

**MINUTES
BUILDING BOARD OF APPEALS
May 21, 2015 2:00 p.m.
City Commission Chambers**

CALL TO ORDER

Mr. Emig called the meeting to order at 2:00 p.m.

ROLL CALL OF BOARD MEMBERS

Members Present: Richard Emig, Chair, Charles Kiplinger, Vice Chair, Linda Servis, Emily Parfet, David Hyde

Members Absent: Gary Wark

City Staff: Robert McNutt, Building Official; Deanna Benthin, Recording Secretary

NEW BUSINESS

APPROVAL OF PREVIOUS MINUTES

Mr. Hyde, supported by Ms. Servis moved to approve the minutes of March 19, 2015 as submitted, approved by voice call vote.

APPROVAL OF AGENDA

Mr. Emig moved to approve the agenda as submitted.

Motion approved by voice vote unanimously.

INITIAL HEARINGS

The following properties were presented to the board for a public hearing:

1813 March Street: This property is located in a Residential Single-Dwelling District (Use Zone RS-5) in the Edison neighborhood. The 40' x 99' (0.91 acre) property contains a 1,136 sq. ft. 2 story house, and 432 sq. ft. garage built in 1920. Nearby uses are residential dwellings. There are no historic considerations for this property. EQUITY TRUST COMPANY CUSTODIAN FBO is referred to herein as the owner of the property. A 2015 Fee Simple is on file, it is free and clear of any existing mortgages. Tax information as found: 2014 Summer Tax Amount: \$1,859.29 BASE; 2014 Winter Tax Amount: \$598.27 BASE; 2014 Taxes: \$2,828.53 MAY PAYOFF; 2014 Taxes: \$3,108.01 MAY PAYOFF; Invoices: \$971.00 DUE (plus penalties and interest, if any).

Mr. McNutt stated this house had been condemned since 12/15/09, it's been vacant, abandoned and has boarded windows, roofing issues, the back porch is decayed and has foundation cracks. The garage is in desperate need of repairs, it's twisted, leaning and the walls are deteriorating around the foundation. There are no utilities; no care or upkeep has taken place in over six years. When he visited the site to inspect the neighbor came out and stated he was glad to see someone from the City was on the property and not another vagrant breaking into the house. The neighbor has called Public Safety several times to have people removed from the house. This is a blight to the neighborhood; he has concerns with someone setting fire to it.

The estimated costs are as follows: Structural and exterior repairs – \$42,000. Demolition – \$13,800. 2015 SEV: \$18,100. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$9,237 and that of the entire property \$27,337. A charge of \$1,000 for administrative costs shall also be assessed against the property if direct City abatement becomes necessary.

Staff recommends adoption of the following motion.

The Building Board of Appeals finds that the structure and grounds at 1813 March Street constitutes a "Dangerous Building" and a blight due to the conditions and violations detailed in the 05/04/15 Dangerous Building Notice of Determination and Hearing. The owner is ordered to obtain new permits and commence either demolition or exterior and structural repairs by May 28, 2015 and complete all exterior and structural repairs or demolition by June 29, 2015. Further, if the required action is not completed by either deadline, the City is authorized by the Building Board of Appeals to take any and all legal actions necessary to cause full compliance and eliminate said danger and blight. This includes performing the demolition or repair, either by City personnel or by contracting with a third party; acquisition of the property through eminent domain for repair or demolition; action in a court of law; or other appropriate means to gain compliance. All costs associated with these actions shall be assessed against the property.

Public Hearing closed.

FINDING OF FACT

Mr. Hyde moved the Finding of Fact as follows:

1. The Finding of Fact for 1813 March Street shall include all information included in the notice of public hearing dated May 4, 2015 is as stated on the summary sheet. There are over \$3,000 in back taxes due, citations from the City going back over six years. The neighbors stated there are vagrants going in and out of the property and no one was present to represent the property.

Ms. Servis supported the Finding of Fact.

Motion approved for the Finding of Fact by roll call vote.

Mr. Hyde moved to approve the application, to accept the Staff Recommendations as stated, supported by Ms. Servis.

Motion approved by voice vote unanimously.

1020 E. Vine Street: This property is located in a Commercial (Local) Neighborhood District (Use Zone CN1) in the Edison neighborhood. The 32' x 157' (0.12 acre) property contains a 1,190 sq. ft. 1 story commercial building built in 1940. Nearby uses are residential dwellings. There are no historic considerations for this property. PALMORE, ELBERT E is referred to herein as the owner of the property. A 2015 Fee Simple is on file, it is free and clear of any existing mortgages. Tax information as found: 2014 Summer Tax Amount: \$720.48 (includes \$140.00 Housing Lien) BASE; 2014 Winter Tax Amount: \$582.98 BASE; Invoices: \$134.00 NOW DUE AND PAYABLE; 2014 TAXES: \$1,471.79 MAY PAYOFF; 2013 TAXES: \$1,735.52 MAY PAYOFF.

Mr. McNutt stated the property was cited in 2008, since then there's been no activity for corrections. Mr. Willie White represented himself as the owner stating he was going to make corrections to the property. A title search showed at one time Mr. White had bought the property on land contract, due to failure of payment it reverted back to the original owner PALMORE, ELBERT E. Mr. White has contacted the City stating he owns the property and has legal rights to it; however the title search doesn't show he has any legal right to the property. A neighbor to the east of this property called Mr. McNutt out to the property stating there was a loud rumble from the property, and when he looked out the roof had caved in. When the roof caved it went down into the basement, it is to the point there isn't any viable means to repair this building.

The estimated costs are as follows: Structural and exterior repairs are determined to be beyond repair. Demolition – \$9,200. The 2014 SEV is \$28,600. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$27,623 and that of the entire property \$57,567. A charge of \$1,000 for administrative costs shall also be assessed against the property if direct City abatement becomes necessary.

Staff recommends adoption of the following motion.

The Building Board of Appeals finds that the structure and grounds at 1020 E. Vine Street constitutes a "Dangerous Building" and a blight due to the conditions and violations detailed in the 05/04/15 Dangerous Building Notice of Determination and Hearing. The owner is ordered to obtain new permits and commence either demolition or exterior and structural repairs by May 28, 2015 and complete all exterior and structural repairs or demolition by June 29, 2015. Further, if the required action is not completed by either deadline, the City is authorized by the Building Board of Appeals to take any and all legal actions necessary to cause full compliance and eliminate said danger and blight. This includes performing the demolition or repair, either by City personnel or by contracting with a third party; acquisition of the property through eminent domain for repair or demolition; action in a court of law; or other appropriate means to gain compliance. All costs associated with these actions shall be assessed against the property.

Mr. McNutt stated this property has been in disrepair for years. Mr. White has stated he was going to do things and hasn't.

City Inspector Rachael Luscomb stated she been dealing with this property and has talked to the owner and the tax payer of record. Both stated they wanted to fix the building up themselves.

She stated they needed to hire an architect. Mr. McNutt also spoke with a representative and stated he would require Engineers to access the building to see if it could be repaired. The gentleman was just representing the owner, he wasn't a licensed contractor, and he was a friend of Mr. White.

Chair Emig stated the City has obviously given the owner sufficient time to make repairs and they haven't made an attempt.

Mr. McNutt questioned Inspector Luscomb if she felt the building could be saved. She replied she didn't feel it could be, with the roof lying in the basement.

Ms. Parfet questioned why Mr. White feels he owns this property through a land contract, but didn't proceed with it. She had concerns over Mr. White claiming he owns it and trying to come back onto the City. Mr. McNutt stated the title work shows, the land contract B08-0493 was the case number September 9, 2008. The property is also up for tax foreclosure.

Public Hearing closed.

FINDING OF FACT

Mr. Kiplinger moved the Finding of Fact as follows:

1. The Finding of Fact for 1020 E. Vine shall include all information included in the notice of public hearing dated May 4, 2015. Back taxes are still due, it's been vacant since 2008 and there's been no action to repair the building. The building is beyond repair. It's become a dangerous building; if the City doesn't hear from Mr. Palmore prior to May 28, 2015 they should proceed with demolition.

Ms. Parfet supported the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Mr. Hyde moved to approve the application, to accept the Staff Recommendations as stated, supported by Mr. Kiplinger.

Motion approved by roll call vote unanimously.

ANNOUNCEMENTS

ADJOURNMENT

Mr. Kiplinger moved to adjourn the meeting and was supported by Ms. Servis.

With a unanimous vote the meeting was adjourned at 2:25 p.m.

Submitted by: Deanna Benthin Date 7/16/15
BBA Recording Secretary
Deanna Benthin

Reviewed by: [Signature] Date 7/16/15
Building Official
Robert McNutt

Approved by: [Signature] Date 7/16/15
BBA Chair
Richard Emig