

Minutes
Property Maintenance Board of Appeals
Council Chambers
Wednesday, March 2nd, 2011, 8 a.m.

Members Present

Paul Flogstad, Dawn Clausen, Ron Rensberger, Wayne Kerslake, and Dennis Tilden

Members Absent

None

Guests Present

Leann and Oscar Batiz, Kelly Boysen, Dan Hein, Paul Hess and Kevin Smith

Approval of Minutes of Last Meeting

A motion was made by Ms. Clausen and a second was made by Mr. Rensberger to approve the minutes of the August 4th, 2010 hearing. Yeses, 5. Noes, 0.

New Business

The file was opened for Appeal No. 1-2011 for the dwelling located at 515 S. Duluth Avenue and Appeal No. 2-2011 for the multifamily dwelling located at 523 S. Duluth Avenue. Oscar and Leann Batiz were present as the owners of both structures.

The 515 S. Duluth Avenue structure had been vacant due to fire damage which occurred on July 22, 2008. Mr. Batiz maintains that the property is repairable, but has been delayed due to pending litigation from the insurance company. An inspection of the exterior occurred which resulted in the issuance of a Notice and Order/Notice to Secure/Notice to Demolish which was issued on January 25, 2011.

A Notice and Order dated May 7, 2009 was issued for the property located at 523 S. Duluth Avenue based on an exterior inspection which found stairs to the second level which were unstable, broken windows, lack of handrails and screens. The structure has remained vacant since 2009. Repairs to the structure have not occurred and it was recently found that the structure remains unsecured. Subsequently, a Notice and Order/Notice to Secure/Notice to Demolish was issued on January 25, 2011. Mr. Batiz specified that the property is currently in foreclosure and he is on the verge of turning the property over to the mortgage holder.

The terms of both Notice and Orders mandating the properties to be brought to a habitable use or to raze the structures required compliance by March 16, 2011. Paul Hess of Community Development specified that negotiations have recently commenced with the Batiz's for Sioux Falls Housing Corporation to acquire both properties under the Mayor's Revitalization Program. Community Development is

proposing to acquire both properties, to raze the existing structures and to develop the area into low income affordable housing. Mr. Batiz requested that the Board extend the time period for compliance such that the Batiz's can obtain a settlement from the insurance company on the fire damaged structure and additionally to be able to negotiate terms with Community Development.

A motion was made by Mr. Rensberger and a second was made by Mr. Kerlake to require the completion of an interior inspection of the fire damaged structure located at 515 S. Duluth Avenue and to keep both properties secured. The terms of the Notice and Orders requiring demolition for both properties was extended to June 1st, 2011. Yeses, 5. Noes, 0.

Adjournment

A motion was made by Ms. Clausen and a second was made by Mr. Rensberger to adjourn the meeting. Yeses, 5. Noes, 0.

Secretary