

Minutes of Meeting
Belton Building and Fire Prevention Code
Board of Appeals Meeting
City Hall Annex, 520 Main Street
October 17, 2019

CALL TO ORDER

Chairman Lathrop called the meeting to order at 3:00 p.m.

ATTENDANCE

Board: Chairman Gary Lathrop, Melvin Anderson, Steven Peterson, and Gary Mallory
Absent: Jason Stephens

Staff: Padraic Corcoran, City Attorney representative; Dave Clements, Planning and Building Director; Brian Hunt, Certified Building Official; and Megan Wasek, Executive Secretary.

Reporter: Mary Lynn Cushing, Certified Court Reporter, Alaris Litigation Services, 1608 Locust Street, Kansas City, MO 64108.

Guests: Laura Crotty, realtor and agent for property owner of 107 King Avenue

MEETING MINUTES

Mr. Anderson moved to approve the meeting minutes of June 13, 2019, of the Building and Fire Code Prevention Board of Appeals meeting. Mr. Peterson 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 107 King Avenue, Belton, Missouri. Mary Lynn Cushing, Certified Court Reporter with Alaris Litigation Services, sworn in the following witnesses:

1. Brian Hunt, Certified Building Official
2. Laura Crotty, realtor and agent for property owner of 107 King Avenue

Mr. Corcoran, City Attorney, proceeded with his first and only witness, Brian Hunt, Certified Building Official. Mr. Hunt read his report regarding the alleged dangerous structures of 107 King Avenue.

There was no request to cross-examine the witness. Mr. Corcoran requested that the exhibits referenced in Mr. Hunt's report, exhibits 1 through 10, be admitted into as evidence. Chairman Lathrop acknowledged the admittance.

Laura Crotty, realtor and agent for the property owner of 107 King Avenue, wished to address that her client had attempted to obtain a building permit to fix the structures located on the subject property. Mr. Corcoran presented to Ms. Crotty a Building Permit #19-0673 and asked if this was the document she was referring to. Ms. Crotty affirmed. Mr. Corcoran pointed out the language stipulated in the Declaration of Dangerous Structure issued to the property owner stipulated the requirement of obtaining any appropriate permits and to commence work, which had not occurred.

Ms. Crotty presented to the Board various documents related to a pending contract of sale of the subject property, with a closing date of November 4, 2019. These documents include:

- Incoming Wire Detail as of October 8, 2019
- Settlement Statement from U.S. HUD
- Letter dated October 2, 2019, affirming account balance information of interested buyer (Main Street Renewal LLC)
- Email correspondence between Ms. Crotty and interested buyer (Main Street Renewal LLC) discussing cash offer to be made to the subject property
- Residential Real Estate Contract between the property owner and interested buyer

Mr. Corcoran asked that the Building Permit previously mentioned, and all documents presented to the Board by Ms. Crotty be admitted as Exhibits #11-16. Chairman Lathrop acknowledged this submittal.

With no further witnesses or documents to be presented, the Building Commission reviewed everything submitted before them. Mr. Corcoran suggested the following motion: the owner or other interested party shall meet within 14 days of November 4, 2019, to outline the remedial work of the subject and finish all remediation work and pass final inspection within 90 days of November 4, 2019. Gary Mallory moved to approve the motion. Stephen Peterson second the motion. All members present voted in favor and the motion passed.

The Finds of Fact and Conclusions of Law are attached as Exhibit 1.

ADJOURNMENT

All members present voted in favor of adjourning the meeting and the meeting adjourned at 3:30 p.m.

Megan Wasek
Executive Secretary, City of Belton

EXHIBIT A

OWENS PROPERTY AT 107 KING AVENUE, BELTON, MISSOURI

EVIDENTIARY HEARING OCTOBER 17, 2019

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

ORDER OF ABATEMENT WITH FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board finds that the structures (residence and detached garage) located at 107 KING AVENUE **are dangerous buildings and public nuisances** and hereby order the property owner or interested party **to repair** the structures.

Findings of Fact

1. This property is owned solely by Michael Owens as evidenced by a Special Warranty Deed dated July 22, 2014, recorded with the Cass County Recorder of Deeds on July 24, 2014, and the Owner and Encumbrance Report prepared by Accurate Title Company and received by the City.
2. On August 8, 2019, the City's Police Department responded to a call for service at 107 King. At their request, the City's Certified Building Official accompanied them on this call for service to perform an investigation/inspection of the property.
3. Following this investigation/inspection, the City's Certified Building Official determined in his opinion that the house and detached garage had become dangerous buildings and public nuisances as defined by Chapter 10, Article III, Section 10-92 of the Belton Unified Development Code because of: 1) numerous holes in the wall covering, exposing electrical wiring; 2) numerous electrical extension cords being used as permanent wiring; 3) no working smoke or carbon monoxide detectors; 4) open electrical switches, outlets and junction boxes; 5) plumbing to the laundry room is insufficient (floor had standing water); 6) improper clearance to combustibles with storage near the water heater; 7) no 36 inches clear path to exit door due to debris and storage in hallways; and 8) no clear path to egress windows.
4. An Ownership and Encumbrance Report was received from Accurate Title Company on August 12, 2019, listing Michael Owens as the property's owner. It also revealed that the property taxes are delinquent.
5. The property owner 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 structure.
6. The property owner failed to comply with the orders of the City's Certified Building Official to repair or demolish the structure.

7. The property owner was properly notified of a hearing to determine the facts and disposition of the structures at 107 KING AVENUE.
8. On the day of the hearing, an authorized agent of Mr. Owens presented to the Board a signed Residential Real Estate Sale Contract and supporting documents for a pending sale of the property with a closing date of November 4, 2019.

Conclusions of Law

1. There is substantial and competent evidence, including but not limited to: 1) numerous holes in the wall covering, exposing electrical wiring; 2) numerous electrical extension cords being used as permanent wiring; 3) no working smoke or carbon monoxide detectors; 4) open electrical switches, outlets and junction boxes; 5) plumbing to the laundry room is insufficient (floor had standing water); 6) improper clearance to combustibles with storage near the water heater; 7) no 36 inches clear path to exit door due to debris and storage in hallways; and 8) no clear path to egress windows to find that the structures at 107 KING AVENUE are dangerous buildings and public nuisances under Chapter 10, Article III of the Unified Development Code of the City of Belton, Missouri.
2. This evidence elicited and admitted into the record at the hearing, and partially referenced above, establishes that the structures at 107 KING AVENUE constitutes a dangerous building and public nuisance under Chapter 10, Article III of the Unified Development Code of the City of Belton, Missouri.
3. The house and detached garage at 107 KING AVENUE is most likely repairable from a structural perspective, and an interested party (new owner) will be in place to remediate the structures.

Order

1. The owner or other interested party shall meet with City staff within 14 days of November 4, 2019, to outline the remedial work of the subject property and finish all remediation work and pass final inspection within 90 days of November 4, 2019. If the property owner or any other interested party, as said term is defined in the Unified Development Code of the City of Belton, Missouri or Missouri law, has not either complied with this order or has not substantially complied with this order, the City may take all actions necessary to bring the structures into compliance with this order and levy any costs incurred by the City to the property owner and place a lien upon the property for the same.