

Meeting Agendas/Info

**CITY COUNCIL
COMMUNICATION:**

ITEM _____

01-486

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

AGENDA:

SYNOPSIS -

**SEPTEMBER 24,
2001**

SUBJECT:

**PUBLIC NUISANCE
AT 1016 FOREST
AVENUE**

The building located at 1016 Forest Avenue has been deemed a fire hazard, is unsanitary due to non-functional sanitation facilities, and is being used for storage and warehouse use not permitted under the Zoning Ordinance. The building has suffered damage to structural systems, walls, roof and floor systems to a degree that portions are unsound. If approved by City Council, this action will affirm the Building Official's determination that the building located on this property constitutes a public nuisance, and will refer the matter to the Legal Department to bring the appropriate legal action to cause the abatement of the nuisance.

TYPE:

FISCAL IMPACT -

**RESOLUTION
ORDINANCE
RECEIVE/FILE**

Estimated demolition costs total \$110,000, including asbestos abatement. All costs associated with this action are intended to be collected from the owner by means of a personal judgement or assessed against the property.

SUBMITTED BY:

**JAMES GRANT
COMMUNITY
DEVELOPMENT
DIRECTOR**

RECOMMENDATION -

Approval.

BACKGROUND -

This property contains a two-story building with partially exposed basement. The building is constructed of wood and steel frame and masonry veneer exterior and is believed to have an original use as a fraternal hall, later used by religious organizations, and has also been intermittently vacant. It is presently used for the storage of salvaged building materials, a use the Zoning Enforcement Officer has deemed inconsistent with Zoning Ordinance provisions applicable to this site.

Rooms within this structure are filled with salvaged building

materials, construction debris, and other combustible materials. The materials within are a type, quantity, and stored in a manner that the Fire Marshal has classified as a fire hazard. These materials are stored in a manner believed exceeding the design capacity of the building's structural systems.

The building has suffered from exposure to the elements and a lack of adequate maintenance. These conditions have allowed significant moisture intrusion into the structure, which has contributed to partial failure of a parapet and exterior wall, failure of localized floor and wall systems, and failure of the roof at various locations. The building lacks adequate sanitation facilities.

An inspection of the building interior was conducted August 18, 2000. It was the opinion of staff that the building could be viable if repaired and restored, and with that end in mind, a notice was issued on August 23, 2000. This notice required repairs, cessation of warehousing use, and removal of excessive combustible contents within 30 days. Subsequent inspections were conducted November 16, 2000, and February 22, 2001, with some limited progress observed. On February 27, 2001, the property owner submitted a letter requesting an extension until June 1, 2001, citing weather delays. An inspection conducted July 25, 2001, found no additional progress or efforts toward compliance.

Notice of public nuisance, dated August 9, 2001, was issued to titleholder Eppard Investments Inc., Dennis Eppard registered agent; and tax certificate holder Zfin23, Attn: John Zajicek. This notice required repair or demolition of the structure within 14 days of receipt of the notice. The notice indicated if they failed to comply, this matter would be presented to the City Council on September 24, 2001. It is the Community Development Department's recommendation that the public nuisance determination is affirmed, and the matter be referred to the Legal Department to bring the appropriate legal action against said property to abate this public nuisance.

An exterior inspection of this property conducted September 10, 2001, found that no improvements had been made.

Attached to the roll call are copies of the August 9, 2001, and August 23, 2000 notices; copy of correspondence from Dennis Eppard; return receipts; site plan; photographs; and a current property condition report prepared by the Permit and Development Center.
