

**MINUTES OF THE BUILDING BOARD OF APPEALS
CITY OF PEORIA, ARIZONA
DEVELOPMENT AND COMMUNITY SERVICES BUILDING
9875 N. 85TH AVENUE
September 10, 2018**

A **Regular Meeting** of the Building Board of Appeals of the City of Peoria, Arizona was convened at 9875 N. 85th Avenue in open and public session at 3:00 p.m.

Members Present: Chairman David Demmer, Member Dennis Grenier, Member Harold Gribow, Member Scott Grainger, and Member Michael Watt

Other Municipal Officials Present: David Benton, Chief Assistant City Attorney; Robert Goodhue, Deputy Director of Development; Dennis Chase, Building Official & Inspection Supervisor; Jack Stroud, Neighborhood & Human Services Manager; Mark Egger, Code Compliance Officer, and Leticia R. Martinez, Management Assistant

Audience: 1

Opening Statement: The Opening Statement was read by Chairman David Demmer.

Roll Call was taken, all members present.
Call for speaker request forms.

CONSENT AGENDA

1. Minutes

Motion was made by Scott Grainger, seconded by, Harold Gribow, for the Approval of the Minutes of August 28, 2017. Upon vote, the motion carried unanimously 5 to 0.

2. Introductions

Introduction of City staff and board members.

REGULAR AGENDA

3. Petersen Appeal # POS18-00083

It was noted that the appellant or a representative were not present to give testimony.

Jack Stroud, Neighborhood & Human Services Manager provided a case history and presentation regarding the property located at 7372 W. Desert Cove, Peoria, AZ 85345 based on the WillDan Engineering inspection report and the 2015 IPMC. It was noted that a second Notice and Order to Abate was sent to the new owner, via certified mail, on July 27, 2018. At the end of the presentation, Jack Stroud recommended that the Board uphold the City's order for demolition or consider a proposed recommendation for the rehabilitation.

BOARD MEMBER COMMENTS:

Vice Chairman Harold Gribow inquired, based on the presentation, how the City identified the properties for abatement. He also made mention that he drove by the property before the meeting and noticed that the fence was removed from the property. The water heater and electrical service were both visible and the front part of the property is boarded up, shielding any activity within.

Mr. Jack Stroud stated that they worked with Finance and gathered information for properties with delinquent water accounts, 5 years and beyond.

Chairman Dave Demmer inquired when the property caught fire and if Code Enforcement has received any complaints from the neighbors. He also stated that he wished the property owner was present to work with him.

Mr. Jack Stroud informed the Board that they have received a few complaints and Mr. Dennis Chase informed the Board that a fire inspection was completed in December 2016.

Member Dennis Grenier expressed his concerns with the property owners not being responsible for the upkeep of their property and felt that the appeals process seems flawed due to the long process. He inquired if an ordinance could be passed stating if a safety hazard is present, or something is not completed in a timely manner, the City could take action to come to a resolution; in this case, require the property owner to install a fence on the property.

Regarding an ordinance, Mr. Robert Goodhue informed the Board that there are ordinances in place. However, Code Compliance has limited funding. Should there be an option and more funding was allocated, Code Enforcement would be able to be more proactive to address these types of situations, thus making the property owners responsible.

Mr. Robert Goodhue also informed the Board that the property owner did not give a reason for not being present for the meeting. He did share that he has been in contact with the property owner and the property owner is willing to work the City and is serious about rebuilding the house so he can turn around and sell it as that is his business. Mr. Goodhue also shared that just before the Building Board of Appeals meeting, the contractor tried to submit plans, but we were unable to accept them due to the scheduled hearing meeting.

Chairman Dave Demmer stated that he is inclined to work with the property owner with the stipulation that the property owner installs a fence around property due to the safety hazard.

Member Dennis Grenier inquired should the property be demolished, will the City allow for the cement slab to remain. The WillDan report suggests that the property be demolished because the length of time it has been abandoned and cost effectiveness, but does not indicate that there is anything structurally wrong with the walls. The structural engineer's report indicates that there is no damage to the walls. Mr. Grenier also inquired if the City could require a cash bond as a stipulation and requested clarification if the final inspection is equivalent to obtaining the Certificate of Occupancy.

Mr. Dennis Chase stated that the City requires that the cement slab be demolished. The City only requires a bond when work is being done in the City's right-of-way. He also confirmed that a final inspection is equivalent to a Certificate of Occupancy.

Mr. David Benton stated that the City does not have legal authority to impose a bond. The City can only exercise the authority it has.

Member Scott Grainer questioned if landscaping could be added as a stipulation.

Mr. Jack Stroud stated that there is an ordinance in place requiring the front yard landscaping to be complete six (6) months after the Certificate of Occupancy is issued.

Motion was made by Scott Grainger, seconded by, Dennis Grenier, to accept the City's recommendation to uphold the City order to demolish the residence at 7372 W. Desert Cove with stipulations. Upon vote, the motion carried unanimously 5 to 0. The stipulations are as follows:

1. If at any point, the stipulations are not complied with, the City will immediately move forward and enforce the demolition order with the applicant to obtain a demolition permit within 10 days.
2. The owner shall install a fence by Wednesday, September 12, 2018 by the close of business.
3. The owner shall submit plans for reconstruction of house no later than September 17, 2018.
4. If plans require corrections, the plans must be picked up within one (1) business day of being notified of plans being ready for pick up.
5. The owner shall resubmit plans within two (2) weeks from date plans were picked up.
6. There shall be no more than three (3) review cycles.
7. Upon notice from the City that plans are approved, the owner shall pick up permit within one (1) business day of notification.
8. The project shall receive the final inspection approval within four (4) months of permit issuance.

4. Status Update of Previous Appeal Hearings

Mr. Robert Goodhue informed the Board that the owners of the 8491 W. Madison property complied with all stipulations and completed their project, addressing the immediate concerns, within the stipulated timeframe. They have plans to expand by adding a patio, but no submittals have been received thus far.

Chairman David Demmer commended the staff and Board for working with the property owner on this project.

Mr. David Benton provided an update for the Peoria Regional Medical Center (PRMC). The owner is negotiating with a potential buyer interested in the property. The potential buyer has reached out to City staff with their plans and has applied to the court to purchase the property. The court has

approved the sale process, i.e., the submitted plan of how to sell, how creditors will be paid. Next week, the property will go up for auction with one potential buyer. With the purchase agreement in place, it will take about 60 days for escrow. The buyer is concerned with the City's stance, and has asked that the City does not re-issue an Order to Abate as it will conflict with financing. The City is standing firm with the requirement that the new owner will need to comply with. The efforts for the new owner to comply are in their hands as the City is willing to work with the new owner to ensure he has time to come up with a development plan and rebuild. Currently, the property is fenced.

5. International Code Council (ICC) 2018 Code Adoption Cycle

Mr. Robert Goodhue informed the Board that the City staff is in the process of reviewing the 2018 ICC code. There does not appear to be much of a change comparing it to the 2015 code. Peoria is reviewing the International Swimming Pool and Spa code and our ability to enforce the code properly as it entails inspection of filters, slope, etc. Building Development plans to submit the 2018 ICC code adoption to Council by the end of the calendar year with an effective date of July 2019. The Fire Department will also be going to the same code.

Reports from Staff

Mr. Robert Goodhue shared a news report with the Board. On Labor Day, there was a child drowning in Peoria. The drowning took place in a recently built custom home located on 83rd Ave. & Happy Valley Rd. Per the news report, an adult performed CPR until the paramedics arrived. The child was then transported to the hospital, but died on September 10, 2018. During the building process, the City had been in contact with the owners of this custom home as they wanted the rolling, glass wall to act as the swimming pool barrier. This type of wall is used to create an open environment. However, they are not compliant with pool safety.

During one of the pool inspections, the building inspector recommended that the owners install a door lock latching device or pool fence. They were not happy that they had to install a pool fence and at the time of inspection, the inspector overheard the property owner state that once inspection passed, he would be removing the fence. It has been confirmed that at the time of the drowning, there was not a pool fence around the pool. Unfortunately, once the property owners receive an approved final pool inspection, barriers can be removed.

Some municipalities allow an electronic door alarm systems. But similar to the previous incident, once a property owner receives an approved final pool inspection, the alarm can easily be deactivated. The 2015 ICC code does not allow door alarms and neither does the 2018 ICC code. Prior to the City adopting the 2015 ICC code, property owners were able to sign an affidavit if they did not have any children under the age of 7. This did not address the issue if house was sold making the house no longer compliant should there be children under the age of 7 in the new household.

Reports from Building Board of Appeals

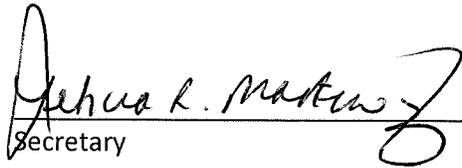
Member Harold Gribow inquired about the BBoFA board term limits. Chairman David Demmer shared that he was recently informed that the Building Board of Appeals does not have term limits.

ADJOURNMENT:

Being no further business to come before the Board, the meeting adjourned at 4.26 p.m.



David Demmer, Chairperson



Secretary