



**CITY OF BELTON  
BUILDING & FIRE PREVENTION CODE  
BOARD OF APPEALS MEETING AGENDA  
THURSDAY, JUNE 13, 2019 - 3:00 P.M.  
CITY HALL ANNEX, 520 MAIN STREET  
COUNCIL CHAMBERS**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF THE MINUTES FROM JULY 18, 2018 MEETING**

**IV. EVIDENTIARY HEARINGS**

- A. An evidentiary hearing (in accordance with UDC Sec. 10-97) for owner(s) and interested parties regarding a dangerous structure located at 608 Belton Avenue Belton, Missouri.
- B. An evidentiary hearing (in accordance with UDC Sec. 10-97) for owner(s) and interested parties regarding a dangerous structure located at 17219 Chula Vista Drive, Belton, Missouri.

**V. ADJOURNMENT**

**SECTION III:**  
**Meeting Minutes**  
July 18, 2018

**Minutes of Meeting**  
**Belton Building and Fire Prevention Code**  
**Board of Appeals Meeting**  
**City Hall Annex, 520 Main Street**  
**July 18, 2018**

**CALL TO ORDER**

Chairman Lathrop called the meeting to order at 6:00 p.m.

**ATTENDANCE**

*Board:* Chairman Gary Lathrop, Melvin Anderson, Tom MacPherson, Gary Mallory, Jason Stephens and Steven Peterson.

*Staff:* Megan McGuire, City Attorney; Jim Brown, Building Official; Dave Clements, Planning and Building Director; Alexa Barton, City Manager; and Ashley Scherer, Planning and Building Development Technician.

*Reporter:* Mary Lynn Cushing, Certified Court Reporter, Midwest Litigation Services, 1301 Oak Street, Suite B, Kansas City, MO 64106.

*Guests:* Richard Brewer, potential buyer, 707 Pine, Belton, Missouri 64012; Alan Wolfe, potential buyer, 120 Airway Lane, Belton, Missouri 64012; and Dennis Hudson, interested party, 102 North Park Drive, Belton, Missouri, 64012.

**MEETING MINUTES**

Mr. Mallory moved to approve the meeting minutes of June 14, 2018 of the Building and Fire Code Prevention Board of Appeals meeting. Mr. MacPherson seconded the motion. All members present voted in favor and the motion passed.

**EVIDENTIARY HEARING**

Chairman Lathrop introduced the evidentiary hearing in accordance with UDC Sec. 10-97 for owner(s) and interested parties regarding a dangerous structure located at 105 North Park Drive, Belton, Missouri. Mary Lynn Cushing, Certified Court Reporter, transcribed the entire hearing verbatim.

Two parties were present who had interest in buying the property at 105 North Park Drive:

1. Richard Brewer, 707 Pine, Belton, Missouri 64012; and
2. Allan Wolfe, 120 Airway Lane, Belton, Missouri 64012.

One party was present as an interested party regarding 105 North Park Drive:

1. Dennis Hudson, 102 North Park Drive, Belton, Missouri, 64012.

Ms. McGuire, City Attorney, proceeded with her first witness Jim Brown, Building Official. Mr. Brown was sworn in by the court reporter. Ms. McGuire presented her case along with evidence.

Mr. Brewer, potential buyer, was sworn in by the court reporter. Mr. Brewer stated he has built two houses and has rehabilitated fifteen houses and would buy the home as a personal residence. He has tried contacting the property owner and has not had a response. Mr. Brewer stated he does not own a construction company, he would hire contractors to complete the work on the home. Updates would include gutting the house, new windows, new electrical and plumbing, and an updated HVAC system. Mr. Brewer stated he was financially able to complete the rehabilitation of the home within four to six months.

Mr. Wolfe, potential buyer, was sworn in by the court reporter. Mr. Wolfe stated he has lived in Belton since 1998. Mr. Wolfe stated he purchased a home in 2014 and rehabilitated the property with the help of his son and friends. Mr. Wolfe stated he would perform the work on the home in the evenings and on the weekend. Mr. Wolfe stated he was financially able to complete the rehabilitation of the home within six months.

Mr. Hudson was present to provide additional testimony regarding the property and was sworn in by the court reporter. Mr. Hudson lives at 102 North Park Drive and stated during the fire the property was in between renters and the homeowner was not living there. Staff verified with Mr. Hudson that at this time the home was secure, including a dog door.

With no further witnesses or documents to be presented, the Building Commission reviewed the sample findings of fact and conclusions of law before them and made their selection.

The Board found that the structures located at 105 N. PARK DRIVE **were dangerous buildings and public nuisances** and hereby ordered in the Conclusions of Law below the property owner **to repair** the structures with conditions as stated.

**The Finds of Fact and Conclusions of Law are as follows:**

Findings of Fact

1. This property is owned solely by Jackie McCubbins as evidenced by deed records of Cass County and dissolution of marriage to Wendy McCubbins on April 24, 2013. The mortgage has been released. The homeowners insurance in force at the time of the fire was provided through State Farm. The taxes for 2017 have not been paid.
2. There was a fire at the house on July 30, 2015 as evidenced by the fire report and damages from the fire, water suppression and fire department entry in subsequent photos taken by the Building Department. Following the fire, the windows of the house were boarded up and the doors were shut and locked.
3. On October 20, 2016, the City received an insurance proceeds check from State Farm Insurance in the amount of \$23,814.93 pursuant to the requirements of City Code Section 10-101.
4. On November 16, 2017, the Building Inspector conducted an inspection of the house due to non-action by the homeowner or insurance company to repair or restore the home and multiple complaints from neighbors of strangers in and around the property, debris, general untidiness of

the property and diminution of the value of the neighborhood with this burned out house sitting vacant for over two years.

5. Following this inspection, the Building Official determined in his opinion that the house had become a dangerous building and public nuisance as defined by Chapter 10, Article III, Section C of the Belton Unified Development Code because of: 1) roof buckling below area of hole in the roof and separation of soffit and fascia from the support members above the front door to the point of creating a large opening for further water penetration and rodent access; 2) risk of collapse of the roof on this portion of the structure; 3) evidence of unauthorized entry and squatting by vagrants in the garage and living spaces due to unsecured doors and windows; 4) concern for the children in the neighborhood of the attractive nuisance; and 5) continued water penetration, lack of air circulation, lack of light and no utilities to heat or cool the house since the fire and board up. In addition, the Building Official determined that the outbuilding was a dangerous building and public nuisance due to the hole in the roof, deterioration of the supporting members, unsecured and risk of collapse. A violation notice to abate the dangers and public nuisances was issued to make repairs or demolish within 30 days.
6. The property owner and mortgage company was properly notified of the above determinations and results of the building inspections including all violations of the dangerous building and public nuisance laws and was requested to repair or demolish the structures.
7. The property owner failed to comply with the orders of the building inspector to repair or demolish the structures.
8. The Building Official was subsequently notified by the mortgage company, Wells Fargo, and that the mortgage was released and Jackie McCubbins is, to their knowledge, the sole owner.
9. The property owner was properly notified of a hearing to determine the facts and disposition of the structure at 105 N. PARK DRIVE.
10. The Building Official has been contacted by an interested, local party to restore the house.
11. On the day of the hearing, Mr. McCubbins contacted the Building Official and stated that he had no interest in the property and had no intent of repairing or demolishing.

#### Conclusions of Law

1. There is substantial and competent evidence to conclude that the structures at 105 N. PARK DRIVE constitute a dangerous building and public nuisance under the Dangerous Buildings Codes of the City of Belton.
2. The house at 105 N. PARK DRIVE is most likely repairable from a structural perspective, however, from an affordability perspective, the cost of repairs are most likely too great to be feasible for most buyers to see a return on the investment.
3. If an interested party is successful in purchasing the property and submits a repair plan within 60 days of this hearing and has a reasonable improvement time line that abates the public nuisances and restores the house with continuous progress, the Building Official is hereby instructed to investigate the status and return to the Building Commission with a recommended course of action.

4. If no interested party comes forward with a repair plan in the next 60 days, the City of Belton Building Official is hereby instructed to take bids for the demolition of the structures and demolish the structures pursuant to the procedures and Dangerous Buildings Codes of the City of Belton. Ms. McGuire did not request a written transcript to be produced but did request archiving in the event of an appeal. Findings of Fact and Conclusions of law are attached as **Exhibit A**.

**ADJOURNMENT**

All members present voted in favor of adjourning the meeting and the meeting adjourned at 7:05 p.m.

Ashley Scherer  
Planning and Building  
Development Technician

# **EXHIBIT A**

**MCCUBBINS PROPERTY AT 105 N. PARK DRIVE, BELTON, MISSOURI**

**EVIDENTIARY HEARING JULY 18, 2018**

**BEFORE THE BELTON BUILDING AND FIRE PREVENTION CODE  
BOARD OF APPEALS**

**ORDER OF ABATEMENT WITH  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Board found that the structures located at 105 N. PARK DRIVE are **dangerous buildings and public nuisances** and hereby order the property owner **to repair** the structures.

## Findings of Fact

1. This property is owned solely by Jackie McCubbins as evidenced by deed records of Cass County and dissolution of marriage to Wendy McCubbins on April 24, 2013. The mortgage has been released. The homeowners insurance in force at the time of the fire was provided through State Farm. The taxes for 2017 have not been paid.
2. There was a fire at the house on July 30, 2015 as evidenced by the fire report and damages from the fire, water suppression and fire department entry in subsequent photos taken by the Building Department. Following the fire, the windows of the house were boarded up and the doors were shut and locked.
3. On October 20, 2016, the City received an insurance proceeds check from State Farm Insurance in the amount of \$23,814.93 pursuant to the requirements of City Code Section 10-101.
4. On November 16, 2017, the Building Inspector conducted an inspection of the house due to non-action by the homeowner or insurance company to repair or restore the home and multiple complaints from neighbors of strangers in and around the property, debris, general untidiness of the property and diminution of the value of the neighborhood with this burned out house sitting vacant for over two years.
5. Following this inspection, the Building Official determined in his opinion that the house had become a dangerous building and public nuisance as defined by Chapter 10, Article III, Section C of the Belton Unified Development Code because of: 1) roof buckling below area of hole in the roof and separation of soffit and fascia from the support members above the front door to the point of creating a large opening for further water penetration and rodent access; 2) risk of collapse of the roof on this portion of the structure; 3) evidence of unauthorized entry and squatting by vagrants in the garage and living spaces due to unsecured doors and windows; 4) concern for the children in the neighborhood of the attractive nuisance; and 5) continued water penetration, lack of air circulation, lack of light and no utilities to heat or cool the house since the fire and board up. In addition, the Building Official determined that the outbuilding was a dangerous building and public nuisance due to the hole in the roof, deterioration of the supporting members, unsecured and risk

of collapse. A violation notice to abate the dangers and public nuisances was issued to make repairs or demolish within 30 days.

6. The property owner and mortgage company was properly notified of the above determinations and results of the building inspections including all violations of the dangerous building and public nuisance laws and was requested to repair or demolish the structures.
7. The property owner failed to comply with the orders of the building inspector to repair or demolish the structures.
8. The Building Official was subsequently notified by the mortgage company, Wells Fargo, and that the mortgage was released and Jackie McCubbins is, to their knowledge, the sole owner.
9. The property owner was properly notified of a hearing to determine the facts and disposition of the structure at 105 N. PARK DRIVE.
10. The Building Official has been contacted by an interested, local party to restore the house.
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#### Conclusions of Law

1. There is substantial and competent evidence to conclude that the structures at 105 N. PARK DRIVE constitute a dangerous building and public nuisance under the Dangerous Buildings Codes of the City of Belton.
2. The house at 105 N. PARK DRIVE is most likely repairable from a structural perspective, however, from an affordability perspective, the cost of repairs are most likely too great to be feasible for most buyers to see a return on the investment.
3. If an interested party is successful in purchasing the property and submits a repair plan within 60 days of this hearing and has a reasonable improvement time line that abates the public nuisances and restores the house with continuous progress, the Building Official is hereby instructed to investigate the status and return to the Building Commission with a recommended course of action.
4. If no interested party comes forward with a repair plan in the next 60 days, the City of Belton Building Official is hereby instructed to take bids for the demolition of the structures and demolish the structures pursuant to the procedures and Dangerous Buildings Codes of the City of Belton.

**SECTION IV:**

608 Belton Avenue, Belton, Missouri

17219 Chula Vista Drive, Missouri