

# A P P R O V E D

## OAK RIDGE BOARD OF BUILDING AND HOUSING CODE APPEALS

### MINUTES

DATE: February 9, 2012

LOCATION: Municipal Building Training Room

PRESIDING: Dr. Bruce LeForce

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

ALSO

PRESENT: City of Oak Ridge: Matt Widner, Kathryn Baldwin, Mr. Ken Krushenski.  
Citizens:

ABSENT:

Dr. LeForce called the meeting to order at 3:00 pm. Ms. Amy Seiber took the roll.

January, 2012 minutes were not voted on and will be approved in the March, 2012 meeting.

City Attorney – Ken Krushenski provided an update on the Applewood Apartment court cases. Discussion with Joseph Lee about grouping all buildings in on hearing but Ken Krushenski clarified each building has to be heard separately. Bruce LeForce clarified a moving forward strategy in Chancery Court. Joseph Lee question why we cannot remove tenants from buildings determined unfit. Ken Krushenski noted the actual appeal creates a stay of enforcement order. Further discussion - Matt Widner clarified what conditions a stay order would not be applied to. No further discussion.

#### **Hearing of Cases:**

#### **New Cases:**

##### **a. Case # 12-01**

*137 W. Arrowwood Road (owner: Harrison, Gina Gaye & Amberly) – Complaint – Structure Unfit for Human Occupation or Use. Burned out Dwelling violation of ORMC § 13-205.*

Matt Widner introduced this case with recent permitting activity to replace this structure. Aaron Wells made motion to dismiss seconded by John Russell – Discussion Joe Lee indicated the need to tear the remaining structure down. Philip Nipper question Matt Widner about the types of inspections required for the building repairs. Matt Widner responded that all new construction rough in and all finals inspections will be performed with the exception of foundation and walls. Mr. Widner elaborated on the permit estimated cost of construction vs Code Enforcement coordination with the owner's contractor to determine current condition of the structure and what steps were next in the

rebuilding. Joseph Lee questioned what sparked the owner to move forward with repair. Matt Widner confirmed it was City staff personal contact and later initiating unfit proceedings. Motion passed 6 – 1 (Joseph Lee).

**b. Case # 12-02**

*119 Maple Lane (owner: Northcutt, Christine (deceased)) – Complaint – Structure Unfit for Human Occupation or Use. Abandoned, Unsecure and Vandalism dwelling has become an attractive nuisance. Dwelling lacks adequate ventilation, light air, heat and sanitary facilities violation of ORMC § 13-205.* Matt Widner introduced the case explaining that the structure was owned by the late Christine Northcutt who passed away in September 2011. Matt continued with the current utility disconnection and excessive water consumption after the fact and showed photos of evidence supporting unfit condition. Hugh Ward questioned if the address was still receiving mail and if all interested parties were notified. Matt Widner responded “No” and followed up with additional efforts to contact late owner’s children. He provided what the next steps are in accordance to City adopted ordinance, if the structure is declared unfit then at that point efforts will be taken to notify all executors’ and interested persons allowing the findings to be challenged. Joseph Lee made motion to declare the structure unfit seconded by Aaron Wells. Joseph Lee discussion if tearing down the structure is best option and John Russell expressed the desire to clean up property at this time. Bruce LeForce reminded the BBHCA that this is a motion to declare unfit not to demolish. Joseph Lee question next step if unfit is approved. Matt Widner responded with procedural considerations how to move forward with cleaning, boarding and begin the demolition process. Bruce LeForce provided meeting procedures of the current motion on the floor vs. the discussion. Matt Widner briefly introduced unfit procedures flowchart to aid in the discussion. Aaron Wells made amended motion to clean up and secure structure within 30 days, seconded by Joseph Lee. Motion passed.

**Unfinished Business:**

- a. (Case # 11-12) 759 W. Outer Drive - violation to Sections 304.5 Foundation/basement; 304.6 Exterior walls; 304.13/15 Windows/doors; 304.12 Handrails/guardrails; 304.2 Protective treatment; and 301.3 Vacant structure of the International Property Maintenance Code.** Matt Widner introduced the case confirming this property has been declared unfit already but requested a temporary stay on demolition proceedings to allow a possible city purchase of this property using CDBG funds so that demolition may be accomplished under that process instead. Further discussion included Case 11-19 (121 Goucher Cir) in this alternative direction. Aaron Wells made a motion to table both cases 11-12 and 11-19 for 90 days to allow the CDBG to move forward. Seconded by John Russell. Discussion: Joseph Lee expressed support in the CDBG program but did not agree that case 11-12 not be included in the CDBG program and made amendment to not include 11-12. Phillip Nipper also expressed support in the CDBG program but cited the numerous violations history of case 11-12 and did not want to see any demolition tabling of this specific case seconding. Kathryn Baldwin provided additional information on the CDBG program and her vision in the usage of those funds. Joseph Lee expressed interest in the need to hold owners of 759 W. Outer Drive responsible for their property condition and wants the building demolished immediately. Bruce LeForce provided motion and amended motion on the floor clarification. Bruce LeForce to call for vote on

amended motion – Unanimous Passed. Bruce LeForce called for vote on original motion – Unanimous Failed. Matt Widner clarified that case # 11-12 remains unchanged and nuisance demolition process is to proceed.

- b. **(Case # 11-15)** *120-122 Jarrett Lane (vacant) - violation to Sections 304.7 Roof/drainage; 304.5/16 Foundation / basement; 304.13/15 Windows/doors of the International Property Maintenance Code.* Matt Widner provided a status update and recommended that this case be dismissed and pursue CDBG acquisition. Joseph Lee made motion to dismiss violations case to allow CDBG acquisition seconded by Aaron Wells Discussion by Joseph that he visited the site and reported on its dilapidated condition in which he wanted to see the building demolished. No further discussion Vote unanimously passed – case dismissed.
- c. **(Case # 11-18)** *100 Pearl Road - violation to Sections 302.7 Accessory structures of the International Property Maintenance Code. Carport still standing in disrepair.* Matt Widner provided an update on the case that City Codes processing and offered alternative recommendation to proceed with citations for standing nuisance. Bruce LeForce questioned what next step is appropriate. Matt Widner suggested that this type of issue should not have gone before the BBHCA in the first place. Philip Nipper made motion to dismiss the case Seconded by Amy Seiber, Discussion by Joseph Lee that he supports dismissing but expressed concern that if the house begins to look like the carport, then he wants to see it dealt with accordingly. Motion passed all in favor.
- d. **(Case # 11-19)** *121 Goucher Circle (vacant) - violation to Sections 302.1 Sanitation; 302.7 Storage buildings; 304.6 Exterior walls; 304.7 Roof/drainage; 304.8, 304.9 Fascia/soffit; 305.3 Interior surfaces.* Bruce LeForce referenced earlier case hearing and inquired to the chances of this property being acquired by the City. Matt Widner provided explanation of recent efforts and made recommendation to table case to allow acquisition efforts to move forward. Joseph Lee made motion to table the case for 90 days, John Russell Seconded motion, Motion passed unanimously.
- e. **2012 Property Maintenance Code Process** – Matt Widner introduced BBHCA actual past processes vs processes as written in the actual city ordinances. Matt Widner distributed 3 process flow charts. “UNFIT”, “PROPERTY MAINTENANCE” and “IPMC 2012” He continued starting with UNFIT process covering how cases should be heard in accordance to adopted city ordinances – follow up questions by BBHCA for clarification. Matt Widner then covered the current PROPERTY MAINTENANCE process as written in the ordinance and concluded that the BBHCA is not the appropriate board to hear these cases unless the defendants want to appeal or ask more time on the notice of violation. Bruce LeForce offered his view of the boards function to appeal and not to be a forum for actual violations and asked what should actually come before the board in the first place. Matt offered that in UNFIT complaint cases then the BBHCA will be the ruling authority in all cases, however in cases of simple property maintenance violations the BBHCA should only be utilized to hear appeals not to establish enforcement. John Russell offered historical reference to 2 functions of the BBHCA is from two separate boards being combined. 1 function to hear construction appeals and the other being housing. Matt Widner agreed and offered further explanation that the processes in question are only those dealing with housing issues. Matt Widner provided examples of enforcement shortcomings on previous BBHCA actions including the absence of “imminent danger” provisions in the current ordinance and then began introducing the 2012 IPMC process.

Phillip Nipper questioned how often the City has to adopt codes. Joseph Lee affirmed that the BBHCA has not done anything out of line, Matt Widner agreed but suggested that compliance follow through issues were staff related and further introduced the use of Citations and Municipal Infractions as a means to gain compliance. Further discussion of process. BBHCA without a vote provided general support to adopt the 2012 IPMC but wanted to see all SOP and supporting documents. Philipp Nipper provided guidance on how to proceed with both the BBHCA and City Council. Kathryn Baldwin agreed with Mr. Nipper and suggested to hold a future work session. Bruce LeForce questioned BBHCA availability to meet beyond its standard meeting time. No solution offered by the attendees. Bruce LeForce made motion to adjourn – motion passed

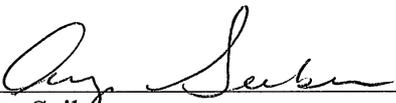
**New Business:**

None.

**Communications and Miscellaneous Business:**

None

Meeting adjourned at 5:30 p.m.

  
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Amy Seiber  
Secretary