

OAK RIDGE BOARD OF BUILDING
AND HOUSING CODE APPEALS

APPROVED

MINUTES

DATE: April 10, 2014

LOCATION: Municipal Building Training Room

PRESIDING: Bruce LeForce

PRESENT: Bruce LeForce, Joseph Lee, Amy Seiber, Philip Nipper, John Russell, Aaron Wells

PRESENT: City of Oak Ridge: Matthew Widner, Kathryn Baldwin; Citizen- Joan Carden

ABSENT:

- I. Meeting Started 3:00 p.m. - Ms. Amy Seiber took the roll.
- II. Approval of February 20, 2014 Minutes: Correction by Aaron Wells on motion to adjourn. Correction of name spelling by Bruce LeForce. Matt Widner confirmed corrections. Motion to approve by Joseph Lee; seconded by Philip Nipper; motion passed unanimously.
- III. Hearing of Cases:
 - a. **Case# 14-03 – 105 Waddell Place Oak Ridge, TN 37830** Map: 099C Grp: D Ctrl Map: 099C Parcel: 005.00 Pl: S/I: 000 Subdivision: BLOCK OD13 LOT 0041 (Owner: REX R. GASS 126 WASHBURN CIRCLE OAK RIDGE, TN 37830) Complaint: Unfit for Human Occupation or Use - Vacant single family residential dwelling. Matt Widner introduced the case by describing the circumstances, location, and condition of this structure. The current property owner was not in attendance but has agreed to allow the Board to hear this case. Mr. Widner described the process of addressing blight structures using HUD's CDBG program and requested that the house be declared unfit for human occupation and use and ordered demolished within ninety (90) days to allow for a possible City purchase by way of CDBG Voluntary Acquisition. Joseph Lee made motion to declare structure unfit for human occupation and use per ORPMC §13-205; seconded by John Russell; discussion- Aaron Wells questioned why the Board needed to even hear the case. Mr. Widner clarified the purpose and importance of the City to follow its adopted ordinance process to be used as supporting documentation for end use of the property after purchase in order to obtain the required SHPO 106 letter approval to proceed. Being no further discussion, motion passed unanimously with one abstention by Mr. Wells. Mr. Lee made a motion that the structure be vacated and demolished per ORPMC §13-205 within ninety (90) days; seconded by Mr. Russell; discussion – Mr. Russell clarified the property is already vacant. Mr. Wells expressed his hesitation to the proceedings and admitted to not being fully prepared for the meeting. Bruce LeForce asked Mr. Wells if he would approve an order to vacate and demolition the structure if hypothetically the City was not attempting to purchase the property. Mr. Wells agreed he would, but he is not comfortable with his perception of the City getting into the real estate business. Further discussion and questions by Phillip Nipper and Mr. Widner. Kathryn Baldwin commented that the City is not in the development or real estate business, while offering the intent and purpose of long standing HUD grant programs. More questions and comments ending with a call for the vote. Motion passed with five (5) YES and one (1) NO by Mr. Wells; no abstentions.

Bruce LeForce made a suggestion that the Board hear all four remaining cases (14-04, 14-05, 14-06, 14-07) together for the purpose of discussion and make individual decisions for each case if need be. Board generally agreed to proceed in that manner. Matt Widner introduced the case, indicating the City is interested in purchasing these properties by way of HUD's Voluntary Acquisition Program. Mr. Widner described the circumstances, locations, and conditions of each structure. He continued that even though the building has been adequately maintained on the outside, the inside has been damaged and deteriorated to the point beyond repair. Structural failures, severe cases of mold, animal damage and habitation, leaking roofs, and collapsing ceilings were illustrated by several photos of each building and unit by Mr. Widner. Mr. LeForce recognized the owner of all four properties (Ms. Joan Carden) to speak. Ms. Carden described how the properties became in such condition and provided background on how she became aware of the City's Voluntary Acquisition Program. She continued to elaborate on her experience with an uncontrolled population of wild raccoons and the damage they are causing on her properties, as well as other properties throughout the City. Ms. Carden pointed out that the City of Oak Ridge Police Department Animal Control Division will not respond or remove these wild animals. Mr. LeForce asked Ms. Carden if she was agreeable to what the City is proposing by which she confirmed understanding and agreement. Further questions and discussion on what ifs and what's next were answered by Mr. Widner. Being no further discussion, Joseph Lee made motion that all structures outlined in Case# 14-04, 14-05, 14-06 and 14-07 be declared unfit for human occupation and use per ORPMC §13-205; seconded by Phillip Nipper; no Discussion; motion passed with five (5) YES and one (1) NO by Aaron Wells; no abstentions. Mr. Lee made a motion that all four properties in Case# 14-04, 14-05, 14-06 and 14-07 be ordered vacated and demolished within ninety (90) days per ORPMC §13-205(5); Seconded by Philip Nipper; no discussion; motion passed with five (5) YES and one (1) NO by Aaron Wells, no abstentions.

- b. **Case# 14-04 – 101 Wade Ln Oak Ridge, TN 37830** (4 Plex) Map: 099C Grp: B Ctrl Map: 099C Parcel: 036.00 PI: S/I: 000 Subdivision: BLOCK 0C13 LOT 0034 (Owner: CARDEN RENTALS LIMITED PARTNERSHIP 430 S ILLINOIS AVE OAK RIDGE, TN 37830) Complaint: Unfit for Human Occupation or Use - Vacant multi-family residential dwelling. *See above minutes insert* – Board declared unfit for human occupation and use and ordered it to be vacated and demolished within ninety (90) days.
- c. **Case# 14-05 – 117 Wade Ln Oak Ridge, TN 37830** (4 Plex) Map: 099C Grp: B Ctrl Map: 099C Parcel: 038.00 PI: S/I: 000 Subdivision: BLOCK 0C13 LOT 0032 (Owner: CARDEN RENTALS LIMITED PARTNERSHIP 430 S ILLINOIS AVE OAK RIDGE, TN 37830) Complaint: Unfit for Human Occupation or Use - Vacant multi-family residential dwelling. *See above minutes insert* – Board declared unfit for human occupation and use and ordered it to be vacated and demolished within ninety (90) days.
- d. **Case# 14-06 – 355 W Outer Dr. Oak Ridge, TN 37830** (4 Plex) Map: 099C Grp: B Ctrl Map: 099C Parcel: 027.00 PI: S/I: 000 Subdivision: BLOCK 0C13 LOT 0043 (Owner: CARDEN RENTALS LIMITED PARTNERSHIP 430 S ILLINOIS AVE OAK RIDGE, TN 37830) Complaint: Unfit for Human Occupation or Use - Vacant multi-family residential dwelling. *See above minutes insert* – Board declared unfit for human occupation and use and ordered it to be vacated and demolished within ninety (90) days.
- e. **Case# 14-07 – 363 W Outer Dr. Oak Ridge, TN 37830** (4 Plex) Map: 099C Grp: B Ctrl Map: 099C Parcel: 028.00 PI: S/I: 000 Subdivision: BLOCK 0C13 LOT 0042 (Owner: CARDEN RENTALS LIMITED PARTNERSHIP 430 S ILLINOIS AVE OAK RIDGE, TN 37830) Complaint: Unfit for Human Occupation or Use - Vacant multi-family residential dwelling. *See above minutes insert* – Board declared unfit for human occupation and use and ordered it to be vacated and demolished within ninety (90) days.

IV. Unfinished Business
None

V. New Business
None

VI. Public Comment & Communications
a. Case# 14-01 Wender Building – 123 E. Tyrone Rd Oak Ridge, TN 37830
b. Case# 14-02 Wender Building – 135 E. Tyrone Rd Oak Ridge, TN 37830

Matt Widner provided an update on what tentative plan was received and explained why the hearing was moved to May 2014 instead of the originally discussed April 2014 BBHCA meeting.

Aaron Wells offered additional opinions against the City using tax payer money to conduct and compete in the real estate market no matter what the intended purpose is. Philipp Nipper disagreed and offered his approval of what is being done by the City to reduce blight, improve the neighborhoods, and increase value using HUD programs that are intended to accomplish such goals. Bruce LeForce concluded the discussion by taking the position that no matter what funding source or circumstance, the cases presented were in violation of several housing codes and are clearly in need of demolition.

Being no further business, Joseph Lee made motion to adjourn; seconded by John Russell; no discussion; motion passed unanimously.

Meeting adjourned at 4:05 p.m.



Amy Selker
Secretary