

ZONING BOARD OF APPEALS  
August 11, 2009

**CALL TO ORDER:** 6:00 p.m. by Chairman Abent.

**ROLL CALL:** Chairman Abent, ViceChairman Reed, Boardmembers Konietzko, Kruger and Alternate Shirvell.

Absent: Boardmember Patrick (excused) and Alternate Potter (unexcused)

City staff present: City Manager Guetschow, Building Inspector Hummel and Deputy City Clerk Terpstra.

Chairman Abent stated that Alternate Shirvell will be voting.

**APPROVAL OF MINUTES:** Board member Konietzko moved, supported by Kruger to approve the minutes of June 9, 2009 as presented. Carried. 5 Yeas. 0 Nays.

**UNFINISHED BUSINESS:** None.

**APPEALS TO BE CONSIDERED**

**Hearing Dangerous Building: 216 E. Henry:**

Lee Howser –210 E. Henry. Mr. Howser stated that he and his wife have lived next door to 216 E. Henry since 2001. The property is deteriorating rapidly. He is concerned for the safety of children and adults, the foundation is crumbling. There are problems with raccoons and skunks near the dwelling. He strongly urges the dwelling to be demolished.

Leon Monroe – 414 Horatio. Mr. Monroe echoes Mr. Howser's concerns. He has lived next door for 30 years. He is concerned that the fence put up by the city recently will not prevent people from entering and may result in injury. He would request that the city take action to demolish the building.

Mike Ranville – 403 S. Cochran. Mr. Ranville stated that the house is pathetic and an eyesore to the community. He would recommend that it be demolished.

Brent Morton – 209 E. Henry. His concerns are that it would be a perfect place for criminals to hide out or take shelter. He feels steps need to be taken to demolish the building.

Mary Ellen Maher -206 E. Henry. She supports demolishing the dwelling. She is concerned about collapse of the structure.

Laurie Eastman – 415 Horatio. She looks directly at the home from her house and said that it is a hazard. She is concerned about kids possibly climbing over the fence and being in danger.

Harold Goelz – 202 E. Henry. Stated that he has lived there for 40 years and supports all of the neighbors concerns and would like to see it demolished.

Boardmember Konietzko asked if the certified letters sent to the owners had been received by the owners.

Deputy Clerk Terpstra stated that they had been received by the owner.

Public Hearing Closed: 6:15 p.m.

Boardmember Shirvell stated that he feels that the property owner has forfeited his right to appeal since he has been notified and did not even come to the hearing.

City Manager Guetschow stated that a lot was learned from the neighbors testimony however, it is not relevant to the boards function. He reminded the board that they are functioning as the Building Board of Appeals. They will need to receive testimony from Building Inspector Hummel on the property for the record.

Building Inspector Hummel stated that a certified letter was sent on July 16, 2009 to the owners of property, a Robert Sutcliffe and Mary Dagget, from Chief Kevin Fullerton declaring the dwelling as a dangerous building at 216 E. Henry. Mr. Hummel stated the sections defining the dangerous building and stated that pictures had been taken on today's date, August 11, 2009, showing that no action has been taken by the owner. There are three areas where the foundation is caving in, there is no roof covering on the south one story part of the house, causing ceiling tile and plaster to come off. The floor joists are deteriorating and rotting.

There was no one present to represent the property at 216 E. Henry Street.

City Manager Guetschow explained that if no compliance is made with the recommendation of this board that the next step would be to go back to city council, where another hearing will be set by the council.

**Boardmember Kruger moved, supported by Konietzko to order the building demolished within 30 days, due to the testimony of the building department, as defined as a dangerous building. Carried. 5 Yeas. 0 Nays.**

City Manager Guetschow distributed a memo on Standards for Granting Variances to the board members as requested at the last meeting.

**PUBLIC COMMENT:** Mr. Howser thanked the board and City Manager Guetschow for their help in the process of the dangerous building at 216 E. Henry.

**BOARDMEMBER COMMENTS:** None.

**ADJOURNMENT:** Boardmember Reed at 6:30 P.M.

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Ginger L. Terpstra, Deputy City Clerk