

OAK RIDGE BOARD OF BUILDING
AND HOUSING CODE APPEALS

MINUTES

DATE: July 11, 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 and Media

ABSENT:

- I. Meeting Started 3:00pm - Ms. Amy Seiber took the Roll.
- II. June 13, 2013 Minutes: Motion to approve by Joseph Lee and seconded by Hugh Ward. 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 1st hearing recapping has was ordered and completed to date. Patricia Warren (building owner) disclosed she was working with 3 offers from interested buyers and asked for more time to decide outcome. Board questioned how much time was being requested. Patricia said her realtor believes it would be very soon. John Russell made motion to table for 30 more days to allow for possible sale, remediation or demolition motion seconded by Aaron Wells. Discussion – Mr. Nipper reminded the owner (Patricia Warrren) that the building is unfit for human occupation and use and emphasized the standing water condition in the basement be removed. Patricia agreed. Joseph Lee indicated the last board hearing required a plan to remediate, demolish or produce a sales agreement. Bruce Leforce clarified with Mr. Russell the original motion was to extend the original board order to allow 30 more days for Ms. Warren to provide what was required in the previous board order. Vote passed unanimously. Aaron Wells reminded Ms. Warren she needed to bring one of the three items the next month and address standing water issue in the basement.

Bruce Leforce modified the order of hearing cases to accommodate for citizens in attendance – no objections

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- b. Case# 13-07 – 140 Windham Rd. Oak Ridge, TN 37830** Legal Address: Map: 104C Grp: C Ctrl Map: 104C Parcel: 029.00 Pl: 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 introduced the case explaining the owner is currently medically incapable of taking care of this property. The owner has past hoarding tendencies and the house is full of “stuff”. The property has been neglected by the owner for a few years and has become a public nuisance. The neighbors have been taking care of the property as best as possible but the structure is still very much blighted. Bruce requested the owner or owner’s representative to comment – being none, a neighbor Barry Cox commented about the ongoing problem and elaborated his observations on the condition. 4 other neighbors of this property commented on the severe condition of the building expressing their growing concerns for the health and safety of the neighborhood. Barry Cox questioned the Board if the City would conduct a full inspection of this property and secondly questioned would the property be required to be brought into compliance before allowing re-occupancy. Matt Widner confirmed entry may be obtained by an administrative inspection warrant or by consent of the owner or responsible person(s). Matt Widner also confirmed that re-occupancy would not be allowed by anyone until the building is remediated to the point of no longer being considered unfit for human occupation and use. A neighbor (Jennifer Hinson) commented that a church representative missionary “Mark Scarborough” who was not at the meeting has been involved with the property owner in trying to obtain the property on behalf of his church to utilize the property for missionary work. Joseph Lee inquired as to the location of the current owner but an exact answer could not be provided by anyone at the meeting. Joseph Lee made motion be declared unfit for human occupation and use and be designated a nuisance per applicable codes, Seconded by Aaron Wells, Discussion of legal entry vs consent by interested parties and but not responsible persons by Hugh Ward. Joseph Lee made motion to direct Codes Enforcement to secure an administrative inspection if required to inspect the interior in order to make a full determination of building condition and report back to the board at the August, 2013 meeting so a more informed decision can be made about next enforcement step(s) Seconded by Phillip Nipper. Motion passed unanimously. Aaron Wells made a motion that the property be secured. Seconded by Phillip Nipper. Discussion clarified that tax dollars spent on boarding up structures would be filed as a lien if not paid by the owner. Matt Widner confirmed yes. Motion passed unanimously.
- c. Case# 13-06 – 109 Jellico Ln. Oak Ridge, TN 37830** Legal Address: Map: 099J Grp: E Ctrl Map: 099I Parcel: 011.00 Pl: 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. Matt Widner provided background about the owner’s participation in the CDBG Voluntary Acquisition Program but elected not to sale the property based on a non-agreement on price. Mr. Widner provided photos from the acquisition process and showed recent photos of the property showing further dilapidation and neglect has occurred with little to no response discussions and the notice of violation. Joseph Lee question if property notice was served for this case. Matt Widner confirmed yes and elaborated on the method of service activity which included regular mail, certified mail and posting of the property. No personal contact was made regarding the notice of complaint and hearing. Mr. Lee made motion that the primary structure be declared unfit for human occupation and use and designated a nuisance per adopted codes, Seconded by Phillip Nipper. Discussion – None. Motion passed unanimously. Mr. Lee made motion that the structure be ordered demolished per city codes within 30 days, Seconded by Aaron Wells. Discussion, Mr. Nipper commented that 30 days is a bit soon and suggested it could be too soon for staff to actually accomplish. Bruce Leforce indicated that owner has sixty days to appeal the decision. Matt Widner confirmed that sixty days would be more realistic and agreed to reduce recommendation from ninety days to sixty. Mr. Leforce confirmed agreement with Mr. Lee and Mr. Nipper. Motion passed unanimously.

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IV. Unfinished Business

- a. Applewood Apartment Update – provided by Matt Widner as of last know status of cases.

V. New Business

- a. Phillip Nipper requested that the City Council Goals for 2012 should be removed from the City Website. Matt Widner could not provide reasons why the goals have not been updated or removed and would work to have them updated or removed if the City Manager agrees and directs the City Clerk to do so.

VI. Public Comment & Communications

- a. Matt Widner provided update to the Rental Registration Program by effort to increase the existing district from the Highland View area to a larger area known as the Manhattan District Overlay (MDO).
- b. Matt Widner provided latest know status of the 2012 Property Maintenance Code adoption and further introduced a possible addition to include natural landscape areas as an exception with some conditions.
- c. Matt Widner provided a new format for appeals applications and requested feedback.
- d. Phillip Nipper questioned the status of 116 Jarrett Lane – Matt Widner confirmed that the property was purchased using CDBG funds and is beginning the demolition process. Mr. Widner provided further property demolition updates on other properties.
- e. Phillip Nipper made a suggestion that public information releases should be part of the city's communications to inform public of the BBHCA activities and successes as well as other city boards. Bruce Leforce suggested Mr. Nipper could send his idea via letter to the City Manager.

Being no further Business, Aaron Wells made motion to adjourn, seconded by Joseph Lee. No Discussion, motion passed unanimously.

Meeting adjourned at 3:45 p.m.



Amy Seiber
Secretary