

# Construction Board of Appeals

## Regular Meeting Minutes

Wednesday, July 27, 2016  
3:00 PM, Conference Room A  
City Hall, 539 Phoenix Street



### 1. Call to Order by Chair Dibble

### 2. Roll Call

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

Also present: Ross Rogien, Building Official; Butch Kelly, Hearing Officer; Linda Anderson, Zoning and Planning Administrator

### 3. Approval of Agenda

Motion by Stickland, second by Heinig to approve the July 27, 2015 regular meeting agenda with reversal of the items under new business.

All in favor. Motion carried.

### 4. Approval of Minutes - July 13, 2016

Motion by Heinig, second by Stickland to approve the July 13, 2016 regular meeting minutes as written.

All in favor. Motion carried.

### 5. Public Comment

There were none.

### 6. NEW BUSINESS

#### a) 416 Humphrey – Demolition Order

Alan Smith, owner of property at 416 Humphrey. Stated he lived there for 24 years and then left the property vacant for personal reasons. Knows it needs a new roof but he got a bid and but could not get a permit for some reason or other. Smith added that he

knows the house is filthy and needs to be cleaned out. "It's structurally sound," Smith said of the house to which Kelly commented, "Other than the back roof," which Smith agreed with. Smith stated that the back porch roof is part of the estimate from the roofing contractor, who Smith said was ready to begin but was held up because he could not get a building permit.

Dibble asked Smith's plans for the house.

Smith enumerated the things that he knows he needs to do: a new roof, structural repairs to the back porch roof, gutting the house (removing all furniture, clothes, etc.) and repair soffit and fascia.

Dibble said the appellant has cleaned up the yard and has a contract to rebuild the back porch and reroof the house, which Dibble saw.

Concern was expressed that Kelly was not able to go in and inspect the interior. Smith said my exact words to Mr. Kelly were, "I'm embarrassed about the condition of the house and I'd rather you not go in." Kelly noted that is correct and added that Smith allowed him to walk around the outside of the house. Smith added that he had bushes removed, trees trimmed, and yard cleaned up.

Stickland questioned Mr. Brush's estimate and the expenditures that he shows need to be done; the amount of money to get everything done that needs to be done. Anderson explained that this is a normal part of the review that is done.

Rogien pointed out that Brush was unable to access the house to inspect the interior systems. Dibble added that Brush is probably using a square footage method to come up with figures. Dibble commented that the house looks pretty square.

As discussion continued regarding the roof and structural repairs, Smith added that there are three layers of shingles on there, so he knows the city wants him to go all the way down to the bare wood and reroof. Smith explained that the dumpster is there, and he is going to have to make a payment on it because he's had it longer than he thought, and his contractor can start as soon as Smith can get the permit.

Dibble asked when Smith thinks the interior can be cleaned up and Smith responded that he plans to put in for vacation for a week and go in there and throw all that away, Mentioned that he has to give his work a two week notice to take time off. Mentioned getting a bid from ServPro or if that is too expensive, do it himself, with the help of his kids.

Stickland pointed out that this is the last stop. "If you don't get it up to code and safe, how can you give us that assurance?"

Smith said the roof will be on by the next two weeks.

Stickland asked why Brush called for all new windows. Smith noted that some of the windows are new double pane windows, which Dibble noted are aluminum clad.

While discussing painting the exterior, Dibble said someone could mask those windows off and spray that. Smith said he got a bid which was \$3,500, which was steep for him.

Dibble reminded that conditions can be added to any motion that is made. Stickland asked about what conditions. Kelly said such as a date to secure the permit and get the roof on by August 31, 2016.

Kelly noted that exterior trim on the older windows needs to be repaired or replaced and Anderson suggested the board make that part of the contingencies.

Stickland asked what happens if we give Smith a finish date and nothing gets done by that time. Anderson responded that the board needs to be specific about what you want him to do. How much work has to be done by August 31, put in that if this is not done the city will go forward with demolition.

Dibble asked Smith whether he can get that done by August 31. Smith explained he has to give two weeks' notice to take time off but he has two weeks leave coming and one day a week off from work; he will scrape the windows himself. Stickland asked if he plans to replace those windows to which Smith responded that he does not plan to replace windows. Dibble noted that any windows with peeling paint will have to be addressed to which Smith noted that if that is deemed necessary he will get that done.

In response to a question about utilities, Smith said he just paid off the utility bill and noted that the water has been turned off so he could repair a pipe.

Motion by Stickland to defer demolition contingent on replacement of the roof, repair and painting of the trim of six windows and rebuilding of the back porch by August 31, 2016.

Smith noted that he couldn't get a permit so he is asking for a permit. Anderson noted Smith did not allow access to the house; that is why the permit was held up. Smith said that the last meeting was June 22 when the Aug 31 was set. Anderson said one thing you can do if you want to give him deadlines, specify when the permit will be pulled, when the roof has to be done, if they miss those steps he defaults.

The board agreed to add to the motion that the permit be obtained by Aug. 1, 2016; roofing completed by Aug. 31, 2016 including repairs to back porch and reroof all; and windows scraped, repaired and painted by September 14, 2016.

The final motion:

Motion by Stickland to defer demolition contingent on a permit being obtained by August 1, 2016; back porch repairs and complete reroof finished by August 31, 2016 and repair and painting of the trim of the six older windows completed by September 14, 2016.

Second by Heinig.

A roll call vote was taken.

Ayes: Heinig, Stickland, Dibble.

Nays: None

Motion carried.

b) 310 Edgell – Demolition Order

Louis Proctor, owner of 310 Edgell, was present.

Dibble asked if owner is working on the house. Proctor has not been working on it recently.

Heinig inquired whether utilities are on to which Proctor responded that the water is not but the electric is.

Discussion followed regarding the electrical panel being off, referencing a photo taken by John Brush as part of his review of the cost of repair of the house. Proctor said that is an old panel; there was a fire and the house has been rewired. Proctor noted that the city inspector was there through all the work.

Dibble pointed out the photograph of dry rot in the floor joist noted by John Brush in his review. Dibble asked about past permits and Rogien stated there has been no permit issued to this property in his time contracting with the city, which began in 2007. Dibble noted that a permit expires in one year regardless.

Proctor said he was having work done on the house but then his contractor died. Since then Proctor has had the house reroofed.

Heinig asked about the condition of the furnace. Proctor said the gas meter is gone. Proctor stated he cannot answer the question about the condition of the furnace but thought the furnace probably would have to be replaced.

Rogien pointed out that people are getting in the house. Proctor responded that people are breaking into the house. Kelly asked if there has been a police report to which Proctor responded there has not. Proctor noted that he has locked up the house and he is getting ready to put a lock on the Bilco © (basement access) door. It was noted that there is no access from the basement to the main floor of the house.

Dibble asked what repairs Proctor plans to do to which Proctor responded flooring, painting, clean out whatever is in there. Dibble asked for a schedule. Proctor said he has no schedule at this time and noted that the wiring, insulation and dry wall is new, then amended that with newer. Discussion ensued regarding the fire, work that was done, whether permits were pulled, whether inspections were made.

Rogien pointed out that the Code Enforcement Officer has sent numerous letters about the house being insecure. In response to a question about how people are accessing the house, Proctor said they broke in the side door and stated that he has deadbolts on all the doors.

Dibble asked about damage, referring to the graffiti. Proctor said he doesn't know who is doing that. He hasn't filed a police report but said the house has been broken into.

Proctor stated he will clean out all the junk, referencing a photo with a bike, a Weber grill and miscellaneous debris. The junk will be put in the junkyard.

In reference to comments about the floor joists condition and the flooring, Proctor said the floors are newer; he does not know about the joists.

Dibble referenced a photo of the electric meter and wiring on the outside of the house, noting that the electrical is installed according to residential code; conduit is not required on residential; and noted that the wire rubbing on the roof is not good. Proctor stated that the city did the electrical, to which Dibble responded that the owner is responsible for the wiring from the meter to the weather head (which includes the area of wiring rubbing on the roof).

Dibble said Proctor not having a plan is a concern. Proctor said he has a plan but the guys he had lined up are not available; one is going to England soon.

Proctor said he's thought about putting in a security system. Proctor said they damaged the door to get in; ripped the casing. Dibble said this looks like a newer door. Anderson explained that the black and white pictures were from 2008 so "newer" is pre-2008.

Stickland repeated that he is concerned about the condition of the floor joists.

Dibble noted that the first issue is whether there is a permit. Anderson went to check when the last permit was issued.

Rogien asked if the gas service is live and Proctor said no. Rogien would like to look at the floor joists with the owner.

Dibble asked about how long a construction project can go on. Rogien explained that 180 days of inactivity means a new permit must be granted.

Stickland asked how long Proctor has owned the property to which Proctor responded that he has owned it for 30 years.

Anderson returned and noted city files indicate that the last permits were pulled in 2004 but do not appear to be finalized. An explanation regarding the city's record keeping system was offered.

Proctor said he is concerned about the issues with the floor joists. Dibble asked what Proctor's schedule is to get it done. Kelly interjected "done" means it needs to be livable. Discussion ensued regarding what has to be done to get an occupancy permit. Between Rogien and Kelly it was explained that there has to be a working kitchen and a working bathroom, utilities and functioning furnace.

Proctor said he needs to look at the flooring before he can decide what needs to be done. Stickland said we can give you until Labor Day to do all the repairs. Proctor asked, "A month to get all that done? It will take a month to get a contractor lined up." Dibble said Proctor is right, contractors are very busy. Anderson said according to the building department record system the fire occurred sometime in 2004; that was 12 years ago.

Dibble commented that "the board is not going to give you 12 more years to finish it. The building official needs to look at the floor joists with you. Do you have the time and money to complete this in a timely fashion?"

Heinig said we need to set some deadlines. Secure the building by Friday. Kelly asked how many police calls there have been on the property. Anderson stated she does not have access to those records but knows there have been multiple times. In response to a question from Kelly, Proctor said he does not have insurance on it because he was turned down by the insurance company due to the house being unoccupied.

Discussion turned again to setting a schedule. Anderson said, "We have to have dates set." Dibble noted that the appellant might not be able to line up a contractor in two months. After discussion the following motion was put forward:

Motion by Heinig, second by Stickland that the building at 310 Edgell be secured by Friday, July 29; that inspection of mechanical systems and floor joists be done by Friday July 29 and that any repairs required be done by November 1, 2016. A permit will need to be taken out for all work deemed necessary based on the building official inspection today. The house will need to have operable heat, water and electrical; an operable kitchen and bathroom. Evidence of approval following inspections of plumbing, mechanical and electrical are conditions necessary for the required occupancy permit to be issued.

All in favor. Motion carried.

Anderson explained that if it is not deemed economical to repair the house, it is cheaper to demolish it yourself than have the city do it due to possible attorney and administrative fees.

Anderson said next we will have 312 Edgell, which is next door to this one. Noticing has taken place to both the last addresses on file for the original owner, then to the bank which had repossessed it. The hearing officer gave a deadline for demolition of Aug 5, 2016 and if that passes without the owner demolishing the house, Anderson would like to set up a meeting for Wednesday, September 14, 2016 at 3:00 p.m. Anderson will see if she can establish a quorum for that date and will get information out to the Construction Appeal Board.

## **7. Adjourn**

Motion by Stickland, second by Heinig to adjourn at 4:02 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary