

**MINUTES
BUILDING BOARD OF APPEALS
July 20, 2017 @ 2:00 p.m.
City Commission Chambers**

CALL TO ORDER

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

ROLL CALL OF BOARD MEMBERS

Members Present: Richard Emig, Chair, Gary Wark, Linda Servis, Emily Parfet, Lyndia Bruckbauer

Members Absent: David Hyde, Charles Kiplinger, Gary Wark left early

City Staff: Robert McNutt, Building Official; Karleen Steppenwolf, Recording Secretary

NEW BUSINESS

APPROVAL OF PREVIOUS MINUTES

Ms. Parfet, seconded by Mr. Wark moved to approve the minutes of June 15, 2017 as submitted, approved by voice call vote.

APPROVAL OF AGENDA

Ms. Parfet, seconded by Mr. Wark moved to approve the agenda as submitted.

Motion approved by roll call unanimously.

INITIAL HEARINGS

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

726 Hawley St

This house and garage, which is 24' X 24' are located in a Residential District (Use Zone RM-15) in the Northside neighborhood. The 44' X 91' (0.092 acre) property contains a 1,384 square footage 2 story residential built in 1912. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

Mr. McNutt stated that enforcement action has been on going from 9/27/2012 through 5/22/2017. There are back taxes owed on this property as well. The house and garage are badly deteriorated and the garage has collapsed and is full of debris. Staff recommends the board find this property to be a dangerous and blighted property and requires the owners to make repairs or demolish.

Mr. Brian Keys, the owner, was present to represent this property. Mr. Keys stated that he has not been in touch with Mr. McNutt regarding the blight to this property. Mr. Keys stated that the garage has been removed and he had pictures to show the board.

Mr. Emig asked Mr. Keys about the back taxes and when those would be taken care of and would like a timeline when that would happen. Mr. Keys stated he would start paying on the back taxes as soon as possible.

Mr. Keys stated that he has an interest in the property and would like to fix it up to live in it himself. Mr. Keys stated that he knew nothing about the enforcement action until the neighbors told him the City had posted the hearing notice on the house.

Mr. McNutt asked Mr. Keys if he was aware of the condemnation of the house. Mr. Keys stated that he wants to find out what is needed to fix the violations and he will pull the proper permits. Mr. McNutt asked Mr. Keys about the demolition permit for the garage. Mr. McNutt also asked Mr. Keys if he was aware of the notices sent that started in 2012. Mr. Keys stated that he took possession of the property in 2015. Mr. Keys stated no one is currently living in the home and he resides somewhere else.

Ms. Bruckbauer asked Mr. Keys if he would need an extension on completing the repairs. Mr. Keys has until 7/28/17 to meet with Mr. McNutt with a plan and to pull necessary permits. Ms. Bruckbauer voiced her concern that anything could be done to save this house. Mr. Keys stated that he would do whatever he could to save the house.

Mr. Emig asked Mr. McNutt his opinion on a time frame. Mr. McNutt stated that the City is torn because we have been sending out notices to Mr. Keys for several years now and have not gotten a response and it would be hard to give him too much leeway on an extension. Mr. McNutt would like to see some progress in the next 30 days. Mr. Keys restated that he wants to take care of the property so it's not an issue with the City any longer. Mr. Keys thought that the garage was the main problem. Mr. Keys stated that he has priced wood to fix the exterior of the house. Mr. Keys stated that he is now aware of what needs to be done.

Structural and exterior repairs for the house and garage are estimated to cost approximately \$80,000. Estimated costs for demolition are approximately \$14,500. The 2017 SEV is \$24,100. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$14,240 and that of the entire property \$47,575.

There were no comments from the public.
Chair Emig closed the public hearing.

FINDING OF FACT**Ms. Parfet moved the Finding of Fact as follows:**

1. The Finding of Fact for 726 Hawley St shall include all information included in the notice of public hearing dated 6/22/2017 and the summary information.

Ms. Bruckbauer seconded the Finding of Fact.

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

Ms. Bruckbauer moved to approve the application, to accept the Staff Recommendations as stated with the understanding that Mr. Keys will have a plan of action and obtain needed permits by 7/28/2017 with an extended completion date of repairs by 9/21/2017, seconded by Ms. Parfet.

Motion approved by roll vote unanimously.

416 Parsons St

This property is located in a Residential District (Use Zone M-1) in the Northside neighborhood. The 47.5'X 137.4' (0.150 acre) property contains a 1,416 square footage 2 story residential building with garage built in 1885. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

Mr. McNutt stated this property is in bad shape and the garage has suffered a fire. The blight started in 2016 and has continued to present. Mr. McNutt stated that there is no insurance and is an abandoned property. Staff recommends that the board find this property to be a dangerous and blighted property and require the owners to make repairs or demolish.

No one was present to represent this property.

This property is located in a Residential District (Use Zone M-1) in the Northside neighborhood. The 47.5'X 137.4' (0.150 acre) property contains a 1,416 square footage 2 story residential built in 1885. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

There were no comments from the public.
Chair Emig closed the public hearing.

FINDING OF FACT**Ms. Servis moved the Finding of Fact as follows:**

1. The Finding of Fact for 416 Parsons St shall include all information included in the notice of public hearing dated 6/22/2017 and the summary information.

Ms. Parfet seconded the Finding of Fact.

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

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

Motion approved by roll vote unanimously.

716 W Walnut St

This property is located in a Residential District (Use Zone RM-15) in the Vine neighborhood. The 48'X132' (0.145 acre) property contains a 1,086 square footage 2 story residential built in 1920. Nearby uses are residential dwellings and commercial. There are historic considerations for this property.

Mr. McNutt stated that a fire did extensive damage to the property and unfortunately it took the life of Mr. Hull. Mr. Hull was living there with one of his daughters. Mr. McNutt stated that he doesn't think this property can be saved and there was an issue with hoarding, which caused some of the issues with the fire itself. Mr. McNutt stated that he has spoken with the other daughter a couple of times and she would not leave any contact information. There is also a loan that was taken out on the property through a nonprofit organization for roof repairs and front steps. The daughter that Mr. McNutt spoke with thought there was insurance due to the loan against the property. Mr. McNutt stated that he has not found any insurance on this property and there is no fire escrow on file. It was Mr. McNutt understanding that the family was going to take care of this, but they have not. This property is not only an eye sore, but it also stinks. Staff recommends that the board find this property to be a dangerous and blighted property and require the owners make repairs or demolish. Mr. McNutt stated the he has acquired the funds through Community Planning & Development to take the property down. This Demolition would not go through the whole purchasing process because we have the funds to take this property down as soon as possible.

Structural and exterior repairs for the building are estimated to cost approximately \$65,000. Estimated costs for demolition are approximately \$13,000. The 2017 SEV is \$22,600. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$18,574 and that of the entire property \$44,630.

Mr. Danny Higgs, resides at 712 W Walnut St, was present to speak about this property. Mr. Higgs stated that no one has worked on this property since the fire. Mr. Higgs stated he would like to see this house demolished, he cannot open his windows due to the horrible smell.

Chair Emig closed the public hearing.

FINDING OF FACT

Ms. Bruckbauer moved the Finding of Fact as follows:

1. The Finding of Fact for 716 W Walnut St. shall include all information included in the notice of public hearing dated 6/22/2017 and the summary information.

Ms. Servis seconded the Finding of Fact.

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

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

Motion approved by roll vote unanimously.

4032 Kent St

This property is located in a Residential District (Use Zone RS-5) in the Oakwood neighborhood. The 44'X175' (0.177 acre) property contains a 684 square footage 1 story residential built in 1941. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

Mr. McNutt stated that this property sustained a fire and there is some issued with the roof and a tough one to save. Mr. McNutt stated he has spoken to the owner and the owner wanted his money back from the fire escrow. There is a fire escrow of \$7,873.00. That is the only contact Mr. McNutt has had with the owner. Staff recommends that the board find this property to be a dangerous and blighted property and requires the owners make repairs or demolish.

Structural and exterior repairs for the house are estimated to cost approximately \$62,000. Estimated costs for demolition are approximately \$9,000. The 2017 SEV is \$25,700. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$17,428 and that of the entire property \$50,940.

There were no comments from the public.
Chair Emig closed the public hearing.

FINDING OF FACT

Ms. Parfet moved the Finding of Fact as follows:

1. The Finding of Fact for 4032 Kent St shall include all information included in the notice of public hearing dated 6/22/2017 and the summary information.

Ms. Servis seconded the Finding of Fact.

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

Ms. Servis moved to approve the application, to accept the Staff Recommendations as stated, seconded by Ms. Parfet.

Motion approved by roll vote unanimously.

521 Harding Place

This house and garage are located in a Residential District (Use Zone RS-5) in the Vine neighborhood. The 59' X 132' (0.179 acre) property contains a 1,270 sq. ft. 2 story residential building built in 1926. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

Mr. McNutt stated this property has been under enforcement since 2011 and has sustained a fire, which has done an extreme amount of damage to the structure. The garage is in poor shape also. Mr. McNutt stated that Mr. Vogt had been in contact with him and wanted to donate the property to the City and that there was fire escrow funds for this property. Mr. McNutt stated that the City is not interested in owning this property and there are no fire escrow funds on record. Mr. Vogt stated there was insurance on this property, but no insurance has been located. Mr. McNutt stated that this house fire was arson. Staff recommends that the board find this property to be a dangerous and blighted property and requires the owners make repairs or demolish.

Structural and exterior repairs for the building are estimated to cost approximately \$85,000. Estimated costs for demolition are approximately \$12,500. The 2017 SEV is \$0.00. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$8,987 and that of the entire property \$40,887.

There were no comments from the public.
Chair Emig closed the public hearing.

FINDING OF FACT**Ms. Servis moved the Finding of Fact as follows:**

1. The Finding of Fact for 521 Harding Place shall include all information included in the notice of public hearing dated 6/22/2017 and the summary information.

Mr. Emig seconded the Finding of Fact.

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

Ms. Servis moved to approve the application, to accept the Staff Recommendations as stated, seconded by Ms. Parfet.

Motion approved by roll vote unanimously.

ANNOUNCEMENTS

ADJOURNMENT

Mr. Emig moved to adjourn the meeting and was seconded by Ms. Parfet.

With a unanimous vote the meeting was adjourned at 3:00p.m.

Submitted by: Karleen Steppenwolf Date 9/21/17
BBA Recording Secretary
Karleen Steppenwolf

Reviewed by: Robert McNutt Date 9/21/17
Building Official
Robert McNutt

Approved by: Richard Emig Date 9/21/17
BBA Chair
Richard Emig