

BOARD OF BUILDING CODE STANDARDS AND APPEALS MINUTES

February 3, 2014

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

Present: Banuelos, Coonrod, Redford, Wilhite, Willenberg

Staff Members Present: Bud Lett, Richard Meier, Deb Legge, Diane Patton, Elaine Hammons (MABCD); Jeff Van Zandt (City Law)

The regular meeting of the Board of Building Code Standards and Appeals was called to order by Chairman Coonrod on Monday, February 3, 2014, at 1:25 p.m., at the Wichita Area Builders' Association Offices, 730 N. Main, Wichita, Kansas.

Election of Officers.

Board Member Redford nominated current Chairman Randy Coonrod to continue serving as Chairman. The motion was seconded. The motion passed.

Board Member Wilhite nominated current Vice Chairman Randy Harder to continue serving as Vice Chairman. The motion was seconded. The motion passed.

Approval of the December 2, 2013, minutes.

Board Member Willenberg made a motion to approve the minutes for the December 2, 2013, minutes. Board Member Banuelos seconded the motion. The motion carried.

Public Agenda.

There was no one present to speak on the Public Agenda.

Chairman Coonrod requested that the Board and City/County staff introduce themselves to the public in attendance.

New Business

Condemnations:

Review Cases:

1. 1947 S Water (Commercial Bldg)

Mr. Michael Burke, owner, was present.

This one-story frame commercial building is about 42 x 69 feet in size. Vacant for many years, this structure has a badly deteriorated wood and composition roof with missing shingles; rotted wood siding; rotted framing members; and rotted fascia and wood trim.

This property was first presented to the Board on June 3, 2013, again on September 9, 2013, and then at the December 7, 2013, meeting. At the December meeting, Mr. Burke was present; the Board approved a motion to allow an extension until the February meeting, maintaining the site in a clean and secure condition with the debris removed in the interim, at which time Mr. Burke would reappear and show progress on the repairs or on the sale of the property.

The taxes are current. There is a 2011 Special Assessment for weed mowing in the amount of \$253.36; a 2012 Special Assessment for weed mowing in the amount of \$246.62; there is still some tree waste and some bulky waste on the site. Although no repairs have been made on the structure, the building is secure.

Mr. Burke told the Board that Mennonite Housing had expressed an interest in buying the property; however, the organization would not have funds available to purchase it until August 2014. At that time, Mennonites Housing would raze the structure and build a new one.

Chairman Coonrod asked Ms. Legge if her section had received many complaints about the property. Ms. Legge responded that there had not been as many complaints during the winter because there had not been an issue with tall grass and weeds.

Board Member Wilhite 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 demolition. Board Member Willenberg seconded the motion. The motion carried.

2. 1657 S Woodlawn

Mr. Blair Gisi with South & Associates was present on behalf of this property.

A one-story brick over frame dwelling about 60 x 40 feet in size, it has been vacant for at least three years. This structure has been damaged by fire. It has a deteriorated composition roof, with missing shingles; cracking and shifting brick siding; rotted and missing hardboard siding; exposed framing members; and rotted, missing and fire-damaged fascia and wood trim.

The property was presented to the Board at the November 4, 2013, meeting. At that time a motion was made and approved to defer any action until the February 2014 meeting, with the instruction that the property be kept clean and secure in the interim. The taxes are current, and the structure has been maintained secure. No repairs have been made.

Mr. Gisi said the previous owners have an insurance claim check to turn over to the bank. On a previous attempt to turn the insurance monies over to the bank, there was an issue with the endorsement. The check will be reissued. The bank intends to make repairs as soon as the check is reissued or whenever the sheriff's sale is complete and the bank can take over the deed. Mr. Gisi requested that the Board grant an extension of ninety days to allow the bank to obtain ownership of the property and make repairs or sell the property. He indicated that the bank will also file a motion to extinguish redemption rights in order to expedite the process of obtaining the deed.

Board Member Redford made a motion to delay action on the property until the May meeting. At that time Mr. Gisi will reappear before the Board with a plan of action for the property if it has not been repaired or sold, maintaining the site in a clean and secure condition in the interim. Board Member Wilhite seconded the motion. The motion carried.

New Cases:

3. 1325 N Wabash

There was no one present to represent this property.

This one-story, frame dwelling is about 45 x 25 feet in size. Vacant and open, this structure has a badly cracked and shifting concrete block foundation; rotted wood lap siding; rotted front and rear wood porch decks; and rotted wood trim.

The case was initiated on this property on November 18, 2009, and has been active since that time.

A Notice of Violation and a Pre-condemnation Letter have been issued on this property. In November of 2013, a new owner was located, and two additional Notices of Violation were issued to the new owner. A nuisance case was started on February 4, 2013, because of bulky waste, scattered debris, and salvage material on the premises. A Pre-condemnation Letter was issued on September 30, 2013. The taxes are current; there are no special assessments against the property.

Accepting the staff report on the property, Chairman Coonrod 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 razing of the structure. Board Member Willenberg seconded the motion. The motion was approved.

4. 2527 E Murdock

No one appeared on behalf of this property.

A one-story, frame duplex approximately 32 x 33 feet in size, this building is vacant and open. This structure has cracking concrete basement walls; deteriorated and missing siding shingles; badly worn composition roof, with holes; dilapidated porches; rotted and missing fascia and wood trim; and the 20 x 20 foot garage and 15 x 18 foot shed are dilapidated.

After reviewing the staff report, Board Member Willenberg made a motion to submit the property to the City Council recommending condemnation, with ten days to begin wrecking and ten days to complete removal. Board Member Banuelos seconded the motion. The motion passed.

5. 1325 N Madison

No interested party was present on behalf of this property.

This is a one-story, frame dwelling about 32 x 36 feet in size. Vacant and open, this structure has a cracking and shifting block foundation; rotting and missing wood lap siding; badly worn composition roof; deteriorated front and rear porches; missing windows; rotted and missing window and door frames; and rotted fascia and wood trim.

Accepting the staff report, Board Member Wilhite made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin razing the building and ten days to complete the demolition after hearing the staff report on the property. Board Member Willenberg seconded the motion. The motion was approved.

6. 2017 N Madison

Neither the property owner nor his agent attended the hearing.

Vacant and open, this one-story, brick over frame dwelling is approximately 25 x 35 feet in size. This structure has collapsing concrete basement walls; failing brick facade with sections fallen and missing; exposed framing members; sagging composition roof; and rotted soffit, fascia and wood trim.

Accepting the staff report, Board Member Redford 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 finish removing the structure. Board Member Willenberg seconded the motion. The motion passed.

7. 1658 N Spruce

No one was present on behalf of this property.

Approximately 23 x 27 feet in size, this one-story, frame dwelling is vacant and open. This structure has a deteriorating, flat roof; cracking and missing stucco siding; cracking concrete front porch; exposed, rotted framing members; rotted wood trim; and the 8 x 8 foot accessory shed is deteriorated.

Accepting the staff report, Board Member Banuelos made a motion to send the property before the City Council with a recommendation of condemnation, with ten days to wreck the building and ten days to complete demolition. Board Member Willenberg seconded the motion. The motion carried.

8. 1658 N Green

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

A one-story, frame dwelling, this building is about 27 X 30 feet in size. Vacant and open, this structure has been badly damaged by fire. It has a cracking and shifting block foundation; fire damaged, composition roof with missing shingles; fire damaged framing members; fire damaged and missing wood lap siding; and fire damaged wood trim.

Accepting the staff report, Board Member Wilhite made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin removal of the structure and ten days to complete demolition. Board Member Willenberg seconded the motion. The motion was approved.

9. 1731 N Volutsia

The owner, Chris Ropar, attended the hearing.

This is a one-story, frame dwelling about 38 x 23 feet in size. Vacant and open, this structure has missing rear basement wall; improperly constructed front basement wall; missing wood lap siding; exposed framing members; and missing porches and steps.

The case on this property has been active since March 2007. Mr. Ropar has owned the property the entire time. There is currently a case in Neighborhood Court concerning this property. Notices of Improvement and Notices of Violation have been issued on this property. A Pre-condemnation Letter was issued for the second time on November 8, 2013. The previous condemnation case had been presented to the City Council, but Mr. Ropar had just purchased the property, so the Council delayed action indefinitely.

The taxes are current and there are no special assessments against the property. There is construction debris on the premises. There is a Construction Permit Violation on this property due to Mr. Ropar's failure to obtain required permits, inspections, and an engineer's report for the basement walls, and his failure to heed a Stop Work Notice posted on site. There are serious issues with the reconstruction of the basement walls. Both the Neighborhood Inspector for the area and the Building Construction Administrator have been in touch with Mr. Ropar about the issues on this property.

A condemnation case was initiated on this property approximately two years ago and went before the City Council. Mr. Ropar purchased the property during this process and the Council deferred action indefinitely to allow the new owner an opportunity to bring the property into compliance.

Mr. Richard Meier, Construction Inspector Supervisor/Building, told the Board he had been to the site twice. Mr. Meier confirmed that a Stop Work Order was placed on the site because the permit that Mr. Ropar obtained did not cover the scope of work that was done. Mr. Meier also verified that he advised Mr. Ropar that an engineer's report was required for the work on the basement walls. To date, Mr. Meier said he had not received an engineer's report, nor had inspections been requested for the repair work on the structure. Additionally, after looking at the basement walls, they appear to be 'dry stacked,' and there appears to be no vertical rebar in the cells.

Mr. Ropar told the Board that he would be able to contact an engineer on the coming Friday. Board Member Redford reiterated the need for an engineer to verify the structural integrity of the wall or to provide an option to make it structurally sound. Board Member Wilhite added that inspections should be requested and approved prior to work continuing on the project.

Board Member Redford made a motion to allow until the May meeting for Mr. Ropar to contact an engineer and to follow through with the engineer's recommendations for making the basement walls structurally sound and to schedule required inspections and receive the necessary approval before continuing work on the project, maintaining the site in a clean and secure condition in the interim. Board Member Wilhite seconded the motion. The motion carried.

With no other business to conduct, Board Member Willenberg made a motion to adjourn the meeting. Board Member Banuelos seconded the motion. The motion was approved.

The meeting adjourned at 1:55 p.m.