

OAK RIDGE BOARD OF BUILDING
AND HOUSING CODE APPEALS

Approved

MINUTES

DATE: Aug 9, 2012

LOCATION: Municipal Building Training Room

PRESIDING: Dr. Bruce Leforce

PRESENT: Dr. Bruce Leforce, Joseph Lee, Amy Seiber, Philip Nipper, John Russell, Aaron Wells, Hugh Ward

PRESENT: City of Oak Ridge: Matt Widner & Alicia Bailey, Kim Moore and members of public

ABSENT:

Meeting Started 3:00pm - Ms. Amy Seiber took the Roll.

June, 2012 Minutes: motion to approve by Joseph Lee, seconded by Hugh Ward. Motion Passed

Matt Widner introduced new Community Development staff person Alicia Bailey.

Hearing of Cases:

New Cases:

Case # 12-07. 401 New York Ave Oak Ridge TN 37830, Legal Address: Map: 099D Grp: C Ctrl Map: 099D Parcel: 011.00 Pl: S/I: 000 Subdivision: BLOCK 0E15 LOT 0101 – (owned by STEWART EDWIN A AND WIFE HELEN I) Property going through foreclosure. Complaint – Vacant single family dwelling - The attached car-port portion of this dwelling and the roof of the accessory structure is severely dilapidated and decayed which has resulted in collapse. Porch flooring, steps, rails and all appurtenances are not of sound condition. These structures are dangerous to the health and safety of the general public. Vacant dwelling and accessory structure in violation of ORMC § 13-205 and has become an attractive nuisance which is known to harbor vagrants. === Matt Widner introduced the case asserting that the property is in the process of foreclosure and reviewed staff actions to determine responsible person for immediate repair after the first issuance of the Notice of Violation. Mr. Widner continued that contact was made with the banks property maintenance company which it was requested by the agents to proceed with the City's process of nuisance abatement and forward all documents to them so that it might aid in expediting further action to remedy the violations. Mr. Widner requested the board to declare the building and accessory structure unfit for human occupation and use but not order any demolition or repair so that when the property completes foreclosure, it will not allow building to be occupied or used prior to repairing damage. Joe Lee commented that he seen the structure and agreed that it was in bad shape needing immediate attention but he didn't think the entire house needed to be demolished. Philip Nipper asked if the collapsed portion of the roof was actually part of the primary dwelling or was it an addon. Mr. Widner confirmed that this appeared to be only a poorly built addon and not the house itself. Mr. Nipper asked about the language used in the case narrative if "known to harbor vagrants" is just a generic use for all cases or is there a reason he has seen it here and on other cases. Mr. Widner responded that it is actual ordinance language being referenced for specific cases where it has been found to exist. Mr. Widner offered example of the accessory structure being secured back in May of this year but upon the follow up inspection found it had been broken into with the contents spread out. Mr. Lee made a motion to declare the structure unfit for human occupation and use and Seconded by Mr. Nipper. Discussion: Hugh Ward question Matt Widner what stage of foreclosure the house was in. Mr. Widner responded it was unknown exactly what stage but followed up that conversations with the banks' agent indicated the owners did not have any further right to the property and all code enforcement issues should be directed to them. Mr. Ward asserted that the City must also contact the bank in addition to the agent to ensure proper notifications have been made. Being no further discussion, Bruce Leforce called for the vote. Motion passed unanimously.

Case # 12-08. 110 Walnut Ln Oak Ridge, TN 37830, Legal address: Map: 099G Grp: D Ctrl Map: 099G Parcel: 020.00 PI: S/I: 000 Subdivision: BLOCK OC11 LOT 0010 (owned by LAUDERDALE, APRIL ETAL of 405 CARRIE LEE LANE CLINTON, TN 37716). Complaint – Vacant single family dwelling is in violation of ORMC § 13-205 which lacks adequate ventilation, light air, heat and sanitary facilities, is in a state of dilapidation due to neglect and the surrounding grounds are unmaintained and has become an attractive nuisance. Owner has been actively working with the City for voluntary acquisition program. === Matt Widner introduced the case by stating this vacant structure is in very bad condition with both structural and environmental issues with supporting evidence. He continued that the city has had to mow the yard and it has been a source of citizen complaints this year. Mr. Widner explained that the owners have decided to participate in the voluntary acquisition program because they do not have the means or ability to correct all code violations that exist. After receiving the property appraisal of \$35,000.00, Mr. Widner asserted that given the structures current condition, it is over 51% damaged which makes it infeasible to repair. Mr. Widner asked that the structure be declared unfit for human occupation and use and ordered demolished within 90 days which should be enough time for the City to acquire the property just like previous cases of this nature. Joe Lee made a motion to declare the property unfit for human occupation and use, Seconded by Hugh Ward, No Discussion Motion Passed unanimously. Joe Lee made a motion that the structures be ordered demolished within 90 days, Seconded by Aaron Wells, Discussion: Philip Nipper asked why the owners were not present at the meeting and questioned if they knew about the hearing. Hugh Ward commented that they had to be served notice of hearing and didn't think there were any concerns of notification. Mr. Widner responded that he did in fact send the notice to both the owner and her brother and also had several conversations with the brother who has taken the lead on the property since the owner is not readily available to address the issues. Mr. Widner could not offer any further explanation. Bruce Leforce called for the vote, Motion Passed unanimously.

Case # 12-09. 109 Ivy Ln Oak Ridge, TN 37830, legal address: Map: 099G Grp: E Ctrl Map: 099G Parcel: 036.00 PI: S/I: 000 Subdivision: BLOCK OC10 LOT 0001 (owned by MOORE, OGLE AND WIFE GRACE I 109 IVY LN OAK RIDGE, TN 37830). Complaint – Vacant residential structure that has been previously declared Unfit for Human Occupation or Use by the BBHCA case # 11-17 has been and still is in violation of ORMC § 13-205 which lacks adequate ventilation, light air, heat and sanitary facilities, is in a state of dilapidation due to neglect and the surrounding grounds are unmaintained and has remained an attractive nuisance. === Matt Widner introduced the case and re-capped the 10 year code enforcement history on this property. He continued with recent violations that were repeated violations of years past and pointed out that previous BBHCA action declared the structure unfit for human occupation and use included a requirement for the owner to submit a work plan to bring the structure up to compliance which the owners have failed to do. Mr. Widner continued that upon re-inspection of the violations, it was discovered that the interior had significant amount of gutted and new framing work done that would have required permits but never were applied for or obtained. Mr. Widner further noted that this property is located in the City's CDBG target area and had made at least two offers to purchase the property at fair market value which was rejected last year and no response this year. After presenting all evidence, Mr. Widner asked that the structure be ordered demolished within 90 days. Joe Lee made motion that the structure be ordered demolished within 90 days. Kimberly Moore (sitting in audience) broke into the proceedings demanding that her family has just replaced the windows as of today and questioned why the city has not made note of that. Bruce Leforce questioned who Kimberly was. Ms. Moore responded she owned the property and wanted to know why the City was going to demolish the house. She continued that she had never spoken with or met Mr. Widner and stated that if the Board wanted this house to fixed she would have it repaired and occupied before 90 days. Aaron Wells stopped Ms. Moore to remind her that she was out of order and needed to respect the public meeting and wait till she is recognized to speak before just shouting out questions or comments. Mr. Leforce asked if Ms. Moore wanted to continue. Ms. Moore said yes and then continued with family history of ownership and stated she would fix the house right now. Hugh Ward questioned Ms. Moore if she was in-fact the legal owner of the property and if she was in a position to speak either as an owner or for the owners? Ms. Moore replied it didn't matter because the house belonged to the family. Mr. Ward again posed the question of exact ownership which Ms. Moore responded she wasn't actually the owner and didn't know exactly who was named on the title but she would have to go home to get the information requested further stating her mother has all that information. Mr. Ward asked if Ms. Moore had ever seen or received a copy of the original board order. Ms Moore responded "NO". John Russell asked Mr. Widner if there was a delivery

notice of the Order. Mr Widner found and read out the delivery of hearing notice. Mr. Russell was satisfied. Mr. Ward concluded that Ms. Moore was not in position to make any commitments on behalf of the actual owners. Motion Seconded by Aaron Wells, motion passed unanimously. Ms. Moore shouted out a question "So this is it, the City is just going to tear our house down?" Mr. Leforce replied "NO" and continued that if she works with Mr Widner and the Code Enforcement Department to bring this property into compliance, then there would be no need for demolition. Mr. Leforce continued that this is basically starting the clock for something to be done. No response – Ms. Moore left the meeting.

Unfinished Business: None

New Business:

Mr. Nipper presented the BBHCA rules and policy and requested that they be reviewed at the September meeting to make sure they are up to date and reflect actually what happens in the meetings. Everyone agreed to the discussion next meeting.

Communications and Miscellaneous Business:

Case # 11-12. 759 W. Outer Drive - violation of ORMC§ 13-205 Unfit for Human Occupation or Use and Ordered Demolished. === Matt Widner provided demolition details and recognized the BBHCA for their work.

Philip Nipper questioned about the status of open cases. Matt Widner confirmed case number addresses and provided a response: 119 Maple Lane is being maintained by a bank and has reimbursed the city for mowing. The actual board declaration of unfit for occupation and use was never signed by Bruce Leforce so it has not been filed with Anderson County which needs to be done. 214 Waltham Place has been purchased and has been used as fire department training. Once that use is complete, demolition will proceed. 130 N. Jefferson Cir has a title issues that is delaying city purchase but time is running out this month. If the property is not purchased soon, it will simply be processed as a nuisance demolition. 122 Jarrett Ln has a title issue not as bad as 130 N. Jefferson but still not resolved. Nuisance abatement will continue should the sale not be finalized. Mr. Nipper stated he didn't want these cases to fall through the cracks.

Bruce Leforce, being no further business....

Meeting adjourned at 4:25 p.m.


Amy Seiber
Secretary