

OAK RIDGE BOARD OF BUILDING
AND HOUSING CODE APPEALS

MINUTES

DATE: August 8, 2013

LOCATION: Municipal Building Training Room

PRESIDING: Bruce Leforce

PRESENT: Bruce Leforce, Joseph Lee, Amy Seiber, Philip Nipper, Hugh Ward, Aaron Wells, John Russell

PRESENT: City of Oak Ridge: Matthew Widner, Citizens: Barry Cox and Neighbors; Patricia Warren, Gary Williams and Media

ABSENT:

- I. Meeting Started 3:00pm - Ms. Amy Seiber took the Roll.
- II. July 11, 2013 Minutes: Philip Nipper requested an adjustment regarding Case 13-04 to minutes, Motion to approve by Joseph Lee and seconded by John Russell. Motion passed unanimously.
- III. Hearing of Cases:
 - a. **Case# 13-04 – 1021 Oak Ridge Turnpike Oak Ridge, TN 37830** (2nd HEARING) Known as: Price Florist Legal Address: Subdivision: BLOCK 18CD PARCEL 31 100 HC 43.00 ZONING: B2 (Building Owner: Patricia Warren of 560 Caryonah Road Crossville, TN 38571) Complaint: This vacant commercial structure has been declared unfit for human occupation and use per ORPMC §13-205(3) because (a) Defects in the structure which increase the hazards of fire, accident or other calamities. (b) Dilapidation and decay exists. (f) Structure in severe disrepair. (g) Lack of adequate facilities for egress in case of fire or panic. The BBHCA decision to order repair or demolition was tabled for 30 days to allow the owner time to sale damaged property or show plan of demo or repair. Matt Widner re-introduced the case from the original hearing recapping previous hearings leading up to date. Patricia Warren (building owner) disclosed she was working with several offers from interested buyers narrowing the field to 3 solid bids and asked for more time to decide outcome. Board questioned if building has been secured and if there were further complaints to the city. Mr. Widner summarized activities and confirm minimal complaints were only limited to the building overall appearance. Bruce LeForce asked if the BBHCA need to take any action. Mr. Widner provided §13-204(3)(c) that specifies extensions of time request should not exceed ninety (90) days and indicated the BBHCA could allow one (1) last extension. Patricia said she would agree to do exterior building repairs if required. Further discussion of the building condition. John Russell made motion to table for 30 more days to allow for possible sale, remediation or demolition motion seconded by Joseph Lee. Discussion – Mr. Lee reminded the owner (Patricia Warren) that she must provide hard documents as previously directed. Patricia agreed. Vote passed 6 ayes and 1 nay (Aaron Wells).

Continued

IV. Unfinished Business

- a. **Case# 13-07 – 140 Windham Rd. Oak Ridge, TN 37830** Legal Address: Map: 104C Grp: C Ctrl Map: 104C Parcel: 029.00 PI: S/I: 000 Subdivision: BLOCK 0C04 LOT 0055 (Owned by: MILLER, KATHY C of 140 Windham Rd, Oak Ridge, TN 37830). Complaint: Unfit for Human Occupation or Use – Matt Widner re-introduced the case and reminded the Board of recently modified BBHCA rules recognizing large number of neighbors was in attendance wanting to speak on the case. Mr. Widner provided several photos of both the interior and exterior condition of the property and offered inspection findings as requested at the last BBHCA meeting. Mr. Widner concluded saying by his observation, the cost of remediation did not appear to exceed 50% of estimated value of the property and this case did not constitute a demolition order despite popular support by neighbors to demolish the building. Bruce LeForce called for citizens/neighbors present to speak in the same order which they signed-in to speak (see attached sign in sheet). All citizens/neighbors which spoke ultimately supported a demolition order for a variety of reasons and elaborated on past disappointment/dealings with owner's representative. Mr. LeForce closed public discussion and opened the floor to owner's representative (Mark Scarborough & Paulette Zinski) to make comment and present owner's case. Mr. Scarborough provided a detailed remediation plan in phases to not exceed 3 months utilizing several volunteers from the owner's church organization. Paulette offered her commitment to seeing all work is done as quickly as possible and provided assurance that her daughter's family would be good residents. Questions regarding what City permits were required were answered by Mr. Widner. Hugh Ward questioned Mark Scarborough about the costs associated with his presented remediation plan. Mr. Scarborough estimated with his volunteer labor in place, he believes cost of remediation would be around \$20,000.00. Mr. Widner clarified licensed contractor laws that would apply to this property should ownership remain as is. Joseph Lee summarized purpose of the BBHCA and made motion that the structure be ordered demolished within sixty (60) days in accordance to adopted City Ordinances. Seconded by Aaron Wells. BBHCA discussion, of cost of repair vs estimated value of structure after reviewing all evidence as presented does indicate more than 50% of estimated value of the structure and should be demolished as well as several other reasons noted pursuant to the adopted codes. Motion passed unanimously.
- b. **Case# 13-06 – 109 Jellico Ln. Oak Ridge, TN 37830** Legal Address: Map: 099J Grp: E Ctrl Map: 099I Parcel: 011.00 PI: S/I: 000 Subdivision: BLOCK 0C09 LOT 0036 (owned by: WILLIAMS, PAUL H ETUX C/O GARY WILLIAMS of 461 Raccoon Valley Rd Powell, TN 37849) Complaint: Unfit for Human Occupation or Use and an order to demolish nuisance structure. Based on a request by Gary Willams and the agreement of the BBHCA to rehear this case, Matt Widner provided background about the owner's participation in the CDBG Voluntary Acquisition Program but owner elected not to sale the property based on a non-agreement on price. Mr. Widner provided photos and further explanation of the City's efforts to serve notice of both violation and the original complaint of hearing. Mr. Widner indicated the City is willing to reopen CDBG negotiations if Mr. Williams would agree participate in good faith. Gary Williams challenged the order of demolition and further asserted he did not really have any legal right to sale the house as it belonged to his father. Joseph Lee questioned Mr. Williams about current ownership status. Mr. Widner indicated that when a Title Opinion and Appraisal is conducted for the second time as required due to significant time past, it would reveal legal authority to sell and at what price to be offered. Joseph Lee made motion to suspend the order for demolition for (thirty) 30 days to allow for possible CDBG sales agreement to take place. Seconded by Hugh Ward. Discussion – None. Motion passed unanimously.

V. New Business
none

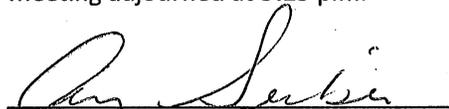
VI. Public Comment & Communications
none

continued

Board of Building and Housing Code Appeals
August 8, 2013
Minutes

Being no further business, Joseph Lee made motion to adjourn, seconded by Philip Nipper. No Discussion, motion passed unanimously.

Meeting adjourned at 5:15 p.m.

A handwritten signature in cursive script, appearing to read "Amy Seiber", is written over a horizontal line.

Amy Seiber
Secretary