

## MINUTES OF HOUSING CODE APPEALS BOARD

DATE: 19 October 2010

TIME: 4:30 p.m.

PLACE: Housing and Community Development Department

Chairperson Robert Schaub called the meeting to order at 4:45 p.m. following staff assurance of compliance with Iowa Open Meeting Law.

Board Members Present:	Bill Kinsella Fred Miller	Paul Newman David Young	Robert Schaub
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Staff Present:	Robert Boge Atty. Tim O'Brien	Roger Benz Tami Ernster	Richard Firzlaff
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Public Present:	Dave Stuart	Atty. Stuart Hoover
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### Review and Certification of Minutes of 17 August 2010 Housing Code Appeals Board Meeting

Bill Kinsella motioned to approve the minutes. David Young seconded. Motion passed 5-0.

### Correspondence/Public Input

There was no correspondence or public input.

### Consent Agenda

The consent agenda items are considered to be routine and non-controversial and all consent items will be normally voted upon in a single motion without any separate discussion on a particular item.

The following property owners have requested an extension of time to complete repairs. The Housing and Community Development staff concurs with the extension of time requested and respectfully requests Housing Appeals Board approval.

There were no consent agenda items to discuss.

ALL DEFICIENCIES AND MOTIONS ARE IN ACCORDANCE WITH THE DUBUQUE HOUSING CODE UNLESS OTHERWISE STATED. EXTENSIONS OF TIME ARE GRANTED IN ACCORDANCE WITH TITLE 6 SECTION 6-9F(1) AND VARIANCES ARE GRANTED IN ACCORDANCE WITH TITLE 6 SECTION 6-9F(2).

### New Business

#### CASE #1

Christopher Bainbridge, owner of 590/592 University Avenue, is requesting an extension of time to make repairs as his building was badly vandalized and left in a distressed state.

This is a General Housing inspection.

David Young moved to approve a three month extension. Bill Kinsella seconded. Motion passed 5-0.

#### CASE #2

Mike Shaffer, owner of 716 Peru road, is requesting a variance on an existing bathroom as it is an entrance of a bedroom.

This is a Rehab inspection.

Inspector is requesting that a hallway be built to separate the bathroom from the stairs to the 2<sup>nd</sup> floor. It will be very costly and in addition eliminate bathroom closets, require movement of the tub, sink and toilet, and make the bathroom and living room much smaller.

Dick Firzlaff explained to the board that in order to reach the 2<sup>nd</sup> floor, entrance to the stairs must be reached through the existing single bathroom. He is hoping to work with the owner and the contractor before the board approving the request and asked that this issue be tabled until the next meeting.

Bill Kinsella moved to table the variance request until more information can be gathered. Paul Newman seconded. Motion passed 5-0.

**CASE #3**

Mary Richards, owner of 1472 Locust Street is requesting the Order of the Housing Officer be reversed because 1) structure is currently in compliance with Sec 6-6-10(g), 2) building complies with Sec 6-6-9(f)(2)e and Sec 6-6-3, 3) order specifies inappropriate Treatment per Sec 6-6-10, 4) order requires repair to structure not covered under housing regulations, 5) inspection of property not per Sec 6-6-7, and 6) per Sec 6-6-1( C) and Sec 6-6-3 continued use without changes is authorized.

This is a General Housing inspection.

Attorney Stuart Hoover spoke on Mrs. Richards behalf. Robert Boge was put under oath to answer questions regarding this property. After a number of questions that Attorney Tim O'Brien declared as irrelevant to the appeal, the Board asked Attorney Hoover to get to the point and explain what they were appealing. The Board was especially concerned about whether repairs were going to be made. Attorney Hoover expressed concern about the inspector trespassing on the property to take pictures of the dilapidated stairs and porch.

David Young moved that the appeal be denied. Paul Newman seconded. Motion passed 5-0. Paul Newman moved it was appropriate for an inspector to take pictures on private property as one his duties. David Young seconded. Motion passed 5-0. Paul Newman motioned to affirm the Order of the Housing Officer and deny the request for reversal. David Young seconded. Motion passed 5-0.

**CASE #4**

Dave Stuart, owner of 1509 and 1511 Bluff Street, is protesting the August 2, 2010 order to repair rear roof: 1) Property is not subject to Section 6, Chapter 6 (HOUSING REGULATIONS) of City of Dubuque ordinances; 2) Buildings are currently in compliance with performance requirement of Chapter 6-6-10G3; 3) Property complies with Chapt 6-6-1(C); 4) Order violates the Fifth Amendment of the Constitution of the United States.

This is a General Housing inspection.

Dave Stuart was sworn in at this time. Attorney Hoover asked a number of questions that were irrelevant to the appeal. David Young moved to deny the request that the Order of the Housing Officer be reversed and to include all reasons as stated in the appeal. Paul Newman seconded. Motion passed 5-0.

**Old Business**

There was no business to discuss.

**Information Sharing**

There was no information to share.

**Adjournment**

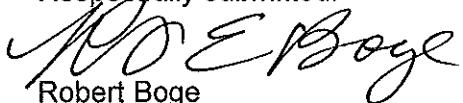
Paul Newman moved to adjourn. David Young seconded. Motion passed 5-0. The meeting was adjourned at 5:50 p.m.

Minutes prepared by:



Tami Ernster  
Permit Clerk

Respectfully submitted:



Robert Boge  
Housing Inspection Supervisor