

**MINUTES
BOARD OF DEVELOPMENT APPEALS AND REVIEW**

9/26/07

Attendance: Steve McCarthy, Bob Brandt, Rich Huffman, Bob DeMersseman, Gary Renner, and Lloyd LaCroix. Absent: George Dunham and John Brewer.

City staff present was as follows: Assistant City Attorney Joel Landeen, Building Official Brad Solon, Code Enforcement Officers Jim Martz, Tom Kurtenbach, and Andy Chlebek, and Legal/Administrative Assistant Maggie Paul.

APPROVE MINUTES OF PREVIOUS MEETING

Huffman moved to approve the minutes of the September 11, 2007, meeting. Second by DeMersseman. Motion carried.

SET MEETING AGENDA

Huffman moved to approve the agenda. Second by DeMersseman. Motion carried.

**HEAR APPEAL OF DEBNHADS INVESTMENTS, LLC REGARDING
SUBSTANDARD CONDITIONS AT 722 5TH STREET.**

Building Official Brad Solon gave the Board the history on this property. He said there was a substandard complaint in 2004. At that time, the City did an inspection and various things were written up. The foundation wall was cracked and was heaving in. It did not appear that the wall was attached to the house. The owners were told to either replace the wall or have an engineer design and fix it. Just recently there was another complaint from another tenant. Once again, the same inspector went to the property, and Solon said the wall is worse than it was originally. The epoxy was good but it pulled away from the concrete. The owners were written up again. Staff received another letter from the same engineer that sets forth the same fix as was done previously. Staff is reluctant to allow the suggested fix because it was tried once and did not work. Staff thinks that the time has come to remove the wall and replace it. The letter from the engineer said the fix should be monitored and if it does not work this time, then the recommendation would be to replace the wall. There is only seven to eight feet between this building and the next building. The Hadcocks also own the building next door. DeMersseman said it is unlikely that any major repairs could be done this fall. The crack is four inches at its worst point and is in the middle of the wall. It is an eight inch concrete wall with no rebar in the wall. Some water has gotten into the building. There are some small fracture cracks in some of the other walls, but those cracks are fine. Huffman said he is inclined to grant the appeal. If the crack gets worse, we will deal with it then. Huffman moved to grant the appeal. Second by DeMersseman. Brandt asked that there be a friendly amendment to include that once the repairs are done, the engineer sign off on the repairs and that a letter be sent to the City stating that

the repairs were done in an acceptable manner as outlined and that the engineer will do a follow up inspection in six months. The amendment was approved by the motion maker and seconder. Landeen said the wall was not the only issue. There were also some electrical issues and other issues. This motion deals only with the wall. A vote was taken on the motion as amended and the motion carried. Hadcock said the house is clean and the storm doors are working perfectly. He has a signed lease agreement from the renter, and he agreed to the fact that everything on the checklist is satisfactory. He is the tenant that damaged the property. There was a complaint a year ago from an unhappy renter. The area downstairs is uninhabitable. It is a storage area. The inspector from the City told him with regard to the electrical work downstairs that if he wanted to do that work, no permit would be required because it is such a small amount of electrical work. He did add a 220 window air conditioner and was informed that regardless of anything he was told, he does need a permit for that. If he needs to have a plumber go over and do a brief inspection and strap down some wires, he is glad to do so. The present renter will be out of the property as of October 1st. A motion was made by Huffman to give the owner two weeks after the tenant is physically out to get the remainder of the issues fixed. Second by Brandt. An inspection will be done at that time to confirm that the work has been completed. Motion carried.

HEAR APPEAL OF JUSTIN LENA REGARDING DEMOLITION OF 3706 CANYON LAKE DRIVE.

Building Official Brad Solon said there have been several complaints of substandard conditions on the housing on this property over the past several years. The inspector has gone out various times and verified that there are substandard conditions. He visited with Mr. Lena about what was going to occur. Mr. Lena got a building permit and did some renovations on the property. One of the cabins is occupied and finished. That building permit has now expired. Later on, there was another substandard complaint from one of the neighbors next door. That person said there was no work being done and the project had been abandoned. Staff spoke with Mr. Lena, and he got another building permit. This was approximately one year ago. Staff sent out a certified letter recently ordering him to demolish the remaining structures that have not been taken care of on the property, and Mr. Lena is appealing that. Solon said the first building permit was taken out in 2004. Mr. Lena handed out a letter that summarizes his position. He said there are four buildings total. He does not contest a lot of the complaint. He has a history of renovating dilapidated properties. He said he contracted West Nile Virus in 2004 and that put him behind. He said it took him about a year to recover. He admits he got discouraged on the whole thing. He has now accomplished completion of the first unit. The third unit has several problems with it. He would ask that he have an opportunity to meet with an inspector and go through the same process he has gone through on several of his other apartments to decide what is the best way to get it up to a reasonable level. These are all old buildings. The middle one is now occupied. He would like to demonstrate that he can quickly pull this situation together. The corrections on the larger unit are pretty minor. He plans on redoing the entire exterior. He would propose a timeline of 45 days for the exterior of the third unit. Brandt said he did an inspection of the property, and the third building has to go. It is

moldy. There is nothing left of it. There is no foundation underneath it, and it cannot be remodeled. The front porch on the big house is rotten. There are holes in the roof. There has to be water damage inside and mold inside. The eaves all the way around are rotten. The front two buildings look decent. He did not see a building permit on the premises. He would suggest giving him 45 days to remedy the big house and have him tear the little one down. Brandt said the property should be fenced and made safe so no one can come onto the property and get injured. Solon said if staff thought the property could be fixed, Mr. Lena would have been told that. Staff is not comfortable giving him a time extension. He has had plenty of time to do it, and the City wants it taken care of immediately. The longer that the property remains the way it is, the more complaints the City is going to get. Huffman said he thinks this Board should give Mr. Lena two weeks to meet with the City and come up with a plan and 45 days to get the work done. If the work can't be done, then the property should be demolished. Landeen said what the City tries to avoid is for our staff to go out and tell the property owner what needs to be done. Mr. Lena should hire a contractor to tell him what needs to be done, and the City's only role should be to go out and do an inspection. Mr. Lena said with old buildings like these, they never get entirely up to code. The question is how close can it come to a safe and reasonable situation under the circumstances that currently exist. He would like to do a total remake of the exterior on the third unit and would therefore like to extend that out past the 45 days. Brandt said if the entire building is torn down, then everything has to be brought up to the current code. Landeen said it appears that Mr. Lena is trying to get around the non-conforming issues by not completely tearing the structures down. Brandt moved that the City order the demolition of the small unit and give Mr. Lena 45 days to get the exterior of the bigger house safe with a nice appearance. Motion died for lack of a second. LaCroix said he would request Mr. Lena to work with the Building Inspection Department and find out what needs to be done to the property. Solon said Mr. Lena has a letter telling him what needs to be done. Mr. Lena said there are differing opinions about whether the property can be saved. Huffman moved to give Mr. Lena 45 days to have all issues on the property resolved to the satisfaction of the City and if that does not happen, the property will be demolished without further appeal. Second by DeMersseman. Solon said the City would rather not have to be the ones that have to determine whether or not Mr. Lena has the issues resolved in 45 days. Huffman said he would think about changing his motion to give Mr. Lena two weeks to get an engineer's report satisfactory to the City that says the third unit can be saved. Landeen said any building can be saved but the question is how long is it going to take. After further discussion, a vote was taken on the motion and the motion passed with DeMersseman, Huffman, and McCarthy voting "yes" and Brandt and Renner voting "no."

UPDATE ON GARAGE LOCATED AT 1109 WOOD AVENUE.

Solon said Tom Dunn was sent a letter on a substandard garage off the alley. In August, this Board determined to give Mr. Dunn 30 days to get the work done or the garage would be demolished. In 45 days, Solon came before this Board and reported that at that time the only work that had been done was that the shingles had been removed. The Board ordered the garage to be demolished. The demolition of the shed

was set for October 5, 2007. In the meantime, Mr. Dunn has painted the garage and re-roofed it. He put a new door on the garage and cleaned out the eaves. The roof is still swaying in the middle and the gas meter is still present. Brandt said he met with the gas company at the property. The gas line does not go under garage, so the gas company said there is no reason to remove the line. They will come out and put a safety barrier around the meter. Brad asked the Board if it is comfortable with the work that has been done. He said the swayed roof needs to be fixed. Brand moved to give Mr. Dunn 21 days to get the roof shored up. Second by Huffman. Motion carried. LaCroix said he would direct Mr. Dunn to speak with Barbara Garcia in the Community Development office regarding funding to help him with this work. A vote was taken and the motion carried.

The meeting adjourned at 11:00 a.m.