

Historic Preservation Commission

Staff Report

Meeting Date: July 14, 2021

Case #: HPC 32-21

Site Address: 1516 7th Street
Parcel ID: 31-06-23-2-016-006.000
Applicant: N/A
Owner: V E P LLC

Proposed Work: Property maintenance violation for review
Current Zoning: R-3H

Historic District: Seventh Street Historic District
Architectural Style: Colonial Revival
Year Built: 1948
Contributing: Yes
Historic Survey: Audubon Place National Register

One story frame Colonial Revival Cottage with a small entrance porch with a curved underside. It is supported by paired colonettes on either side. The façade features paired windows on the left and a bay window on the right. Site of the old Donoho house. Several oak trees, magnolias, and hackberrys. The Playhouse was Mr. Newton's father's lumber mill office in Berry, AL. it was used as the campaign office for Jimmy Faulkner's 1954 unsuccessful bid for state governor.

HISTORY:

The Department of Urban Development Inspections for Property Maintenance conducted property maintenance and other City code inspections at this property on May 14, 2021. The following property maintenance violations were found:

1. Apply for a renovation or repair permit!
2. Pass plumbing and building final inspections for the work done in the bathroom approximately 3 months ago. There were no inspection of this renovation!
3. Repair or replace or add GFCI receptacles in the bathroom(s) and kitchen where the power source is less than 6' from a water source.

4. REMOVE ALL debris, furniture, trash, broken glass, cut vegetation, DISMANTLED HVAC units and especially the HAZARDOUS MATERIALS (pile of asbestos siding) from the exterior property.
5. Repair or Replace ALL missing or broken globes.
6. Repair or Replace broken window.
7. Repair or Replace ALL windows. The windows are painted or fixed shut. All windows must open, close and lock.
8. Repair or Replace or Remove the dismantled window unit.
9. PROPERLY install PER CODE smoke detectors in ALL rooms used for sleeping. Devices must wired into the electrical system, interconnected with battery backup. If gas is supplied to the residence, a combination carbon monoxide detector should be installed as the detector outside the bedrooms wired in and interconnected with the rest of the devices.
10. Install proper ventilation in the bathrooms.
11. Properly remove, treat and seal area where MOLD is present in the bathroom.
12. Construct a landing at the back door. Minimum of 3' wide and no less than 3' in the direction of travel. To include steps, guard and handrails and spindles. All to meet code requirements!
13. Properly prepare and Paint ALL interior surfaces.
14. Properly prepare and Paint ALL exterior surfaces that are not vinyl clad.

The City of Tuscaloosa Department Urban Development determined the reasonable date for completion of all repairs is 6/16/2021. All violations were not corrected by this date. Sec. 20-15.30 requires owner attendance at the next HPC meeting if failure to address maintenance occurs.

STAFF ANALYSIS:

Sec. 20-15.30 of the city code lays out the following procedure for maintaining historic properties within historic districts:

1. Reports of maintenance code violations are reported to the Chief Building Official for investigation.
2. The Chief Building Official or his/her designee investigates, takes photographs, and documents the code violation(s). The inspector then prepares a written report.
3. If within a historic district, the report and photographs are forwarded to the planning division for further action.
4. The planning division contacts the property owner by letter or other means, reporting the violations and the extent of the repairs required to be corrected as identified by the building inspector.
5. The owner is instructed to contact the city to receive information on how to obtain the necessary building permits and when the next HPC meeting will be.

6. The HPC may approve the repairs only to the extent of such repairs as required and set forth by the Chief Building Official or his/her designee.
7. The property owner must obtain a building permit with 14 days from the date upon which the HPC approves the repairs.
8. The property owner must complete the repairs and pass a final inspection within six months of receiving a building permit.
9. If the owner fails to obtain a building permit within 14 days or fails to complete the work within six months of the issuance of a building permit, the Chief Building Official must then make a determination if the structure should be condemned or cited for a maintenance code violation. If the structure is to be condemned, the condemnation is forwarded to City Council for final determination. If the structure is subject to a maintenance code violation, the case is forwarded to municipal court for disposition.
10. If the owner fails to attend the HPC meeting, the HPC may continue the case to the next regular scheduled meeting or refer the matter to the Chief Building Official for disposition.

The property owner was initially informed of the violations in May, 2020, but repairs were not complete within the time frame given. This property has now been placed on the July 14, 2021 HPC agenda for review by HPC. HPC can approve the work as listed in the property maintenance violation for repair with same material and design. If approved, the property owner has 14 days to obtain a building permit from the date of the HPC meeting, and six months to complete the work once a building permit is issued.

APPLICABLE CODES:

Sec. 20-15.30. - Maintenance of historic properties in historic districts.

(a) *Expedited review procedures for approval of routine maintenance.* The historic preservation commission (HPC) may adopt expedited review procedures for approval of routine maintenance to historic properties or to buildings or structures in historic districts. Routine maintenance to historic properties includes ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay or damage, or to sustain the existing form that does not involve a material change in design, material or outer appearance. Expedited review procedures shall waive the requirements for submission of an application for a certificate of appropriateness and for consideration at a public meeting.

(b) *Requirement to provide ordinary maintenance or repair.*

(1) Owners of properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. At a minimum, owners shall keep such structure or property, including all accessory structures, adequately

maintained and repaired in accordance with the 2003 International Property Maintenance Code, section 304.

(2) The commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, the deterioration of exterior architectural features, or the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.

(c) Failure to provide ordinary maintenance or repair. (Procedures and penalties)

(1) Reports of maintenance code violations within Historic Districts shall be reported to the Chief Building Official for investigation.

(2) Upon receiving a report of a maintenance code violation concerning a structure within a historic district, the chief building official or his designee, shall dispatch a building inspector to the structure to investigate the report for maintenance code violations. The inspector shall take photographs of the structure to document the code violation if such violations are discovered. The inspector shall likewise prepare a written report to compliment the photographs stating therein any specific code violations observed and submit the report and photographs to the chief building official or his designee.

(3) Upon review of the written report and photographs submitted by the building inspector, the chief building official or his designee shall:

(i) First confirm that the structure is located within a historic district.

(ii) If such structure is determined to be located within a historic district and in the opinion of the chief building official contain code violations, the chief building official or his designee shall forward the report and photographs to the office of planning and economic development (planning department) for further action. The report shall also contain the specific code violations and the extent of the repairs necessary to correct the violations.

(iii) If in the opinion of the chief building official the report and subsequent investigation of a maintenance code violation is found to be unwarranted, unfounded or unsubstantiated, no further action will be taken under this section.

(4) Upon receiving the report and accompanying photographs, the planning department staff will contact the owner(s) of the property by letter, or by such other reasonable means, setting forth the code violations and the extent of the repairs required to correct the violations as set forth by the chief building official or his designee. The owner will be instructed to contact the inspection department for information as to the process to obtain all necessary building permits and will be notified of the next HPC meeting for

approval of the repairs pursuant to paragraph (a) of this section. The HPC may approve the repairs only to the extent of such repairs as required and set forth by the chief building official.

(5) The owner(s) must obtain a building permit within fourteen (14) days from the date upon which the HPC approves the repairs as set forth by the chief building official. Upon receiving a building permit, the owner(s) must complete the repairs and receive and pass final inspection by the inspection department within six (6) months from the issuance of the building permit.

In the event that the owner(s) fail(s) to obtain a building permit within fourteen (14) days from the date upon which the HPC approves the repairs, the chief building official shall dispose of the case pursuant to the procedures as set forth in paragraphs six (6) and seven (7) of this Section. However, the chief building official, in his discretion, may contact the owner(s) and extend the period of time in which to obtain a building permit but in no event shall the period of time be extended to exceed ten (10) consecutive calendar days from the termination date of the owners(s) fourteen-day period of time to obtain a building permit.

In the event that the owner(s) fail to attend the scheduled HPC as provided pursuant to the notice from the planning department, the HPC may in their discretion continue the case to the next regular scheduled meeting of the HPC or refer the matter to the chief building official for disposition pursuant to paragraphs (6) and (7).

(6) In the event the owner(s) fail(s) to complete the repairs, as set forth by the chief building official, to correct the code violations within six (6) months from the issuance of the building permit or fails to obtain a building permit within fourteen (14) days from the date upon which the HPC approves the repairs or fails to appear before the HPC and the HPC refers the matter to the chief building official as set forth in paragraph (5) of this section, the chief building official shall then make a determination if the structure should be condemned or cited for a maintenance code violation.

(7) If the chief building official determines that the structure is to be condemned, he shall forward the condemnation to the city council for their determination. If the chief building official determines that the structure is subject to a maintenance code violation, he shall refer the case to municipal court for disposition.



May 19, 2021

VEP LLC
PO Box 536
Eutaw, AL 35462

RE: **Violation Notice:** 1516 7th St (Parcel ID - 31-06-23-2-016-006.000)

Mr. Banks,

You are in receipt of this letter because the listed property was found to be in violation of both the 2015 International Property Maintenance Code as well as the City of Tuscaloosa Municipal Code (Chapter 20, Article II Sec 20-15.30) which regulates maintenance of historic properties within historic districts.

A property maintenance inspection (PM-20-0023) of your property was conducted by the City's Building and Inspections Department on 5/14/2021. Their findings are outlined in the attached field report and scope of work document.

In order to bring this property back into compliance and alleviate the need for further enforcement action the following steps must be taken.

- Complete and submit a **Certificate of Appropriateness application** for repairs to the Planning Department by **June 16, 2021**.
- Present your application to the Historic Preservation Commission (HPC) on **July 14, 2021**.
- Secure a building permit within **14 days** post HPC approval
- Bring the property back into compliance within **6 months** – post approved building permit issuance.



PLANNING

2201 University Blvd. • Tuscaloosa, AL 35401 • Phone 205-248-5110 • Fax 205-349-0136 • City Hall 205-248-5311

TUSCALOOSA.COM

   @TuscaloosaCity

Failure to correct this violation will result in a citation or summons to Municipal Court for a misdemeanor violation of the Code of Tuscaloosa. In accordance with Section 1-8 of the Code of Tuscaloosa, whenever in this Code, or in any ordinance of the city, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, whenever in such code or ordinance the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not more than five hundred dollars (\$500.00), to which may be added in the discretion of the judge of the court trying the case, confinement in the city jail or to hard labor for the city for a period not exceeding six (6) months.

Should you have any questions, please do not hesitate to contact the Planning Division of the Office of Urban Development at 205-248-5110.

Sincerely,

Zach Ponds
Associate Director of Planning



Date: 5/19/2021

File # PM-21-0048

To: **V E P LLC**
P.O. Box 536
Eutaw, Alabama 35462

Our records indicate the above referenced is the owner(s) of the property located at:

This letter is to inform the owner(s) that an inspection of the property located at this address was made by the City of Tuscaloosa Urban Development Building and Inspections Property Maintenance and was found to be in violation of the 2015 International Property Maintenance Code and Code of Ordinances adopted by the City of Tuscaloosa.

Attached is a copy of the field report, a scope of work/time frame, and code requirements for the property owner(s). Your response must be in writing, in person, by phone, or by email within **thirty (30) DAYS** of the date of this notification. Please provide a daytime phone number(s), additional mailing addresses, or an e-mail address.
Please Respond by: Wednesday, June 16, 2021

A date for completion of the corrections or repairs has been determined by the City of Tuscaloosa. You must have all the violations corrected or removed by: **6/16/2021**

Failure to comply will cause the Building Official to have a summons or citation issued to the owner(s) after **6/16/2021**. The summons or citation will require the owner(s) to appear in the Tuscaloosa Municipal Court where upon conviction the owner(s) will be subject to a fine of up to **\$500.00 dollars and a jail sentence** of up to six months.

Please contact the City of Tuscaloosa Urban Development Buildings and Inspections if you have any questions, concerns or if you no longer own this property.

Thank you for your prompt attention and cooperation

Barry D. Junkin

Chief Property Maintenance Inspector

URBAN DEVELOPMENT INSPECTIONS

bjunkin@tuscaloosa.com

(205) 248-5121



BUILDING & INSPECTIONS

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SCOPE OF WORK

Date: 5/19/2021

File #: **PM-21-0048**

The Department of Urban Development Building and Inspections conducted property maintenance and other City code inspections at the property referenced in this notification. This is the SCOPE OF WORK AND DATE to correct the violations found at this address. These violations must be corrected within the time frame specified below.

1. Apply for a renovation or repair permit!
2. Pass plumbing and building final inspections for the work done in the bathroom approximately 3 months ago. There were no inspection of this renovation!
3. Repair or replace or add GFCI receptacles in the bathroom(s) and kitchen where the power source is less than 6' from a water source.
4. REMOVE ALL debris, furniture, trash, broken glass, cut vegetation, DISMANTLED HVAC units and especially the HAZARDOUS MATERIALS (pile of asbestos siding) from the exterior property.
5. Repair or Replace ALL missing or broken globes.
6. Repair or Replace broken window.
7. Repair or Replace ALL windows. The windows are painted or fixed shut. All windows must open, close and lock.
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9. PROPERLY install PER CODE smoke detectors in ALL rooms used for sleeping. Devices must wired into the electrical system, interconnected with battery backup. If gas is supplied to the residence, a combination carbon monoxide detector should be installed as the detector outside the bedrooms wired in and interconnected with the rest of the devices.
10. Install proper ventilation in the bathrooms.
11. Properly remove, treat and seal area where MOLD is present in the bathroom.
12. Construct a landing at the back door. Minimum of 3' wide and no less than 3' in the direction of travel. To include steps, guard and handrails and spindles. All to meet code requirements!
13. Properly prepare and Paint ALL interior surfaces.
14. Properly prepare and Paint ALL exterior surfaces that are not vinyl clad.

The City of Tuscaloosa Department Urban Development determined the reasonable date for completion of all repairs is 6/16/2021. All violations must be corrected by this date.

Failure to comply with the completion of all repairs listed in this scope of work will result in the Building Official issuing a summons or citation to the owner(s) after 6/16/2021. The summons will require the owner(s) to appear in the Tuscaloosa Municipal Court. If convicted, the owner(s) will be subject to a fine of up to \$500.00 dollars and a jail sentence of up to six months.

Thank you for your prompt attention and cooperation

Barry Junkin

Chief Property Maintenance Inspector

URBAN DEVELOPMENT INSPECTIONS

bjunkin@tuscaloosa.com

205-248-5121 / 205-233-2816



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SCOPE OF WORK



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Property Maintenance/Condemnations/Field Report/City of Tuscaloosa/Urban Development/2015 International Property Maintenance Code

Section 305 Interior Structures	
305.1 General	OWNER HAS FAILED TO PROPERLY MAINTAIN THE INTERIOR OF THIS STRUCTURE
305.2 Structural Members	
305.3 Interior Surfaces	PAINT IS CHIPPED FLAKING IN MOST ROOMS WALLS AND CEILINGS.
305.4 Stairs/Walking Surfaces	
305.6 Interior Doors	
Section 308 Rubbish/Garbage	
308.1 Accumulation of Rubbish	TRASH, DEBRIS, PERSONAL ITEMS REMAIN INSIDE STRUCTURE
Section 309 Pest Elimination	
309.1 Infestation	
Plumbing Facilities/Fixture Requirements	
501.2 Responsibility	OWNER HAS FAILED TO PROPERLY MAINTAIN THE PLUMBING SYSTEM IN THIS STRUCTURE
Plumbing Systems and Fixtures	
504.1 General	
504.3 Plumbing System Hazards	LEAK MENTIONED BY TENANT BUT WAS NOT DETECTED
505.3 Supply	
505.4 Water Heating Facilities	
Sanitary Drainage System	
506.2 Sanitary Drainage	POSSIBLE LEAK IN BATHROOM DRAIN / SMELL OF SEWER GASSES
Mechanical/Electrical Requirements	
601.2 Responsibility	OWNER HAS FAILED TO PROPERLY MAINTAIN THE ELECTRICAL OR MECHANICAL SYSTEMS IN THIS STRUCTURE
602.3 Heat Supply	INOPERATIVE HEAT SUPPLY / HVAC SYSTEM FAILED TO OPERATE AS DESIGNED
603.1 Mechanical Appliances	DISMANTLED A/C WINDOW UNIT
604.1 Electrical Facilities Required	
604.2 Service	
604.3 Electrical System Hazards	MISSING GLOBES
605.2 Receptacles	MISSING OR INOPERATIVE GFCI
607.1 Duct System	RUSTED AIR REGISTERS / POSSIBLE MOLD
Fire Safety Requirements	
701.2 Responsibility	OWNER HAS FAILED TO PROPERLY MAINTAIN THE FIRE/SMOKE ALARMS AND/OR EMERGENCY EGRESS
702.4 Emergency Escape Openings	OBSTRUCTED EGRESS / NO EGRESS PROVIDED / EGRESS WINDOWS PAINTED SHUT
704.1 General	OWNER HAS FAILED TO PROPERLY MAINTAIN THE FIRE/SMOKE ALARMS
704 Smoke Alarms 704.2.1- 704.2.1.4	INADEQUATE/INOPERATIVE SMOKE/FIRE ALARMS / MISSING SMOKE ALARMS
704.3 Power Source	IMPROPER POWER SOURCE
704.4 Interconnection	SMOKE/FIRE ALARMS ARE NOT INTERCONNECTED
Other	

As a property owner you have the responsibility to keep and maintain your property. The responsibility of Urban Developments Property Maintenance Division is to monitor the properties within the city's jurisdiction and enforce the property maintenance and city codes.

Should you decide to sell or you have already sold your property. Contact the code official that issued your notification.

If a voluntary demolition is the method of compliance. Contact the code official that issued your notifications for the requirements for demolition

IPMC Rights and Responsibilities of the Property Owner

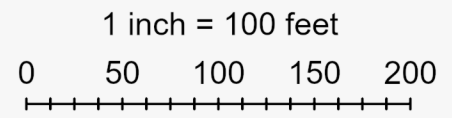
106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

107.5 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.



HPC-32-21: 1516 7th Street



N



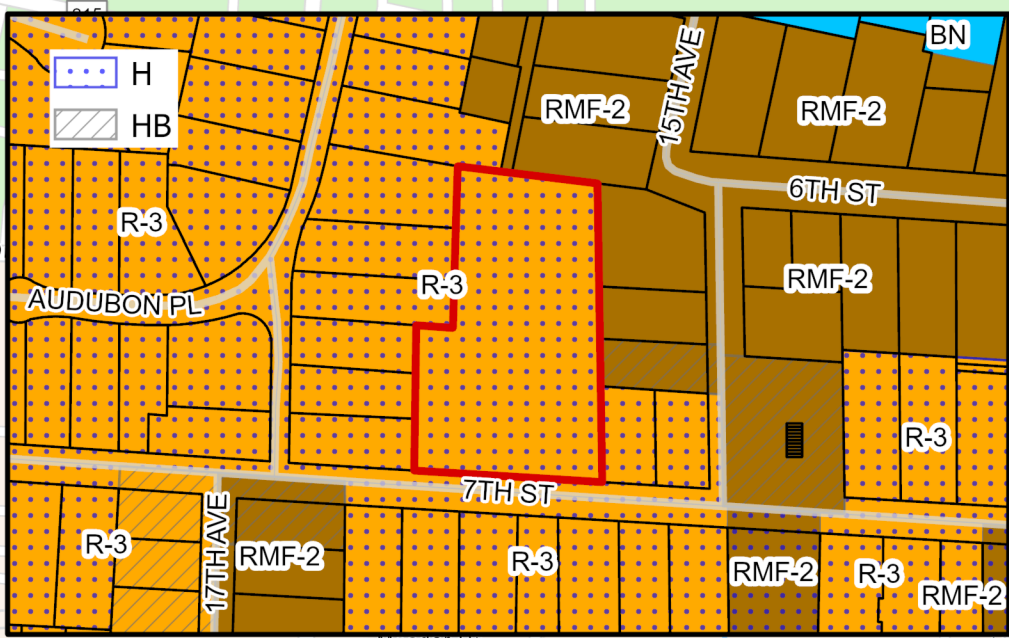
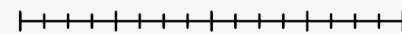
 HPC-32-21



HPC-32-21: 1516 7th Street

1 inch = 120 feet

0 60 120 180 240







1516

















