

**MINUTES OF THE BUILDING BOARD OF APPEALS  
CITY OF PEORIA, ARIZONA  
DEVELOPMENT AND COMMUNITY SERVICES BUILDING  
9875 N. 85<sup>TH</sup> AVENUE  
May 29, 2019**

A **Regular Meeting** of the Building Board of Appeals of the City of Peoria, Arizona was convened at 9875 N. 85<sup>th</sup> Avenue in an open and public session at 4:10 p.m.

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

**Other Municipal Officials Present:** Robert Goodhue, Deputy Director of Development; David Benton, Chief Assistant City Attorney; Dennis Chase, Building Official, and Leticia R. Martinez, Management Assistant

**Audience:** 0

#### **CONSENT AGENDA**

##### **1. Disposition of Absence**

Motion was made by member Michael Watt, seconded by vice-chair Harold Gribow, excusing absent member Scott Grainger from February 27, 2019 meeting. Upon vote, the motion carried unanimously 5 to 0.

##### **2. Minutes**

Motion was made by member Michael Watt, seconded by vice-chair Harold Gribow, for the Approval of the Minutes of February 27 2019. Upon vote, the motion carried unanimously 5 to 0.

#### **REGULAR AGENDA**

##### **3. Appeal Process**

Mr. Robert Goodhue discussed the appeal process with the board, specifically to establish a timeframe when the appellant should submit supporting documentation to City staff in order to allow for timely distribution to Building Board of Appeals board members, allowing for sufficient time for board members to review documents in preparation for the scheduled meeting.

##### **BOARD COMMENTS:**

There was a consensus amongst the board members that receiving the board member meeting packet at least two weeks prior to a scheduled meeting will allow plenty of time to review the documents.

Chairman Dave Demmer stated that the Board recently established a quarterly meeting, but is open to holding a special meeting if one is needed. All agreed.

Mr. Robert Goodhue stated that City staff will work on putting the guidelines in writing, thus appellants will have procedures on hand when they seek to appeal an order and notice to abate.

Mr. David Benton followed up stating that if we have a written policy, this will require appellant to abide with policy.

#### **4. Status Update of Previous Appeal Hearings**

Petersen Appeal – 7372 W. Desert Cove: Mr. Robert Goodhue provided an update to the Board. Due to a fire, this property was left with only the block walls and slab. It took the owners longer than the established timeframe to complete the project, but were actively involved the entire time with the project's completion.

Peoria Regional Medical Center (PRMC): Mr. David Benton provided the update. On Thursday, May 30, 2019, there is a meeting scheduled with the entity buying PRMC out of bankruptcy and City staff. Earlier in the year, they unexpectedly withdrew their interest in purchasing property, but shortly after, expressed their interest in purchasing the property. The buyers are actively engaged and are doing their due diligence. It is their intention to use the steel frame and they have provided a report from an engineer/architect firm indicating that the frame is structurally sound. They have not disclosed what plans they have for the property but they have inquired about zoning and uses for that property; they plan to stay with a related medical use. A traffic study needs to be completed to address the increased traffic. There have been discussions about adding a pedestrian bridge, a traffic signal, and to buffer vision from properties to the west as well as who is responsible for the costs being that the neighboring school has affected the traffic. The prospective buyers have been informed that once they purchase the property, an order and notice to abate will be reissued.

#### **BOARD MEMBER COMMENTS:**

Member Dennis Grenier inquired if the bankruptcy court established the sale price.

Mr. David Benton confirmed that the bankruptcy court established the sale price. The price will allow for creditors to be paid.

Member Scott Grainger inquired if there was anything different that the board could have done ensuring that the process would move forward and not delayed.

Mr. David Benton stated that nothing could have been done different as once the owners file bankruptcy, the court has complete control.

Mr. Robert Goodhue stated that from the board's standpoint, the board only has two options: (1) to reverse/modify the City's decision or (2) to uphold the City's decision.

Grand Holdings, LLC (former Smitty's): Mr. David Benton provided the update. The owners appealed the BBoFA's decision to uphold the City's Notice and Order to Abate with Superior Court. The Superior Court judge ruled in the City's favor. The appellant has filed an appeal of the Superior Court's ruling to the Court of Appeals. The City suspects that the property owners will file a motion to stay. Oral arguments are scheduled to be heard next month.

#### **BOARD MEMBER COMMENTS:**

Vice-chair Harold Gribow stated that he hopes that the property does not attract nuisance in the meantime.

Mr. David Benton stated that the property is fenced. He also shared that the judge informed the City to prepare for demo, but not to move forward with the demolition. The City had an environmental assessment completed, has had discussions with a demo contractor, and the demo permit has been pulled.

**Reports from Staff**

Mr. Dennis Chase informed the board that the building inspection staff is on the verge of converting to tablets that will be used in the field. The City has been working with a 3<sup>rd</sup> party to create an app. Next in line is to roll out an app for customers.

Mr. Bob Goodhue shared that with the use of the tablets, the inspectors will now have access to the plans electronically, the talk to text feature, and the ability to input all inspection notes into the system. Going paperless is possible, but a timeframe has not been established.

**Reports from Building Board of Appeals**

Vice-chair Harold Gribow, per discussion at the previous meeting, inquired about the status of a Development Advisory Board, which would include the current board members and members from the industry.

Mr. Robert Goodhue stated that he has not heard anything from the City Manager's Office. However, the 2018 International Code Council codes were adopted by the City Council. They will go into effect on July 1, 2019.

**ADJOURNMENT:**

Being no further business to come before the Board, the meeting adjourned at 5:08 p.m.

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David Demmer, Chairman

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Board Staff Assistant