

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

MINUTES

**APPROVED**

DATE: November 13, 2014

LOCATION: Municipal Building Training Room

PRESIDING: Bruce LeForce

PRESENT: Joseph Lee, Amy Seiber, Philip Nipper, Leonard Vaughen, Phil Yager, Bruce LeForce

ALSO PRESENT: City of Oak Ridge: Matthew Widner, Josh Waldo, Kathryn Baldwin, Denny Boss, Ken Krushenski, Mark Watson and citizens (see attached visitor sign- in sheet)

ABSENT: Aaron Wells

- I. Meeting started at 3:00 p.m. - Ms. Amy Seiber took the roll.
- II. Approval of the September 11, 2014 Minutes: Motion to approve by Joseph Lee; seconded by Leonard Vaughen; no discussion; motion passed unanimously.

Chairman Bruce LeForce called City Attorney, Ken Krushenski to the floor to provide an update on the outstanding Applewood Cases.

III. Hearing of Cases:

- a. **Case# 14-01: 123 E. Tyrone Rd Oak Ridge, TN 37830 (4<sup>th</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). Building previously declared unfit for human occupation and use and ordered vacated by the BBHCA because of continued severe code violations. The building was to be partially demolished by November 13, 2014 per owner's submitted plan to the BBHCA and have re-construction permits in the City approval process by December 1, 2014. Owner's failure to follow submitted plan could result in an order for demolition by the Board.
- b. **Case# 14-02: 135 E. Tyrone Rd Oak Ridge, TN 37830 (4<sup>th</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). Building previously declared unfit for human occupation and use and ordered vacated by the BBHCA because of continued severe code violations. The building was to be partially demolished by November 13, 2014 per owner's submitted plan to the BBHCA and have reconstruction permits in the City approval process by December 1, 2014. Owner's failure to follow submitted plan could result in an order for demolition by the Board.

**Both Cases (14-01 and 14-02) heard together as being one building:** Matthew Widner introduced the cases by summarizing the Board's expectation of progress since demolition cases were last tabled. Mr. Widner stated that no acceptable progress had been made during the past five (5) months with exception of the week prior to this meeting. He acknowledged that the owners did submit a sealed engineer demolition site plan just before the meeting, but maintained that given the amount of time already granted to the owners to execute their submitted plan, it was now time for the BBHCA to make a decision for demolition or not. Mr. Widner provided property value appraisals and estimated costs of construction to return the buildings back to a code compliant habitable condition with a conclusion that repairs do in fact far exceed 50% the structure's original value (see attachments). Having no evidence to the contrary by the owner, Mr. Widner made a staff recommendation that both cases be ordered completely demolished within thirty (30) calendar days.

The owner, Mr. Wang, stated that their insurance would cover the approximate \$40,000.00 cost for fire sprinkler system repair, but it didn't include the entire building. Mr. Widner reminded the Board that this nuisance condition has existed since 1997 (see attachment), and the City has spent the last two years trying to work with the owners to remediate the buildings. Mr. Wang provided a summary of their activities in preparation for partial demolition and asked the Board to approve the submitted plan. He further concluded that he would be willing to sell the buildings if he could find a legitimate buyer. Board discussion about the recently submitted demolition drawing by owner's engineer, Noel Peterson, and what it was supposed to represent followed. Philip Nipper questioned what exactly the owners were requesting of the Board and read the June 2014 meeting minutes to clarify expectations of the Board for this meeting. Noel Peterson indicated there has been a lot of work preparing for demolition, but it had just taken longer than expected. He concluded that thirty days was too short of a time to complete a demolition, and the Board should allow the owners a chance to pick their best option.

Community Development Director, Kathryn Baldwin, pointed out that the submitted demolition plan is not a construction plan and reiterated the City's involvement with these nuisance structures for 15 years. Joseph Lee asked owners if they had a contractor, realtor, abatement contractor, or permits for the work plan as submitted. Owners could not confirm that any such contracts had been secured. Mr. Lee made a motion that the structures located at 123 and 135 E. Tyrone be demolished per ORPMC §13-205(5) within thirty (30) days; seconded by Philip Nipper; discussion between the Board and Code Enforcement, Denny Boss on what other plans were required for the new site.

Philip Nipper inquired of Mr. Widner if demolition required complete removal of the building's foundation and slab and requested Mr. Lee to possibly reconsider his motion to allow for more time. Mr. Widner confirmed that a complete demolition would be required, and Mr. Lee declined to amend his motion. The owner, Mr. Wang, asked for more time stating he can start immediately if allowed by the Board. Mr. Widner pointed out that based on all the preparation work by the owner, it is not unrealistic to complete a demolition in 30 days, but further indicated there may be additional time needed for site plan review should there be a partial demolition allowed. Mr. Lee called for the question. Philip Yager questioned staff's demolition figures, which was confirmed by Mr. Widner and was agreed as reasonable by Mr. Wang.

City Manager, Mark Watson, commented on his perspective of the situation by citing the City's effort to help the owners find potential investors and pointed out the potential for redevelopment but asked the Board to make a decision. Mr. Nipper seconded the call for question. Bruce LeForce called for the vote. Motion to order structures completely demolished within 30 days passed unanimously. Mrs. Baldwin submitted documents and stated for the record that the City's involvement dates back to 1997 and concluded the City will not let these conditions continue.

- c. **Case# 14-13: 157 Wade Ln. Oak Ridge, TN 37830** (4-Plex) Legal Address: Map: 099C Grp: B Ctrl Map: 099C Parcel: 046.00 PI: S/I: 000 Subdivision: BLOCK OC13 LOT 0016 (Owned by: KNOXVILLE HOUSING PARTNERSHIP, INC. -102 N WINONA ST KNOXVILLE, TN 37917). Complaint: Unfit for Human Occupation or Use. The owner of this vacant 4-plex residential dwelling is participating in the voluntary acquisition process and was not in attendance but has agreed to allow the Board to hear this case in their absence. Matt Widner introduced the case by describing the circumstances, location, and condition of this structure. After pointing out specific violations and structural failures throughout, Mr. Widner concluded that the estimated cost of repair does exceed 50% of the original value and requested the structure be declared unfit for human occupation and use, ordered vacated and demolished within ninety (90) days. Joseph Lee made motion to declare structure a public nuisance unfit for human occupation and use per ORPMC §13-205(3&4); seconded by Leonard Vaughen; discussion by Philip Nipper informing the Board that these four-plex dwellings do have an "AEC Identifier" as a "K"; motion passed unanimously. Mr. Lee made a motion that the structure be vacated and demolished per ORPMC §13-205(5) within ninety (90) days; seconded by Mr. Nipper; discussion by the Board on the number of "K" building cases the Board has previously heard. Being no further discussion, motion passed unanimously.
- d. **Case# 14-14: 223 Hillside Rd. Oak Ridge, TN 37830** Legal Address: Map: 099K Grp: A Ctrl Map: 099K Parcel: 043.00 PI: S/I: 000 Subdivision: BLOCK OD11 LOT 0073 (Owned by: BREASEALE, MARGARET 103 PARSONS RD OAK RIDGE, TN 37830) Complaint: Unfit for Human Occupation or Use. The owner of this vacant converted duplex to a single family residential dwelling is participating in the voluntary acquisition process and was not in attendance but has agreed to allow the Board to hear this case in their absence. Matt Widner introduced the case by describing the history, circumstances, location, and condition of this structure. After pointing out specific violations and structural failures throughout, Mr. Widner concluded that the estimated cost of repair does exceed 50% of the original value and requested the structure be declared unfit for human occupation and use, ordered vacated and demolished within ninety (90) days. Joseph Lee made motion to declare structure a public nuisance unfit for human occupation and use per ORPMC §13-205(3&4); seconded by Philip Nipper; no discussion, motion passed unanimously. Mr. Lee made a motion that the structure be vacated and demolished per ORPMC §13-205(5) within ninety (90) days; seconded by Mr. Nipper; no discussion, motion passed unanimously.
- e. **Case# 14-15: 145 Spellman Ave. Oak Ridge, TN 37830** Legal Address: Map: 105K Grp: C Ctrl Map: 105K Parcel: 024.00 PI: S/I: 000 Subdivision: BLOCK OL09 LOT 0002 (Owned by: FLETCHER, JULIE C/O HOLLOWAY, JACQUELINE C 102 ARTESIA DR OAK RIDGE, TN 37830) Complaint: Unfit for Human Occupation or Use. The owner of this vacant converted duplex to a single family residential dwelling is participating in the voluntary acquisition

process and was not in attendance but has agreed to allow the Board to hear this case in their absence. Matt Widner introduced the case by describing the history, circumstances, location, and condition of this structure. After pointing out specific violations and structural failures throughout, Mr. Widner concluded that the estimated cost of repair does exceed 50% of the original value and requested the structure be declared unfit for human occupation and use, ordered vacated and demolished within ninety (90) days. Joseph Lee made motion to declare structure a public nuisance unfit for human occupation and use per ORPMC §13-205(3&4); seconded by Philip Nipper; no discussion, motion passed unanimously. Mr. Lee made a motion that the structure be vacated and demolished per ORPMC §13-205(5) within ninety (90) days; seconded by Mr. Vaughn; no discussion, motion passed unanimously.

IV. Unfinished Business

V. New Business

VI. Public Comment & Communications

- a. Public Comment by: Mrs. Hinsen about 140 Windham Rd and the work going on and visitor sign-in
- b. Public Comment by: Mr. Cox about Kathy Miller properties and the ongoing concerns
- c. Public Comment by: Mrs. Cox compared the Tyrone Road cases to the Kathy Miller property cases
- d. Public Comment by: Ms. Snowden about the history of Kathy Miller and Mark Scarborough asking for more enforcement.
- e. Board and Public Discussion: Regarding the role of the new Administrative Hearing Officer

Being no further business, Joseph Lee made motion to adjourn; seconded by Philip Nipper; no discussion; motion passed unanimously. Meeting adjourned at 5:10 p.m.



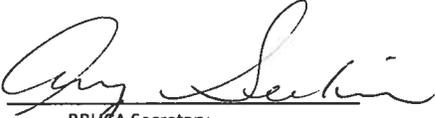
Amy Seiber  
Secretary

CITY OF OAK RIDGE, TENNESSEE  
ATTENDANCE RECORD FOR CITY BOARDS AND COMMISSIONS

Name of Board or Commission: BOARD OF BUILDING AND HOUSING CODE APPEALS

NAME OF MEMBER	PRESENT	ABSENT
Joseph Lee	✓	
Bruce LeForce - Chair	✓	
Philip Nipper – Vice Chair	✓	
Amy L. Seiber - Secretary	✓	
Aaron Wells		✓
Leonard Vaughen	✓	
Phil Yager	✓	

Date of Regular Meeting: 13 November 2014

Signature:   
BBHCA Secretary