

MINUTES OF HOUSING CODE APPEALS BOARD

DATE: 16 June 2009
TIME: 4:30 p.m.
PLACE: Housing and Community Development Department

Chairperson Robert Schaub called the meeting to order at 4:30 p.m. following staff assurance of compliance with Iowa Open Meeting Law.

Board Members Present:	Bill Kinsella David Young	Paul Newman Fred Miller	Robert Schaub
Staff Present:	Robert Boge Crenna Brumwell	Roger Benz Tami Ernster	Tom Smith
Public Present:	J Thomas Zaber Atty. Stuart Hoover	Mary Richard	Dave Stuart

Review and Certification of Minutes of 21 April 2009 Housing Code Appeals Board Meeting

Bill Kinsella motioned to approve the minutes. Paul Newman seconded. Motion passed 5-0.

Correspondence/Public Input

There was no 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.

J Thomas Zaber – owner of 1005 Locust Street – extension to 7/15/09
J Four Investments - owner of 1960½ White Street – extension to 7/31/09
Henry Stout Apartments – owner of 125 W 9th Street – extension to 9/1/09
Larry and Brenda Husemann – owner of 718 Rhomberg Avenue – extension to 9/15/09
Hartig Realty VI – owner of 2236 Central – extension to 10/15/09
Lynn Lampe – owner of 346-348 W Locust – extension to 8/1/09

ALL DEFICIENCIES AND MOTIONS ARE IN ACCORDANCE WITH THE DUBUQUE HOUSING CODE UNLESS OTHERWISE STATED. EXTENSIONS OF TIME ARE GRANTED IN ACCORDANCE WITH SECTION 26-9.(f)(1) AND VARIANCES ARE GRANTED IN ACCORDANCE WITH SECTION 26-9.(f)(2).

Mr. Zaber was present to request an additional 30 days extension to August 15, 2009, as he has been ill and was just released from the hospital. David Young moved to lift Mr. Zaber's request from the consent agenda. Bill Kinsella seconded. Motion passed 5-0.

David Young moved to accept the rest of the consent agenda. Paul Newman seconded. Motion passed 5-0.

The Board discussed Mr. Zaber's request for an additional 30 days extension. Bill Kinsella moved to extend Mr. Zaber's request to August 15, 2009. David Young seconded. Motion passed 5-0.

New Business

CASE #1

Mary E Richards, owner of 1472 Locust Street, is requesting the orders of the Housing Officer be reversed as this owner feels this property is not subject to Chapter 26 of the Housing Code.

This is a GH Inspection.

Attorney Hoover presented the case that Ms. Richards is elderly and could not afford to make costly repairs to her property. He distributed photographs of the repairs that Mrs. Richards is disputing. The Board recommended possible options to Ms. Richards such as using City programs such as historic, lead and rehab to assist in making repairs. Concerns from the Board were raised about the stairs to the 2nd floor that had a broken railing and a missing railing. They suggested Ms. Richards repair or remove the stairs. In addition, it was recommended that Ms. Richards either repair the broken downspout or remove it. Bill Kinsella moved to table this item until Ms. Richards had a chance to apply for City programs to assist her financially. Paul Newman seconded. Motion passed 5-0.

CASE #2

Dave Stuart, owner of 1470 Locust Street is requesting the order of the Housing Officer be reversed as owner feels this property is not subject to Chapter 26 of the Housing Code.

This is a GH Inspection.

Mr. Hoover asked that Mr. Boge and Mr. Stuart be given an Oath of Affirmation and both be allowed to be questioned. Mr. Hoover proceeded to question Mr. Boge as to the reasons for enforcement on this property. The Board expressed confusion and requested that the owner get to the point as to why 1470 Locust is not subject to Chapter 26 of the Housing Code. After discussion it was moved by David Young to continue this case to the next meeting on July 21, 2009, in order that all five points of Mr. Stuart's appeal can be addressed. Paul Newman seconded. Motion passed 5-0.

CASE #3

Dave Stuart, owner of 1589 and 1591 Bluff Street is requesting the order of the Housing Officer be reversed as owner feels these properties are not subject to Chapter 26 of the Housing Code.

This is a GH Inspection.

It was asked by the Board is this case was based on the same argument as Case #2. After confirming this, Paul Newman moved that this discussion also be continued to the next meeting on July 21, 2009. Paul Newman seconded. Motion passed 5-0.

Old Business

There was no old business.

Information Sharing

There was no information to share.

ADJOURNMENT

David Young motioned to adjourn. Paul Newman seconded. Motion passed 5-0. The meeting was adjourned at 6:20 p.m.

Minutes prepared by:

Tami Ernster

Tami Ernster
Permit Clerk

Respectfully submitted:

ROB Boge

Robert Boge
Housing Inspection Supervisor