

OAK RIDGE BOARD OF BUILDING
AND HOUSING CODE APPEALS

MINUTES

APPROVED

DATE: February 20, 2014
LOCATION: Municipal Building Training Room
PRESIDING: Bruce Leforce
PRESENT: Bruce LeForce, John Russell, Joseph Lee, Amy Seiber, Philip Nipper
PRESENT: City of Oak Ridge: Denny Boss, Alicia Bailey, Kathryn Baldwin
ABSENT: Aaron Wells

- I. Meeting started 3:00 p.m. - Ms. Amy Seiber took the roll.
 - II. **October 10, 2013 Minutes:** Motion to re-approve by Joseph Lee; seconded by Philip Nipper; motion passed unanimously.
January 9, 2014 Minutes: Motion to approve by Joseph Lee; seconded by John Russell; motion passed unanimously.
 - III. **Hearing of Cases:**
 - a. **Case# 14-01: 123 E. Tyrone Rd Oak Ridge, TN 37830** Legal Address: Map: 100A Grp: B Ctrl Map: 100A Parcel: 035.00 PI: S/I: 000 Subdivision: BLOCK OF 17 LOT 374A Class: 08 – COMMERCIAL. (Owned by: MA, SHIU-YEN WANG AND TA-SHUN ETAL - PO BOX 6993 OAK RIDGE, TN 37831) *Complaint: Unfit for Human Occupation or Use – Partially Occupied Commercial Structure in violation of ORPMC §13-205 is in a state of disrepair and lacks adequate facilities for egress in the case of fire or panic. Roof and interior throughout the building have remained insufficiently maintained for several years. This has allowed further dilapidation and decay to occur in the majority of the building, which increases the hazards of fire, accident or other. Required fire sprinkler system throughout is out of service due to a catastrophic failure, which further causes the entire building to be dangerous to the health and safety of the occupants and general public. Estimated cost of structural and nonstructural repair exceeds 50% of the value of the building.*
 - b. **Case# 14-02: 135 E. Tyrone Rd Oak Ridge, TN 37830** Legal Address: Map: 100A Grp: B Ctrl Map: 100A Parcel: 034.00 PI: S/I: 000 Subdivision: BLOCK OF 17 LOT 374B Class: 08 – COMMERCIAL. (Owned by: MA, SHIU-YEN WANG AND TA-SHUN ETAL - P O BOX 6993 OAK RIDGE, TN 37831) *Complaint: Unfit for Human Occupation or Use – Partially Occupied Commercial Structure in violation of ORPMC §13-205 is in a state of disrepair and lacks adequate facilities for egress in the case of fire or panic. Roof and interior throughout the building have remained insufficiently maintained for several years. This has allowed further dilapidation and decay to occur in the majority of the building, which increases the hazards of fire, accident or other. Required fire sprinkler system throughout is out of service due to a catastrophic failure, which further causes the entire building to be dangerous to the health and safety of the occupants and general public. Estimated cost of structural and nonstructural repair exceeds 50% of the value of the building. (Excludes –manufactured structure a.k.a. Magic Wok).*
- Both Cases (14-01 and 14-02) heard together as being one building:** Bruce LeForce introduced the case and read staff recommendation memo dated February 19, 2014 (attached) to the Board, and then opened the floor to owner (Mr. Wang) to provide comments. Mr. Wang offered a brief overview of possible purchase options being considered with private investors and other demolition scenarios that could include either the

whole building or parts thereof being saved, citing the difficulty of current tenants being able to find alternative business locations. Mr. Wang concluded by requesting clarification of what the City wants to do. Denny Boss provided an overview of the staff submitted memo reaffirming that demolition is not being requested at this time and reassured the Mr. Wang and the Board that staff would be happy to work with the owners as much as possible. Further discussion of the sprinkler system and the practicality of salvaging any parts of it for future use continued with comments from the floor on other options for the property. Philip Nipper and Joseph Lee acknowledged all the presented options and inquired if there was a preferred plan. Mr. Wang responded they wish to keep the businesses in place for two or three more years. Josh Waldo (Oak Ridge Fire Department) indicated that if there was a fire emergency with the building in its current condition, they would not take actions to save the building. Further discussion about condition of occupied spaces followed. Denny Boss clarified that the City's intent to gain a vacate order does not mean the occupants have to be completely moved out by a certain time, but simply that their normal operation cannot be continued beyond the notice time frame, concluding that if it takes longer to move out then that is okay. Joseph Lee made a motion that the entire building be declared unfit for human occupation and use; seconded by Philip Nipper; discussion to clarify that both parcels (case #14-01 and 14-02) are to be declared unfit with exception of the actual Magic Wok diner. Being no further discussion, motion passed unanimously. Joseph Lee made a motion to accept and order per staff's recommendation to vacate the dry cleaning business in Case# 14-02 and the salvage business in Case# 14-01 within ten (10) calendar days and further order the three (3) mercantile businesses and the overflow dining area in Case# 14-02 be vacated within sixty (60) calendar days; seconded by Philip Nipper; Discussion to clarify the order. Being no further discussion, motion passed unanimously. Bruce LeForce reiterated that there is no order for demolition at this time and encouraged Mr. Wang to provide a remediation plan at the April 2014 BBHCA meeting.

IV. Unfinished Business

- a. Election of Officers – 2014. Bruce LeForce confirmed John Russell is not interested in serving as Vice Chairman and read a letter of interest from Aaron Wells requesting to serve as Vice Chairman. Joseph Lee nominated Philip Nipper to be Vice Chairman after confirming Bruce LeForce and Amy Seiber to continue serving their current positions in 2014. Bruce LeForce suggested election by ballot. Attached ballot results as follows: 2014 BBHCA Officers - Chairman-Bruce LeForce, Vice Chairman- Philip Nipper, and Secretary- Amy Seiber.

V. New Business

- a. Ken Krushenski provided reassurance that Hugh Ward's position will be filled as soon as possible and not wait until December 2014.

VI. Public Comment & Communications

- a. Barry Cox – Inquired about the legal status of previous case regarding 140 Windham Rd.

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

Meeting adjourned at 4:30 p.m.



Amy Seiber
Secretary