

# APPROVED

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## OAK RIDGE BOARD OF BUILDING AND HOUSING CODE APPEALS

### MINUTES

DATE: January 13, 2011

LOCATION: Municipal Building Training Room

PRESIDING: Dr. Bruce Leforce

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

ALSO PRESENT: City of Oak Ridge: Kay Littlejohn, Tim Cochran, Denny Boss, Tim  
Ward, Mr. Ken Krushenski, Ms. Kathryn Baldwin,  
Applewood Apartments: Mr. Joseph J. Levitt, Jr., Mr. Ben Tedder, Ms.  
Tammy Sandlin,  
Corum Engineering: Mr. Wes McConkey,  
The Oak Ridger: John Huotari

ABSENT: None

Ms. Littlejohn took roll.

Ms. Littlejohn presented the minutes from the meeting on December 9, 2010. Mr. Lee made a motion to accept the minutes of December 9, 2010 with the correction of the name for the approval of the previous minutes. Mr. Nipper seconded the motion. Motion passed unanimously.

### Hearing of Cases:

#### Case No. 11-01

Mr. Joseph J Levitt Jr., 101 East Hunter Circle

Exterior of the building is in violation of Section(s) IPMC § 302.1; 302.3; 304.2; 304.4; 304.5; 304.6; 304.7; 304.8; 304.10; 304.12; 304.13; 305.3-Framed basement partition walls; 504.1.

Interior:

Apartment A (corrected 4-21-10)

Apartment B (Locked, not inspected) generally considered to be in violation of part or all of Section(s) IPMC 304; 305; 307.

Apartment C is in violation of Section(s) IPMC 304.15; 305.3; 501.2; 605.2.

Apartment D is in violation of Section(s) IPMC 304.13.2; 304.15, 305.1; 305.3; 504.1; 605.3; IFC 907.10.1.2.

Apartment E is in violation of Section(s) IPMC 304.13.2; 304.15; 305.1; 305.3; 504.1; 605.3; IFC § 907.2.10.1.2.

Apartment F is in violation of Section(s) IPMC § 303.13.2; 305.1; 305.3; 504.1; 604.1; IFC § 907.10.1.2

Apartment G (Locked, not inspected) generally considered to be in violation of part or all of Section(s) IPMC 304; 305; 307.

Apartment H is in violation of Section(s) IPMC 304.13.2; 304.15; 305.1; 305.3; 504.1; 605.3; IFC 907.2.10.1.2.

Apartment J (Locked, not inspected) generally considered to be in violation of part or all of Section(s) IPMC 304; 305; 307.

Apartment K is in violation of Section(s) IPMC 304.6; 304.13.2; 304.15; 305.3; 501.2; 605.2; 605.3; IFC 907.2.10.1.2.

Apartment L is in violation of Section(s) IPMC 304.13.2; 304.15; 305.3; 501.2; 605.3; IFC 907.2.10.1.2.

Apartment M (Locked, not inspected) generally considered to be in violation of part or all of Section(s) IPMC 304; 305; 307.

**Case No. 11-02**

Mr. Joseph J. Levitt Jr., 102 East Hunter Circle

Exterior of the building is in violation of Section(s) IPMC §302.1; 302.3; 304.2; 304.4; 304.5; 304.6; 304.7; 304.8; 304.10; 304.12; 304.13; 504.1

Interior:

Apartment A is in violation of Section(s) IPMC § 302.1; 303.13.2; 305.1; 504.1; 604.1; IFC § 907.2.10.1.2;

CORMC § 13-205(3)

Apartment B is in violation of Section(s) IPMC § 303.13.2; 304.15; 305.1; 305.3 604.1; IFC § 907.2.10.1.2

Apartment C is in violation of Section(s) IPMC § 303.13.2; 304.15; 305.3; 501.2; 605.3; IFC § 907.2.10.1.2

Apartment D is in violation of Section(s) IPMC § 303.13.2; 304.15, 305.3; 504.1; 604.1; 605.2.

Apartment E is in violation of Section(s) IPMC § 304.15; 305.1; 504.1; 605.3; IFC § 907.2.10.1.2.

Apartment F is in violation of Section(s) IPMC § 303.13.2; 305.1; 305.3; 504.1; 604.1; IFC § 907.2.10.1.2

Apartment G is in violation of Section(s) IPMC § 302.1; 303.13.2; 304.15; 305.3; 504.1; 604.1; 605.3; IFC § 907.2.10.1.2

Apartment H is in violation of Section(s) IPMC § 302.1; 303.13.2; 304.15; 305.3; 605.3; IFC 907.2.10.1.2.

Apartment J (Locked, not inspected) generally considered to be in violation of part or all of Section(s) IPMC § 304; 305; 307

Apartment K is in violation of Section(s) IPMC § 302.1; 303.13.2; 304.15; 305.3; 605.2; 605.3; IFC § 907.2.10.1.2.

Apartment L is in violation of Section(s) IPMC § 303.13.2; 304.15; 305.3; 604.1; 605.3; IFC § 907.2.10.1.2.

Apartment M is in violation of Section(s) IPMC § 305.3; 604.1; IFC § 907.2.10.1.2; CORMC § 13-205(3)

**Case No. 11-03**

Mr. Joseph J. Levitt Jr., 103 East Hunter Circle

Exterior of the building is in violation of Section(s) IPMC §302.3; 304.2; 304.4; 304.5; 304.6; 304.7; 304.8; 304.12; 304.13; 504.1; 604.1

Interior:

Apartment A (Locked, not inspected) generally considered to be in violation of part or all of Section(s) IPMC § 304; 305; 307

Apartment B is in violation of Section(s) IPMC § 302.1; 303.13.2; 304.15; 305.1; 501.2; 604.1; 605.3; IFC § 907.2.10.1.2.

Apartment C is in violation of Section(s) IPMC § 303.13.2; 604.1; 605.3; IFC § 907.2.10.1.2.

Apartment D is in violation of Section(s) IPMC § 305.1; 305.3; 604.1; IFC § 907.2.10.1.2; CORMC § 13-205(3)

Apartment E Locked, not inspected) generally considered to be in violation of part or all of Section(s) IPMC § 304; 305; 307

Apartment F is in violation of Section(s) IPMC §303.13.2; 304.15; 305.1; 605.1

Apartment G-H (H) is in violation of Section(s) IPMC § 302.1; 303.13.2; 304.15; 305.3; 604.1; 605.3; IFC § 907.2.10.1.2.

Apartment J Locked, not inspected) generally considered to be in violation of part or all of Section(s) IPMC § 304; 305; 307

Apartment K is in violation of Section(s) IPMC § 303,13,2; 304.15; 305.3; 501.2; 604.1; 605.3

Apartment L is in violation of Section(s) IPMC § 303.13.2; 304.15; 305.3; 501.2; 604.1; 605.3; IFC § 907.2.10.1.2

Apartment M is in violation of Section(s) IPMC § 303.13.2; 304.15; 305.3; 501.2; 604.1; 605.2; 605.3; IFC § 907.2.10.1.2

**Case No. 11-04**

Mr. Joseph J. Levitt Jr., 112 East Hunter Circle

Exterior of the building is in violation of Section(s) IPMC §302.1; 304.2; 304.3; 304.4; 304.5; 304.6; 304.7; 304.13; 303.13.2; 305.3; 307.1; 505.4; 604.3

Interior:

Apartment A is in violation of Section(s) IPMC § 302.1; 303.13.2; 304.13; 305.1; 305.3; 3-5.6; 504.1; 602.2; 604.1;

IFC § 907.2.10.1.2

Apartment B-C (B) (corrected 8-16-10)

Apartment D (corrected 8-16-10)

Apartment E-F (E) (corrected 8-18-10)

Apartment G is in violation of Section(s) IPMC § 303.13.2; 304.15; 305.3; 501.2; 602.2; 604.1; IFC § 907.2.10.1.2

Apartment H (corrected 9-16-10)

Apartment J-K (K) (corrected 9-16-10)

Apartment L-M (L) (corrected 9-16-10)

**Case No. 11-05**

Mr. Joseph J. Levitt Jr., 114 West Hunter Circle

Exterior of the building is in violation of Section(s) IPMC §302.1; 302.3; 302.8; 304.2; 304.3; 304.4; 304.5; 304.6; 304.7; 304.8; 304.10; 304.12; 304.13; 305.3 – Framed basement partition walls; 307.1; 504.1; 505.4; 604.3

Interior:

Apartment A (corrected 12-11-09)

Apartment B (corrected 12-11-09)

Apartment C (corrected 12-11-09)

Apartment D (corrected 7-12-10)

Apartment E (corrected 4-9-09)

Apartment G-H (G) (corrected 9-22-09)

Apartment J-K (J) (corrected 9-22-09)

Apartment L-M (L) is in violation of Section(s) IPMC § 303.13.2; 304.15; 305.1; 305.3; 501.2; 602.2; 604.1;

IFC § 907.2.10.1.2

### **Case No. 11-06**

Mr. Joseph J. Levitt Jr., 120 West Hunter Circle

Exterior of the building is in violation of Section(s) IPMC §302.1; 302.2; 302.3; 304.2; 304.3; 304.4; 304.5; 304.6; 304.7; 304.8; 304.10; 304.12; 304.13; 305.3 – Framed basement partition walls; 307.1; 504.1; 505.4; 603.1; 604.3

Interior:

Apartment A (corrected 8-27-09)

Apartment B (corrected 8-18-09)

Apartment C (Locked, not inspected) generally considered to be in violation of part or all of Section(s) IPMC § 304; 305; 307

Apartment D (corrected 8-18-09)

Apartment E is in violation of Section(s) IPMC § 302.1; 303.13.2; 304.15; 504.1; 605.2; 605.3; IFC § 907.2.10.1.2

Apartment F (corrected 8-18-09)

Apartment G (corrected 8-17-09)

Apartment H is in violation of Section(s) IPMC § 303.13.2; 304.15; 305.3; 605.2; IFC § 907.2.10.1.2

Apartment J (corrected 8-17-09)

Apartment K (corrected 8-17-09)

Apartment L (corrected 3-12-10)

Apartment M (corrected 9-22-09)

Dr. LeForce, Board Chairman, questioned Mr. Boss as to how the cases would be presented. After hearing that the cases would be heard collectively, the Board agreed to view the cases as a group and not individually.

Mr. Nipper questioned Mr. Boss concerning the structural deficiencies and whether he knew if the deficiencies had been corrected. He also asked if the deficiencies would require a building permit for repairs. Mr. Boss presented that no communications on the structural issues had been received, nor had city staff has received any building permits for structural repairs.

Mr. Boss presented the Case Summary and recommendations of the city staff.

Mr. Levitt presented that this information was based on administrative warrants and this information should not be considered since copies of those warrants were not provided to Board Members. Dr. LeForce questioned why the board should not accept the engineering reports since this is not a court of law. Mr. Levitt reiterated that the reports were done under an administrative warrant and those warrants should have been included since the board has no proof that the warrants were properly issued. Mr. Russell stated that we have information provided as a result of inspections so it is clear that the inspections were performed so why would the board need to see paper work that authorizes these inspections. Mr. Levitt objected to the board considering information provided as a result of administrative warrants and inspections. Dr. LeForce noted the objection.

Mr. Wells questioned Mr. McConkey of Corum Engineering. He asked if there is an exceeding amount of structural repairs that need to be done to repair damage and decay in Mr. McConkey's professional opinion. Mr. McConkey said yes.

Mr. Levitt questioned Mr. Boss as to the code in force at the time of construction of these units. Mr. Boss stated that the current Property and Maintenance Code is a minimum requirement used to maintain safety not to increase requirements.

Mr. Nipper asked Mr. Levitt to present evidence to the board as to what structural repairs have been done to these buildings.

Mr. Levitt stated he had presented evidence before and it didn't seem to make any difference. Mr. Boss stated that some effort to make some repairs to the interior has been done. There has not been any structural or exterior other than painting to his knowledge. No inspections of exterior or structural have been requested by Applewood or done by the city.

Mr. Levitt stated that all information is two years old. Mr. Boss said that is because no further inspections have been requested. That if work has been done the city staff should have been notified and inspections could then be done. The city will not waste time and resources to obtain further administrative inspections of these properties. Mr. Lee stated that based on the Building Status report dated December 2010 and included in the Board's agenda packet that no follow up inspections have been requested or completed and that the owner needs to request re-inspections when the work is completed. Administrative warrants should not be necessary. Dr. LeForce stated that the Board needs 1) Have the structural repairs been done? 2) A specific plan in place with a reasonable time line documenting the repairs. Mr. Levitt stated that all six buildings have had structural replacements and some repairs. Mr. Nipper asked if any re-inspections have been completed. Mr. Levitt said he did not know. Mr. Boss said that exteriors have not been re-inspected and that staff will no longer approve occupations of buildings until the structural repairs have been completed.

Mr. Wells made a motion that the structures at 101 East Hunter Circle, 102 East Hunter Circle, 103 East Hunter Circle, 112 East Hunter Circle, 114 West Hunter Circle and 120 West Hunter Circle be declared unfit for human occupation or use under City Code 13-205(3) and that the structures should be declared a nuisance under City Code 13-205(4). Motion seconded by Mr. Lee.

Discussion ensued with Mr. Levitt as to whether any permits or inspections or repairs have been made. Mr. Lee made a call to action on the motion. Mr. Wells repeated the above motion. Mr. Lee seconded. Motion passed unanimously.

Mr. Lee made a motion that the structures located at 101 East Hunter Circle, 102 East Hunter Circle, 103 East Hunter Circle, 112 East Hunter Circle, 114 West Hunter Circle and 120 West Hunter Circle be ordered vacated and demolished under City Code 13-205(5) in ninety (90) days. Motion seconded by Mr. Wells.

Mr. Wells said he feels motion is appropriate since there has been no compliance and these buildings are more than 50% decayed and deteriorated. Mr. Lee stated that the owner should have had a structural engineer to testify as to the integrity of these buildings if he felt the city was in error. He stated that this is a sad day for the tenants, the city and Mr. Levitt and that no evidence to the contrary of the reports submitted by the city has been presented. Mr. Wells stated his concern that no re-inspections were ever requested. The motion passed unanimously.

**New Business:** None

**Unfinished Business:** None

**Communications and Miscellaneous Business:**

Status of Open Cases:

**Case No. 10-03**

Gary Oden, 116 Jonathan Lane

This case has been bid for demolition and should be completed by February 28, 2011.

**Case No. 10-16**

Gail Garey, 114 Kingsley Road

Ms. Garey has applied for an additional thirty days to complete repairs.

Mr. Wells made a motion to allow Ms. Gary until March 10, 2011 to make needed repairs.

Motion seconded by Mr. Lee. Motion passed unanimously.

Meeting adjourned at 4:30 p.m.



Amy Silber  
Secretary