

MINUTES
BUILDING BOARD OF APPEALS
August 20, 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, Vice Chair, Gary Wark, Linda Servis, David Hyde

Members Absent: Charles Kiplinger, Emily Parfet

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

NEW BUSINESS

APPROVAL OF PREVIOUS MINUTES

Ms. Servis, supported by Mr. Wark moved to approve the minutes of July 16, 2015 as submitted, approved by voice vote.

APPROVAL OF AGENDA

No changes to the agenda.

Motion approved by roll call vote unanimously.

INITIAL HEARINGS

The following property was presented to the board for a public hearing:

110 Burr Oak Street.

This building is located in a commercial community district (Use Zone CC) in the Vine Neighborhood. The 48' x 81' (0.09 acre) property contains a 1,459 sq. ft. 2 story house built in 1890. Nearby uses are (CN-1) commercial (local) neighborhood. There are no historic considerations for this property. RODNEY TURNER is shown as having a Land Contract with Dion Branch, recorded on 2/3/15. Delinquent taxes showing as owed have been found and are payable to the County Treasures (Contact them for the exact amount): As of 7/28/15 tax information found shows: 2015 SEV: \$20,600.00, 2015 Taxable Value: \$20,600.00, 2015 Summer Tax Amount: \$734.87 NOW DUE AND PAYABLE: 2014 Winter Tax Amount: \$752.15 BASE, 2014 TAXES: \$820.06 JULY PAYOFF: INVOICES: \$71.01 NOW DUE AND

PAYABLE; \$80.50 Check with the City Treasurer to see if additional interest and penalties will be applied after July 31, 2015.

Mr. McNutt stated there was an extensive fire on 5/11/15 and the structure can't be rebuilt. Estimated costs for demolition are approximately \$18,000. That is higher than normal due to the extent of the damage and the ability to test and locate any hazardous substances. When this is removed from the property it will have to be removed as all asbestos laden material, bagged, covered and taken to a special landfill. The 2015 SEV is \$20,600. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$15,052 and that of the entire property \$41,104, prior to the fire.

Staff recommends adoption of the following motion:

The Building Board of Appeals finds that the structure and grounds at 110 Burr Oak Street constitutes a "Dangerous Building" and a blight due to the conditions and violations detailed in the 08/03/15 Building Board of Appeals Notice of Determination and Hearing. The owner is ordered to obtain demo permit and commence demolition September 3, 2015 and complete demolition by September 21, 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.

Rodney Turner, 724 Bath Street stated he didn't know what the cost was going to be and was dealing with the insurance company still, but wanted the City to just demo the building. Chair Emig stated that Mr. McNutt had estimated the demolition cost to be \$18,000. That's higher than normal due to the extent of the damage and the ability to test and locate any hazardous substances. When this is removed from the property it will have to be removed as all asbestos laden material and handle accordingly. Mr. Turner stated that was higher than he thought. Chair Emig questioned if Mr. Turner if the insurance policy was in Mr. Turner's name, he replied yes. Chair Emig clarified that Mr. Turner paid the premiums and the policy was in his name, Mr. Turner replied yes. Mr. Turner then stated that Mr. Branch pays the premiums, under the land contract. Chair Emig clarified that Mr. Turner wanted the City of handle the demolition of the house. Mr. Turner replied yes, but he wants to have money to rebuild a house on the property. Ms. Servis clarified that Mr. McNutt stated the demolition cost was high due to the handling of possible asbestos material. Mr. McNutt stated that Mr. Turner had spoken with him stating he's working with the insurance company to get the property taken care of. It's unsure whether the land contract holder Mr. Branch had the insurance or Mr. Turner had the insurance. Mr. McNutt spoke with the Fire Marshal and he was done with his investigation. However, the insurance company wouldn't speak to him because they have an ongoing investigation due to the circumstances of how the fire occurred. Mr. McNutt stated he's been waiting since May 11, 2015 without this building being protected, nothings moved forward and the City's stance is this needs to be taken care of. Mr. Turner spoke of trying to find his own demolition contractor to see if he could save money, if not let the City tear it down. He only has approximately \$150,000 to demolish and build a new house. Chair Emig spoke to the fact that the City tears down a lot of

houses and feels Mr. McNutt's valuation is close. The City would demolish the house and the fee would be escrowed into his taxes over time. Mr. McNutt read the statement: "if the Board determines this is a dangerous building or a blight on the community, the City requests that the owner apply for permits by September 3, 2015 and that the completion by September 21, 2015." That gives him the time to obtain a permit by a licensed contractor, do the demolition, and has until September 21, 2015 to do it. Mr. Hyde commented he needed to understand all his options, discuss them with the insurance company and move forward. Mr. McNutt stated the Fire Marshal had turned in his report over one month ago. Chair Emig concluded that Mr. Turner agreed to have the City proceed with the demolition of the house. Mr. Turner replied he agreed.

Chair Emig closed the public hearing.

FINDING OF FACT

Mr. Hyde moved the Finding of Fact as follows:

1. The Finding of Fact for 110 Burr Oak Street shall include all information included in the notice of public hearing dated 08/03/15. Mr. McNutt gave a report on the property and declared the building to be dangerous. A fire occurred on 5/11/15, there was discussion on the cost of the demolition and the handling of the material as having asbestos in it, the requirements to have all the material disposed of in special bags and disposed of properly. The City wants to remove the building; the estimated cost is at \$18,000. Mr. Rodney Turner who owns the property has agreed to have the city take the house down.

Ms. Servis supported the Finding of Fact.

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

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

Motion approved by roll call vote unanimously.

1619 Lane Blvd.

This property is located in a residential single family dwelling district (Use Zone RS-5) in the Edison neighborhood. The 44' x 130' (0.13 acre) property contains a 1440 sq. ft. 2 story house built in 1922. Nearby uses are residential dwellings and community commercial. There are no historic considerations for this property. ARGO, GUY & WANDA LOU are shown as Mortgage Holders (\$47,300) in 2006 is on record with CCO Mortgage Corp. A Certificate of Forfeiture of Real Property in the amount of \$412.33 was recorded April 13, 2015. As of July 28, 2015: Delinquent taxes showing as owed have been found and are payable to the County Treasures (Contact them for the exact amount): Tax information found shows: 2015 SEV: \$18,800.00; 2015 Taxable Value: \$17,678.00; 2015 Summer Tax Amount: \$1,113.61 (includes \$300.00 Housing Lien; \$183.00 Pub Serv Lien) NOW DUE AND PAYABLE; 2014 Winter Tax Amount: \$307.04 BASE; 2014 TAXES: \$2,152.62 JULY PAYOFF; 2013 TAXES: \$653.58

JULY PAYOFF; Invoices: \$621.00 NOW DUE AND PAYABLE (Check with the City Treasurer to see if additional interest and penalties will be applied after July 31, 2015.)

Mr. McNutt stated the property has been condemned due to the many housing code violations and shouldn't be occupied. The estimated costs are as follows: Structural and exterior repairs – 68,000; Demolition – \$14,000. The 2015 SEV is \$18,800. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$10,371 and that of the entire property \$37,480.

Staff recommends adoption of the following motion:

The Building Board of Appeals finds that the structure and grounds at 1619 Lane Blvd Street constitutes a "Dangerous Building" and a blight due to the conditions and violations detailed in the 08/03/2015 Building Board of Appeals Notice of Determination and Hearing. The owner is ordered to obtain new permits and commence either demolition or exterior and structural repairs by September 3, 2015 and complete all exterior and structural repairs or demolition by September 21, 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 as necessary. He stated the roof structure is gone. The second floor ceiling is lying on the second floor.

Mr. Hyde questioned the Certificate of Forfeiture was for \$412.33, yes, it was for non-payment of the 2013 property taxes.

Chair Emig closed the public hearing.

FINDING OF FACT:

Mr. Wark moved the Finding of Fact as follows:

1. The Finding of Fact for 1619 Lane Blvd shall include all information included in the notice of public hearing dated August 3, 2015. Shall be as stated in the summary read by Mr. McNutt.

Mr. Hyde supported the Finding of Fact.

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

Mr. Wark moved to approve the application, to accept the Staff Recommendations supported by Mr. Hyde.

Motion approved by roll call vote unanimously.

1708 Race Street

This property is located in a residential mixed use district (Use Zone RMU) in the Edison neighborhood. The 47' x 44' (0.05 acre) property contains a 1334 sq. ft. 1 story house built in 1909. Nearby uses are residential mixed -use. There are no historic considerations for this property. COOPER, KENDRICK & TKAYZA COLLINS are shown as owners of a Quit Claim Deed. Delinquent taxes showing as owed have been found and are payable to the County

Treasures (Contact them for the exact amount): As of 07/28/15: 2015 SEV: \$16,600.00; 2015 Taxable Value: \$15,646.00; 2015 Summer Tax Amount: \$1,273.12 NOW DUE AND PAYABLE; 2014 Winter Tax Amount: \$551.71 BASE; 2014 Taxes: \$1,433.90 JULY PAYOFF; 2013 Taxes: \$1,887.09 JULY PAYOFF; Check with the City Treasurer to see if additional interest and penalties will be applied after July 31, 2015.

Mr. McNutt stated this property has been an issue since 2008; it's been boarded, full of fleas, dilapidated, roof issues, structural issues. Structural and exterior repairs for the building are estimated to cost approximately \$32,000. Estimated costs for demolition are approximately \$13,500. The 2015 SEV is \$16,600. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$8,176 and that of the entire property \$33,210.

Staff recommends adoption of the following motion:

The Building Board of Appeals finds that the structure and grounds at 1708 Race Street constitutes a "Dangerous Building" and a blight due to the conditions and violations detailed in the 08/03/15 Building Board of Appeals Notice of Determination and Hearing. The owner is ordered to obtain new permits and commence either demolition or exterior and structural repairs by September 3, 2015 and complete all exterior and structural repairs or demolition by September 21, 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.

FINDING OF FACT

Ms. Servis moved the Finding of Fact as follows:

1. The Finding of Fact for 1708 Race Street shall include all information included in the notice of public hearing dated August 3, 15. Shall be as stated in the summary read by Mr. McNutt.

Mr. Wark supported the Finding of Fact.

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

Mr. Wark moved to approve the application, to accept the Staff Recommendations supported by Mr. Hyde.

Motion approved by roll call vote unanimously.

1127 James Street

This building is located in a residential multi-family district (Use Zone RM-15) in the Edison neighborhood. The 25' x 127' (0.15 acre) property it contained a 1276 sq. ft. 1 story house built in 1895. Nearby uses are residential multi-family. There are no historic considerations for this property. HIGHTOWER-WALTER, LUVINE is shown as Mortgage holder. Delinquent taxes showing as owed have been found and are payable to the County Treasures (Contact them for the exact amount): As of 07/28/15. 2015 SEV: \$16,700.00; 2015 Taxable Value: \$15,849.00; 2015 Summer Tax Amount: \$640.35 (includes \$75.00 Housing Lien) NOW DUE AND PAYABLE;

2014 Winter Tax Amount: \$275.27 BASE; 2014 TAXES: \$967.27 JULY PAYOFF; 2013 TAXES: \$1,153.05 JULY PAYOFF; INVOICES: \$85.11 NOW DUE AND PAYABLE; \$75.00 NOW DUE AND PAYABLE; Check with the City Treasurer to see if additional interest and penalties will be applied after July 31, 2015. Estimated costs for clean-up of site are approximately \$12,500. The 2015 SEV is \$16,700. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$11,209 and that of the entire property \$33,247.

Mr. McNutt stated the fire was so intense and inside the walls, the fire department had a difficult time trying to put the fire out, it was decided by him and the Fire Marshal to knock the house down before the fire could spread to the neighboring houses. The water they were pumping on this house was actually flooding another house to the north. This is a pile of rubble from a burnt out house and has cleanup issues. Any hazardous materials, asbestos, etc. is inside of that pile. There's been no response from the owner.

Staff recommends adoption of the following motion:

The Building Board of Appeals finds that the structure and grounds at 1127 James Street constitutes a "Dangerous Building" and a blight due to the conditions and violations detailed in the 08/03/15 Building Board of Appeals Notice of Determination and Hearing. The owner is ordered to clean-up the site by September 3, 2015 and complete all demolition work by September 21, 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. The estimated costs are as follows: Estimated costs for clean-up of site are approximately \$12,500

FINDING OF FACT

Mr. Wark moved the Finding of Fact as follows:

1. The Finding of Fact for 1127 James Street shall include all information included in the notice of public hearing dated August 3, 15. Shall be as stated in the summary read by Mr. McNutt.

Mr. Hyde supported the Finding of Fact.

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

Mr. Wark moved to approve the application, to accept the Staff Recommendations supported by Ms. Servis.

Motion approved by roll call vote unanimously.

There was a discussion regarding prioritizing the demolitions, would this property be considered a higher priority even though it's already down. Mr. McNutt commented on the safety issues that take priority. He commented on the statement the owner/landlord cannot receive rent on this property is to protect the renters from having to pay rent on a property that isn't livable.

ANNOUNCEMENTS

ADJOURNMENT

Mr. Wark moved to adjourn the meeting and was supported by Mr. Hyde.

With a unanimous vote the meeting was adjourned at 2:37 p.m.

Submitted by: Deanna Benthin Date 10/15/15
BBA Recording Secretary
Deanna Benthin

Reviewed by: Robert McNutt Date 10/15/15
Building Official
Robert McNutt

Approved by: Richard Emig Date 10/15/15
BBA Chair
Richard Emig