

MINUTES OF HOUSING CODE APPEALS BOARD

DATE: 17 August 2010
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 Fred Miller	Paul Newman David Young	Robert Schaub
Staff Present:	Robert Boge Tom Smith Tami Ernster	Janet Walker Tim Moler	Roger Benz Atty. Tim O'Brien
Public Present:	Bryce Davis Dave Stuart	Jason Tuthill Atty. Chris Soppe	Richard Brenner

Review and Certification of Minutes of 15 June 2010 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 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.

Genesis Two Management, Inc. – owner of 1411½ Lincoln Avenue – extension to 8/20/10
Highlands of Dubuque – owner of 663-675 W 11th Street – extension to 10/20/10

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).

Dave Young motioned to approve the consent agenda. Bill Kinsella seconded. Motion passed 5-0.

New Business

CASE #1

Michelle Mihalakis, owner of 205-207 E 22nd Street, is requesting a 90 day extension to reside and replace windows.

This is a Section 8 inspection.

Owner is requesting an extension to October 15, 2010. Owner can only receive extension to September 15, 2010, after which time the property will go into abatement.

Bill Kinsell moved to approve an extension to September 15, 2010. Paul Newman seconded. Motion passed 5-0.

CASE #2

Mid American Construction/Properties, owner of 743 University Avenue, is requesting a variance on ceiling height and light ventilation.

This is a Section 8 inspection.

The ceiling height in the third floor room is 77" – the minimum is 84". This room was an attic, but it is hard to tell if this is original construction. The floor area is 15'x16' or 240 sq. ft. requiring 19 sq. ft. of natural light and half that for natural ventilation. The window is 33"x60" providing 13.76 sq. ft. of natural light and half that for natural ventilation. This room is short 5.25 sq. ft. natural light and 2.62 sq. ft. natural ventilation.

Paul Newman moved to grant the variance due to practical difficulties and no immediate danger to the public. Bill Kinsella seconded. Motion passed 5-0.

CASE #3

Christopher Richard, owner of 505 W 17th Street is requesting a variance from a basement entrance through a bathroom.

This is a Section 8 inspection.

Dave Young moved to grant the variance. Paul Newman seconded. Motion passed 5-0.

CASE #4

Larry and Brenda Husemann, owner of 131 E 13th Street, are requesting an extension of time for peeling paint as they are applying for lead grant funds.

This is a General Housing inspection.

Lead funds are currently not available. If the City receives another grant, funding will not be available until next Spring.

Due to the fact that lead funds are not available at this time, Fred Miller moved to deny the extension of time. Bill Kinsella seconded. Motion passed 5-0.

CASE #5

Jason and Michelle Tuthill, owner of 1030 W 5th Street, are requesting up to a five-year extension of time to reglaze windows and remove peeling paint on window sashes.

This is a General Housing inspection.

Owners are requesting that they be allowed to wait until the next inspection cycle to make the repairs as they have been hit with a street assessment, new boiler replacement and updated electrical. They have run out of funds to make further repairs as they felt the boiler and electrical were more important.

Because the owners are current in the inspection cycle and will be current through the winter moratorium, it was moved by Paul Newman to deny the five year extension and have the owner reapply for an extension in June 2011. Dave Young seconded. Motion passed 5-0.

CASE #6

Richard Brenner, owner of 2874 Washington, is requesting another extension on painting until August 30, 2010.

This is a General Housing inspection.

Mr. Brenner was previously given an extension to June 15, 2010.

Due to the weather and issues with another building Mr. Brenner is dealing with, Mr. Brenner appeared to ask for additional time beyond August 30, 2010. Dave Young moved to grant an extension to September 17, 2010. Paul Newman seconded. Motion passed 5-0.

CASE #7

Dave Stuart, agent for 1509 and 1511 Bluff Street is requesting the order of the Housing Officer be reversed because 1) property is not subject to Section 26 of the City of Dubuque ordinances, 2) buildings are currently in compliance with Sec. 6-6-10G3a, and 3) order violates the 5th Amendment of the Constitution of the United States.

This is a General Housing inspection.

Robert Boge was put under oath and questioned regarding inspection of this property. Mr. Stuart was also put under oath to answer questions regarding his appeal. Paul Newman moved the order of the housing officer be affirmed. Bill Kinsella seconded. Motion passed 5-0.

Old Business

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.

This case will be brought back to the next meeting and will be discussed at that time.

Information Sharing

There was no information to share.

ADJOURNMENT

Bill Kinsella moved to adjourn. David Young seconded. Motion passed 5-0. The meeting was adjourned at 6:10 p.m.

Minutes prepared by:

Tami Ernster

Tami Ernster
Permit Clerk

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Robert Boge". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert Boge
Housing Inspection Supervisor