

OAK RIDGE BOARD OF BUILDING
AND HOUSING CODE APPEALS

MINUTES

Re-
APPROVED

DATE: October 10, 2013
LOCATION: Municipal Building Training Room
PRESIDING: Bruce Leforce
PRESENT: Bruce Leforce, John Russell, Joseph Lee, Amy Seiber, Philip Nipper, Aaron Wells
PRESENT: City of Oak Ridge: Matthew Widner, Kathryn Baldwin, Ken Krushenski, Trina Baughn
ABSENT: Hugh Ward

- I. Meeting Started 3:00 p.m. - Ms. Amy Seiber took the roll.
- II. **September 12, 2013 Minutes:** Motion to approve by Joseph Lee and seconded by Philip Nipper. Motion passed unanimously.
- III. **Hearing of Cases:**
None
- IV. **Unfinished Business**
 - a. **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 OC09 LOT 0036 (owned by: WILLIAMS, PAUL H ETUX C/O GARY WILLIAMS of 461 Raccoon Valley Rd. Powell, TN 37849).* BBHCA issued notice on July 16, 2013 that this single family residential structure had been declared unfit for human occupation and use and ordered the structure demolished in sixty (60) days. Matt Widner introduced the case providing BBHCA previous actions history leading up to the October meeting. Mr. Widner indicated that the City is no longer interested in purchasing the property and recommended the Board reinstate the order for demolition and continue the code enforcement process to address the public nuisance condition. Rex Gass spoke on behalf of the owners to request more time (6 months) to fix up and sell the property. He also produced a petition authorizing him to be the owner's real estate agent. Philip Nipper requested to see past case photos. Before seeing the photos, Trina Baughn questioned how the structure could be considered beyond 50% and questioned why the fair market value appraisal and tax assessment appraisal were so different. Mr. Widner attempted to answer the questions by saying the required appraisal for HUD is completely different than tax assessments. The City and the owner began this voluntary acquisition process in good faith but simply could not agree on a sale price and other title issues that ultimately caused the process to end, which left remediation of this blighted property to the process of code enforcement. Photos were shown and Mr. Widner confirmed the cost of repair exceeds 50% of the value of the structure. Board discussion followed for possible actions. Aaron Wells made motion to table the demolition order to allow time for Rex Gass to fix up the property and sell it. Seconded by Amy Seiber. Discussion followed, and Philip Nipper asked that the motion be modified by requiring repairs of all code violations during the tabled period and asked the owners what their plan was going to be and wanted some sort of assurance provided. Amendment to the motion made to require all code violations to be corrected in 60 days. Seconded by John Russell. Discussion, clarification of tabled vs rescinding previous order. Joseph Lee made recommendation that the motions on the floor should be withdrawn and new motion made to rescind demolition order and require 60 days for repair. Mr. Nipper withdrew his amendment to the motion. Mr. Wells had discussion with owners and then

withdrew his original motion from consideration. Being no motions on the floor, Mr. Lee made motion to rescind the order for demolition. Seconded by Mr. Nipper. No discussion; motion passed unanimously. Mr. Lee made motion that all code violations noted be repaired in 60 days. Seconded by Mr. Nipper. Mr. Wells made a motion to amend the original motion to repair within 60 days, and that it should be increased to 90 days. Seconded by John Russell. No discussion on the amendment. Motion passed unanimously. No further discussion on the original motion. Motion passed unanimously for owner to correct all noted code violations within 90 days of order for repair.

V. New Business

- a. **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). Structure declared unfit for human occupation and use as of July 16, 2013. Structure ordered to be demolished as of August 8, 2013.* Matt Widner introduced Ken Krushenski to inform the BBHCA about the legal status of this case being appealed to Chancery Court and there being an injunction from demolition as ordered. Questions from the Board answered by Mr. Krushenski that TN Bank will do whatever necessary to protect their interest and will ultimately return the property to an acceptable position. Joseph Lee commented that because TN Bank has taken a more proactive role in remediating this public nuisance, he made a motion to rescind the original order for demolition to allow for remediation. No second; motion failed. Further discussion from the floor about the biohazards inside the structure and concerns expressed about proper disposal methods being followed by the owner during this clean up phase. Bruce Leforce ended the discussions as not being relevant to the case and beyond the scope of the BBHCA's authority. Mr. Krushenski reminded the citizen audience that this case is now in the hands of the court and does not have the freedom to discuss the details of the case except with the filing attorneys. He offered that citizens could obtain their own attorney to represent their interest if they like. Bruce Leforce offered the floor to concerned citizens for public comment about this case limited to 3 minutes each: Mr. Hyder provided photos for dumpster not being suitable for waste; Ms. Peace expressed health concerns; Mr. Cox spoke of the property having no value and challenged repair costs from owner representative. Further discussion by Mr. Lee to support bank's action. NO ACTION taken on this case.

VI. Public Comment & Communications

- a. Distribute BBHCA Rules and Procedures
- b. Distribute/Discuss State of Tennessee Opinion No. 13-61 Mandatory Sprinkler Requirement for Residential Dwellings
- c. Applewood Apartments Status (Krushenski)
- d. December, 2013 Board Appointments
- e. Case# 13-04 – 1021 Oak Ridge Turnpike Oak Ridge, TN 37830 (Price Florist)

Being no further business, Aaron Wells made motion to adjourn; seconded by Joseph Lee. No discussion; motion passed unanimously.

Meeting adjourned at 4:12 p.m.



Amy Seiber
Secretary