

OAK RIDGE BOARD OF BUILDING  
AND HOUSING CODE APPEALS

**APPROVED**

MINUTES

DATE: May 8, 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, Ken Krushenski, Denny Boss, Josh Waldo

ABSENT:

- I. Meeting started at 3:00 p.m. - Ms. Amy Seiber took the roll.
- II. Approval of the April 10<sup>th</sup>, 2014 Minutes: Motion to approve by Joseph Lee; seconded by John Russell; no discussion; motion passed unanimously.

Ken Krushenski requested that "V. New Business" item "a. Legal Department Memo Guidelines for Demo Discussion" be addressed by the Board prior to hearing cases. Bruce LeForce agreed to allow. Mr. Krushenski reviewed the 2008 demolition guidelines and confirmed that they are still current and unchanged. Further discussion resulted with no action.

III. Hearing of Cases:

- a. **Case# 14-01: 123 E. Tyrone Rd Oak Ridge, TN 37830 (2<sup>nd</sup> Hearing)** 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: This partially occupied commercial structure was declared Unfit for Human Occupation or Use because of it being in violation of ORPMC §13-205. The BBHCA decision to order repair or demolition was tabled for sixty (60) calendar days to allow the owner time to sell damaged property or show plan of demo or repair. Deadline for required plan of action expires on April 27, 2014.
- b. **Case# 14-02: 135 E. Tyrone Rd Oak Ridge, TN 37830 (2<sup>nd</sup> Hearing)** 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: This partially occupied commercial structure was declared Unfit for Human Occupation or Use because of it being in violation of ORPMC §13-205. The BBHCA decision to order repair or demolition was tabled for sixty (60) calendar days to allow the owner time to sell damaged property or show plan of demo or repair. Deadline for required plan of action expires on April 27, 2014.
- c. Exclusion of Manufactured Structure (a.k.a Magic Wok)

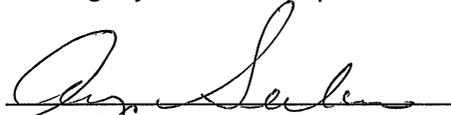
**Both Cases (14-01 and 14-02) heard together as being one building:** Matthew Widner introduced the cases by assuring the Board that this past 60 days has been productive in vacating by reporting the status of each business formally located in the building. Mr. Widner further indicated that since the February 2014 BBHCA meeting, the City has not received any substantial or final plan of action from the owner, but there had been some discussions along with other correspondence leading up to a final plan. Denny Boss agreed and introduced the owner's representative, Noel Peterson, to present a remediation plan as expected. Philip Nipper

questioned if any of the building code violations have been corrected. Mr. Widner and Mr. Boss both confirmed no corrections have been made but concluded that just by the building being essentially vacated, the danger to personal health and life is significantly reduced. Mr. LeForce opened the floor to the owner (Mr. Wang), who yielded to his representative. Noel Peterson (owner's representative) distributed an undetailed action plan dated March 28, 2014 (attached) and began by saying the building in general is in good structural condition by specifying the heavy timber post and beam components are similar to a barn support layout. Mr. Peterson indicated there is a good opportunity for reclamation of these timbers. He continued that the plan calls for 25,950 sf that should be demolished, leaving a portion of 6,800 sf for future space and Magic Wok. Joe Lee asked if a schedule has been established. Mr. Peterson indicated no schedule has been set and continued that the building needs to be emptied and asbestos be removed prior to demolition, but no contractors have been selected. Aaron Wells questioned how much more time is needed to do the work, and Mr. Nipper questioned what the demolition plan was for the remaining slab of the demolished portion of the building. Mr. Peterson indicated 6 months for work to begin and further stated that in order to save money and other hardship, the slab will remain in place until such time feasible. Further discussion of the submitted plan by the Board continued. Mr. Widner offered that the City's demolition standards require that complete removal of building components to include the slabs are to be completed prior to receiving a final inspection unless otherwise approved. Mr. Boss questioned exactly what date work is to begin. Mr. Peterson indicated he had already started by submitting the rough plan and conducting an asbestos survey, but no contractors have been selected. Mr. Widner clarified that the survey conducted was only for the presence of asbestos containing materials and not for other hazards present in the building. Mr. Boss summarized what additional information and drawings are required from the owner in order to move forward with any required permits. Aaron Wells recognized the owner's effort so far and made a motion to table these cases for thirty (30) additional days to allow for City staff to formulate a recommendation based on progress being made with the project; Joseph Lee seconded motion; discussion. Mr. Widner informed the Board that the last remaining tenant (Mia's Gift Shop) requested special consideration and leniency in requiring the business to vacate because of difficulty finding alternative retail space. The general opinion of the Board was to stay with the order of vacate and no special consideration is appropriate. Mr. Nipper referred back to the original order and asked Mr. Peterson if the additional 30 days will be enough time for the owners to provide a list of contractors for the plan and some rough timelines. Mr. Wells voiced his concern that if the plan resulting from the additional 30 days did include a partial demolition leaving only the slabs, he would not agree to. Mr. Wells objected. Bruce LeForce called the question. Motion passed unanimously.

- IV. Unfinished Business
  - None
- V. New Business
  - a. Legal Department Memo Guidelines For Demo Discussion
- VI. Public Comment & Communications

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

Meeting adjourned at 3:47 p.m.



Amy Seiber  
Secretary