

BOARD OF BUILDING CODE STANDARDS AND APPEALS MINUTES

February 2, 2015

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

Present: Banuelos, Coonrod, Crotts, Doeden, Harder, Redford, Webb, Willenberg

Staff Members Present: Tom Stolz, Bud Lett, Richard Meier, Deb Legge, Penny Bohannon (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 2, 2015, at 1:03 p.m., at the Wichita Area Builders' Association Offices, 730 N. Main, Wichita, Kansas.

Board Member Willenberg made a motion to approve the December 1, 2014, minutes. Board Member Harder seconded the motion. The motion was approved.

Public Agenda.

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

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

New Business

Condemnations:

Review Case:

1. 1321 N. Santa Fe

C. D. Atkins, one of the owners, was present.

A two-story frame dwelling, about 20 x 30 feet in size, this building has been vacant for at least 20 years. This structure has deteriorated hardboard siding; badly worn, sagging composition roof with holes and missing shingles; deteriorated wood front porch; and rotted wood trim. The 15x20 foot accessory dwelling is dilapidated.

The property was first before the Board at the July 7, 2014, hearing and again the September 8, 2014, hearing. At the September hearing, Altina Pouncil was present, and the Board approved a motion to allow until the January 2015 hearing for the rear structure to be razed and to complete the exterior repairs of the main structure, maintaining the site in a clean and secure condition. A special joint advisory board meeting was held in January in lieu of the regularly scheduled meeting, deferring action until the February 2, 2015, meeting.

The 2010, 2011, 2012, 2013, and 2014 taxes are still delinquent in the amount of \$1,606.76. At the last site inspection it was noted that there was demolition debris from the razing of the accessory structure on the property. There have been no repairs made to the main structure; however, it is secure.

Mr. Atkins told the Board that the repairs to the main structure should be completed within a month.

Based on staff recommendations, Board Member Harder made a motion to allow until the March 2015 hearing for the removal of the demolition debris, payment of the delinquent taxes, and repairs made to the main structure, maintaining the site in a clean and secure condition, or the property will be submitted to the City Council with a recommendation of

condemnation, with ten days to begin wrecking and ten days to complete the demolition. Board Member Crofts seconded the motion. The motion carried.

2. 2301 E. Shadybrook

Teresa Coleman, daughter of Patsy Coleman-Abrams (one of the owners), attended the hearing.

A one-story brick-over-wood frame, this dwelling is about 26 x 38 feet in size. Vacant for about two years, this structure has cracking and shifting block basement walls; cracked and shifting brick siding; deteriorated wood siding; badly worn composition roof, with holes; shifting concrete front porch; shifting rear porch steps; deteriorated wood trim; and the 4 x 8 foot accessory shed is dilapidated.

First presented to the Board at the November 2014 hearing and again at the December 2014 hearing, the motion was made and approved by the Board to allow until the February 2, 2015, hearing to complete the plan of action and present it to the Board, initiate repairs if possible, maintaining the premise in a clean and secure condition in the interim.

The 2014 taxes are delinquent in the amount of \$373.52; the premises are maintained in a clean condition; no repairs have been made to the structure. The main structure is secure; however, the accessory structure is open.

Ms. Coleman said her mother, Ms. Coleman-Abrams, has the paperwork regarding the property, but work has started on the main structure. The accessory shed will be demolished, but the day work was to begin, the weather prevented the removal to be completed. Ms. Coleman said the completion date for all the work is near the end of March.

Board Member Harder made a motion to allow until the April 6, 2015, meeting to complete the repairs and pay the delinquent taxes, maintaining the site in a clean and secure condition in the interim, or the property will be referred to the City Council with a recommendation of condemnation, with ten days to begin razing the structure and ten days to finish the removal. Board Member Willenberg seconded the motion. The motion was approved.

New Cases:

1. 357 N. Pennsylvania

The realtor, Lauren Williams, was present on behalf of this property.

Vacant and open, this is a two-story frame dwelling about 51 x 36 feet in size. This structure has shifting and cracking block basement walls with missing blocks; rotted and missing wood siding; sagging and badly worn composition roof; dilapidated front porch; and rotted soffits, fascia and wood trim.

There has been an open case on this property since April 2010. Since that time, numerous improvement notices and violation notices have been issued. A formal condemnation letter was issued on August 25, 2014. The 2010, 2011, 2012, 2013, and 2014 taxes are delinquent in the amount of \$4,321.84. There are no special assessments against the property. There is some debris and a trailer with bulky waste on the premises. There have been nuisance cases in 2008, 2010, and 2013 that have resulted in the owner cleaning up the site. In May 2010 a Tall Grass & Weeds case was initiated, and the case was abated by a contractor hired by the City of Wichita. The fees for abatement were \$140. A second Tall Grass & Weeds case was initiated in August 2010; the owner complied. In August of 2013 a nuisance case was opened and is currently still open. No repairs have been made, and the structure is open.

Ms. Williams explained that she has a buyer for the property who wants to make the repairs and sell the house. Upon arranging for the sale, title complications were discovered. She is currently trying to work through those issues in order to finalize the sale.

Following the recommendation of staff, Board Member Harder made a motion to refer the property to the City Council for condemnation action, with ten days to begin wrecking the structure and ten days to complete the demolition. Board Member Redford seconded the motion. The motion passed.

2. 438 N. Bleckley

No one appeared on behalf of this property.

Approximately 25 x 70 feet in size, this is a one-story frame dwelling. Vacant and open, this structure has been damaged by fire. It has fire damaged roof with holes; fire damaged rafters and joists; fire damaged siding; exposed framing members; and the 25 x 35 foot accessory garage is deteriorated.

Concurring with the staff recommendation, Board Member Harder made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin razing the structure and ten days to complete the removal. Board Member Willenberg seconded the motion. The motion carried.

3. 529 N. Wabash

The owner, Bruce Morgan, represented this property.

This is a one-story frame dwelling about 35 x 25 feet in size. Vacant for several years, this structure has rotted and missing siding; deteriorated front porch; dilapidated rear porch; and rotted wood trim .

The case on this property was started in May 2010; numerous improvement notices and notices of violation have been issued since that time. A Pre-condemnation Letter was issued on July 25, 2014. The 2014 taxes are delinquent in the amount of \$174.68. There are no special assessments against this property. The premises are maintained in a clean condition. In 2010, 2011, 2012, and 2013 nuisance cases were filed; in each instance, the owner complied. Formal condemnation action was initiated on November 14, 2014. No repairs have been made, and the structure is secure.

Mr. Morgan requested additional time to make the necessary repairs. He provided a receipt showing that the 2014 taxes had been paid. Mr. Morgan said he has received an estimate from a contractor for the needed repairs.

Board Member Harder made a motion to allow until the May 2015 meeting to bring the exterior into compliance with minimum housing code, keeping the property in a clean and secure condition in the interim. Board Member Doeden seconded the motion. The motion was approved.

4. 1611 N. Hillside

There was no representative present for this property.

A one- and one-half story frame dwelling about 24 x 41 feet in size, this structure is vacant and open. This structure has been badly damaged by fire. It has badly shifting block basement walls with missing blocks; severely cracking stucco siding; fire damaged and badly deteriorated tile roof with holes; deteriorated front and rear porches; fire damaged framing members and wood trim; and the 19 x 19 foot accessory structure is dilapidated.

As recommended by staff, Board Member Banuelos made a motion to submit the property to the City Council for condemnation, with ten days to begin the wrecking and ten days to finish the demolition. Board Member Crotts seconded the motion. The motion was approved.

5. 1769 N. Northeast Pkwy

No representative was in attendance for this property.

Vacant for at least five years, this one-story frame dwelling is about 25 x 35 feet in size. This structure has badly shifting basement walls; deteriorating metal siding; dilapidated front and rear porches; exposed framing members; rotted wood trim; and the 12 x 22 foot accessory structure is deteriorated.

Although the estate administrator, Gary Bryan was out of town and could not attend the hearing, he did notify Ms. Legge, and he requested that the Board allow an extension of sixty days for the exterior repairs.

Board Member Crotts made a motion to allow until the April meeting for the repairs to be made, or for Mr. Bryan to appear before the Board with a plan of action, maintaining the property in a clean and secure condition in the interim. Board Member Willenberg seconded the motion. The motion carried.

6. 6105 S. Minnesota

There was no representative for this property at the hearing.

Approximately 60 x 27 feet in size, this one- and one-half story frame dwelling has been vacant for unknown length of time. The structure has rotted and missing hardboard siding; badly deteriorated, sagging roof, with holes; dilapidated porches and steps; rotted framing members and wood trim; and the 40 x 20 foot accessory structure and 8 x 10 foot metal shed are dilapidated.

As recommended by staff, Board Member Harder made a motion to refer the property to the City Council for condemnation, with ten days to begin demolition and ten days to complete demolition. Board Member Banuelos seconded the motion. The motion was approved.

7. 1117 S. Richmond

Lee Hunter, representative of the property owner, was present.

Vacant and open this is a one-story frame dwelling. About 24 x 22 feet in size, this structure has exposed framing members; missing steel siding; deteriorated composition siding; missing wall sheathing; and missing porches and steps.

The case on this property was started in January 2014. A violation notice and a Pre-condemnation Letter have been issued. The 2014 taxes are delinquent in the amount of \$153.93, which includes interest. There are no special assessments. Upon the most recent site inspection, it was noted that there was some bulky waste on the premises. In June 2013 a Tall Grass & Weeds case was opened on the property; the owner complied. In August 2014 another Tall Grass & Weeds case was initiated, and it was abated by a contractor hired by the City of Wichita at the cost of \$140; formal condemnation action was initiated in November 2014. No repairs have been made to the structure; and the doors and windows of the structure are open.

Mr. Hunter said the owner had had some work done on the foundation. He was not able to give an update on the property, nor was he privy to the owner's plan of action.

Board Member Harder made a motion to allow until the March 2015 meeting for the owner to bring the exterior into compliance, have the delinquent taxes and special assessment paid, meanwhile maintaining the site in a clean and secure condition. Board Member Doeden seconded the motion. The motion passed.

8. 1448 S. Handley

No one was in attendance on behalf of this property.

This one- and one-half story frame dwelling is about 66 x 53 feet in size. Vacant and open, this structure has a cracking concrete foundation; rotted and missing hardboard siding; badly worn roof with holes and missing section; exposed, rotted flooring; deteriorated front and rear porches; rotted framing members; and rotted fascia, soffit and wood trim.

As recommended by staff, Board Member Doeden made a motion to submit the property to the City Council with a recommendation of condemnation, with ten days to commence wrecking and ten days to complete the removal of the structure. Board Member Harder seconded the motion. The motion passed.

9. 1733 S. Hiram

There was no one present representing this property.

A one-story frame dwelling about 26 x 38 feet in size, this structure has been vacant for at least six months. This structure has missing siding; exposed, badly rotted framing members; badly rotted and missing soffit, fascia and wood trim; and the 12 x 25 foot accessory structure is dilapidated.

There has been a case on this property since August 2014. The taxes are current and the premise is clean. A Pre-condemnation Letter was issued November 6, 2014.

In agreement with the staff recommendation, Board Member Harder made a motion to submit the property to the City Council for condemnation, with ten days to begin the demolition and ten days to complete the removal. Board Member Willenberg seconded the motion. The motion was approved.

10. 776 N. Westridge

Luis Quinonez, property owner, was present.

This one-story frame dwelling is about 53 x 34 feet in size. Vacant for at least one year, this structure has been badly damaged by fire. It has a cracking concrete foundation; fire damaged vinyl siding; fire damaged roof with holes; fire damaged front and rear porches; and the 22 x 22 foot detached garage and 15 x 12 accessory structure are deteriorating.

The active file was started in July 2013; because of the fire damage, the case was initiated with a Pre-condemnation Letter. The 2011, 2012, 2013, and 2014 taxes are delinquent in the amount of \$6,145.29, which includes interest. There is a 2015 special assessment for lot clean-up in the amount of \$800.42. The premises are now maintained. There were nuisance cases on the property in July 2012 and December 2012, both resulting in owner compliance. A Tall Grass and Weeds case was initiated in May 2012; that case resulted in abatement by the City of Wichita at the cost of \$120. In June 2014 another Tall Grass and Weeds case was initiated which resulted in owner compliance. At the last site inspection, staff noted that no repairs have been made to the structure, and the building was not secured.

Mr. Quinonez is the new owner of the property. He has cleaned up the premise and is beginning repairs.

Board Member Banuelos made a motion to allow until the May 2015 hearing for the exterior repairs to be completed, maintaining the site in a clean and secure condition in the interim. If the repairs have been completed by the May 2015 meeting, it will not be necessary for Mr. Quinonez to reappear before the Board. Board Member Crofts seconded the motion. The motion carried.

Review of the 2012 International Residential Code (IRC) Adoption and Proposed Amendments.

Mr. Bud Lett, Assistant Director of MABCD, gave a brief overview of the proposed amendments and resolution for adoption of the 2012 International Residential Code (IRC). There were questions regarding some of the amendments. The Board made the decision to withhold a recommendation for approval pending further discussion.

Review of ADA Amendments.

Mr. Tom Stolz, Director of MABCD, explained that the Unified Building and Trade Code (UBTC) Amendments as they relate to ADA were being reviewed by both City and County legal staff. Some of the amendments in the UBTC are more restrictive than federal ADA guidelines, and ultimately may be stipulated in the City due to previous legal issues. It is possible that the amendments concerning ADA will remain more restrictive in the City but not adopted for the unincorporated County,

Off Agenda – Qualified Persons on Contractor Licenses

Mr. Richard Meier, Chief Building Inspector, requested that the Board add a discussion item to the agenda regarding Qualified Persons and licensing. Board Member Crotts made a motion to add the discussion to the agenda. Board Member Harder seconded the motion. The motion was approved.

Mr. Meier explained that MABCD staff had received requests from several contractors who wanted to be the Qualified Person for more than one company. That has been an allowed practice as long as the companies were wholly owned subsidiaries of a parent company. Recent requests have been from individuals who want to be the Qualified Person for more than one license for companies that may be in direct competition with one another and at least one of the entities may not be aware of the potential dual Qualified Person status.

It was determined that a sub-committee would be formed to further explore the issues regarding Qualified Persons seeking multiple licenses.

Old Business

There were no items under old business.

Adjournment

With no other business to conduct, Board Member Harder made a motion to adjourn. The motion was seconded and approved.

The meeting adjourned at 2:25 p.m.