

Minutes of Meeting
Belton Building and Fire Prevention Code
Board of Appeals Meeting
City Hall Annex, 520 Main Street
April 28, 2021

CALL TO ORDER

Chairman Lathrop called the meeting to order at 6:04 p.m.

ATTENDANCE

Board: Chairman Gary Lathrop, Melvin Anderson, and Rosemary Howard
Absent: Gary Mallory

Staff: Padraic Corcoran, City Attorney representative; Dave Clements, Planning and Building Director; Ben Beauchamp, Building Inspector; Brittany Terrell, Code Enforcement Officer; and Madison Smith, Development Technician.

Reporter: Jill Bleskey, RPR, CSR, CCR - Certified Court Reporter, 218 West Green Street, Clinton, MO 64735

Guests: Michael Owens, property owner of 107 King Avenue; Donald Parrish, property owner of 109 King Avenue.

MEETING MINUTES

Mr. Anderson moved to approve the meeting minutes of October 17, 2019, of the Building and Fire Code Prevention Board of Appeals meeting. Mrs. Howard 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. Jill Bleskey, Certified Court Reporter swore in the following witnesses:

1. Ben Beauchamp, Building Inspector
2. Michael Owens, property owner of 107 King Avenue
3. Donald Parrish, local resident, and property owner at 109 King Avenue

Mr. Corcoran, City Attorney, proceeded with his first witness, Ben Beauchamp, Building Inspector. Mr. Beauchamp read his report regarding the alleged dangerous structures of 107 King Avenue.

Mr. Corcoran requested that the exhibits referenced in Mr. Beauchamp's report, exhibits 1 through 6, be admitted into as evidence. Chairman Lathrop acknowledged the admittance and the items were admitted into the record.

Michael Owens, owner of the property spoke. He wishes for the board to grant him permission to obtain another permit and fix up the property the rest of the way so that he can sell it and be done with it.

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 today, Wednesday, May 12, 2021 to outline the remedial work of the subject and obtain a permit. From the date of permit issuance, the property owner shall have 45 days to finish all remediation work, pass final inspection and obtain a Certificate of Occupancy. If those conditions are not met, the structure can then be demolished by the City, June 27, 2021. Chairman Lathrop moved to approve the motion. All members present voted in favor and the motion passed.

The Findings of Fact and Conclusions of Law are attached as Exhibit A.

EVIDENTIARY HEARING (cont.)

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 17119 Monte Verde Drive, Belton, Missouri. Jill Bleskey, Certified Court Reporter, swore in the following witnesses:

1. Ben Beauchamp, Building Inspector

The owner or other interested parties were not in attendance.

Mr. Corcoran, City Attorney, proceeded with his first witness, Ben Beauchamp, Building Inspector. Mr. Beauchamp read his report regarding the alleged dangerous structure of 17119 Monte Verde Drive.

Mr. Corcoran requested that the exhibits referenced in Mr. Beauchamp's report, exhibits 1 through 6, be admitted into as evidence. Rosemary Howard acknowledged the admittance and the items were admitted into the record.

With no further witnesses or documents to be presented, the Building Commission reviewed everything submitted before them. Mr. Corcoran suggested the following motion: the City to prepare an order to have the owner demolish the structure within 30 days of the order. If those conditions are not met, the structure can then be demolished by the City with the cost reflected back to the property owner. Chairman Lathrop moved to approve that motion. All members present voted in favor and the motion passed.

The Findings of Fact and Conclusions of Law are attached as Exhibit B.

EVIDENTIARY HEARING (cont.)

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 1501 N Scott Ave, Lot 8, Belton, Missouri. Jill Bleskey, Certified Court Reporter, swore in the following witnesses:

1. Ben Beauchamp, Building Inspector

The owner or other interested parties were not in attendance.

Mr. Corcoran, City Attorney, proceeded with his first witness, Ben Beauchamp, Building Inspector. Mr. Beauchamp read his report regarding the alleged dangerous structure of 1501 N Scott Ave, Lot 8.

Mr. Corcoran requested that the exhibits referenced in Mr. Beauchamp's report, exhibits 1 through 5, be admitted into as evidence. Rosemary Howard acknowledged the admittance and the items were admitted into the record.

With no further witnesses or documents to be presented, the Building Commission reviewed everything submitted before them. Mr. Corcoran suggested the following motion: the City to prepare an order to have the owner demolish the structure within 30 days of the order. If those conditions are not met, the structure can then be demolished by the City with the cost reflected back to the property owner. Chairman Lathrop moved to approve that motion. All members present voted in favor and the motion passed.

The Findings of Fact and Conclusions of Law are attached as Exhibit C.

ADJOURNMENT

All members present voted in favor of adjourning the meeting and the meeting adjourned at 6:47 p.m.

Madison Smith
Development Technician, City of Belton

EXHIBIT A

OWENS PROPERTY AT 107 KING AVENUE, BELTON, MISSOURI

EVIDENTIARY HEARING APRIL 28, 2021

**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 (house and detached garage) located at 107 KING AVENUE **are dangerous buildings and public nuisances** and hereby orders the property owner or interested party **to repair** the structure.

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.
2. On August 8, 2019, the City's Police Department responded to a call for service at 107 King Avenue. At their request, the City's Building Official accompanied them on this call for service to permit an investigation/inspection of the property.
3. Following this investigation/inspection, the City's 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 clear path (must be at least 36 inches) to exit door due to debris and storage in hallways; and 8) no clear path to egress windows in case of fire or panic.
4. 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 structures.
5. The property owner failed to comply with the orders of the City's Certified Building Official to repair or demolish the structures.
6. An evidentiary hearing was held on October 17, 2019. At the conclusion of the meeting, the Building Commission ordered Mr. Owens to finish all remediation work at the subject property and pass final inspection within 90 days of November 4, 2019.
7. On March 29, 2020, Mr. Owens access permit was rescinded for inactivity and the property (residence and detached garage) was re-posted as dangerous structures.

8. The property owner was property notified of a hearing to determine the facts and disposition of the structures at 107 KING AVENUE.
9. On the day of the hearing, Mr. Owens requested more time from the Board to finish all remediation work, pass final inspection and obtain a Certificate of Occupancy.

Conclusions of Law

10. There is substantial and competent evidence including but not limited to: 1) those which show 33 percent or more, of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supporting enclosing or outside walls or covering those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation; 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) those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation; open electrical switches, outlets and junction boxes; 5) those having light, air or sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live therein; plumbing to the laundry room is insufficient (floor had standing water); 6) improper clearance to combustibles with storage near the water heater; 7) those having inadequate facilities for egress in case of fire or panic; no clear path (must be at least 36 inches) to exit door due to debris and storage in hallways; and 8) those having inadequate facilities for egress in case of fire or panic; no clear path to egress windows in case of fire or panic 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.
 1. This evidence elicited and admitted into the record at the hearing, and partially referenced above, establishes that the structures at 107 KING AVENUE constitute dangerous buildings and public nuisances under Chapter 10, Article III of the Unified Development Code of the City of Belton, Missouri.
 2. The house 107 KING AVENUE is most likely repairable from a structural perspective, and the owner shall obtain a permit within 14 days of this hearing and be able to pass final inspection and obtain a Certificate of Occupancy within 45 days of permit issuance.

Order

1. The owner or other interested party shall meet with City staff and obtain a permit to finish the remedial work within 14 days of April 28, 2021. **From the date of permit issuance, the property owner will have 45 days to complete the work, pass final inspection and obtain a Certificate of Occupancy.** 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 demolish the structures and levy any costs incurred by the City to the property owner and place a lien upon the property for the same.

EXHIBIT B

PFLANZ PROPERTY AT 17119 MONTE VERDE DRIVE, BELTON, MISSOURI

EVIDENTIARY HEARING APRIL 28, 2021

**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 structure located at 17119 MONTE VERDE DRIVE is a **dangerous building and public nuisance** and hereby orders the property owner or interested party **to demolish** the structure.

Findings of Fact

11. This property is owned solely by Charles D. Pflanz as evidenced by a Warranty Deed dated September 28, 1982, recorded with the Cass County Recorder of Deeds on October 7, 1982.
12. On August 28, 2020, following the City's abatement of certain junk, trash, and debris located in the back yard of 17119 Monte Verde Drive, the Building Inspector went on site to perform an investigation/inspection of the property.
13. Following this investigation/inspection, the City's Building Inspector determined in his opinion that the house had become a dangerous building and public nuisance as defined by Chapter 10, Article III, Section 10-92 of the Belton Unified Development Code because of: 1) damaged and decaying exterior walls with multiple holes and penetrations; 2) damaged flashing, window trim, siding, and other exterior components which allow for pest infestation; 3) no water service which makes the property unsanitary for human occupancy; 4) storage of junk, trash, and debris obstructing the rear of the property providing inadequate facilities for egress in case of fire or panic; 5) rear roof shows signs of extreme deterioration, is no longer structurally sound and could collapse at any time; 6) coolers and refrigerators on the exterior of the property containing rotten meat; 7) numerous containers of human waste were found outside of the facility showing there are not adequate sanitation facilities; and 8) numerous decaying animal carcasses found outside the facility.
14. 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.
15. The property owner failed to comply with the orders of the City's Building Inspector to repair or demolish the structure.
16. The property owner was properly notified of a hearing to determine the facts and disposition of the structure at 17119 MONTE VERDE DRIVE.
17. On the day of the hearing, the owner or other interested parties were not in attendance.

Conclusions of Law

3. There is substantial and competent evidence including but not limited to: 1) damaged and decaying exterior walls with multiple holes and penetrations; 2) damaged flashing, window trim, siding, and other exterior components which allow for pest infestation; 3) no water service which makes the property unsanitary for human occupancy; 4) storage of junk, trash, and debris obstructing the rear of the property providing inadequate facilities for egress in case of fire or panic; 5) rear roof shows signs of extreme deterioration, is no longer structurally sound and could collapse at any time; 6) coolers and refrigerators on the exterior of the property containing rotten meat; 7) numerous containers of human waste were found outside of the facility showing there are not adequate sanitation facilities; and 8) numerous decaying animal carcasses found outside the facility to find that the structure at 17119 MONTE VERDE DRIVE is a dangerous building and public nuisance under Chapter 10, Article III of the Unified Development Code of the City of Belton, Missouri.
4. This evidence elicited and admitted into the record at the hearing, and partially referenced above, establishes that the structure at 17119 MONTE VERDE DRIVE constitutes a dangerous building and public nuisance under Chapter 10, Article III of the Unified Development Code of the City of Belton, Missouri.
5. The house 17119 MONTE VERDE DRIVE is not likely repairable from a structural perspective, and the owner shall obtain a permit to demolish the structure within 30 days of this notice.

Order

2. The owner or other interested party obtain a permit for demolition of the structure within 30 days of May 17, 2021. 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 demolish the structure and levy any costs incurred by the City to the property owner and place a lien upon the property for the same.

EXHIBIT C

PROPERTY AT 1501 N. SCOTT AVENUE, LOT 8, BELTON, MISSOURI

EVIDENTIARY HEARING APRIL 28, 2021

**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 structure located at 1501 N. SCOTT AVENUE, LOT 8 is a **dangerous building and public nuisance** and hereby orders the property owner or interested party **to demolish** the structure.

Findings of Fact

18. This property is owned solely by VLMC Joint Venture as evidenced by a Warranty Deed dated April 1, 2007, recorded with the Cass County Recorder of Deeds on April 6, 2007.
19. On January 8, 2021, Code Enforcement went on site to perform an investigation/inspection of the property after a structure fire on January 7, 2021.
20. Following this investigation/inspection, the City's Building Inspector determined in his/her opinion that the house had become a dangerous building and public nuisance as defined by Chapter 10, Article III, Section 10-92 of the Belton Unified Development Code because of: 1) extensive fire damage to the entirety of the structure; 2) charred and failing support beams throughout the structure; 3) extensive fire damage prohibiting the property from being secured as to keep children and citizens out of the structure; 4) the supporting beams of the structure are so damaged from fire, are no longer structurally sound and may collapse at any time; and 5) there is fire damage to over 50% of the structure.
21. 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 demolish the structure.
22. The property owner failed to comply with the orders of the City's Building Inspector to repair or demolish the structure.
23. The property owner was properly notified of a hearing to determine the facts and disposition of the structure at 1501 N. SCOTT AVENUE, LOT 8.
24. On the day of the hearing, the owner or other interested parties were not in attendance.

Conclusions of Law

25. There is substantial and competent evidence including but not limited to: 1) extensive fire damage to the entirety of the structure; 2) charred and failing support beams throughout the structure; 3) extensive fire damage prohibiting the property from being secured as to keep children and citizens out of the structure; 4) the supporting beams of the structure are so damaged from fire, are no longer structurally sound and may collapse at any time; and 5) there is fire damage to over 50% of the structure to find that the structure at 1501 N. SCOTT AVENUE, LOT 8, is a dangerous building and public nuisance under Chapter 10, Article III of the Unified Development Code of the City of Belton, Missouri.
6. This evidence elicited and admitted into the record at the hearing, and partially referenced above, establishes that the structure at 1501 N. SCOTT AVENUE, LOT 8 constitutes a dangerous building and public nuisance under Chapter 10, Article III of the Unified Development Code of the City of Belton, Missouri.
7. The structure at 1501 N. SCOTT AVENUE, LOT 8 is not repairable from a structural perspective, and the owner shall obtain a permit to demolish the structure within 30 days of this notice.

Order

3. The owner or other interested party obtain a permit for demolition of the structure within 30 days of May 17, 2021. 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 demolish the structure and levy any costs incurred by the City to the property owner and place a lien upon the property for the same.