

RECEIVED

CHRIS MILLER

POST OFFICE BOX 1265
LAWRENCE, KANSAS 66044
TELEPHONE: 785-241-6245

APR 28 2009

**CITY MANAGERS OFFICE
LAWRENCE, KS**

April 28, 2009

The Lawrence City Commission
% The Honorable Frank Reeb
City Clerk
City Of Lawrence
6 East 6th Street
Lawrence, Kansas 66044

Re: Public Hearing
1207 E. 13th Street

Gentlepersons:

I am writing with respect to a Public Hearing scheduled before the City Commission, on April 28, 2009, and as indicated in your Notice. Please accept this letter as my response to the staff recommendations and conclusions in the Staff Memo and Attachments submitted to the Commission, in support of adoption of Resolution No. 6384. Please include this correspondence as part of the official record and evidence of that proceeding.

I am attaching, for ease of review, copies of an April 13 Notice of Violation issued by the City; my letter of April 24 to Mr. Jimenez; and my letter of April 28 to Mr. Jimenez. As you can see, the Notice of Violation directs me that the former attached garage structure be sided and repainted, if necessary. I had previously advised City staff that I intended to retain the former attached garage structure, to use for storage. Until April 23, 2009, no issue had been raised by staff, with respect to that proposal.

As I note in my letter of April 24, I have cleaned the site, and removed the plumbing fixtures mentioned in the Notice and reflected in the photographs submitted by staff. With respect to the remaining foundation and flooring for the remainder of the structure, it remains in place only temporarily to cover the crawl space while I secure appropriate materials on site to fill the resulting hole when it is removed. I have left it in place as a safety precaution, although there have been no safety concerns expressed regarding the site since it was originally secured. I intend to have it removed and the hole filled shortly.

As I understand the staff request, you are being asked to determine that the remaining portion of the structure is "unsafe and dangerous", apparently in accordance with K.S.A. 12-1750 et. seq. In fact, as I understand it, that is the only basis on which the staff request may be approved, and Resolution No. 6834 adopted. Simply put, there is no evidence before this Commission that the structure is either "unsafe" or "dangerous".

Admittedly, the site is not particularly attractive, although a number of other properties in the area are also unattractive. Admittedly, demolition of the structure has taken longer than anticipated, and certainly longer than I would have preferred. In part, that has been because I

have attempted to salvage or recycle as much of the material resulting from demolition of the structure as possible. In part, the process has been slow because I have attempted to keep the site as secure as possible during demolition.

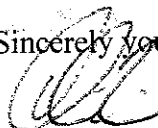
I am somewhat troubled and confused by this process. On the one hand, staff has served me with an official Notice of Violation, indicating that by repairing, residing, and repainting the former attached garage, it will be in compliance with City requirements. On the other, less than ten days later, staff has filed a Memorandum with this Commission, seeking to have it adopt a resolution requiring me to remove that structure.

Staff apparently seeks to have this Commission approve a Resolution ordering me to remove the former attached garage not because it is "unsafe" or "dangerous", but because it is an allegedly "illegal, non-conforming use". Whether or not the garage structure is an "illegal, non-conforming use" is neither properly an issue before this Commission, nor a proper basis for this Commission to order demolition, under K.S.A. 12-1750 et. seq.

Obviously, a significant amount of time, effort and expense has been incurred by me in this process. I am reluctant to incur more until there is some certainty with regard to the outcome. I would hope that we will not need to seek that certainty in the legal arena. I would suggest that, as I asked in my letter of April 28 to Mr. Jimenez, I be given a reasonable opportunity to consider this new development and decide whether I wish to remove the former attached garage, before this Commission even considers ordering me to do so.

Thank you for your consideration of this matter

Sincerely yours,



Chris Miller

CM/kan

cc: Mr. David Corless
Mr. Brian Jimenez



City of Lawrence
PLANNING & DEVELOPMENT SERVICES

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Lawrence, KS 66044

www.lawrenceks.org/pds/

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NOTICE OF VIOLATION

April 13, 2009

PARCEL: 079-32-0-30-15-003.00-0

OWNER OF RECORD: CHRISTOPHER MILLER
PO BOX 1265
LAWRENCE, KS 660448265

Re: 1207 E 13TH ST
Case No: 09-20000327

As owner of the premises at 1207 E 13TH ST, you have been found by the Code Enforcement Officer to be in violation of the Lawrence City Code. This code makes it unlawful for any person to allow, on any residential, commercial or industrial premises, injurious or detrimental conditions.

Information about the violation(s) specific to your property is listed on the attached sheet.

You have until ****April 23, 2009** to correct the violation or 15 days from the date of this letter to request a hearing in writing before the Neighborhood Resources Advisory Committee on this matter. Failure to correct the violation or request a hearing may result in prosecution and/or abatement of the condition(s) by the City with costs assessed to you. Each day the violation(s) remain(s) after the abatement date will constitute a separate offense.

IMPORTANT: Notices of Violation are issued so the situation will be called to the attention of the person responsible. Ordinances of the City are intended to benefit citizens and make our City a better place in which to live. Your cooperation and understanding will be sincerely appreciated.

If you have any questions concerning this, please contact the Neighborhood Resources Department; Inspector Julie Wyatt at (785) 832-3112.

Sincerely,

Brian Jimenez
Code Enforcement Manager

****The structural repairs/painting of the garage structures must be completed prior to May 15, 2009.**

CASE NUMBER 09-20000327
PROPERTY ADDRESS 1207 E 13TH ST

VIOLATION: SECTION 9-601 QUANTITY: 1
DESCRIPTION: ENVIRONMENTAL CODE DATE: 4/13/09
LOCATION: YARD

NARRATIVE :

The City Environmental Code requires properties to be kept free of debris and refuse. Currently the lot is littered with refuse from the removal of the fire damaged structure. Compliance will require the lot to be cleared of all debris, building materials, appliances, plumbing fixtures, etc.

ORDINANCE DESCRIPTION :

ENVIRONMENTAL CODE; SECTION 9-601 et seq. OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2008 EDITION, AND AMENDMENTS THERETO;

VIOLATION: SECTION 9-601 QUANTITY: 1
DESCRIPTION: ENVIRONMENTAL CODE DATE: 4/13/09
LOCATION: GARAGES

NARRATIVE :

The City Environmental Code requires structures to be maintained free of blight and deterioration. Currently the garage (detached) has gutters that are in disrepair and the roof (east side) appears to be rotted near the eaves. Compliance will require the guttering to be repaired or removed and the roof to be repaired. The garage (previously attached to house) must be properly sided and painted.

ORDINANCE DESCRIPTION :

ENVIRONMENTAL CODE; SECTION 9-601 et seq. OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2008 EDITION, AND AMENDMENTS THERETO;

CHRIS MILLER

POST OFFICE BOX 1265
LAWRENCE, KANSAS 66044
TELEPHONE: 785-841-6245

April 24, 2009

Mr. Brian Jimenez
Code Enforcement Manager
City Of Lawrence
Department of Neighbor Resources
6 East 6th Street
Lawrence, Kansas 66044

Re: Demolition Hearing
1207 E. 13th Street

Dear Mr. Jimenez:

Thank you for your telephone calls of April 23 and 24. I appreciate your confirming that I had not previously been advised that demolition of the formerly attached garage on this property was being sought by your agency. As I indicated, I informed your officer several weeks ago that I hoped to retain that part of the structure since it is structurally sound; was undamaged by the fire; and obviously has some value.

I would appreciate a citation to the specific sections of the City Code that you believe mandates demolition of the structure. I would suggest, as well, that I be given a reasonable opportunity to consider this new development and determine whether I wish to remove that remaining part of the structure before you seek to have it removed by the City.

With respect to the remaining foundation and flooring for the remainder of the structure, I have left it in place only to cover the crawl space, until I have an opportunity to obtain appropriate materials on site to fill the resulting hole when the foundation and floor are removed. As you are aware, I have cleaned the site, and removed the plumbing fixtures that you indicated were a problem.

Thanks for your cooperation.

Sincerely yours,

Chris Miller

CM/kan

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POST OFFICE BOX 1265
LAWRENCE, KANSAS 66044
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April 28, 2009

Mr. Brian Jimenez
Code Enforcement Manager
City Of Lawrence
Department of Neighbor Resources
6 East 6th Street
Lawrence, Kansas 66044

Re: Notice Of Violation
1207 E. 13th Street

Dear Mr. Jimenez:

Thank you for your Notice of April 13. In addition, I have received your recent phone calls. I attempted to return your calls but was unable to reach you.

I am writing to request a hearing before the Neighborhood Resources Advisory Committee, as indicated in your Notice. As you are aware, the site has been cleaned, and building and plumbing materials removed. Those efforts were completed, as requested in your Notice, and within the timeframe described.

As you are also aware, your agency is now requesting, in what are apparently separate proceedings before the City Commission, demolition of the structure which was the attached garage, despite your request in your Notice of Violation that the structure be sided and repainted, if necessary. The demolition request is also made, despite your staff's previous acquiescence in my request that the formerly attached garage be allowed to remain. I believe that clarification of the status of that structure is required.

Consequently, you may consider this my request for a hearing, so that the Neighborhood Resources Advisory Committee may determine the status of structure, before I expend further time and effort in rehabilitating it. In addition, I would also like to verify that the detached garage may remain before further repairing that structure.

Thanks for your cooperation.

Sincerely yours,

Chris Miller

CM/kan