

# DEPARTMENT OF FIRE SERVICES

## Housing Appeals Board Minutes

2000 Denison Ave. Manhattan, Kansas

Code Services (785) 587-4506

Fire Prevention (785) 587-4504

FAX (785) 587-4513

HEARING DATE: Wednesday June 8th, 2011

LOCATIONS: 715 Thurston St., 351 N.15<sup>th</sup> St.  
234-B Westwood, 830 Harris Ave.  
810 N. Manhattan Ave., 923 Osage #3

MEMBERS PRESENT: Bill Muir, Mark Bachamp, Gene Wiley, Tim Trubey

STAFF PRESENT: Jim McDiffett, Code Services Officer

OWNERS/ AGENTS PRESENT: 234-B Westwood, Daryle & Marilyn Frank  
830 Harris, Nanyon & Xiangxing Lu  
Harry Kitchener, 810 N. Manhattan Ave.  
Gail Shaffer, 923 Osage, #3

### **715 Thurston St.**

The scheduled request for the housing appeals board was cancelled by the owner's request due to an emergency and to be rescheduled for July.

### **351 N. 15<sup>th</sup> St.**

The Housing Appeals Board convened at 351 N. 15<sup>th</sup> St. at was called to order at 10:20AM. The owner or a representative of the property was not present. The owner was called and a message left. Chairman Muir suggested to move on to the next agenda item after waiting a reasonable amount of time.

### **234-B Westwood**

The board reconvened at this site. Two appeals were to be heard. Present were the owners Daryle & Marilyn Frank. Item #1 was the request of a variance to allow the use of the living room without a window for light or ventilation. The geography and the front stairs of the dwelling prevented the installation of the required window. Gene Wiley moved to conditionally approve the request with the installation of a window in the front door for light purposes. Seconded by Tim Trubey. Discussion followed with no suggestions arising for a solution. The vote was called for by Chairman Muir

and the variance was conditionally approved by a vote of 4-0 with 60 days to complete the correction.

Item #2 was a request for the use of a bedroom area that had no window, did not meet the required minimum width of 7' and had a gas fired water heater and furnace that were drawing combustion air from the bedroom. The area to be used as a bedroom was the south portion currently being used as a computer area. This area had an egress window previously installed. The multiple facets of the questions of a bedroom with a computer area arose. Gene Wiley moved to conditionally approve with the gas fired appliances separated from the bedroom/ computer area and provided with combustion air as required from other area or exterior source. The door to the computer use area is to be removed from the frame to ensure access to the egress window. This was moved by Tim Trubey and seconded by Mark Bachamp and conditionally approve with 60 days to make corrections to meet the above criteria by the vote of 4-0.

### **830 Harris Ave.**

The board met on site to consider a variance request for the head height in the stairs to the basement area. The board members viewed the stair configuration and the steel I-beam causing the lowered clearance. The owner was present as was the contractor to do the correction if needed. Gene Wiley moved to conditionally approve with the addition of padding to the steel I-beam. Tim Trubey seconded and the motion passed 4-0.

### **810 N. Manhattan Ave.**

The board met with the owner, Harry Kitchener, who described that the building was under contract to sale with possible demolition in 6-10 months. Mr. Kitchener then showed the board to the first item which was a request to allow the existing electrical remain in the basement behind a wooden panel cover and that keys are provided to the upstairs tenants for their access in an emergency. Tim Trubey moved to grant the request to remain and was seconded by Gene Wiley. Variance was granted on a 4-0 vote.

The second item was a request was for a variance to accept the 17-1/ 2" height of the existing window opening in the basement bedroom for an egress window. The board viewed the situation and Mark Bachamp moved to approve the variance. Tim Trubey seconded and the motion passed 4-0.

### **923 Osage St., #3**

The board reconvened at the above address and were met by the owner, Gail Shaffer and escorted to a detached apartment unit in the rear of the property. The request for a variance to allow the existing water heater to remain in the bathroom was considered. After viewing and questions of the owner, Mark Bachamp moved to table this item for 30 days to allow additional time for the owner to obtain cost estimates to either replace with an electric water heater

or provide the separation from the bathroom and the external combustion air supply that would be required to remain. Gene Wiley seconded and the vote was called for and the motion to table was passed by a vote of 4-0.

Chairman Muir asked for any other business that the board might have to bring forward, hearing none, the meeting was adjourned at 11:59AM.

Respectfully submitted,

Jim McDiffett  
Board Secretary