

**MINUTES OF THE BUILDING BOARD OF APPEALS
CITY OF PEORIA, ARIZONA
DEVELOPMENT AND COMMUNITY SERVICES BUILDING
9875 N. 85TH AVENUE
February 27, 2019**

A Regular Meeting of the Building Board of Appeals of the City of Peoria, Arizona was convened at 9875 N. 85th Avenue in an open and public session at 4:00 p.m.

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

Other Municipal Officials Present: Robert Goodhue, Deputy Director of Development; David Benton, Chief Assistant City Attorney; Jack Stroud, Neighborhood & Human Services Manager, and Leticia R. Martinez, Management Assistant

Audience: 0

CONSENT AGENDA

1. Disposition of Absence

Excused absent member Michael Watt from November 20, 2019 meeting.

2. Minutes

Motion was made by Harold Gribow, seconded by Dennis Grenier, for the Approval of the Minutes of November 20, 2019. Upon vote, the motion carried unanimously 4 to 0.

3. Future Meetings

Motion was made by Harold Gribow, seconded by Dennis Grenier, for the Approval of a quarterly meeting schedule. The 2019 meeting dates are scheduled for May 29, August 21, and November 13. Upon vote, the motion carried unanimously 4 to 0.

REGULAR AGENDA

4. International Code Council (ICC) 2018 Code Updates

Per the request of member Scott Grainger, Mr. Robert Goodhue provided a presentation on the proposed 2018 International Code Council code updates and 2015 amendments.

Mr. Robert Goodhue informed the board that he has proposed to create a Development Advisory Board. The Development Advisory Board would be comprised of the current BBoFA members and will include others within the industry. This would increase the scope of the BBoFA's role to include approval of draft ordinances prior to the ordinance going to Council. If approved, the board would be a subcommittee of the Peoria City Council. The City Manager's Office is reviewing this request. Council action will be required if approved by the City Manager.

BOARD COMMENTS:

Chairman David Demmer inquired if all facets within the development process would be represented in the new Development Advisory Board.

Mr. Robert Goodhue stated that the stakeholders would provide the updates and the committee would draft the ordinance.

The purpose of updating the current code from the 2015 to the 2018 ICC codes is to give customers predictability, use of standard plans, amongst all municipalities. There are not many amendments from the 2015 to 2018 codes. Consolidating the administrative process into one location, in the IBC, will standardize administrative processes, expiration timeframes for all codes. In the presentation, the changes are reflected as follows: a single underline is due to a change in City code and double underlines reflect changes in the City and national codes.

BOARD COMMENTS:

Member Dennis Grenier inquired if these changes are statewide or within Maricopa County.

Mr. Robert Goodhue informed the board that there is no statewide code. There will be some differences amongst other municipalities as the codes are local; however, they are based off the International Code Council. The City of Peoria goes off the City of Phoenix's proposed updates as Phoenix goes through an intense vetting process.

Section 116 Unsafe Structures and Equipment was discussed in detail as it provides a list of criteria for unsafe conditions and will assist Code Enforcement in determining what a hazard is. Section 116.6 The Notice of Violation section is very comprehensive and begins the administrative section.

BOARD COMMENTS:

Chairman David Demmer inquired if the third party inspections will provide a more thorough report being that section 116 give a better guide on what to report.

Mr. Robert Goodhue stated that it does as this section provides a cookbook method in determining and outlining what a hazard is.

In section 116.1 Conditions (safety of structure), member Dennis Grenier inquired if this section focuses on residential and commercial buildings with a Certificate of Occupancy or is it written for vacant building.

Mr. Robert Goodhue informed the board that it pertains to any structure.

Section 116.2 defines unsafe and imminent unsafe conditions. With any imminent unsafe condition, code requires the condition to be resolved immediately. An imminent unsafe condition is applicable to all systems, e.g. electrical, plumbing, gas, etc. The fire and sprinkler systems are enforced by the Fire Department. The Fire ordinance is to be referenced.

Member Dennis Grenier inquired if the City requires all buildings to have insurance/liability, such as the old Smitty's building.

Mr. David Benton informed the board that the City cannot require a property owner to have insurance on private property. The City can mandate that the property be kept in an orderly fashion.

Mr. Robert Goodhue stated that assurances are required if work is being done within the City's right-of-way. The contractor is also required to be licensed and bonded.

Member Dennis Grenier inquired if the number of parking spaces are considered in the review process when a strip plaza is in the development phase.

Mr. Robert Goodhue informed the board that the Planning and Development Department reviews all proposed developments. Depending on use, i.e. the number of restaurants, peak use, sq. footage of buildings, etc., will determine the number of parking spaces required to ensure the necessary amount of parking spaces are available.

5. Status Update of Previous Appeal Hearings

Petersen Appeal – 7372 W. Desert Cove: Mr. Robert Goodhue provided an update to the Board. The owners, an LLC, are making progress. This project is close to being completed and should be finalized within a month.

Peoria Regional Medical Center (PRMC): Mr. David Benton provided the update. The buyers are actively engaged and have requested that the Court provide them another extension to continue to work on their due diligence. They have met with the Planning Department to determine what is required for this project; is the zoning adequate, looking at the parking, frontage, etc.

BOARD MEMBER COMMENTS:

Chairman David Demmer inquired if the use will continue to be medical.

Mr. David Benton informed the board that the buyers are not committing to the planned development, a hospital. They have assessed the steel structure and it is in good shape. The extension provides them an additional 30 days to continue with their due diligence and pushes their closing date to May 15, 2019. They have agreed to put a shell on the structure until a tenant is found.

Mr. Jack Stroud confirmed that the property is currently fenced.

Grand Holdings, LLC: Mr. David Benton provided the update. The owners have appealed the BBoFA's decision to uphold the City's Notice and Order to Abate, with Superior Court. At the first hearing, the judge asked why the City was concerned with this owner's private property and ordered for its demolition. The City provided the necessary information and documents compiled during the Code Enforcement process. At that hearing, the judge partially stayed the Board's order to address the issues with the property and owner was to initiate the demo process. However, they did not initiate the demo process. The next full hearing is set for March 22, 2019 at 9:00 a.m. The City has submitted briefs. A yes ruling will be to comply with order and a no ruling will stay order completely. Mr. Benton also informed the board that per discussions with the owner's lawyer, the owner is now interested in meeting with the City to discuss development of this property.

BOARD MEMBER COMMENTS:

Member Dennis Grenier inquired if Mr. David Benton would be representing the City.

Mr. David Benton informed the board that the City has a City litigator and team representing the City.

Mr. Jack Stroud informed the board that an environmental study has been completed.

Reports from Staff

No further reports.

Reports from Building Board of Appeals

No reports.

ADJOURNMENT:

Being no further business to come before the Board, the meeting adjourned at 5:54 p.m.

David Demmer, Chairman _____

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Board Staff Assistant