structure has been damaged by fire. It has missing steel siding; badly deteriorated and fire-damaged composition roof, with holes; and rotted, missing and fire-damaged wood trim and framing members.

There has been an active file on the property since September 2006. There have been numerous notices issued; there is a current open nuisance case. The previous owner was cited to appear in Neighborhood Court due to the violations on the property. A Pre-condemnation letter was issued on March 5, 2012. The 2009, 2010, and 2011 taxes are delinquent in the amount of \$2,584.47. There is some bulky waste and trash on the premises; no repairs have been made. The structure is secure.

Ms. Castillo told the Board that she intended to use one of the structures for storage. Board Member Webb inquired about the type of storage for which it was intended. Ms. Castillo said the only use would be for the family's personal lawn equipment. A second structure that is next door to the lot is also being purchased on the same contract, Ms. Castillo explained. She said the family planned to fix up the second structure.

Mr. Stubbs advised Ms. Castillo that she should contact the Zoning Section of Central Inspection to make sure that the structure that Ms. Castillo designated would be used for storage could actually be used in that manner.

Board Member Wilhite made a motion to defer action on the property until the next regular Board Meeting, with instructions for Ms. Castillo to meet with Central Inspection staff to ascertain what options are available for use of the property, arrange to pay the delinquent taxes, and then reappear at the December 2012 meeting, maintaining the property in a clean and secure condition in the interim. Board Member Willenberg seconded the motion. The motion passed.

#### **2. 2003 N. Chautauqua**

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

Approximately 37 x 40 feet in size, this one-story frame dwelling is vacant and open. This structure has been damaged by fire. It has a cracking block foundation; fire-damaged brick façade and vinyl siding; fire damaged, sagging composition roof with holes; fire-damaged structural members; and fire-damaged wood trim.

The file on this property was initiated in June 2005. Numerous Notices of Violation have been issued. In March 2011 a Neighborhood Nuisance case was initiated, resulting the City's abatement. An emergency board-up was done by Central Inspection staff on May 17, 2012, at a cost of \$299.21.

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 demolition. Board Member Willenberg seconded the motion. The motion passed.

#### **3. 2935 E. Maplewood**

There was no representative present on behalf of this property.

Vacant and open, this is a one-story frame dwelling about 30 x 43 feet in size. This structure has been damaged by fire. It has cracking and shifting block foundation; fire-damaged wood and aluminum siding; fire-damaged and badly worn composition roof over wood shingle, with holes; deteriorated wood front porch; fire-damaged wood trim and framing members; and the interior has been damaged by fire.

Board Member Banuelos made a motion to submit the property to the City Council, recommending condemnation, with ten days to begin razing the structure and ten days to finish removal of the structure. Board Member Willenberg seconded the motion. The motion carried.

#### **4. 1238 S. Edgemoor**

Mr. Juan Flores Torres, the new owner of the property, was present. Mr. Jaime Hernandez was also present to interpret for Mr. Torres.

A one-story frame dwelling about 40 x 42 feet in size, it has been vacant for at least ten months; this structure has been damaged by fire. It has rotted masonite and wood siding; deteriorated and fire damaged composition roof; deteriorated wood rear porch; and the 12 x 26 accessory structure is dilapidated.

The active file was initiated in October 2011, and several notices were issued to the previous owner. Central Inspection staff did an emergency board-up in March 2012 at the cost of \$585.95. In June 2012, Central Inspection abated a tall grass and weeds violation at the cost of \$120.00. The taxes are current; however, there are Special Assessment fees against the property for the emergency board-up and the weed mowing abatement. There is some bulky waste on the premises; the front of the property is secure, but there was no access to the rear of the property to confirm that it was secure. No repairs have been made.

Speaking on behalf of Mr. Torres, Mr. Hernandez told the Board that Mr. Torres had only had the property for four days. He has begun clean up of the site, including mowing. To begin working on the condition of the structure, Mr. Torres said he plans to start with repairing the roof. He also plans to replace the siding and the windows.

Board Member Banuelos made a motion to allow until the February 2013 meeting to make correct the exterior violations, maintaining the site in a clean and secure condition in the interim. If the repairs are completed by the February 2013 meeting, Mr. Torres will not be required to reappear. Board Member Willenberg seconded the motion. The motion was approved.

On behalf of the Board, Board Member Banuelos interpreted the Board's motion, approval, and subsequent action for Mr. Torres.

#### **5. 4628 E. Gilbert**

No one attended the hearing as a representative of the property.

A one and one half-story frame dwelling approximately 26 x 54 feet in size, the structure is vacant and open. The building has shifting and cracking block basement walls, with a collapsed north wall; cracked and sagging concrete front porch; rotted wood trim, soffits and fascia; and the 20 x 20 foot accessory structure is deteriorating.

The case on this property was started on July 1, 2012. Since that time, a Notice of Improvement and two Notices of Violation have been issued.

Board Member Redford 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 removal of the structure. Board Member Willenberg seconded the motion. The motion carried.

#### **6. 735 W. 59<sup>th</sup> S.**

There was no interested party in attendance to represent this property.

This is a mobile home about 14 x 68 feet in size. Vacant for at least 1-1/2 years, this structure has deteriorated siding; deteriorated and missing skirting; deteriorated doors; missing porches and steps; and the 8x9, 9x9 and 24x32 foot accessory structures are dilapidated.

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

#### **Proposed changes to the Wichita Deck Standards.**

Mr. Stubbs gave a brief overview of the proposed changes to the standards for decks such as the possible use of 4 x 4 posts in lieu of 6 x 6 posts for limited deck use, if the deck is less than six feet above grade, as well limiting the size of the deck between posts. Additionally, there is some clarifying language on the attachment of rails to top posts. Another key item is the acceptance of a State of Kansas Licensed Engineer's seal in lieu of the standards as prescribed. The engineer that compiled the original set of adopted standards also reviewed the proposed changes. The proposed amendments would not take effect until after January 1, 2013.

Mr. Richard Meier, Interim Inspection Administrator/Building, explained the purpose behind prohibiting posts installed directly into the concrete. Mr. Meier said that some contractors put the posts in the hole and dump bagged concrete in the hole around it, not adding water, causing concern about the eventual deterioration of the post; however, if a State of Kansas Licensed Engineer approves placing the post directly into the concrete and puts his seal on the design, the method will be accepted.

Board Member Redford made a motion to approve the proposed changes as presented. Board Member Willenberg seconded the motion. The motion carried.

#### **Update on the merger of the City and County Inspection Departments.**

Mr. Stubbs announced that Tom Stolz was selected as the new Director for the City/County joint code compliance department, officially taking over leadership on November 13, 2012. Mr. Stubbs told the Board that he would be assisting Mr. Stolz in the transition through the end of the year, and on a part time basis after January 1, 2013, for an undetermined length of time. In the meantime, both the City and County will maintain status quo as Mr. Stolz begins working on the physical consolidation and services of the departments.

Mr. Van Zandt provided a handout on the Unified Codes. He explained that the changes dealt mainly with changing the administrative aspects of the trades Boards and codes to make procedures and requirements uniform for both the City and County. The next review of the 2012 edition of the codes will bring about more uniformity. Because it is a charter board, the plumbing board must have sixty-one days to change. Once that is accomplished, the other boards will follow. Any major code changes will be brought to the newly created boards for review at a later date.

Board Member Webb made a motion to approve the Unified Code as presented to the Board. Board Member Willenberg seconded the motion. The motion carried.

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

The meeting adjourned at 2:15 p.m.