MINUTES OF THE BUILDING BOARD OF APPEALS
CITY OF PEORIA, ARIZONA
DEVELOPMENT AND COMMUNITY SERVICES BUILDING
9875 N. 85TH AVENUE
November 20, 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 4:00 p.m.

Members Present: Chairman David Demmer, Vice-Chair Harold Gribow, Member Dennis Grenier, and Member Scott Grainger

Other Municipal Officials Present: David Benton, Chief Assistant City Attorney; Robert Goodhue, Deputy Director of Development; Dennis Chase, Building Official; Jack Stroud, Neighborhood & Human Services Manager; Chris Hallett, Neighborhood & Human Services Director, Mark Egger, Code Compliance Officer, Eric Hannah, Lead Code Compliance Officer, Jay Davies, Police Manager, Scott Whyte, Real Estate Development Officer, Kelli Kincaid, Neighborhood and Human Services, Erik Strunk, Deputy City Manager, Jennifer Stein, Director of Communications, Chris Jacques, Planning and Community Development Director, Jason Cleghorn, Planning and Community Development, Mike Brune, Peoria Fire and Medical Department, and Leticia R. Martinez, Management Assistant

Audience: 12

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

Roll Call was taken, member Michael Watt was absent.
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 September 10, 2018. Upon vote, the motion carried unanimously 4 to 0.

2. Grand Holdings, LLC Appeal # POS18-00085

Jack Stroud, Neighborhood & Human Services Manager presented a case history and inspection findings for the property located at 8455 NW Grand Ave., Peoria, AZ 85345 based on the WillDan Engineering inspection report dated February 14, 2018 and the 2015 IPMC. At the end of the presentation, Jack Stroud recommended that the Board uphold the City's order for demolition.

BOARD MEMBER COMMENTS:

Member Dennis Grenier inquired if the fire suppression system, in a vacant building, must be operable.

> Mr. Robert Goodhue stated that if a fire suppression system is installed, it shall meet the requirements of the fire code.

Member Scott Grainger, Fire Protection Engineer, stated that a fire suppression system in a building, if required to have a system or if one is installed, must be operable regardless of whether the building is occupied or not. He also inquired why the Fire Department has not been involved. They should be requiring that the sprinkler system be tested /inspected annually by the owner.

Mr. Jack Stroud stated that the system was either removed or damaged.

Chairman David Demmer inquired about access to the building. The building has been vacant at least 10 years.

Mr. Jack Stroud stated that the building is boarded or bolted closed, but access is not too difficult.

Vice-Chair Mr. Harold Gribow confirmed that there is no fencing around building.

Member Scott Grainger stated that the WillDan report does not reflect the roof's condition. Mold is evident, thus parts of the roof is rotted. More than likely Peoria Fire-Medical will not go into building if structure is unsound. There was also further discussion as to why the WillDan inspector did not go on the roof to complete an inspection of the roof the day of inspection.

The appellant, Mr. Ron Hassid, indicated that WillDan chose not to go on roof, they had full access.

Mr. Dennis Chase, Building Official, stated that a structural analysis was provided about 9 years ago, by the same owner. The report indicated that the roof is not collapsible. He also reminded the board members that the condition of the roof structure is not the reason why a Notice and Order to Abate Violation of Code was issued.

The appellant, Grand Holdings, LLC's rep, Mr. Ron Hassid, introduced himself as a member and manager. He is the only local member. Mr. Hassid stated that the LLC agrees that the building needs electrical, plumbing, HVAC, and a fire sprinkler system. The LLC does not agree with the Notice and Order to Abate as the only option is to demo the building and it does not agree with the notice when it refers to the building being unfit for human occupancy. The building does not currently have a C of O, and it does not mean it is unsafe.

Mr. Hassid had a third party structural engineer assess the building on November 12, 2018. However, because Mr. Hassid did not submit the report to the City for proper distribution to the board members, the board members were not able to accept the report.

Mr. Hassid stated that the LLC has been actively trying to lease or sell the building for the last 10 years; it is advertised as a grey shell. But, the City has told the potential tenants and buyers that the building is City property. Mr. Hassid requested an extension.

BOARD MEMBER COMMENTS:

Chairman David Demmer stated that he does not see an urgency on the owner's part, to correct the issues and this is a serious matter. There is a school a half-mile away and there is a concern that somebody may get hurt.

Member Dennis Grenier stated that the building is a hazard. The building should be fenced in. It is also an eye sore.

Member Scott Grainger inquired who the utility companies were.

> Mr. Jack Stroud stated that APS is the electric service provider. The City of Peoria provides the water service and the natural gas service provider would be Southwest Gas. Mr. Stroud also stated that in the City's permitting system, it is notated that the gas was capped off in 2005.

Mr. Mike Brune, with Peoria Fire-Medical, provided brief history about the building. In 2010, the Peoria Fire Department responded to a water leak call. Someone broke in through the service entrance by the building docks. The Fire Department shut the water off and requested that the electrical be turned off. The Fire Suppression System and Fire Code reads: the system should be maintained during life of building. If the building is vacant, it should be secured. Peoria Fire-Medical has an alert for this property, as there is no alarm system. The alert is for fire-medical staff to not go onto roof. The last call Peoria Fire-Medical received was reported by building directly behind the 8455 NW Grand Ave. property. The Peoria Fire-Medical crew was in the building and it was reported that there was no vagrance or homeless. The fire was deemed in the basement. However, the alert not a fool proof system. The building should have a sprinkler system, but the fire sprinklers were removed as they are brass. The fire sprinkler system or alarm should be maintained for the life of the structure. Peoria Fire knows not to go onto roof.

Mr. Scott Whyte, Real Estate Development Officer, introduced himself and shared that he has had many opportunities to talk with property manager. The City has reached out to the property manager and has offered fair market value for the property twice; both times they have declined. The building is not economically efficient. It has no historical evidence. Full disclosure of property information has been made to potential tenants. They feel it is important information a potential buyer or tenant should have. They have also made recommendations to developers and would like to introduce joint venture opportunities.

> Chairman David Demmer asked the property manager what the plan is for the property.
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> Mr. Ron Hassid stated he is looking for the right tenant to lease property and improve it.
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> Member Dennis Grenier stated that he does not feel this property will attract a tenant due to the condition of the property and inquired what pathway the City could take.
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> > Mr. David Benton, Chief Assistant City Attorney, stated if we waited to condemn, we would have statutory authority. Council and Development would exercise that authority.
> > 1. Condemn property, purchase from owner at fair market value.
> > 2. Abatement authority, demo, put a lien on property, use as public property.

Member Dennis Grenier also stated that every time the police of fire department is called out to the property, the City should bill the owner.

Mr. David Benton stated that the City does not have the authority to bill the owner.

Mr. Scott Grainger shared with those present that there is history with the board, on previous appeals, to work with the property owners and their proposed suggestions to bring properties up to code. A motion was made by Scott Grainger, seconded by Dennis Grenier, to accept the staff's recommendation to uphold the City order to demolish the property located at 8455 NW Grande Ave., Peoria, AZ 85345.

With the Board upholding the City's order, Mr. Robert Goodhue stated that there are two dates to keep in mind, when the permit must be obtained and when the demolition of the property must be completed by.

The Neighborhood & Human Services Department will re-issue a Notice and Order to abate Violation of Code for the property. The new order will establish new dates when a demo permit must be obtained and when the demolition and area must be completed.

Mr. Dennis Grenier inquired if there is anything that can be done in case the property owner decides to file for bankruptcy, ultimately, delaying the demo process. The concern is that the City will still be left with the hazard should that happen.

Mr. Robert Goodhue stated that we would have to follow the process. The property owners will need to submit demolition plans to the City prior to obtaining a permit.

Mr. Jack Stroud stated that he would continue to watch the process.

REGULAR AGENDA

3. <u>Status Update of Previous Appeal Hearings</u>

Mr. Robert Goodhue informed the Board that the owners of the residential property located at 7372 W. Desert Cove obtained a building permit on October 11, 2018. One of the stipulations was that the property be completed by four months, February 11, 2019. He also informed the board that there is a potential buyer interested in purchasing the property once it has been framed. Mr. Goodhue made sure to inform owner that the stipulated criteria must still be followed even with a change in ownership.

Mr. David Benton provided an update for the Peoria Regional Medical Center (PRMC). It is currently in escrow. The potential buyer is planning to develop the structure as a hospital.

4. <u>Future Meetings</u>

A quarterly meeting scheduled was proposed to the Board. No action was taken with approving a quarterly meeting, however the next meeting has been scheduled for Wednesday, February 6, 2019, 4:00 p.m., POV Conf. Rm. Further dates will be discussed during the next meeting.

Reports from Staff

Mr. Robert Goodhue informed the Board that the City staff is still in the process of reviewing the 2018 ICC code. The City Attorney's Office will also need to review the adopted codes prior to presenting it to Council. Thus far, there has been no opposition. Building Development plans to submit the 2018 ICC code adoption to Council by the beginning of the calendar year with and effective date of July 1, 2019.

Reports from Building Board of Appeals

Member Harold Gribow informed those present that the Building Board of Appeals meeting was advertised in the Arizona Republic.

ADJOURNMENT:

Being no further business to come before the Board, the meeting adjourned at 5:39 p.m.

David Demmer, Chairperson

Secretary