

# BOARD OF BUILDING CODE STANDARDS AND APPEALS MINUTES

**September 13, 2021**

**Location:** Ronald Reagan Building, 271 W. 3<sup>rd</sup>, 3<sup>rd</sup> Floor, Room 318

**Members:** Francisco Banuelos, Randy Coonrod, Brad Doeden, Randy Harder, Miles Millspaugh, Eric Purkey, Russ Redford, Gregg Wilhite, Taylor Zimbelman

**Present:** Coonrod, Doeden, Millspaugh, Purkey, Redford, Wilhite, Zimbelman

**Staff Members Present:** Chris Labrum, Kortney Capello, KaLyn Nethercot, Penny Bohannon, Chris Nordick, Elaine Hammons (MABCD); Deputy Chief/Fire Marshal Dan Wegner, Division Chief Robert Timmons (SCFD 1)

The regular meeting of the Board of Building Code Standards and Appeals was called to order by Chairman Redford at 1:00 p.m. on Monday, September 13, 2021, at the Ronald Reagan Building, Metropolitan Area Building and Construction Department, 271 W. 3<sup>rd</sup>, 3<sup>rd</sup> Floor, Room 318 – Training Room, Wichita, Kansas.

## **Approval of the August 2, 2021, minutes.**

Board Member Millspaugh made a motion to approve the August 2, 2021, minutes. Board Member Doeden seconded the motion. The motion carried. (7 – 0)

## **Public Agenda.**

There was no one requesting to speak on the Public Agenda.

## **Election of Chair and Vice Chair**

Board Member Wilhite nominated Russ Redford to continue as Chairman of the Board of Building Code Standards and Appeals. Board Member Coonrod seconded the nomination. Russ Redford was re-elected as Chairman. (7 – 0)

Board Member Coonrod nominated Brad Doeden for the position of Vice Chairman. Board Member Wilhite seconded the nomination. Brad Doeden was elected as Vice Chairman. (7 – 0)

### **1. Condemnations:**

#### **Review Cases:**

##### **1. 1423 E. 9<sup>th</sup> N.**

Dellcina and LaDwayna Smallwood were present on behalf of this property.

A one- and one-half story frame dwelling about 26 x 51 feet in size, this structure has been vacant for an unknown amount of time. This structure has cracking concrete block basement walls; missing siding; sagging and badly worn composition roof, with holes; and the soffits, fascia and wood trim are rotted.

A site inspection by MABCD staff found that the structure was secure, and some repairs had been made. There were no utilities at the time of inspection.

A family member who attended the hearing advised the Board that new windows have been installed, the structure has been painted, and other repairs were underway. Required permits had not been obtained for some of the repairs.

With the progress made on the structure, KaLyn Nethercot, Neighborhood Inspection Administrator, recommended that the property be returned to Neighborhood Inspection. Continued progress would be monitored, and necessary permits would be obtained as part of the conditions of compliance.

**(1423 E 9<sup>th</sup> – con't)**

Board Member Wilhite made a motion to refer the property back to Neighborhood Inspection. Board Member Millspaugh seconded the motion. The motion was approved. (7 – 0)

**2. 1846 S. Water St**

Leon Dukes was present as a representative for the property.

This is a one- and one-half story frame dwelling about 63 x 26 feet in size. Vacant and open, this structure has been badly damaged by fire. It has rotted and missing siding; sagging and badly worn composition roof, with holes; dilapidated front and rear porches; and the 20 x 18 foot accessory structure has been fire damaged.

Mr. Dukes, told the Board that he hoped to purchase the property once the property had been through probate and transferred to the deceased owner's daughter so she could sell it.

Chairman Redford suggested that Kortney Capello, MABCD Assistant Director, be allowed to make an inspection of the structure prior to the October 4<sup>th</sup> Board of Code Standards and Appeals Meeting. Board Member Millspaugh asked that the deceased owner's representative attempt to get some idea of how long the property would be in probate status.

Board Member Coonrod made a motion that a viable plan of action be presented to the Board at the October 4, 2021. Meeting or the property be submitted to the City Council with a recommendation of condemnation, with ten days to start demolition and ten days to finish removal of the structure. Board Member Millspaugh seconded the motion. The motion carried. (7 – 0)

**3. 320 W. 12<sup>th</sup> N.**

Steve Barksdale, agent for the property owner, was present.

Vacant for at least ten years, this one- and one-half story frame dwelling is about 44 x 23 feet in size. This structure has cracking concrete block basement walls; badly worn composition roof; and the wood trim and soffits are deteriorated and missing.

Mr. Barksdale told the Board that permits were obtained and progress had been made on repairs. He said he planned to paint the structure prior to autumn. He stated that all debris was removed from the exterior.

Chairman Redford made a motion to return the property to Neighborhood Inspection. Vice Chairman Doeden seconded the motion. The motion carried. (7 – 0)

**4. 1127 N. Broadway Ave (Front Only)**

The property owner, Don Lobmeyer, attended the meeting.

A mutple-story frame dwelling approximately 69 x 40 feet in size, the building has been vacant for at least six months. This structure has been damaged by fire; the upper egress no longer has staircase on exterior; deteriorated and missing wood trim and soffits; and the 10 x 10 and 8 x 15 foot accessory structures are in poor condition.

Addressing the Board, Mr. Lobmeyer said he had attempted to contact a structural engineer to assess the property, but he had not received any responses from the numerous engineers he had contacted. He said he considered selling the property to a potential buyer "as is," and a potential buyer may want to proceed with repairs.

Board Member Coonrod stated that Mr. Lobmeyer had not provided a definitive plan of action at the September 13, 2021, meeting for the sale or repair of the property as set forth in the motion approved by the Board at the August meeting. In accordance with the motion made at the August 2, 2021, meeting, and approved by a vote of 7 – 0 in favor of

**(1127 N. Broadway Ave – con't)**

condemnation, the property was referred to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete removal of the structure.

**New Cases:**

There were no new cases for September.

**Request by Dale Diggs, Diggs Construction Company, Class B Contractor's License, BUS-201, for permission to be the Qualified Person for a second Class B Contractor's License (Q-D Construction Services, LLC).**

Mr. Dale Diggs appeared before the Board with his request to be the Qualified Person for a second license. He explained that the purpose of the second license was to allow a new project to be performed under a separate company that he also owns. He uses the separate company for consulting and project management, with other contractors carrying the necessary licenses. With the new project he is overseeing, the customer requested that Mr. Diggs act as the licensed contractor and obtain any necessary construction permits.

Board Member Coonrod made a motion to approve Mr. Diggs' request to be the Qualified Person for a second Class B Contractor's License. Vice Chairman Doeden seconded the motion. The motion passed. (6 – 0) Board Member Wilhite recused himself from the vote.

**Changes to Fire Service Drive Requirements.**

Chris Labrum, MABCD Director, explained that the Board's recommendations for changes were presented to the Wichita Area Builders' Association (WABA) as well as to SCFD 1. Chief Wegner returned to the Board to clarify the necessity for some of the requirements, but also offered potential options as a compromise. After meeting again with the Board, MABCD, and WABA, a satisfactory compromise was reached.

Board Member Coonrod made a motion that the Board give its recommendation for approval of the proposed changes to the Fire Service Drive Requirements. Board Member Millspaugh seconded the motion. The motion carried. (7 – 0)

**MABCD Updates.**

Ms. Nethercot told the Board that the property at 336 N. Joann, on a prior agenda for possible condemnation action, was cleaned of debris.

Mr. Labrum reported that the adoption of the 2021 Edition of the International Mechanical Code and the 2021 of the Uniform Plumbing Code would be set for a public hearing within the next few weeks.

**Adjournment.**

With no other business to discuss, the meeting adjourned at 1:39 p.m.