

Memorandum

City of Lawrence

Planning & Development Services

TO: David L. Corliss, City Manager

FROM: Brian Jimenez, Code Enforcement Manager

Date: September 25, 2012

RE: Major On-going Code Enforcement Cases

At the June 14, 2012, City Commission meeting, a memo dated June 7, 2012, was included on the City Manager's report. The memo identified numerous properties that the Code Enforcement Division had identified as difficult to resolve. Since that meeting, six properties have been removed from the list for the reasons identified below. No properties have been added to the list.

It's important to note that these reflect only a small percent of active and closed cases for the Code Enforcement Division. In 2011, the division processed over 2,400 different types of enforcement cases in the city. The cases in this memo have been identified as ones that take an exorbitant amount of staff time and resources to gain compliance from the owner.

Cases Removed from List

- **1233 New Jersey** (dilapidated structure) The house was demolished by owner.
- **1105 W. 21st** (occupancy and rental licensing violations) – The property is compliant with occupancy and rental licensing regulations.
- **1527 W. 6th** (sign code violations) The owner appealed to the Board of Zoning Appeals and was determined to be in violation. Signs have been removed by owner as a result of that decision.
- **1313 Haskell** – (dilapidated structure) Update was provided to the City Commission on August 14, 2012. It was determined that the owners had made adequate progress to rescind the demolition order. Staff will continue to monitor progress and provide an update to the City Commission when deemed appropriate.
- **1641 Illinois** – (dilapidated structure) The property recently sold and a building permit was issued on August 23, 2012. Staff verified progress is moving along at a steady pace and the rehabilitation should be completed in the next few months.
- **214 Alabama** – (dilapidated structure) Staff inspected the interior of the structure and determined the structure was in better condition than originally thought. Since the inspection, the property has come under contract to be sold.

It is staff's understanding that the new owner will be submitting a building permit application once the transaction is completed. Staff will verify a building permit is issued to rehabilitate the structure.

The following properties were identified in the June 7, 2012 memo and continue to be monitored or are in some level of process. An update detailing the latest actions taken is provided for each property.

1. 1106 Rhode Island – The property is blighted and vacant.

- Property has been in a severely deteriorated condition for many years.
- Property is owned by the Barland family and is in Raymond F. Barland's name. He died many years ago and his surviving wife is 94 years old and unable to assist in anyway with the property.
- Bob and Brian Barland, (sons) have designated themselves as the responsible parties for the property.
- Staff has met with them on a few occasions since case was opened to move repairs along resulting in very limited success.
- Staff met with Brian on January 23rd, 2012 to have further conversations regarding bringing the property into compliance with all applicable City codes.
- Staff gave a deadline of February 6, 2012 for the plan to be submitted.
- Staff has not received any additional correspondence.
- Main structure (house) is a contributing structure to the National Historic Registry therefore HRC review will be included in all phases of staff's enforcement actions.
- Staff is prepared to apply for an administrative search warrant to fully document conditions of all structures located on the property and present demolition resolution to the City Commission.
- Staff anticipates applying for warrant by end of February.
- Case has been opened since April 28, 2011.

Update: An update was provided to the City Commission on August 14, 2012. The City Commission agreed to allow an additional 90 days for the Barland family to present a rehabilitation plan for the structures. The exterior yard conditions are compliant with code.

2. 331 Johnson Avenue – The property has been blighted for several years.

- Long enforcement history dating back many years with Patricia Sinclair (owner).
- The city commission heard an appeal of Community Development Advisory Committee's decision to uphold staff's enforcement actions.
- Municipal Court recently found Patricia Sinclair (owner) guilty of all violations cited.
- She has appealed that ruling to district court. The appeal date has yet to be set.
- On July 18, 2012, staff cited Ms. Sinclair again for violations of the environmental code which include front porch, rear yard and accessory structure (garage).

Update: Staff conducted an appeal hearing before the CDAC on August 30, 2012. The committee found Ms. Sinclair in violation of the Environmental Code as cited by a 10-1 vote. The next step is to present an abatement resolution to the City Commission. It is anticipated the resolution will be presented to the City Commission on October 9, 2012.

3. 929 Holiday Dr. – The house has been blighted for at least 3 years.

- Staff worked with Mark Bradburn (owner) two years ago in an attempt to bring the property into compliance.
- He was found guilty in municipal court of all Environmental Code violations cited.
- He appealed ruling to District Court and was found not guilty by a jury in early 2011.
- Staff obtained an administrative warrant on August 18, 2011. Based on findings, staff cited Property Maintenance Code violations and condemned the property by posting notice and placard as required by the code.
- Mr. Bradburn appealed staff's ruling to the District Court. Staff is waiting to hear from City Attorney's office on whether appeal was made in accordance of state statute requirements.
- Staff has prepared memorandum and is ready to proceed with the case being presented to the City Commission in the near future.
- Case that resulted in not guilty verdict in District Court was opened on February 17, 2010.
- Current case was opened on August 18, 2011.

Update: Staff and Randy Larkin were in court on May 29, 2012 to determine the status of the appeal to District Court. Judge Fairchild granted Mr. Bradburn the right to continue and set the hearing for October 4, 2012.

4. 4824 W. 24th – The house has been blighted in the past and is vacant.

- Staff has monitored for the last several years which has included mowing the property and presenting a blight resolution to the City Commission which resulted in the city cleaning up the exterior yard conditions.
- This property has been in the foreclosure process for quite some time and staff has not been able to ascertain any substantial information regarding where that process stands.
- Staff has declared the house as condemned and has posted notice and placard stating such.
- Staff will continue to monitor as the property may become a candidate for presentation before the City Commission.
- It is staff's hope that the foreclosure proceedings are completed soon and the house is rehabilitated.
- Original case was opened on October 11, 2010. This case was resolved with the abatement resolution being adopted.
- Current case has been opened since July 27, 2011.

Update: The house was recently sold to a local contractor for \$100 as the bank failed to appear for sale. The transfer of the property is now being challenged in District Court by Bank of America. Staff testified in court on September 21, 2012 as to the conditions of the house. Staff is waiting to be informed of the decision rendered by Judge Martin. If the sale is not finalized, staff will prepare a demolition resolution to present to the City Commission.

- 5. 3133 Creekwood** – The house is vacant and is in the foreclosure process.
- Staff has mowed numerous times in the last few years.
 - There are currently no significant blighting issues at the property. We have opened six mowing cases since 2010.
 - Recently, the house was broken into and an attempted arson occurred. Arrests were made in the case.
 - Staff declared the house as a dangerous structure and posted notification and placard stating such.
 - Staff continues to monitor and was recently informed the foreclosure proceedings have begun.
 - The case has been opened since January 6, 2012.

Update: The house remains vacant as staff is still waiting for the foreclosure process to be completed. There are no active violations at the property. Staff will continue to monitor the status of the ownership.

- 6. 1231 Pennsylvania St.** – The house may or may not be occupied.
- The house is owned by Leon Kimball who suffers from mental illness.
 - The overall condition of the property is very poor.
 - Staff will most likely have to apply for administrative warrant to fully document the conditions of the house and exterior yard conditions.
 - Staff has put this property as a high priority therefore staff anticipates further significant action taking place in the near future.
 - Case has been opened since September 13, 2011.

Update: Staff continues to meet with the property owner every Monday to monitor progress of rear yard clean up. A significant amount of items have been removed. Staff is also continuing to work in a facilitator role in regards to Mr. Kimball selling the property.

- 7. 827 Walnut St.**
- Owner is George Warren who is an absentee landlord that resides in California.
 - Staff has executed 13 search warrants and condemned numerous trailers.
 - Staff is facilitating the selling of the property and has spoken to two potential ownership groups regarding the legal non-conforming status, possible re-zoning of the property and what will be required for a new mobile home park license to be issued to a new property owner.

Update: The mobile home park is no longer housing tenants. The property is blighted with miscellaneous items and there are several mobile homes that are in a complete state of disrepair. Costs of abatement will be substantial therefore staff is continuing to see if the property sells. On September 7, 2012, Mark Bowden, a licensed contractor with the City, met with staff to discuss the issues. He is working on becoming the owner and if purchased, he will develop the property as residential single dwelling lots.

8. 785 Maple St.

- This property was on the consent agenda on June 5th as Resolution No. 6975 was adopted by the City Commission which set the public hearing date on July 24th.
- On July 24, 2012, the City Commission determined the house should be demolished if the owner could not obtain building permit and begin the rehabilitation.
- A deadline of August of 15, 2012 was established.
- On August 13, 2012, Tim Bowman with Compass Resources, LLC. contacted staff and stated he was in the process of helping the owner secure the financing to rehabilitate the house.

Update: On September 5, 2012, staff met with Tim Bowman. Mr. Bowman reiterated that he is in the process of securing financing and will apply for a building permit if financing is secured. Much of Mr. Bowman's services will be free of charge. On September 21, 2012, Mr. Bowman advised staff the financing has been secured and he anticipates a building permit to be applied for within two weeks.

9. 904 Pennsylvania St.

- Property is blighted which includes garage and house.
- Staff has cited property owner for code violations which prompted relatives of the owner to contact staff regarding their interest in purchasing the property to begin the rehabilitation.
- Staff learned on June 5th that the sale will not go through as there is significant concerns regarding the cost of the rehabilitation vs. demolition and there are historical implications that the potential buyers do not want to deal with.
- Staff will be determining next enforcement action in the coming week which will most likely involve either consent to inspect the interior of the structures located on the property or applying for search warrant to complete the inspections.

Update: Staff inspected the interior of the structure on September 13, 2012. Overall, the house is in very poor condition. Staff will present a memo to the Historic Resources Commission that will summarize staff's findings. Staff will continue to work with owner in an attempt to encourage the property being sold.

10. 1327 New Jersey St.

- Staff received inquiry from neighbor concerning the house that has been vacant for quite some time.
- On May 30th, staff met with Tom Krause (owner) at the property.
- Mr. Krause consented to an interior inspection of the house.
- Staff verified the house is in the "gutted" phase but appears to be structurally sound.
- Staff asked Mr. Krause to provide a timeline regarding his plans for continuing the rehabilitation of the house within two weeks.
- Staff advised him that the property may end up being brought before the City Commission.

Update: The owner is exploring the possibility of rezoning the property to RM12D for an up/down duplex conversion. Staff discussed this possibility and advised the owner that we could not support a rezoning given the analysis of the surrounding zoning and history of the neighborhood planning in the area.