

OAK RIDGE BOARD OF BUILDING  
AND HOUSING CODE APPEALS  
(BBHCA)

MINUTES

**APPROVED**

DATE: January 14, 2016

LOCATION: Municipal Building Training Room

PRESIDING: Bruce LeForce

PRESENT: Joseph Lee, Amy Seiber, Leonard Vaughen, Philip Nipper, Michael Marsh

ABSENT: Phil Yager

ALSO PRESENT: City of Oak Ridge: Matt Widner, Kathryn Baldwin and visitors present

I. Meeting started at 3:00 p.m. - Ms. Amy Seiber took the roll.

II. Approval of Minutes from Previous Meeting Held – September 10, 2015

Motion to approve by Joseph Lee; seconded by Leonard Vaughen; no discussion; motion passed unanimously.

III. Appearance of Citizens - No requests

IV. Hearing of Cases: Chairman LeForce with no objection by the Board, reversed Hearing of Cases order to accommodate interested parties being present.

a. **Case# 16-02: 204 Gum Hollow Rd (occupied) / 100 Glassboro Dr (unoccupied) Oak Ridge, TN 37830 (duplex structure)** Legal Description: Map: 015J Grp: C Ctrl Map: 015J Parcel: 015.00 Pl: S/I: 000

Subdivision: COUNTRY CLUB EST SEC-A- 1 Plat Book/Page: 7/125 Block: 19 Lot: 0006 **Roane County**, (Owned by: Schubert, Roy B & Sara Marie of 115 Netherlands Rd Oak Ridge, TN 37830) Complaint: Unfit for Human Occupation or Use – ½ vacant residential duplex structure. - Matt Widner introduced the case and its brief history leading up to the hearing, including a summary of Administrative Hearing Officer enforcement activities. Mr. Widner further described the building condition using photos obtained in support of the Notice of Violation, concluding that the structure should be immediately declared unfit and vacated while holding off from any demolition order until a later date depending on any remediation progress. The owner (Sally Schubert) indicated a history of hardship with the property and a lack of funds to make any substantial repairs. Mrs. Schubert agreed with Mr. Widner's assessment of the property and further expressed concern of the current 204 Gum Hollow occupant's ability to do the work as well. Mr. Schubert indicated they are working to remove personal items of value from the dwelling and intends on discarding trash on their own, but such work will take time given their work schedules and physical barriers. Various Board members discussed the situation with the owners, after which Joseph Lee made a motion to declare the entire structure Unfit for Human Occupation or Use and vacated per ORPMC §108.1.3; seconded by Michael Marsh; discussion by Kathryn Baldwin with the owners to clarify what structural repairs were completed or planned. Philip Nipper questioned owners about what the end goal was for the property. Mrs. Schubert responded that they wanted to clean out the property and then make a decision regarding sale or demolition. Further discussion on process removing the occupant from the premises concluded that the responsibility of eviction proceedings rests with the owners. Being no further discussion, motion passed unanimously. Mr. Widner confirmed that the structure is a clear candidate for demolition but requested that a demolition order be delayed to allow the owner's time to evict the current tenants and clean out the

personal belongings and trash. Mr. Lee made a motion to defer any demolition order until the February 2016 BBHCA hearing to reevaluate progress in order to better assess the final disposition of the property; seconded by Leonard Vaughn; no discussion, motion passed unanimously.

- b. Case# 16-01: 313 W. Faunce Rd Oak Ridge, TN 37830** – Legal Description: Map: 094J Grp: G Ctrl Map: 094J Parcel: 034.00 Pl: S/I: 000 Subdivision: BLOCK OE18 LOT 0084. (Owned by: Luzader Revocable Trust, William B Luzader Trustee 807 N. Country Club Dr. Newark, DE 19711-2750). Complaint: Unfit for Human Occupation or Use - Vacant single family dwelling. Structure in violation of ORPMC §108.1.3. This dwelling lacks adequate ventilation, light, air, heat or sanitary facilities; it is in a state of dilapidation due to excessive mold and water damage. Exterior violations noted have attributed to the structure becoming an attractive nuisance. This structure is dangerous to the health and safety of the general public. Per §108.1.3.1 non-structural repair exceeds 50% of property estimated value. Owner/Responsible Person is interested in selling this distressed property to the City – Matt Widner introduced the case and provided a history leading up to date. Using photos to describe the current condition of the property, Mr. Widner confirmed estimated costs of repairs exceeded property tax improvement value and estimated the same would be true referencing a pre-purchase appraisal that had yet been completed. Using photos as supplemental proof of condition, Mr. Widner requested that the mold and water damaged structure be ordered vacated and demolished. Joseph Lee made a motion that the structure be declared unfit for human occupation or use and vacated per ORPMC 108.1.3; seconded by Michael Marsh; being no further discussion, motion passed unanimously. Joseph Lee made a motion for the structure to be ordered demolished per ORPMC §111.4(b) within ninety (90) days to allow for possible City acquisition; seconded by Philip Nipper; discussion by Leonard Vaughn to clarify nuisance abatement process should the City not purchase the property; being no further discussion, motion passed unanimously.

#### V. Unfinished Business - None

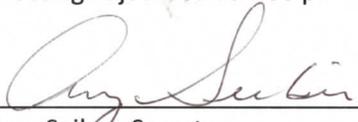
#### VI. New Business

- a. Election of Officers** – After a brief Board discussion regarding process and clarifying there being no new interested candidates, Joseph Lee made a motion to nominate and accept the current (2015) Board officers to remain in place for the 2016 year; Seconded by Philip Nipper; No further discussion, motion passed unanimously.
- b. Attendance Policy** – Matt Widner introduced the current City of Oak Ridge Boards and Commissions attendance policy and offered example how to best track members and their attendance record. Mr. Widner further suggested a mechanism to allow for official Board review and approval activities. Leonard Vaughn indicated his support of such practice. Bruce LeForce supported general tracking of Board members attendance but didn't wish to implement a per case absentee approval process. General discussion by the Board was supportive of the current City policy. Philip Nipper reiterated that a process should be in place for all boards to follow to promote consistency for everyone. Further discussion and general consensus of the BBHCA Board was to continue just tracking individual attendance and deal with any repeated issues that arise on a case by case basis.

#### VII. Staff Communications

Being no further business, meeting adjourned by consensus.

Meeting adjourned at 4:00 p.m.

  
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Amy Seiber, Secretary