

THE **BOARD OF APPEALS** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **WEDNESDAY, AUGUST 29, 2018** IN THE CITY COUNCIL CHAMBERS OF CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING BOARD MEMBERS PRESENT: CHAD BUCK, MIKE COX, RANDY REED, LLOYD BROWN AND MIKE EKEY. ALSO PRESENT WERE COMMUNITY DEVELOPMENT DIRECTOR JIM CADORET, BUILDING OFFICIAL JON WOERNER, AND CITY ATTORNEY JONATHAN ZERR.

1. **Call to Order** – Chairman Buck called the meeting to order at 6:07 p.m.
2. **Roll Call** - Roll was taken and Chairman Vinck declared a quorum present to conduct business.
3. **Unfinished Business –**

**A. Minutes of July 18, 2018 meeting**

On a motion by Cox, 2nd by Ekey the minutes of the July 18, 2018 meeting were approved by a 5-0 vote.

**4. New Business –**

**A. Case #BOA 2018-02 Dangerous Building Order - Se Pak, 317 and 319 W. Foxwood Drive**

City Attorney Jonathan Zerr swore in those individuals who intended to provide testimony to the Board on the case.

Building Official Jon Woerner presented the case for the City. Mr. Woerner submitted a packet of documents to the Board including 10 exhibits related to the case. The request is for an order for demolition of the structures at 317 and 319 W. Foxwood Drive. The two buildings are under common ownership of Se Pak.

Chairman Buck asked Mr. Woerner how long Mr. Pak has owned the property.

Mr. Woerner stated County records indicate he purchased the property in 2014.

Mr. Woerner reviewed Exhibit #1 which was a correction order he issued on August 24, 2017 for certain repairs to be made to the structures. No work to comply with the correction order was done.

Mr. Woerner stated on May 9, 2018 he issued an order for demolition of the structures, with work commencing by June 15, 2018 and completion by August 15, 2018. With no demolition work commencing, Mr. Woerner stated he then notified Mr. Pak of the hearing scheduled this evening.

Mr. Woerner reviewed photographs he had taken of the buildings and provided the conditions of the building that led to the demolition order.

Mr. Woerner reviewed the staff proposed findings of fact for the case.

Mr. Woerner concluded by stating the City is requesting an order of demolition of the two structures by Mr. Pak.

Chairman Buck asked if there was any written correspondence from Mr. Pak on repair or demolition.

Mr. Woerner stated all contact was in person or by phone and the intent shared with staff by Mr. Pak was that he would demolish the two buildings.

Mr. Se Pak stated he is the owner of the structures. He stated he does not dispute anything Mr. Woerner stated.

Mr. Pak stated he initially wanted to move his academy there, but the zoning does not allow it. He stated Mr. Moorhead was his attorney and had been working on an audit that was occurring on the business.

Mr. Pak stated he is securing a loan to demolish the structures. He presented a letter from Country Club bank that indicated a loan was to be secured to demolish the structures.

Chairman Buck asked if there is a mortgage on the property.

Mr. Pak stated there is a small loan on the property.

Chairman Buck asked if the lender was aware of the order for demolition.

Mr. Pak stated yes they are aware and are loaning money for the demolition.

Board member Ekey asked if the letter is from Country Club Bank and is regarding demolition.

Mr. Pak stated yes, the letter is signed by Brian Mallory of the bank stating the funds would be used for demolition.

Chairman Buck asked Mr. Pak how much time he would need to complete the demolition.

Mr. Pak stated 30-45 days.

Mr. Pak stated previous delays in taking any action was due to his attempts to sell the property. He indicated he now realizes it would be easier to sell the property if the two structures were demolished.

Mr. Pak stated his mortgage lender is the bank who submitted the letter regarding the loan for demolition.

Chairman Buck asked if the City is required to notify the mortgage lender of the hearing for demolition.

City Attorney Jonathan Zerr stated it is a requirement.

Board member Brown asked if the letter stated financing already has been granted.

Mr. Pak stated yes.

Mr. Brown asked if a contract for demolition has been awarded.

Mr. Pak stated he has received bids but has not signed any contract.

Mr. Woerner submitted the letter from Country Club Bank as exhibit #11.

Chairman Buck asked if a demolition permit is required.

Mr. Woerner stated yes, but there is no permit fee.

Mr. Zerr commented that the mortgage holder needs to be notified of the hearing.

Chairman Buck stated the mortgage company is the same lender that is loaning the money for the demolition, so the mortgage company has been noticed of the action being discussed.

Mr. Pak stated he feels the lender is aware of the demolition order.

Mr. Zerr held to his opinion that formal notice needed to be made to the mortgage holder.

Board member Brown asked if a city employee could provided notice to the lender.

Mr. Zerr stated that would be due notice.

Chairman Buck stated notice of the order and hearing were posted on the buildings.

Mr. Woerner stated yes both notices have been posted.

Mr. Ekey asked if the board could issue the order, allowing 15 days notice to the mortgage lender and 30 days to complete the demolition.

Mr. Zerr stated his concern is that lender should be given an opportunity to be heard before any decision is made by the board.

Board member Cox stated that the lender would still have adequate time to appeal the board decision should they in fact have a concern with the demolition order.

Chairman Buck stated it would be an order for demolition after satisfaction of the 15 day notice period.

Community Development Director Jim Cadoret indicated staff wants to proceed with the order for demolition. Staff will notify the lender of the order and they could file an appeal if they have any objections.

Mr. Zerr asked the Board to enter into the record the exhibits presented by the City this evening and to enter the findings of fact as required by the City Code.

Mr. Cox asked what a reasonable amount of time would be for demolition.

Mr. Woerner indicated in the past the Board has provided 30 days to demolish a structure.

Mr. Ekey stated he is comfortable with the findings proposed by staff and in giving the owner 30 days to demolish the structure with the additional 15 days for notice to lender.

Mr. Zerr stated the Board could determine this evening that notice was provided to the mortgage lender based upon the letter received from the bank. The order for demolition could reference the appeal process and provide the required time for an appeal to be filed.

Chairman Buck stated Mr. Pak has testified that the bank is aware of the demolition order from the City.

Board member Ekey made a motion, seconded by Board member Brown, to accept the findings of fact submitted by the City staff and determine that the two buildings are in fact dangerous buildings and to issue an order to demolish 317 and 319 W. Foxwood Drive; to give proper notification to the property owner and mortgage holder; with the demolition permit and demolition of the structures to be completed in 45 days or the City will commence demolition of the structures.

Motion passed 5-0.

Chairman Buck advised Mr. Pak that he will have 45 days from the date he receives the written order of the Board. If the work is not completed in the 45 days the City will proceed to complete the work.

## **5. Adjournment**

On a motion by Cox and 2<sup>nd</sup> by Brown the meeting was adjourned at 7:13 pm.

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Chad Buck, Chairperson