

MINUTES OF HOUSING CODE APPEALS BOARD

DATE: 21 April 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 Tami Ernster	Roger Benz	Tom Smith
Public Present:	Carol Ruden	Dave Stuart	Atty. Stuart Hoover

Review and Certification of Minutes of 21 October 2008 Housing Code Appeals Board Meeting

Bill Kinsella motioned to approve the minutes. Fred Miller seconded. Motion passed.

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.

Aaron Young -- owner of 289 Cardiff -- extension to 5/1/09
Janice Healey -- owner of 2568 Jackson -- extension to 5/31/09
Mike Welbes -- owner of 471 Almond -- extension to 5/31/09
Dubuque Property Management -- owner of 1160 University -- extension to 6/15/09
Mid America Properties -- owner of 576 Central -- extension to 7/1/09
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).

Bill Kinsella moved to accept the consent agenda. Paul Newman seconded. Motion passed.

New Business

CASE #1

Leroy and Carol Ruden, owners of 306 W Locust, are requesting a variance on repairs to the exterior of the building. Repairs include repairing the porch soffit, wet scraping and painting porch ceiling, floor and stairs, repair soffits and gutters where necessary, repair decks and stairs, and tuckpoint brick where needed.

This is a GH Inspection.

Mrs. Ruden presented that there is considerable damage to the interior due to a burst water pipe several years ago. It would take over \$150,000 total repairs to the building, which includes approximately \$50,000 in repairs to the exterior. The Rudens have been trying to sell the building without much success. They are also looking into trying to get a demolition permit, however, it would take some time as permission would have to be received from the Historic Commission to remove the building.

Bill Kinsella moved that a six-month extension be allowed for the owner to go to the Historic Commission to request permission to demolish the building. David Young seconded. Motion carried.

CASE #2

Dave Stuart, owner of 1509 and 1511 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.

Mr. Stuart claimed that this building does not fall under the jurisdiction of Chapter 26 of the Housing Code as it is not a residential property due to the fire damage. He stressed that as the building could not be occupied, the Housing Department and the Appeals Board had no jurisdiction over requiring repairs to the building. Mr. Stuart was told that the City's Legal Department had advised the Board that the building fell under Chapter 26 guidelines and repairs must be made. Paul Newman moved that the appeal not be granted. Bill Kinsella seconded. Fred Miller abstained. Motion carried.

Mr. Stuart stated that only one of his appeals was addressed as he had 4 others listed on the appeal form. He complained that his five issues were summarized under one heading and the rest of the issues needed to be addressed one by one. Chair Bob Schaub ruled that the previous motion made and carried addressed all of Mr. Stuart's issues. Mr. Stuart requested that the minutes reflect that he was not allowed to address each of these issues.

Old Business

CASE #1

Dave Stuart, owner of 1581 and 1589 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.

After review from the City's Legal Department, it was determined that appeal rights were not specifically written in the letter to Mr. Stuart. The current order of the Housing Officer is reversed.

Information Sharing

There was no information to share.

ADJOURNMENT

David Young motioned to adjourn. Bill Kinsella seconded. Motion passed 5-0. The meeting was adjourned at 5:25 p.m.

Minutes prepared by:

Tami Ernster

Tami Ernster
Permit Clerk

Respectfully submitted:

Robert Boge

Robert Boge
Housing Inspection Supervisor