



# City of Columbia, Missouri

## Meeting Minutes

### Building Construction Codes Commission

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Monday, December 18, 2017  
4:30 PM

Regular Meeting

City Hall Conference  
Room 1C \* NOTE THIS  
IS A CHANGE\*  
701 E Broadway  
Columbia MO 65201

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#### I. CALL TO ORDER

CHAIRMAN CONNELL: December 18th, 2017 Building Construction Code Commission will come to order. The first order of business is -- have Jay sign in -- we're going to call role and determine who our voting members are today. I'm going to run through. Kas Carlson? I see that he is not to present. His alternate is Doug Muzzy. I don't see Doug, either. Todd Noordsy?

MR. NOORDSY: Present.

CHAIRMAN CONNELL: Present. And Todd, you are both voting on both cases?

MR. NOORDSY: Yes.

CHAIRMAN CONNELL: All right. John Page.

MR. PAGE: Here.

CHAIRMAN CONNELL: And you are voting on both?

MR. PAGE: That's correct.

CHAIRMAN CONNELL: David Weber? David Weber is not present. His alternate is Josh Lehman. I don't see Josh here. Matt Young?

MR. YOUNG: Present.

CHAIRMAN CONNELL: Are you voting on both cases today?

MR. YOUNG: Yes.

CHAIRMAN CONNELL: Rob Jackson?

MR. JACKSON: Here.

CHAIRMAN CONNELL: Are voting on --

MR. JACKSON: Yes.

CHAIRMAN CONNELL: -- both cases?

MR. JACKSON: Yes, sir.

CHAIRMAN CONNELL: James P. Watson?

MR. WATSON: Here. I'm voting on both.

CHAIRMAN CONNELL: Thank you. Andrew Wallace?

MR. WALLACE: Here.

CHAIRMAN CONNELL: Are you voting on both?

MR. WALLACE: Yes.

CHAIRMAN CONNELL: Brian Connell, I'm here. I'm voting on both cases. Jay Creasy?

MR. CREASY: Yes, on both.

CHAIRMAN CONNELL: Okay. Richard Shanker?

MR. SHANKER: Yes, one.

CHAIRMAN CONNELL: Voting on one? Which one?

MR. SHANKER: (Inaudible)

CHAIRMAN CONNELL: And your alternate is John Pile? And you're here voting?

MR. PILE: Yes, sir.

CHAIRMAN CONNELL: All right. So a quick count here. We have one, two, three, four, five, six, seven, eight. I'm not sure how to count you guys. Nine --

MR. SHANKER: Did you call Fred's name?

CHAIRMAN CONNELL: No, not yet. So we have -- we have nine members present indicating they intend to vote, so we need to appoint two alternates to sit in today. Mr. Malicoat, you can vote on both of these? Mr. Trunk?

MR. TRUNK: Yes.

CHAIRMAN CONNELL: So we have 11. I don't know that I'll require you -- Oh, and Kas is here. Oh, and Weber is here. All right we are going to resend the -- that's all right. Kas, you're present. Are you voting on both of these cases today?

MR. CARLSON: (Nodded.)

CHAIRMAN CONNELL: Mr. Weber?

MR. WEBER: Yep.

CHAIRMAN CONNELL: You're voting on both cases?

MR. WEBER: Yes.

CHAIRMAN CONNELL. Very good. So we have 11 members. All right.

**Non-Voting:** 3 - Malicoat, Shanker and Trunk

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## II. APPROVAL OF AGENDA

MR. PAGE: Hey, Brian?

CHAIRMAN CONNELL: Yes, sir?

MR. PAGE: With regards to the agenda, I would like to add something to that at the end of agenda to have a discussion about plumbing waste pipes.

CHAIRMAN CONNELL: I was just going to ask for a motion for approval of the agenda.

MR. JACKSON: As it stands --

CHAIRMAN CONNELL: Well, we can make a motion to approve it and then there's discussion.

MR. JACKSON: Motion to approve the agenda.

CHAIRMAN CONNELL: A second to approve.

MR. PAGE: Second.

CHAIRMAN CONNELL: Discussion.

MR. PAGE: Again, I would like to amend the agenda to include plumbing waste pipes discussion at the end.

CHAIRMAN CONNELL: And John, is this in reference to the plumbing code?

MR. SIMON: Yes.

CHAIRMAN CONNELL: Is it the residential code?

MR. PAGE: Plumbing residential code, yes.

CHAIRMAN CONNELL: Mr. Simon?

MR. SIMON: I have been instructed that we can't add agenda items because of the Sunshine Law?

MR. PAGE: Oh, you can't append your agenda to include something else?

MR. SIMON: You can't add to the agenda because of the Sunshine Law.

MR. JACKSON: You're bringing up old business can't you?

MR. SIMON: I'm just telling you what I was told. You can't amend the agenda.

MR. SHANKER: It may not be on the agenda, but new business or public comment can introduce things.

MR. SIMON: For discussion at the next meeting possibly.

MR. SHANKER: You can have a discussion at the end if the chair -- it's not on the agenda. It's public --

MR. SIMON: I'm telling you what the legal department told me this morning. We can't add to the agenda.

MR. SHANKER: Is there public comment?

CHAIRMAN CONNELL: There is, yes.

MR. SIMON: There is no public comment on the agenda. I will add, next time. That's an inadvertent error on my part. But because of the Sunshine Law I have been instructed that we can't agenda items.

MR. SHANKER: Okay. But you will add public comment?

MR. SIMON: I will add it for the next -- absolutely will. Yeah.

CHAIRMAN CONNELL: So I am not sure what the procedure is, but I think we will withdraw the motion.

MR. PAGE: That will be fine then, seeing as I have no choice.

CHAIRMAN CONNELL: So we're actually -- let me rephrase that: We are actually back to there was a motion and a second to approve the agenda.

MR. JACKSON: Yes.

MR. PAGE: Yes.

CHAIRMAN CONNELL: Okay. We are going to do this procedurally so, I'm going to run down the list as I recall it. Say aye or nay. Kas?

MR. CARLSON: Aye.

CHAIRMAN CONNELL: Todd?

MR. PILE: Aye.

CHAIRMAN CONNELL: John?

MR. PILE: Aye.

CHAIRMAN CONNELL: David?

MR. WEBER: Here. Aye. Whatever.

CHAIRMAN CONNELL: Matt Young?

MR. YOUNG: Aye.

CHAIRMAN CONNELL: Rob Jackson?

MR. JACKSON: Aye.

CHAIRMAN CONNELL: JP?

MR. WATSON: Aye.

CHAIRMAN CONNELL: Andrew?

MR. WALLACE: Aye.

CHAIRMAN CONNELL: Brian? Aye. Jay Creasy?

MR. CREASY: Aye.

CHAIRMAN CONNELL: Rick Shanker?

MR. Shanker: Yes and I need a question answered when you're done. Are we approving agenda if you can't change it can do anything. What's the point? John?

MR. SIMON: I'm sorry?

MR. SHANKER: What is the point of approving or freeing up the agenda if you can't change it or approve it?

MR. SIMON: You can remove items from the agenda. For instance, if a speaker didn't show up or if someone didn't show up for a actual presentation. But adding to the agenda is a no-no. I should've had a general category for staff comments and/or board comments, something of that nature. I just found out about this this morning.

### III.) APPROVAL OF MINUTES

CHAIRMAN CONNELL: Okay. The October 23rd, 2017 minutes were distributed to

the members. Are there any additions or corrections to those minutes?

MR. WEBER: I don't have any corrections. I would like to make the motion to approve the minutes.

CHAIRMAN CONNELL: There is a motion. Is there a second?

MR. WATSON: I will second.

CHAIRMAN CONNELL: Motion to second. Again, all in favor? Kas?

MR. CARLSON: Aye.

CHAIRMAN CONNELL: Todd?

MR. NOORDSY: Aye.

CHAIRMAN CONNELL: John Page?

MR. PAGE: Aye.

CHAIRMAN CONNELL: David Weber?

MR. WEBER: Aye.

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MR. WATSON: Aye.

CHAIRMAN CONNELL: Andrew Wallace?

MR. WALLACE: Aye.

CHAIRMAN CONNELL: Brian Connell, aye. Jay Creasy?

MR. CREASY: Aye.

CHAIRMAN CONNELL: Richard Shanker?

MR. SHANKER: Aye.

(Motion carries.)

CHAIRMAN CONNELL: Mr. Simon?

MR. SIMON: Again, you were going to bring up the misspelling of the names.

CHAIRMAN CONNELL: Oh, yeah. There was one very minor typo. Mr. Fred Malicoat's name was spelled with two L's. And we notated (sic) that on the official minutes, I think. Also, Mr. Simon, his name was misspelled as Mr. Simons. So it is singular and plural. All right. We've got our business out of the way. We are ready for public hearings.

#### Motion to approve the agenda

**Yes:** 12 - Carlson, Connell, Creasy, Jackson, Noordsy, Shanker, Weber, Young, Page, Pile, Wallace and Watson

**Non-Voting:** 2 - Malicoat and Trunk

### III. APPROVAL OF MINUTES

**Present:** 12 - Kas Carlson, Brian Connell, Jay Creasy, Robert Jackson, Todd Noordsy, Richard Shanker, David Weber, Matthew Young, John Page, John Pile, Andrew Wallace and James Watson

**Non-Voting:** 2 - Fred Malicoat and Jonathan Trunk

**Attachments:** [October 23, 2017](#)

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MR. WALLACE: Aye.

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CHAIRMAN CONNELL: Motion to second. Again, all in favor? Kas?

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CHAIRMAN CONNELL: Todd?

MR. NOORDSY: Aye.

CHAIRMAN CONNELL: John Page?

MR. PAGE: Aye.

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MR. WATSON: Aye.

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MR. WALLACE: Aye.

CHAIRMAN CONNELL: Brian Connell, aye. Jay Creasy?

MR. CREASY: Aye.

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MR. SHANKER: Aye.

(Motion carries.)

CHAIRMAN CONNELL: Mr. Simon?

MR. SIMON: Again, you were going to bring up the misspelling of the names.

CHAIRMAN CONNELL. Oh, yeah. There was one very minor typo. Mr. Fred Malicoat's name was spelled with two L's. And we notated (sic) that on the official minutes, I think. Also, Mr. Simon, his name was misspelled as Mr. Simons. So it is singular and plural. All right. We've got our business out of the way. We are ready for public hearings.

**Motion to approve the minutes.**

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**IV. OLD BUSINESS**

**Photovoltaic System Access / Pathways and the 2015 International Residential Code / 2015 International Fire Code**

CHAIRMAN CONNELL: We're done. Mr. Simon, do you have anything to add to that?

MR. SIMON: It looks like we skipped some old business.

MR. PILE: Number IV.

CHAIRMAN CONNELL: We did. I apologize for that.

MR. CARLSON: We're okay with the new business that has been discussed so far?

CHAIRMAN CONNELL: Yes.

MR. CARLSON: We're done with that. And we're going to go back up to the old business?

CHAIRMAN CONNELL: Go back old business.

MR. ZIV: Can we go?

CHAIRMAN CONNELL: Yes.

MR. WIESNER: Thank you for your time, guys.

CHAIRMAN CONNELL: Old business: We have a discussion or presentation for photovoltaic system access/pathways and the 2015 International Residential Code and the 2015 International Fire Code. Whoever is making that presentation is invited to step up or speak up.

MR. SIMON: Well, it seems like the last -- we had talked about there was a snafu with the IRC, did several printings last code cycle. And I told this board that I would find out from the legal department which addition of the residential code we were going to be enforcing. And so it was the first printing that we reviewed and that is the one that's on file with the city clerk that has all of the access, pathways requirements for residential solar photovoltaic systems. They were actually removed from the second printing. I told you guys in one of our previous meetings. So they are in fact still in there and being enforced.

MR. WEBER: Now, I recall the purpose of that -- and this is kind of where Mr. Frazier comes in. The purpose of these sort of walkways around the panels, was so firefighters could come and smash holes in the roofs so that fire burns better or whatever process you guys use to do that. And so if they take it out, your concern was how do we safely get on a roof and not slip off these panels. Is that -- I'm just trying to remember what we were talking about.

MR. FRAZIER: Yeah. The peripheral ventilation is a technique that we use that we want to be able to use and the easy way to look at this is we need a way to get up the roof and a way to access the peak, the highest part. So without that code language in

the IRC -- that portion cannot be hypothetically be enforced, then we might not have that access that we need. That gives us pathways and access for ventilation.

MR. WEBER: John, did you ask ICC why? Is the old language sort of IBC language and the new language is for houses it's not necessary or why the change?

MR. SIMON: Historically, it has been in the fire code including dwellings that were -- belonged in the one- and two-family code. They had a section in the fire code. It was pulled out of the fire code and put into the residential code in the first printing the last code cycle. And then it was a removed and ICC -- the individual I talked to told me it was removed purposefully, that their determination was that many fire districts do not use the same ventilation techniques for residential one- and two-family, that they use on commercial properties, which alarmed me considerably. That's why I brought it to this body next time. Because I was concerned that although we have adopted the code we reviewed, I didn't know we legal looked at that because it had been reprinted in a minute. Legal assures me now that we are actually to enforce the one that's on file with the city clerk, which is the first printing. This body of course, can review that.

CHAIRMAN CONNELL: Matt?

MR. YOUNG: Have you come into a lot of problems with not being compliant so far?

MR. SIMON: No. We have enforced it the way it was written in the first IRC, but it got called into question by somebody installing the systems.

MR. CARLSON: Are they required to do a design for you when they're installing the systems?

MR. SIMON: Absolutely yes.

MR. CARLSON: So they would have show access and have to show pathway and everything else. So at the very front when they with a permit to do the solar?

MR. SIMON: Correct. Yeah.

MR. WEBER: So I think where we were before was is that we see that this is changed in an errata or whatever they call that. A change. It is not just a typo, it's a fundamental change. And the fire department doesn't like that fundamental change and wants to stick with what we originally adopted and you're asking the question, since it's been called -- the errata's been called, we need to come down on do we stick with what we originally adopted or do we change to the errata. I'm just trying to do define what we're trying to do.

MR. PAGE: John just said legal said to stick with what we originally passed.

MR. SIMON: Right. Correct. I may have put the cart before the horse. I maybe shouldn't have brought it to this body before talking to legal. As often happens, they don't get back to me before I meet with you guys so I went ahead and brought it up.

MR. PAGE: It sounds like --

MR. SIMON: You guys often write amendments to the code, so if you choose to do so, we can present that to council.

MR. CARLSON: So whatever we do, keep it the same it's the same and if we were to make a motion to amend it, it would have to go to council to change?

MR. SIMON: Correct.

MR. CARLSON: Just to make sure everybody would know that. I mean this would be a council decision after we make the motion if we were to do that.

MR. WEBER: So I guess, if anyone has any big feelings either way, my gut feel is we stick with what we adopted unless someone has -- is in industry and thinks that's a big mistake, I don't see that we need to do anything.

MR. WALLACE: If what we originally adopted is what the fire department wants. Correct?

MR. SIMON: Correct.

CHAIRMAN CONNELL: Is that a motion?

MR. CARLSON: If we are leaving it the same, we don't need a motion.

MR. WEBER: If no one wants to discuss, then I think we're done.

MR. PAGE: Well, legal has already said, if we stick with what we already passed and the fire department is happy with it, we're done.

CHAIRMAN CONNELL: So no action is required?

MR. PAGE: No action.

MR. WEBER: I would like to be more emotional, but that's not --

## V. NEW BUSINESS

### A. 603 McBaine Ave

Attachments: [Case #17-009](#)

CHAIRMAN CONNELL: I'm now going to read the request. We are going to start with -- let me get my agenda here somewhere. We have Case No. 17-009 addressed at 603 McBaine Avenue. This is an appeal application of Building Construction Codes Commission. Notice of appeal from the decision of code official in regard to the following described property in the city of Columbia, county of Boone, state of Missouri, legally described as Lot 8 -- it's hard to read this --

MR. WEBER: Need me to hold it over here, Brian?

CHAIRMAN CONNELL: Pardon?

MR. WEBER: Should I hold it over here for you?

CHAIRMAN CONNELL: Thank you. Banks subdivision as shown by plat recorded in Plat Book 2, Page 14, records of Boone County Missouri and known as 603 McBaine. Applicants request a variance or ruling with respect to the above described property. On the first day of November said code official disapproved foundation. The reason he gave for such action was that -- crack and support. I'm reading directly from this application. I believe it's Section 304.6, which does not comply with 304.5 of the code Book 2015 as adopted by the city of Columbia Missouri, which provides or requires that the foundation area located at the northeast corner -- again, I'm having a hard time reading this cursive writing -- along the north side of the northwest corner -- in the northwest side of the northwest corner of the structure display open cracks appear to jeopardize the support. A copy of the notice of the said official is hereto attached. The basis for this appeal as permitted by the International Building Code and adopted by the city of Columbia is undue hardship is created by strict compliance of the letter of the code. It has no significant effect of health, safety, and welfare of the public or any individual. Attached a cost estimate for hardship encountered. Applicant is requesting a variance or ruling or both in the way of carrying out the strict letter of the code because structure is sound. It costs five to 10,000 dollars. Applicant is proposing, I don't know, not to do it. The name of the applicant Amir Ziv. Is that correct?

MR. ZIV: That's correct.

CHAIRMAN CONNELL: His agent is -- I'm sorry -- the agent is Sarah Ferrell. And there is an address, signed and dated November 10th, 2017. The applicants are invited to make a statement. We need to swear in anybody that is going to speak. (Applicant is sworn.)

CHAIRMAN CONNELL: While we are at it, any city officials that will be speaking or testifying please swear in.

(Sarah Ferrell and John Smith sworn.)

CHAIRMAN CONNELL: Mr. Ziv, you have the floor.

MR. ZIV: 603 McBaine, I've owned 603 for, I think about 15 years now. I fixed it up.

People have lived in it for 15 years. That problematic corner has been there for -- since the day one I bought it. The house has been under compliance since I've owned it. I've never been cited for it. And structurally, we deem it sound. It's not pretty, but there's no fractures in the walls. There's no fractures in the ceiling. And we have monitored that corner for pretty close to 15 years. There are little cracks in the foundation. And like I said, there doesn't seem to be any major problems to the house when it comes to safety of my tenant. Now, if the house was let's say on a cliff, it would be a different story. It doesn't even have a basement. It's got a little crawl space. So we have monitored that house for 15 years and that crack has -- the cracks have been there a little bit. For me to fix it, like I said, can be a cost that would definitely be problematic for me at this point. As we all know, foundation work is pretty major. That's it.

MICHAEL JONES: Do I need to be sworn in?

CHAIRMAN CONNELL: Yes. If you're going to speak, you do. Anybody else?

RICK WIESNER: I'll go ahead and swear in.

(Michael Jones and Rick Wiesner were sworn.)

MR. JONES: When you were reading the description of the problem on the foundation, the word that popped into my head was appears. It appears to be a potential problem. That kind of hit a spot with me because how do we -- I mean, it appears -- it appears to be fine as well. So it's almost like this is retribution against having to get a search warrant to inspect these rental properties. And it seems to me like this individual is being picked on because of the search warrants for inspections. That word "appears" I wanted to make known rings out to me, what does that mean?

MR. WIESNER: My name is Rick Wiesner. I do a lot of repair work in the city. I'm a general contractor and I have kept an eye on this corner. I believe the problem started with gutters being bad. Therefore the weight -- it fell, but it's been like that -- and I've been looking at it for probably five years and I'd say it might have fell a quarter of an inch in the last five years that I have been paying attention to it. I do a lot of work on Amir's rentals and so I'm in the neighborhood and I do a lot of work on my own properties as far as that, in the neighborhood. And so you know, we don't want anything to be unsafe for anybody. So as long as there's smoke detectors and you know, carbon monoxide detectors in place, deadbolts, functional windows, doors all seem to close in the house throughout the house and the windows are functional in the house. I don't see any cracks running through the plaster in the house. It's an older house. You know, up in that room. So yes, it is an eyesore. And then you start to look at the value of the property versus that you know, amount to fix it and then you know, being in the central part of the older part of the city, you know, these things -- most people aren't making a lot of money and -- on those properties. And so I just think that, you know, we have to be able to get along. If it's unsafe, that is a different story. I don't see it at this point, but the way to fix it would be to put a pier under there in that corner if that's a big issue or a beam across one side. And at this point you know, I don't see it because I don't see anything inside the house creating any issues. I have been in that house for probably -- off and on for ten years doing things, fixing things.

MR. JONES: And this particular corner has been that same situation for as long as he's owned the house, so it's really not moving.

CHAIRMAN CONNELL: I'm sorry. I don't remember your name.

MR. JONES: My name is Michael.

CHAIRMAN CONNELL: Michael?

MR. JONES: Yes.

CHAIRMAN CONNELL: For the record, what is your interest in this case?

MR. JONES: I'm also a general contractor and I've also done plenty of work on his

homes and I've been in the same house myself.

CHAIRMAN CONNELL: Okay. Does the Commission have any questions of the applicant or his representatives. Jay?

MR. CREASY: I'm just curious, are there any photos of these cracks?

MR. JONES: Yes.

MR. CREASY: Or has a structural engineer ever looked at it?

MR. ZIV: I have not had a structural engineer look at it. Yes, I do have photos in my phone of it, if you want to see it.

MS. FERRELL: I have some photos for him.

MR. ZIV: I'm sure she does.

CHAIRMAN CONNELL: Any other questions for the applicant?

MR. JACKSON: One question. Somebody had said that somebody had gotten a warrant to go view these?

MR. ZIV: Yes.

MR. JACKSON: Is your property inspected every three to six years under the rental agreements for --

MR. ZIV: In the ordinance it says that I have the right to -- for the City to get a search warrant to come into my -- I got a problem with -- but that's a whole other -- that's a whole other thing when it comes to compliance and inspections and all of that stuff. So it's within my legal rights to ask for a search warrant if they want to come in.

MR. JACKSON: Okay. Fair enough.

MR. ZIV: That's a whole other discussion.

MR. JACKSON: Can I get you to run through those again, one more time? My attention was someone else.

MS. FERRELL: You guys just tell me when to scroll.

CHAIRMAN CONNELL: At this point, I would like to ask for staff comment and then maybe Sarah, if you want to --

MS. FERRELL: Yes. Absolutely. So the first thing I want to let you guys know is this was not my inspection originally. Bruce Martin was the inspector that did this inspection. So the wording and the report is his language. It's his report. I went in here after he retired, the case was still open, corrections still had to hadn't been made and so the words -- you know, he's saying "appear", not mine. I apologize. I only use smart words "measurable". You know, that does deserve a little bit of attention. Basically, I will show you the photos. I'm the third inspector to work on this property. It was suspected for the first time in -- for the rental compliance program in 2016. We had not been in there before that. It had not been a rental. We had to take additional action -- Bruce did -- to place it into the rental system.

MR. JACKSON: Got you.

MS. FERRELL: So the -- here are pictures of the foundation. So this is the east side. This faces the street. And there's significant buckling. What I'll show here is, you know, it kind of -- you've got -- it pushes out here and then it concaves in here. It pushes further out here and again, you've got more pushing in here. So it's buckling and it's going several different directions in a lot of different places. This is where the foundation has actually come off -- or excuse me, the structure is coming off of the foundation. And water has gotten in there. You can see right here, if you are close you can see water has actually deteriorated the wood here. You can probably take a look there. So the structural components inside have been degraded (sic) as a result of the gaps in the cracks. This is the same east side and you can see that the structure is buckled pretty much like this. I'll forward to the first. I think I skipped past that. This is the northwest corner. Again, you can see that the foundation has been pushed out. Attempts to

correct it basically with just some mortar have been.

MR. JACKSON: Is that just simply cosmetic?

MS. FERRELL: It's simply cosmetic. Yeah. And here is the more -- you can see the protrusion there as well. And you can also see on the top here where because it is becoming detached, you've got your -- you've got the siding here that's also pulling away and allowing water to come and desecrate the interior structure as well.

MR. PAGE: I am assuming you all went inside and inspected on the inside of this structure; is that right?

MS. FERRELL: So here is the caveat with that: I did not -- no, sir.

MR. PAGE: Okay.

MS. FERRELL: Bruce Martin did. I have the original, if you guys would like to look at it. This appeal was strictly for the exterior. And he did not grant us the ability to go inside. The day that I had the inspection, I had an officer with me and there was a time conflict with the officer and because of that, he declined us going inside. There was nobody present and we don't break down doors. So I was only able to see an exterior demonstration of the house.

MR. PAGE: I'd be nice to see a photograph and see what was going on on the inside so you could have a clue as to how much movement there really is.

MS. FERRELL: That's correct. I mean, my understanding is that Bruce Martin was our senior inspector. I respect his experience, 20 years of experience. And he is the one who wrote this report initially.

MR. PAGE: Did he go inside and look at it?

MS. FERRELL: Yes, sir. He did.

MR. PAGE: But he doesn't have any pictures or anything? There's no picture of the inside?

MS. FERRELL: I was unable to find photos.

MR. ZIV: Can I comment on that? Bruce -- first of all, for me -- for you to say I don't have compliance -- Brenda Cannady for you old-timers here went into that house twice, three times for inspection. So whether I have compliance or not with the city, I don't know. You know, I -- theoretically I should. I don't why you guys don't seem to think I have it, but that's neither here nor there. Bruce did go inside the house. I fixed everything in the house that he required. Nothing when you look at the inspection on the interior says anything about that corner. What he did is he okay -- he approved my interior, signed off on it. He even has on that -- I think what Sarah has maybe are the signatures of the interior where he signed off on everything. He didn't do the exterior because he had already left. And then that's where we are. So there was absolutely nothing said on the interior about that corner, about anything that was falling, anything was cracking, anything is wrong with that corner.

MR. PAGE: You made a statement --

MR. PILE: I have a question. Is there a reason that you haven't had a structural engineer look from the underneath side?

MR. ZIV: Nobody has ever cited me on it for the 15 years that I have had it. Like I said, Brenda looked at it with my inspector. I think Bruce -- not Bruce, but the gentleman that died? Rogers? John. John Rogers. So these are old-timers that looked at it. I mean, I have never ever had it cited.

MR. PILE: I meant from the time that you were cited in November to today you didn't have a structural engineer so that you could come here and be able to say this is what they found. They didn't find anything, to better make a decision.

MR. ZIV: I didn't do it. And I can. I mean, I can. I mean, I've got -- my tenants been in there for, I don't know, seven years. Like I said, Bruce did the interior and there's

absolutely nothing written about that corner at all, none.

MR. PAGE: When you use the term "officer", are you talking about a police officer went over there? Is that what you're saying?

MS. FERRELL: Yes, sir. I have -- again, move to a different photo and show you actually -- well, I'm trying.

MR. PAGE: Normally, when you do inspections, isn't there a time set up with the person who owns the property so that you can look at whatever you need to look at?

MS. FERRELL: Yes. This is a special case. Within our code it's well within the rights, as the code is currently written, for someone to request a search by warrant only.

MR. PAGE: That's where I'm confused. I'm like you.

MR. JACKSON: I never heard of that.

MS. FERRELL: It's the way it has been interpreted and that's fine. It's just normal case -- business, just do it like I'm checking my email, it takes about five minutes.

MR. PAGE: That's fine. Okay.

MR. JACKSON: That's fine.

MR. ZIV: They were a half hour late. You can set the clock with me. I go to all of the inspections. I was there ten minutes to 9:00. Sarah was there, kind of in the back. And I waited until 9:10. I run four businesses. And for me to take off and all of that is really, really hard for me. And so I was there at nine o'clock. Sarah calls me up at 10:00 and says the police officer is like a half hour late. She'll be here at 9:30. I said I can't wait. Sorry. I've got appointments. I've got to go. And then never to be heard from again.

CHAIRMAN CONNELL: Kas?

MR. CARLSON: And we can take it that you've owned this property for 15-plus years

--

MR. ZIV: Yes.

MR. CARLSON: -- and it has been in the rental program?

MR. ZIV: Correct.

MR. CARLSON: In the city for 15-plus years and it has passed up to this point in 2016 to where it's failed? Because I'm trying to figure out when all of this started. Because if you owned the house for 15 years and it's been a rental house for 15 years, you've been in the rental program for 15 years and now all of a sudden in 2016 this has happened.

MR. PAGE: I thought she said it has been in the rental program since 2016.

MR. CARLSON: Yeah. I'm just trying to get our timeline straight.

MR. ZIV: It has been on rental since I owned, so -- and I've had inspections. Like I said, Brenda Cannady and Rogers I think inspected it one time. And so for them to say that it hasn't been in the rental program or I haven't had a compliance, I don't even know.

MR. CARLSON: And I was just bringing it up -- you were saying --

MR. ZIV: I don't know how to answer that.

MR. CARLSON: You were saying people have passed it and I was just trying to figure out as you progress through the rental program, you been in for 15 years and in making inspections, one time -- is it every six years or three years after that.

MR. JACKSON: Three to six.

MR. CARLSON: So we would have compliance every three years up to --

MR. ZIV: Correct.

MR. CARLSON: -- a couple years ago?

MR. ZIV: Yeah.

MR. CARLSON: I'm just asking if that's happened.

MR. ZIV: I don't know why I'm not in the books.

MR. CARLSON: That's what I'm asking.

MS. FERRELL: I think that perhaps maybe Leigh might want to maybe step in. This was taken to court. Bruce Martin had to prosecute this case because it was not being put into the rental system. So there was a prosecution on this house.

MR. ZIV: That was a whole different --

CHAIRMAN CONNELL: Mr. Weber?

MR. WEBER: Does anybody else have any facts because there's a lot of hearsay. I just want to ask if there's any facts beyond what's going on here because I'm looking at this and I don't care what happened in the past. I see this as clear, common sense straightforward violation of property maintenance code. And the reason why is so academic that you shouldn't waste your money to try to get an engineer to try to check that out because it so far out of plumb, that it's totally failed laterally. And so that's academic. So why are we here? So unless anyone has any facts, I want to make motion that -- this is not that hard. I just got on Google street view and saw throughout the perimeter of these structures it's bulging at the rim from longterm moisture degradation and bulging from vertical crushing. You've got the walls bowed out. This is not that hard. So if -- what I want to do is please give me any facts, but I want to make a motion so we can stop talking about hearsay for a moment.

MR. ZIV: Can I say something? I've owned about 40 houses. And I've owned a lot in the area. These houses are 60 years old. There's got to be -- as far as I am concerned, there's got to be common sense. There's got to be a balance. Almost every single house on that block -- almost every single house between Garth and West Boulevard and Ash and, you know, all of those houses, they're old houses. And there's got to be some common sense. There's got to be -- now, if this thing was falling and there was massive cracks to the ceiling and massive cracks inside, it would be a different story. But, because this isn't pretty and there's got to be -- there's got to be common sense as far as I'm concerned as far as the landlord that has low-income houses. For me to fix this is thousands and thousands and thousands of dollars. I know that it doesn't look good and I know that it is not --

MR. WEBER: Plumb.

MR. ZIV: I know that it doesn't fall into the -- but a lot of stuff in these older houses don't and it doesn't make sense. It doesn't make sense. Somebody like Sarah can go into my house and just rip it apart for and write me up for thousands and thousands, literally, 30 to \$40,000 worth of work that needs to be done on a house that is 60 years old and I'm getting \$480 a month. There's got to be -- there's got to be a fine line. My tenant is not in jeopardy. He's got smoke detectors. He's got a carbon monoxide detector. He's got a good water heater. He's got a good furnace. He's got a roof over his head. And that's -- that's -- that's where we kind of have to use common sense here a little bit. And I -- you know, I agree with you. It's not just -- I disagree in the sense that it's not black and white. It can't be just black and white in these older houses. There's got to be a little bit of common sense and a little bit of give-and-take. Unless we ripped down all of the neighborhoods, which I'm sure some people want and build brand new condos and build all of that stuff. Us people as landlords that own a lot of these, there's got to be a fine line. There's got to be understanding a little bit. And that's where we run into some problems with the City. And it's not your job, that's why I'm here. I can't spend thousands and thousands and thousands of dollars on these because it doesn't look nice. And it doesn't fall into --

MR. WEBER: A code compliant structure.

MR. ZIV : And it's difficult, but and -- from the bottom of my heart I mean, these guys have lived in this house for seven or eight years. And I don't want to raise the rent. If I go

and spend ten grand on this house to fix that corner, you know, what -- what -- so I don't know whether I plea to you guys. I don't know whether you guys come from that school of thought even or if you're allowed to come to that school of thought. I've tried to talk to the City many times. I've worked with Jim Panneck in the old days and Brenda Cannady and everybody, but it's gotten to a point now where all of the sudden it's like, really, you want to be to spend ten grand on this house that for me to make it back will take -- will take, you know, I don't know, 20 years. The most important thing to me as a landlord, my tenant is not in jeopardy. He's not going -- nothing is going to happen. If God forbid that whole corner slides out, nothing's going to happen to that house. Nothing's going to happen to that corner. And then -- you know, it's like then I've got to -- but that's kind of -- that's kind of my thought process on that. Sorry for rambling.

CHAIRMAN CONNELL: Rob?

MR. JACKSON: What does he need to have to be in compliance? The whole basement foundation replaced?

MS. FERRELL: On issues like this where it is that out of plumb, if this were my report, and I would go in and redo it, I would ask for a structural engineer to perform a structural evaluation. I'd like to see that report. I would like to order that any recommendations that the engineer has to bring the property into compliance are put fourth.

MR. JACKSON: I would like to make a motion and that is it.

CHAIRMAN CONNELL: Before we go there, I think Mr. Weber, did you have a motion on the table?

MR. WEBER: No. I was just trying to get whatever facts we can get.

CHAIRMAN CONNELL: Okay. Yes, sir.

MR. SHANKER: David, if it is all out of plumb on all four sides, what do you think the cost would be to replace essentially the whole foundation from what you're seeing and from what you saw on Google?

MR. WEBER: It's a lifecycle issue. It's a lifecycle issue.

MR. SHANKER: What's that?

MR. WEBER: A lifecycle issue.

MR. SHANKER: I said how much would it cost.

MR. WEBER: I have no idea. I'm not prepared to answer that question.

MR. SHANKER: Does anyone here know what it would cost? Kas?

MR. CARLSON: No.

MR. SHANKER: Does the applicant have a --

MR. WEBER: I would have to think about that problem to answer that question.

MR. ZIV: First of all, it is not out of plumb on all sides. It's that one corner and that one wall. The other side is not out of plumb.

MR. WEBER: What I was saying -- I looked at -- just trying to be diligent, I just looked at street view and from all the sides you can see from the street view you can see where the rim just came down and bulged out around the perimeter. That's very common on older houses that have had moisture damage for both wicking and because it's longterm degradation, it just crushes. So that's common in Centralia and places that have a lot of moisture and not very good drainage. It happens over decades of time at some point, you know, it just you have mulch at the rim and all the joist bearings. And that coupled with the crawlspace perimeter walls that are really out of plumb like that, you know, at some point you either enact the code or you don't. So, it doesn't really -- to me it's interesting to hear the history and whose fault it could be, but I'm just looking right there and it's academic. And I'm just wondering why we are here. This seems like a colossal waste of time because this is really straightforward. If there's any other facts I'd

love to hear it, but if not, I want to make a motion so we can move on to the next issue.

CHAIRMAN CONNELL: Jay?

MR. CREASY: Maybe you can give me a little more clarification on what the code says.

MS. FERRELL: Sure.

MR. CREASY: And how you look at each individual foundation. Like he says, you can find this on every house in the neighborhood as far as foundation.

MR. WEBER: Kind of where I'm at is, I have a different dataset, you know. So I've heard about every argument in the past. One of the arguments I hear with old URM buildings is they all look like this and so that means it's okay.

MR. CREASY: I'm not saying. I'm asking what they're using to make their judgment.

MR. WEBER: We've seen dozens of them collapse. Then I would wonder, well, you know -- and so everyone can be anecdotal, but I'm trying to look at the facts of this case.

MR. CREASY: I'm just curious what the City's facts, what they look like at.

CHAIRMAN CONNELL: Let's keep it sequential for the benefit of our court reporter. Mr. Simon?

MR. SIMON: So the foundation has to be capable of supporting all of the imposed loads. Foundations are supposed to be maintained plumb and free from open cracks. We have made an attempt to closing up the open cracks, clearly way out of plumb. We weren't able to get in and see other structural issues. The applicant always has the remedy of fixing it prescriptively as the IRC would allow. Often, we allow structural engineers report and suggestions to be followed in an effort to help instead of doing it prescriptively because that might entail replacing the whole floor system and the whole foundation system. So often it is more economically feasible to get an engineer involved and do a fix that way, if that makes sense. The code is straightforward. It says it must be maintained plumb and free from cracks.

MR. CREASY: But I mean, if you say it's got to be plumb, you're going to find a lot of them out of plumb. That's my only thing.

MR. SIMON: So usually outside one-third of the -- if you've got your footing here -- so if it is leaning more than one-third that becomes a nuisance at that point.

MR. CREASY: I can understand your point of all of that. I'm just wondering how you guys are applying it. If everybody gets applied the same.

MR. WEBER: The reason why property maintenance codes say a sixth of the dimension or a third of half the dimension is because when it's out of that much plumb it's out of the kern, which means there's a -- every geometric shape and compression --

MR. CREASY: I understand all that.

MR. WEBER: And so after it's out of plumb enough it creates a tension in the member that it otherwise wasn't intended to have and that's why they use that rule of thumb.

MR. CREASY: I didn't know. That's why I asked if they have a rule of thumb.

MR. WEBER: One could do calculations to try to find out that, but I wouldn't even dream of doing, you know, a calculation on something like that. And that's why property maintenance codes have the sixth of the dimension because in the rectangular shape the kern is a third of half of the dimension. It just turns out that that's kind of a cool numbers thing.

MR. CREASY: Thank you.

CHAIRMAN CONNELL: I do have a question for the applicant.

MR. ZIV: Yes.

CHAIRMAN CONNELL: The basis for your appeal is hardship.

MR. ZIV: Correct.

CHAIRMAN CONNELL: Do you have a bid or an estimate for the cost of this repair?

MR. ZIV: No. But I have been in construction long enough and these guys have been in construction long enough where I can look at it and I can say wow, that's going to cost a huge amount of money. I've done enough houses in the 20 years I've been in construction, obviously materials change, things change, labor and all that stuff. When it comes to foundation work, there is no cheap foundation work. We all kind of know that. And that's why it's kind of funny to me to have -- it's not funny, but you know, sometimes these inspectors go by and they say, oh, you need foundation. Twenty-five grand, 30 grand, or whatever. It's like oh, and by the way you need -- on a house that -- you know, if I was to put it on the market now, I'm not even sure I'd be able to get -- well, I'd probably be able to get it, but it's something I don't what to do obviously. The problem is, is that no, I don't have. Flat out. But I know it's going to be a lot of money and it is hardship on me.

CHAIRMAN CONNELL: Mr. Jackson, do you want to restate your --

MR. JACKSON: Not really. I look at that as a problem. I look at that as one earthquake here. That's what's left of what's on the foundation is coming off. It's already coming apart. We can see that in this photo right here. I've been in houses like these with my job and the floors are not plumb, they're not straight. When they catch fire, they just go. And your tenants are at risk. So I would say let's get -- I would want to put a motion down that you get the structural engineer and see what an actual cost is going to be, so you have some information so you know how to proceed.

CHAIRMAN CONNELL: Mr. Carlson?

MR. CARLSON: I think without the full history in front of us, of this property, since he has owned it, which apparently is 15 to 17 years, and the City hasn't said that they have had normal inspections throughout the process in the rental program, and all of a sudden this has just popped up since 2016 -- if it was normal for the first 14 years and all of the sudden two years ago, this has just popped up that's a huge problem. I am not too sure that the applicant wouldn't want to try to withdraw and try to work with the City and try to figure this out and bring us more information. I think at this point right now us looking at this without full history of this property, it's hard for us to determine that that's okay.

CHAIRMAN CONNELL: Does the applicant want to respond to --

MR. CARLSON: I'm just saying that because once it's turned down and -- it's a whole other circumstance. If you're not willing to work the City, if you don't have reports of what's inside the house, which we don't, it's just -- I don't know what you're asking for.

MR. ZIV: Bruce Martin did the inspection on the inside of house. It's all right there. I mean, you can -- you can go inside the house. You can look at that corner wall.

MR. CARLSON: We're not going into the house. We're going to make a determination tonight. We've got a report from the City and we have what you are saying. I'm just giving you an option to do something else. But if you would like us to continue, that's fine and will go with the motion here.

MR. ZIV: I will do anything you guys want me to do. I mean, I'll work with the City. I've worked with the City for a long, long, long time. I'll work with the City. I'll do whatever needs to be done.

CHAIRMAN CONNELL: Mr. Weber?

MR. WEBER: I -- this is very rare. Usually I disagree with Rick Shanker, so I'm going to disagree with Kas a little bit tonight. I don't see what the timeline or history has anything to do with what we're -- the facts of what we're seeing sitting right now. And it's interesting to talk about because it's political and all of that. And we can try to blame

everybody. But there's owners of the property and it's an IRC structure and they have a property maintenance code. And so I just -- to me I think this is simply something I would like to make a motion to deny the appeal, for discussion purposes, because we need a second for this to have a vote. That's my motion.

CHAIRMAN CONNELL: We have a motion. Do we have a second?

MR. CREASY: I second.

CHAIRMAN CONNELL: We have a second from Mr. Creasy. Any discussion?

MR. SHANKER: Yes.

CHAIRMAN CONNELL: Mr. Shanker?

MR. SHANKER: We still have not gotten an estimate. Typically, we get an estimate, a bona fide estimate, to see if it is indeed an undue hardship.

MR. WEBER: What if it was \$50,000, Rick? What if it was \$100,000?

MR. SHANKER: Excuse me a second. May I speak, Mr. Weber?

MR. WEBER: What does the cost matter?

MR. SHANKER: Mr. Weber, may I speak?

MR. WEBER: Sure.

MR. SHANKER: So that's typically the way we do this. The applicant doesn't have that. I think the applicant still has the option to withdraw, until he does.

MR. WEBER: But we have an appeal and we have a motion and a second. So we have to vote on it. Right?

MR. ZIV: What would withdrawing mean? What does that mean? That I have to -- that I go and get a price and then I come back again and tell you guys? I mean, what does withdrawal mean to me? I mean if I withdraw, what does that mean?

CHAIRMAN CONNELL: Mr. Simon, do you want to take a stab at that?

MR. SIMON: To the best of my understanding, we have a full board here. Is withdraw even an option?

MR. WEBER: Well, Rick, what do you think? You are bringing that up?

MR. SHANKER: Well, it seems to be around the table that there is a lot of ambiguity, whether it's history or not. And typically people bring a dollar amount. If the house is worth 60 -- let's just say 60 or 70 and the repair is X-amount, then it gives you a better idea of how to evaluate it. And obviously, you want to look on the inside. I'm just saying from what I'm hearing out here, you guys aren't able to make a true decision without facts that are unknown right now. You're interested in the facts. He doesn't have them.

MR. WEBER: Right. Well, the facts I see is the compliance of if and so if it costs a lot, what does that have -- how does that change the facts of the compliance of the structure?

MR. SHANKER: It doesn't. The question is --

MR. WEBER: Okay. It doesn't. You said it doesn't.

MR. SHANKER: Excuse me a second. Is the safety of tenant involved at all? That's a big question. Is the safety of the structure involved? Obviously. I think those are factors that people bring in when they want a variance.

MR. CARLSON: It's a hardship variance. That's it.

MR. WEBER: Yeah.

CHAIRMAN CONNELL: You have got to go in turn. The applicant had his hand up.

MR. ZIV: So as Rick said, you know, we own these houses. If it is let's say, you know, 20 thousand or 30 thousand or something like that, does anybody care? I mean, does that mean anything to anybody sitting on this committee? Or is basically sorry

dude, you are just out of luck, man. Is that the attitude? I just don't know how to handle --

MR. WEBER: I can tell what it means to me, with the feelings I have and my knowledge is it that if it costs \$40,000 to fix and the structure is worth 60, then that structure is past its service life. That's what it means to me. Effectively. So would it be worth doing that rather than raising and building a new structure that has a new service life of 60 to 80 years. Every structure has its service life that I've ever seen.

CHAIRMAN CONNELL: Mr. Pile?

MR. PILE: I think that one of the things is we're looking at this as a structure, but also you are in business and being in business you have expenses. You've got incomes and you've got expenses. And so sometimes being in business you have to -- you're bringing in income, you have to sometimes spend money back. And you are not willing to come here prepared to tell us what is that that you have to invest back into it. You're asking a decision to be made, but you're not willing to give the information of what you are willing to invest or what is needed to invest into your business.

MR. ZIV: I will get all of that information, if that's what this board needs. I'm willing to do anything I need to do to bring more information to the board. But at the same time I ask does it matter or is the board so that doesn't look good, does it matter if I come up with a number? Is it going to matter to you guys at all if I come up with -- if that's \$20,000 are you going to care? You're not going to care. You're going to say, that's bad. Knock your house down.

MR. WEBER: I didn't say knock your house down.

MR. ZIV: Whatever. I don't know. Is it going to matter if I come back with a number? Is it going to affect your decision?

CHAIRMAN CONNELL: Mr. Carlson?

MR. CARLSON: You know, you have not presented your case tonight as under undue hardship. We don't have a cost. We don't know what undue hardship is. I think we're going to call the question and vote because I don't know what undue hardship is. You would have to determine that and present it to us and you have not done that so you are not applying under anything else but undue hardship and you've not presented that tonight. I mean, because we don't have it written down. We don't know what is is and we're not -- we cannot determine that by what you have resented tonight. It's not how we feel or what it looks like. Undue hardship has to be presented. You have not made your case tonight.

CHAIRMAN CONNELL: Yes?

MR. WIESNER: Like David said, every structure has its life expectancy. That whole neighborhood. This is where we start running into the differences as landlords versus homeowners. Okay? The house next door or two doors down could have the same foundation, same problems, they don't have nobody say a word to them. They could throw a 50 foot by 80 foot tarp over the roof to hold it down with tires and cinder blocks. Nothing's said because it's a homeowner. This has been the argument for a lot of the landlords that struggle to keep their homes in the central part of the city and keep them livable and rentable. It's like we are not making a lot of money, but we are getting by. But, they go to different standards here. And he had another house come up for compliance and he said here, take a look at this. Can you fix it? I went over there, half the things that were written up on this report by one of the inspectors for the neighborhood services, said all of his windows were no good. They were double hung windows, pocket replacement double hung windows. And the individual didn't know how to lock the double hung windows so she said they didn't lock. It's like --

MR. CARLSON: I mean, I hate to interrupt, but I really for this case I'm not sure what

that means.

MR. WIESNER: I'm just saying we have different standards --

MR. CARLSON: I'm saying you really haven't presented the case under what you filed it as.

MR. ZIV: I think you guys are --

MR. CARLSON: I don't know how we could judge the case when hasn't been presented.

MR. WIESNER: So he really needs to withdraw his application?

MR. ZIV: Is that what I do?

CHAIRMAN CONNELL: Mr. Simon?

MR. SIMON: So wouldn't that just be a tabling action to bring back further information?

MR. PAGE: I think so.

MR. SIMON: That wouldn't be a withdraw. Right?

MR. PAGE: I think it would be tabled.

CHAIRMAN CONNELL: I'm going to jump in and I'm going to say there's probably two scenarios here. One would be that we're going to table this to the next meeting giving the applicant time to pull together more information and make a more comprehensive presentation or perhaps he simply chooses to withdraw and agrees to go to work with the City property maintenance division to resolve the issue and not come back. It seems like those are two of the possible scenarios. Yes, sir?

MR. SHANKER: You can't do anything until you take care the motion that's on the table.

CHAIRMAN CONNELL: I understand. We are in discussion.

MR. SHANKER: So it would have to be withdrawn or something.

CHAIRMAN CONNELL: Okay. You know this is discussion. Does the City staff agree with that assessment?

MR. SIMON: That sounds like a reasonable assessment.

CHAIRMAN CONNELL: So we have this -- this commission has a couple of options in front of us, perhaps based on the applicant's decision.

MR. ZIV: And again, if I come back, which I will do with numbers and all that stuff, is that going to change your mind?

MR. WEBER: I think you should get an evaluation that is independent from the City and yours because those are diametric things. You say there's no problem. They say there is a problem. I'm looking at photos. Right? You could do that and then come up with what the cost to fix it would be and that seems like that would be a reasonable thing to present. But I would say we do have a motion and a second. And so at some point, you know, this is fun to talk about, but at some point I really want to vote.

CHAIRMAN CONNELL: Understood. So we have a motion and a second on the table to deny this appeal. So I'm going to step out on a limb here and suggest that if we want to grant the applicant the opportunity to regroup and either go back to work with City staff and/or do an evaluation and prepare a presentation and come back before us, he needs to let us know that so that we could vote down a motion to deny and perhaps consider another motion.

MR. WEBER: That's you.

MR. ZIV: I'll come back with info. I will come back with information and in the interim, I guess I will communicate with the City. And once I get those numbers and all of that -- I mean, if we can work together and I don't need to come back here again, then I won't come back here again. If I feel that the City is being unreasonable and I need to come back here again, then I will come back here again and present the case. Is that

appropriate? Is that right? That's what I will do.

CHAIRMAN CONNELL: Hold that thought. Mr. Pile?

MR. PILE: Timeline? Timeline?

MR. ZIV: Next month. I mean, the next meeting. The next meeting you guys have. I guess that means the 11th.

MR. PILE: 45 days.

MR. ZIV: The 11th for me is when I have to submit my --

CHAIRMAN CONNELL: Actually January 5th is the deadline for the next meeting.

MR. JACKSON: You almost have to go into February --

MR. ZIV: And the holidays -- February then. The February meeting.

MR. CARLSON: Is that 60 days or 90 days or how do you want to do that?

CHAIRMAN CONNELL: The difficulty in this is because there is a motion on the table that has been seconded. If the motion carries, it's denied, end of story. If the motion is rejected, then is the variance granted? I don't think so.

MR. WEBER: We'd have to make another motion.

SPEAKER: Or you table the motion.

CHAIRMAN CONNELL: So the only solution is to withdraw the motion and make another motion to continue. Otherwise, you got this thing hanging out there that's never been voted on, never gotten dismissed or anything. Mr. Weber?

MR. WEBER: I think we should vote on the motion and second. I think this is very academic. I think it's a waste of his money to get an engineer. I think looking at the pictures is just so ridiculously academic.

MR. ZIV: You say it's academic. If an engineers comes and says all I need to do is put a pier in the middle and it still looks like that, is it academic?

MR. WEBER: Anyways, I'm not withdrawing my motion.

CHAIRMAN CONNELL: Okay. Let's be clear. We have a motion and a second to deny the appeal. If this commission votes no on the motion, then I think what's being -- what's being suggested here is that in effect is that granting the appeal?

MR. CARLSON: No. You would have to have another motion.

MR. WEBER: We would have to have another motion. We do this all the time.

CHAIRMAN CONNELL: All I'm doing is just making it clear for myself and everybody else.

MR. CARLSON: Yes.

CHAIRMAN CONNELL: All right. Unless there's any objection, we're going to call vote. All in favor -- what is being --

MR. JACKSON: Yes, is deny. Is that correct?

CHAIRMAN CONNELL: A yes vote is a vote for denying the appeal.

MR. WEBER: Sorry, Brian. I didn't mean to talk over you.

MR. WATSON: So a yes vote denies the appeal and puts him right back having to work with City or getting an engineer to fix the problem?

MR. CREASY: He's got to fix the problem.

CHAIRMAN CONNELL: I don't know where my list is.

MR. JACKSON: Roll call?

CHAIRMAN CONNELL: My roll call. I'll wing it. There it is. Thank you. All right. All in favor -- does everybody understand the motion and second? All in favor --

MR. SIMON: Can we do a roll call vote please?

CHAIRMAN CONNELL: Yes, I am. All in favor of denying the appeal respond as follows, Mr. Carlson?

MR. CARLSON: Yea.

CHAIRMAN CONNELL: Mr. Noordsy?

MR. NOORDSY: Yes.  
CHAIRMAN CONNELL: Mr. Page?  
MR. PAGE: No.  
CHAIRMAN CONNELL: Mr. Weber?  
MR. WEBER: Yes.  
CHAIRMAN CONNELL: Mr. Young?  
MR. YOUNG: Yes.  
CHAIRMAN CONNELL: Mr. Jackson?  
MR. JACKSON: Yes.  
CHAIRMAN CONNELL: Mr. Watson?  
MR. WATSON: Yes.  
CHAIRMAN CONNELL: Mr. Wallace?  
MR. WALLACE: Yes.  
CHAIRMAN CONNELL: Mr. Connell, no. Mr. Creasy?  
MR. CREASY: Yes.  
CHAIRMAN CONNELL: Mr. Shanker?  
MR. SHANKER: I'm not voting.  
CHAIRMAN CONNELL: Mr. Pile.  
MR. PILE: No.  
CHAIRMAN CONNELL. It seems to me the motion carried.  
MR. WEBER: What was the tally?  
CHAIRMAN WEBER: Eight yes, three no.  
MR. SIMON: Eight yes, three nos.  
(Motion carries.)  
CHAIRMAN CONNELL: So the appeal is denied.

**Motion to deny the appeal.**

**Yes:** 8 - Carlson, Creasy, Jackson, Noordsy, Weber, Young, Wallace and Watson

**No:** 3 - Connell, Page and Pile

**Recused:** 1 - Shanker

**Non-Voting:** 2 - Malicoat and Trunk

B. 605 McBaine Ave

**Attachments:** [Case #17-010](#)

CHAIRMAN CONNELL: Next case. This is an appeal application to the building construction code commission. Notice of appeal from the decision of code official in regard to the following described property in the city of Columbia, county of Boone, state of Missouri. May I borrow your exhibit again? Thank you. Legally described as Lot 7 in Banks subdivision of Lots No. 33, 46 and 47 of Garth's subdivision of Lots No. 49 to 72 both inclusive of Garth's addition to the city of Columbia, Boone County, Missouri and known as 605 McBaine Avenue. Applicants request a variance or ruling with respect to the above described property. On the unnoted day of said year, said code officials disapproved deteriorated rim joists to be replaced. The reason he gave for such action was when the rim joists exhibit significant deterioration, which does not comply with the IPMC Section 304.6 of the International Property Maintenance Code as adopted by the city of Columbia Missouri which provides or requires that. Exterior work shall be free from -- exterior walls -- I'm sorry -- should be free from holes, breaks, and loose or rotting

materials. I'm sorry, I can't read this.

MR. SIMON: And maintain weatherproof and properly surface coated where required to prevent duration.

CHAIRMAN CONNELL: Thank you.

MR. SIMON: You're welcome.

CHAIRMAN CONNELL: A copy of the notice of said official is hereto attached. The basis for this appeal as permitted by the International Building Code as adopted by the city of Columbia is undue hardship is created by strict compliance with the letter of the code, but has no significant effect on the health, safety, and welfare of the public or any individual. And it also in parenthesis (attach cost estimate for hardship encountered). Applicant is requesting a variance or ruling are both in the way of carrying out the strict letter of the code because the structure is sound, the cost of fix would be about 15 to 25,000. Applicant is proposing the house has been around for about 80 years. I don't know. Applicant's name is printed. Agent is Sarah Ferrell. Dated 11/10/2017. Does the applicant want to make a presentation?

MR. ZIV: That's my other house. It sits right next to that house. I've got the old asbestos siding, which we all know is great, great siding other than the fact that it's made out of asbestos. It lasted for years and years and years and years. The problem with it as we all know when it breaks, it breaks. I had maybe two of them broken on the rim. The inspector cited me for that and they were fixed. Rick fixed them. I guess she noted where one the sidings were broken, the panels were broken. Part of the rim joist, I guess, was rotted out. The siding -- the siding themselves cover the rim joist all the way around the house. So for the inspector to say the rim joist all the way around the house, which she says I need to change the rim joists all around the house, which basically means you have to jack the whole house up and put new rim joists is not a real easy task. I don't know how she knows the rest of the rim joists is rotted out without crawling underneath the house and checking it out. But again, old house. The rim joist has been there obviously from day one. Is there probably a little bit of rot in it, yes. Is the house getting ready to fall, no. Are there cracks inside of the house, it's a plaster house. A plaster house, so it settles as we know, all of them do in that area and probably in Columbia and probably Missouri. And so she basically cited me that again, I need to change the rim joists around the house. And that makes this -- that makes that little corner job nothing compared to changing the rim joists. And again, it's an absurdity. The ratio isn't there for me to have to spend 25 grand or whatever on a house like that. I don't know why she did it. That's it. Here I am again. I can't take any pictures of it. You have to crawl under the house. I'm not even sure whether a camera would get it. She probably took pictures of it when it was cracked, that one piece of siding or two pieces of siding. So she's probably got a picture of it being soft. But again, to say that I need to change the rim joists is huge, huge. Those of you in construction, those of you know. And again, the house -- my tenant is not in jeopardy. I don't have a -- I don't have a basement. She's also lived there for eight or nine years. I wish I could do more for my tenants -- I do a lot for them. That's it.

CHAIRMAN CONNELL: Questions from commissioners?

MR. CARLSON: I would like the report from the City.

MS. FERRELL: So this is the photo that he is referencing. This is what the house looked like when I did the initial inspection. I will say, there is an error in my report and I regret that I used the word "all". I shouldn't have used the word "all". It should have been related to simply this spot. I'm happy to amend that. So on this one, this is actually butcher paper. Butcher paper and insulation that's been stuck in there. You have posts that have just been -- you've got this one that's connected to the foundation and this one

is connected to the bottom there. So that is what I was talking about there. You can see that the part of the house has already exhibited the dry rot. This is another example of that. And this as well. The siding in the bottom level has been cracked, broken. You can pull this forward and when you do, you can see that there is significant damage as well. The other thing is taking a look at the inside of this house. Let me see if I can pull this up. I apologize. The interior of the property actually -- there is a hole in the interior that goes to the exterior. You have diagonal cracks that go from the corner of the window all the way to the floor. Water has been coming into this house and that's evidenced by the water that was in the closet. It's evidenced by holes that are present and it was evidenced by the mold that's also -- well, excuse me -- dark residue on the walls that was present. Unfortunately, I can't bring that up. It is and I can't pull it up.

CHAIRMAN CONNELL: Mr. Simon?

MR. SIMON: So I just want to make sure I understand. So we're simply asking Amir to replace the areas where you had exposed rim joists and now it's gone and rotted.

MR. ZIV: Which was done. Rick did the work. He replaced it. She did not tell me that she changed it from "all" to just that little section. That would have been -- I wouldn't be sitting here, but "all". I'm here because of the "all".

MR. SIMON: So you're willing to replace --

MR. ZIV: It's says right here --

MR. SIMON: -- all deteriorated rim joists?

MR. ZIV: It's already been done.

MR. SIMON: Okay. So were we able to inspect it or see that it had been done.

MR. ZIV: No.

MS. FERRELL: Yeah. That was ordered on --

MR. SIMON: Well, we have to be able to verify that we fixed it.

MR. ZIV: She can come out look at it. Give me a date and she can come like she does all the other times. I don't have a problem with it.

MR. SIMON: Okay. Just to be clear, we can't see a rim joist if it's been covered with siding. Right?

MR. ZIV: Well, she can crawl underneath --

MR. WIESNER: The siding protrudes -- the cement board I replaced it with, was not replaced with asbestos, the cement board siding.

MR. SIMON: Okay.

MR. WIESNER: And then it's painted so that it's protected.

MR. SIMON: Okay. I did -- we did --

MR. WIESNER: It hangs down about an inch.

MR. ZIV: Let her crawl underneath the house.

MR. WIESNER: It -- you can --

MR. SIMON: You can see it better --

MR. ZIV: I mean --

COURT REPORTER: One at a time.

MR. SIMON: I'm sorry.

MR. WIESNER: You can look underneath the siding and you can see it's all new wood there in that corner.

MR. SIMON: For us to perform a reasonable inspection, we need to be able to see the rim joist replaced before it gets covered up and concealed. Okay? So that would be all I would ask, if we're changing it from "all" to "portions", then we need to be able to verify that it was replaced before it gets concealed so we can see how it was attached, secured, so on and so forth.

MS. FERRELL: Yeah. And the report is clear that I did ask that BSD is consulted

and a permit, if applicable was pulled so they could do their due diligence as inspectors on the --

CHAIRMAN CONNELL: Mr. Weber?

MR. WEBER: I was going to ask if there was a little space under there where someone could crawl?

MS. FERRELL: Yeah.

MR. WEBER: So someone could just crawl and check it out. Okay.

MR. ZIV: Yeah.

MR. WEBER: I was just wondering if it was really tight against the soil or if there was some space under there because someone could --

MR. ZIV: Yeah. There's space.

MR. WEBER: -- just crawl in the crawlspace like this young lady over here and check it out.

MR. ZIV: I've got no problems with that. I've got absolutely no problems with it. There is a crawlspace there.

MR. SIMON: Again, it won't be this young lady. It will be my staff. I want to see it before it is concealed. I'm not going to crawl underneath the house and I won't be able to see how it's attached and so on and so forth. So --

MR. ZIV: With all due respect to the City, nobody -- nor does it even say in here that that was something that had to be done. Where does it say that --

MR. SIMON: It will be necessary for a building permit to be acquired prior to commencement of work.

MR. ZIV: That's for the -- that's for the -- that's for the whole --

MR. SIMON: For rim joists.

MR. ZIV: That's for the whole thing.

MR. SIMON: For the rim joists.

MR. ZIV: And here I am thinking if I'm going to jack up the house and I'm going to change all of the rim joists, I can understand that. But to change like a little -- or to scab out a little tiny piece, that changes the whole -- that changes the whole situation as far as I'm concerned. I mean, I didn't know we couldn't put that on and you guys had to look at it. I didn't know. I'm going -- I'm going according to what she wrote and it's the whole rim joists and jacking my whole house up and spending 25 grand and I could see where I would need a permit for that. I really, really do. But I don't see all where all of the sudden now instead of all, a little tiny section. If you guys want to --

MR. SIMON: It's very difficult for me to see the extent of deterioration after it's been covered. Is that reasonable?

MR. ZIV: I'll do anything you guys want me to do. Really. I don't want to be here. I'll do anything you guys want me to do. I really -- I mean, if you want me to take the siding out, you know, it's just money. And it comes out of my pocket and all of these things, like, oh, I forgot to change the word "all". I mean, come on.

MR. SIMON: My door is always open, sir. If you need me to come out and verify the extent of damage. It is just very difficult after the fact when it is covered up for me to be able to verify the extent of damage.

MR. ZIV: I'll do whatever. You want me to take the board out or the siding. The thing is with that kind of siding, now I may crack it and those costs. But whatever. I'll do whatever you want me to do.

MR. CARLSON: So are you withdrawing your appeal here and working it out with the City? Is that what we're saying?

MR. ZIV: Yeah. We're fine with it, except for I'd like to -- I got to be honest with you. Can I say one thing? I would like this committee to acknowledge the fact that, you know

-- that somebody like me and I have these two guys here to sit in front of the committee because she forgot to change it from all to just a little section, is massive and major. And this committee should not, like, oh. Okay Mr. Ziv, you can go now. Do you want to leave? It isn't. I get 200 bucks an hour for my time. These guys get money. I'm here on a weekend or weekday and it's really upsetting to a lot of landlords for this stuff. Oh, by the way, it's not all. It's just a little section. That's massive and I would like this committee to acknowledge that fact. I don't want to be here.

CHAIRMAN CONNELL: Mr. Simon?

MR. SIMON: I would just like offer it, any circumstance please come talk to me.

MR. ZIV: I don't know. That's why I'm here. I didn't know that it's -- that she changed it from all to a little tiny section. I didn't know. This is the first time I'm hearing it. I didn't know to come to you.

MR. SIMON: I think the word "all" could have been taken in the areas that were not covered with siding.

MR. ZIV: All to me is all. It's not part. It's not --

MR. SIMON: So if you need clarification, please come see us.

CHAIRMAN CONNELL: Mr. Malicoat?

MR. MALICOAT: Can I make a suggestion that you get a copy of property maintenance code and read it over.

MR. ZIV: That's a whole different discussion.

MR. MALICOAT: Not really.

MR. JACKSON: With all due respect, that is why you're here.

MR. ZIV: No. I think with all due respect, I am here because instead of an "all", I wouldn't have been here.

MR. PILE: You would be here for the other part.

MR. ZIV: That's true.

MR. CARLSON: Are you asking us for withdrawal of this motion?

MR. ZIV: Yes.

MR. CARLSON: Or this appeal? Or are you asking to vote on it?

MR. ZIV: Or what?

MR. CARLSON: Are you asking us to vote on this appeal or are you going to withdraw?

MR. ZIV: No. I'll withdraw on this.

MR. CARLSON: So we're done with our discussion; is that correct? He's withdrawing. Do we need a motion to withdraw or can he just withdraw?

CHAIRMAN CONNELL: I think the applicant can simply withdraw.

MR. CARLSON: And he'll work with the City and we're done. Thank you

## VI. NEXT MEETING DATE - January 22, 2018

## VII. ADJOURNMENT

SPEAKER: And we're not allowed to discuss anything else because it's not on the agenda. Correct?

MR. SHANKER: Hold a second. I have a question about that. I don't care what legal says. If we have things we want to put on the agenda, how do we go about doing that?

MR. SIMON: Next month I'm going to have an open comment for --

MR. SHANKER: If we want something on agenda for next month to discuss, we just talk to the chairperson about it?

MR. SIMON: Sure.

MR. CARLSON: Otherwise he would put something on the agenda for us to have

discussion after everything else, so we could discuss it. But right we really cannot do that; is that correct?

MR. SIMON: We're not supposed to add to the agenda.

MR. WEBER: I think we should always have that general then because things come up.

MR. SIMON: And we will. I just didn't this time because I didn't know.

MR. CARLSON: And we don't need a motion make you do that.

CHAIRMAN CONNELL: Does anyone from the public have anything?

MR. JACKSON: I'd like to make a motion for adjournment.

MR. WEBER: I second.

CHAIRMAN CONNELL: All in favor.

(Unanimous vote approval.)

(WHEREIN; the meeting was concluded.)

**Motion for adjournment.**

Members of the public may attend any open meeting. For requests for accommodations related to disability, please call 573-874-7214. In order to assist staff in making the appropriate arrangements for your accommodation, please make your request as far in advance of the posted meeting date as possible.