

Construction Board of Appeals

Regular Meeting Minutes

Wednesday, June 1, 2016
3:00 PM, Conference Room A
City Hall, 539 Phoenix Street



1. **Call to Order** – Chair Morse called the meeting to order at 3:00 p.m.

2. **Roll Call**

Present: Mark Dibble, Bob Stickland, Ed Morse
Absent: Larry Heinig

Also present: Ross Rogien, Building Official; Linda Anderson, Planning and Zoning Director and David Noosbond, property owner of 709 South Haven Place.

3. **Approval of Agenda**

Motion by Stickland, second by Dibble to approve the June 1, 2016 agenda as presented.

All in favor. Motion carried.

4. **Approval of Minutes** – November 18, 2015

Motion by Dibble, second by Stickland to approve the November 18, 2015 regular meeting minutes as written.

All in favor. Motion carried.

5. **Public Comment**

None at this time.

6. NEW BUSINESS

709 South Haven Place – David Noosbond, Owner

Anderson noted this has been an ongoing problem over a number of years and on February 24, 2016 staff brought this to the hearing officer who ordered that Noosbond be given until May 25, 2016 to demolish the structure but nothing has been done. Anderson noted we have convened as the city code says we must and all board members received John Brush's report. You are here now to either uphold the hearing officer's order and set a 21-day deadline for demolition of the property or to have the property fixed up and brought up to code.

Anderson added that a local attorney, John Frost, had been considering purchasing the property but emailed Anderson this morning and told her he is no longer interested in purchasing it so that option is gone.

Anderson stated that it is now up to the Construction Board of Appeals; there can be no change after the board rules. If the board rules to uphold the hearing officer's demolition order, the attorney will review the documentation and the demolition will be carried out.

Noosbond stated he thought for the last two weeks that Frost was going to buy it; that this is the first he's heard that Frost wasn't going to buy it. Noosbond stated that last week Frost was trying to get him to come and sign a buy/sell agreement but he never had time to sign it.

Stickland commented, "That's a moot point now," and questioned whether the applicant has any reason why the house shouldn't be torn down. Noosbond stated that he wants to fix it up but he's been too busy. Stickland said this has been going on for years, Noosbond said he only heard about it in February and that he never had been told to demolish the house before.

Dibble asked the applicant why he hasn't gotten the yard cleaned up. Noosbond said he can do it, he just hasn't had time.

Stickland said in 2011 you were told to move a truck. Discussion ensued and Noosbond stated it was a different truck and the one that is currently sitting there is licensed and insured. After discussion it was noted that the current vehicle on the site is a van.

Stickland said in 2012 he was told to fix broken windows to which Noosbond responded that he did fix them.

Dibble asked when he was done working at Cook and Noosbond responded, "Three weeks ago and then I had another job but I'm caught up on the work and would like to put on the roof and sell it." After questions, Noosbond admitted he had opportunities to do the work but then he'd get busy and so he didn't do the work. Noosbond stated again that he thinks he can fix the house up and sell it; that he has the money to fix it right now.

Dibble asked about when Noosbond did the work on the part of the roof which is shingled to which Noosbond noted he did that "a number of years ago." Dibble pressed for clarification and Noosbond repeated, "A number of years ago, it was,"

Anderson noted, according to John Brush's report, repairs to the property to bring it up to code would cost more than the State Equalized Value so the property is actually worth more without the house. Noosbond asked what the value of the property would be without the house. Anderson noted that the city assessor valued the land at \$37,521.

Dibble asked about the back taxes to which Noosbond responded that there are back taxes but he has worked it out with the county to pay them. Stated he bought the house in foreclosure for about \$37,000; that he lived in it for 10 years. Anderson said John Brush now estimates that it would take nearly \$200,000 to just do the things that need doing right away to bring it into minimum compliance.

Noosbond said he has not seen the report from John Brush and was provided with a copy. Noosbond commented that the report states that it will cost \$12,000 to repair or replace exterior decks and porches and stated that there are no decks or porches. Stickland and Morse pointed out photographs in the Brush report which are of small porches to which Noosbond said, "Oh, those are concrete stoops; I can put railings on them." And referring to Brush's estimate for exterior decks and porches, Noosbond stated, "That's not correct."

Dibble asked, "Why, when you were notified in regards to the property not being maintained, didn't you do anything?" Dibble referred to Code Enforcement Officer Gomez's letters about broken windows and other repairs and debris removal that needed to be done. Dibble repeated, "Why didn't you do anything about that? There is a \$50 a day fine supposed to be levied, were you charged that fine?"

Morse referenced a letter from 2011, reading, "The structure must be repaired and brought into compliance or demolished." Noosbond claimed that he did not get the letters from 2011 or 2012, that he only got letters about windows, grass and such.

Stickland asked about the window in the east gable, noted in a letter written February 8, 2016, as well as holes in the roof, etc." Anderson stated that Noosbond he did get that; it was certified and she has the receipt. Anderson displayed a copy of the letter and the return receipt.

Morse said Noosbond received letters in 2011 and 2012 stating that the house has to be brought into compliance; a letter in 2013 noting the same thing; that the property is not being maintained; a second story window has glass missing; that there are old window frames stacked by the house. In 2014, same comment; 'not maintained, needs to be brought into compliance'. Dibble stated the house has been missing glass in the windows for a number of years. Noosbond claimed again that he didn't get the letters, stating he has all the letters he received but he didn't get those letters to which Stickland commented that Uncle Sam is not that bad.

Dibble said he drives by that property daily and there are holes in the roof to which Noosbond responded Rogien (Building Official) knows about that. Dibble continued, "The building has not been maintained for at least 10 years. It doesn't take much effort to

go over there with some pruners and take care of that.” Dibble pointed out a picture in the agenda packet which showed vines and other weeds growing up all over the house, to which Noosbond responded with a commentary on how he should have, could have gotten over there; that he did get over there and clean up some this week; that neighbors are putting brush on there and making the problem worse; that people see an empty house and they just dump brush on the property.

Stickland pointed out that Hearing Officer Kelly recommended demolition and noted that he has not heard a thing which indicates that the board shouldn't support that recommendation. Stickland asked Noosbond if he has documentation that he has “a deal” with the county regarding late tax payments and Noosbond stated that he didn't bring anything, he has it, but he just showed up without it.

Dibble pointed out that Noosbond “didn't take care of any of the zoning infractions. There is a reason for zoning in the city; it's to maintain buildings.” Noosbond agreed and said he knew that. Dibble added that if the property had been cleaned up and looked like you were going to do something this could be different. Stickland said you made a pledge to paint and repair the roof back in February. Noosbond said he went to get a permit and asked, “Was it ever issued?” Rogien said that the permit was issued. Noosbond repeated over and over that he has the money and he can do the work in a week, it's not more than he can do, that he has done roofs, he can paint it.

Stickland asked about the time frame. Anderson said he has 21 days to demolish it if the board orders that; then if Noosbond does not do that, the city will proceed with demolition. Anderson added, “There is no other local appeal; any appeal goes to circuit court.”

Dibble pointed out that Noosbond has not done anything to the property for years, adding, “You've had every opportunity to address these issues and you've just let it go. I don't know if the zoning administrator fined you \$50 a day; people would wake up early if they started being fined \$50 a day.”

Motion by Stickland to support the hearing officer's decision to demolish with a deadline of June 22, 2016. Second by Dibble,

All in favor. Motion carried.

Noosbond asked if he could get an extension. Anderson responded, “No, the city code requires that we uphold the code and there are no extensions.”

Noosbond attempted to repeat all the things he wanted to do and did not do at which point he was reminded that the hearing was over.

7. Election of officers 2016 – 2017

Motion by Dibble to nominate Morse for Chair, second by Stickland.

All in favor. Motion carried.

It was noted by consensus that Dibble will stay on as Co-Chair.

8. Adjourn

Motion by Stickland, second by Dibble to adjourn at 3:28 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary