

OAK RIDGE BOARD OF BUILDING
AND HOUSING CODE APPEALS

APPROVED

MINUTES

DATE: August 14, 2014

LOCATION: Municipal Building Training Room

PRESIDING: Bruce LeForce

PRESENT: Joseph Lee, Amy Seiber, Philip Nipper, Leonard Vaughen, Phil Yager

ALSO PRESENT: City of Oak Ridge: Matthew Widner, Denny Boss, Arnold Blackwell and citizens (see attached visitor sign-in sheet)

ABSENT: Aaron Wells

- I. Meeting started at 3:00 p.m. - Ms. Amy Seiber took the roll.
- II. Approval of the June 12, 2014 Minutes: Motion to approve as amended by Joseph Lee (correcting presiding to Philip Nipper); seconded by Philip Nipper; discussion to also include visitor sign-in sheet into the official minutes; motion passed unanimously.
- III. Hearing of Cases:
 - a. **Case# 14-08: (APPEAL): 102 Union Rd Oak Ridge, TN 37830;** Legal Address: Map: 099D Grp: A Ctrl Map: 099D Parcel: 043.00 Pl: S/I: 000 Subdivision: BLOCK 0D14 LOT 0064. (Owned by: Promba Properties 13 Radcliff Trace Oak Ridge, TN 37830) Summary: Building Permit # B-14-000628; Listed Value of Improvement: \$6000.00 for deck and bathroom improvement. Appellant (Erik Vogely) seeking modification of code requirements for remodel work in progress. Mr. Vogely requested window size code waiver because installing code compliant egress windows would be cost prohibitive in this style of house. Mr. Vogely requested wall insulation method remain the same as it was installed prior to work starting because of it being cost prohibitive and the loss of room size (due to additional framing) to accommodate current energy code. Board questioned existing egress window height vs. current code requirement. Mr. Vogely confirmed they are not and never have been compliant to current code. Board asked Arnold Blackwell to provide City's position on the appeal. Mr. Blackwell summarized his findings during a plumbing inspection on June 23, 2014, which revealed there being far more work requiring construction permits than just the plumbing permit on record. During his inspection Mr. Blackwell found interior walls had been relocated, new windows, all new electric wire, a new back deck with a roof, improperly supported deck posts, non-compliant steps and landing and a gutted out basement. Mr. Blackwell concluded that permits for the work had been obtained since his inspection. Leonard Vaughen questioned Mr. Vogely if this property is intended for his occupancy or if it was investment property. Mr. Vaughen also asked if Mr. Vogely has other properties in the City that did require permits in the past. Mr. Vogely confirmed he has 15 other properties and they have obtained electrical permits in the past. Philip Nipper clarified with Mr. Vogely if he understood the City requirements on all the other items requiring a permit not being appealed at this hearing. Mr. Vaughen questioned what the intended plan was for this property pending the outcome of the hearing. Mr. Vogely indicated his intention to sell property if waivers were granted and was unsure if not. Denny Boss contributed to the discussion that if Mr. Vogely had come in for all the permits prior to starting the work, there shouldn't have been any surprises of applicable code requirements. Further discussion by

- the Board of past cases of similar circumstance continued. Joseph Lee made motion to deny variance requests; seconded by Phil Yager; discussion by Philip Nipper questioning if the motion applies to all variance requests or just to the windows. Mr. Lee confirmed his motion applies to all items on the variance request. Discussion continued if the windows and insulation should be separated into individual motions. Being no further discussion, original motion to deny both requests; motion passed with five (5) YES and one (1) NO by Mr. Nipper; no abstentions.
- b. **Case# 14-09: 106 Pembroke Rd Oak Ridge, TN 37830** Legal Address: Map: 106A Grp: A Ctrl Map: 106A Parcel: 004.00 PI: S/I: 000 Subdivision: BLOCK: 0F 13 LOT: 0008. (Owned by: Richard McGill 106 Pembroke Rd Oak Ridge, TN 37830) Complaint: Unfit for Human Occupation or Use. The owner of this vacant single family residential dwelling was not in attendance but has agreed to allow the Board to hear this case in his absence. Matt Widner introduced the case by describing the circumstances, location, and condition of this structure. After pointing out specific violations and structural failures throughout, Mr. Widner concluded by requesting the structure be declared unfit for human occupation and use, ordered vacated and demolished within ninety (90) days. Joseph Lee made motion to declare structure a public nuisance unfit for human occupation and use per ORPMC §13-205(3&4); seconded by Leonard Vaughen; no further discussion; motion passed unanimously. Mr. Lee made a motion that the structure be vacated and demolished per ORPMC §13-205(5) within ninety (90) days; seconded by Phil Yager; discussion by Philip Nipper questioning if the owner was interested in selling the property to the City and the costs associated with demolition. Mr. Widner confirmed the property is in fact in the CDBG target area and will make an effort to acquire the property before taking code enforcement steps for removal. Mr. Nipper stated he felt purchasing such property is likened to a reward for owners who do not take care of their property. Mr. Widner acknowledged there is an inherent benefit to those owners by design of the grant, but the positive benefit to neighboring properties and the community as a whole far outweighs the alternative of not pursuing purchase. Mr. Lee and Mr. Nipper agreed. Being no further discussion, motion passed unanimously.
- c. **Case# 14-10: 507 W. Outer Dr. Oak Ridge, TN 37830** Legal Address: Map: 099B Grp: A Ctrl Map: 099B Parcel: 037.00 PI: S/I: 000 Subdivision: BLOCK: 0B11 LOT: 0035. (Owned by: City of Oak Ridge, TN) Complaint: Unfit for Human Occupation or Use – Recently acquired CDBG single family residential dwelling. Matt Widner introduced the case by describing the circumstances, location, and condition of this structure. After pointing out specific violations and structural failures throughout, Mr. Widner concluded by requesting (as simply a matter of adopted ordinances and procedure) the structure be declared unfit for human occupation and use, ordered vacated and demolished within sixty (60) days. Joseph Lee made motion to declare structure a public nuisance unfit for human occupation and use per ORPMC §13-205(3&4); seconded by Philip Nipper; discussion by Leonard Vaughen if there were any buyers identified for the property. Mr. Widner confirmed there were no known other buyers interested in the property as is. Further discussion by the Board regarding the positive benefit this project has on the neighborhood and its potential for redevelopment. Being no further discussion, motion passed unanimously. Mr. Lee made a motion that the structure be vacated and demolished per ORPMC §13-205(5) within sixty (60) days; seconded by Phil Yager; motion passed unanimously.

IV. Unfinished Business

103 Turner Rd – Matt Widner summarized City and owner activity since the original notices of violation were issued. Mr. Widner stated that the structure was almost completely cleaned out and reasonably secured, property areas cleaned, side porch trash and debris removed and noted work was progressing at an acceptable rate. Mr. Widner pointed out newly discovered foundation structural damage in the basement but did not believe it to be an imminent danger. Staff recommended that no further enforcement action should be needed given the understanding of owner's intention to physically relocate the structure outside the City in the near future and the verified compliance to previously issued violation notices. Philip Nipper questioned if there was a known timeline from the owners when the structure is to be moved and if there

were permit requirements for moving it. Kathryn Baldwin provided an explanation of typical activities associated with moving structures. Several citizens voiced their various concerns of work liability and credentials and confidence of those working on 103 Turner Rd and 140 Windham Rd. Bruce LeForce reminded the Board and general audience that 140 Windham Rd (case # 13-07) is currently in appeals court. Questions from citizens about what licenses and permits were required in these two cases. Mr. Widner clarified that the City has no permit or license requirements for cleaning, securing and maintaining structures that do not involve actual construction trades or moving work. Philip Nipper requested that this property be brought before the Board as a case at the next regular meeting and read the ORPMC § 13-205 pertaining to unfit for occupation and use. Further discussion concluded that this property will be heard at the next regular meeting to consider possible work plan of property/structure.

V. New Business

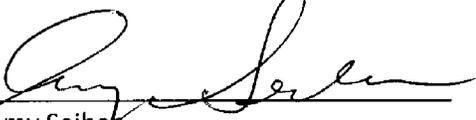
None

VI. Public Comment & Communications

Welcomed new Board members: Leonard Vaughen and Phil Yager

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

Meeting adjourned at 5:00 p.m.



Amy Seibel
Secretary