



TOWN OF MANSFIELD HOUSING CODE BOARD OF APPEALS

Draft **MINUTES of** **REGULAR MEETING** April 8, 2013

I. CALL TO ORDER: David Spencer was unable to attend this meeting; Acting Chairman Will Bigl called the meeting to order at 5:00 p.m. in Conference Room C at the Audrey P. Beck Building.

II. ROLL CALL: Members present: William Briggs and Will Bigl. Director of Building & Housing Inspection, Michael Nintean; Housing Code Enforcement Officer, Derek Debus; Appellant, Michael Block of Block Properties LLC; town resident, Emile Poirier; and the Board secretary, Jennifer Thompson were also present at the meeting. Member absent: David Spencer. The membership appointment of Emile Poirier remains pending with Town Council.

III. APPROVAL / REVISION OF MEETING AGENDA: Acting Chairman called for motion to revise or approve the agenda, motion in favor to accept as presented made by William Briggs, seconded by Will Bigl. All in favor, motion passed.

IV. BUSINESS MEETING:

A. Approval / Revision of Meeting Minutes: Chairman called for a motion to accept or revise the minutes of the December 10, 2012 meeting. As Will Bigl was not in attendance at that meeting and would have to abstain from vote, the minutes shall be tabled until the next meeting of the Board.

B. Hearing of Appeal: Application for Appeal received March 20, 2013
36A&B and 40A&B Willington Hill Road
Block Properties LLC
REASON FOR APPEAL (1) these four rental units are new and should not be subject to inspection requirement for 5 years; (2) if not apply under (1) then should not be due until 2 years after certificates of occupancy. The COs were issued end of July 2010.

1. Applicant - Michael Block, made reference to another project he had done on Hanks Hill Road that is also rental property which he rehabilitated. In that instance, old mobile homes were removed and discarded and new were placed on existing lots. He added on to the house at 8 Hanks Hill and more than doubled the amount of rooms to the dwelling. The structure was gutted although did not do all new electrical in the old portion and some exterior walls were left in place. Basically everything was new. He mentioned that the property utilizes the same address, just has new buildings. It received 5-year delay of housing code compliance inspections. Similarly, the Willington Hill properties were also purchased in disrepair. He stipulated that there are no tenants here in the summer and would be easier to schedule inspections at that time. He provided a copy floor plan of the lower level of 36B. The downstairs units of 36 and 40 and the upstairs units of 36 and 40 are mirror image layouts. Rehabilitation of these properties became extensive as the project progressed. His argument is that exact same language on permits for both the Hanks Hill as well as Willington Hill properties and therefore Willington Hill should be delayed.

2. Code Official – Director Michael Nintean distributed the following exhibits to members: Exhibit A copy of Housing Code section 900 highlighting requirement for certificate of compliance for rental housing units, exception for “newly constructed housing units” and implementation “pursuant to a schedule” and “within the period of time specified by the implementation schedule”; Exhibit B section

R110.1 of the Building Code regarding Certificate of Occupancy; Exhibit C approved 6/18/09 Application for Permit #0809767, Certificate of Use and Occupancy for 8 Hanks Hill Road approved for Addition & Renovation dated 8/11/2009, Assessor's Cards old 20 Hanks Hill and current now known as 8 Hanks Hill Road; Exhibit D section 104.2 of IPMC adopted as the Housing Code of the Town of Mansfield; Exhibit E approved 5/17/11 Application for Permit #1011595, Certificate of Use and Occupancy for 36A and B Willington Hill Road description of work Addition/renovation occupancy existing dated 22-Jul-11, Assessor's Card 36A-36B Willington Hill, approved 5/17/11 Application for Permit #1011596, Certificate of Use and Occupancy for 40A and B Willington Hill Road description of work Addition/renovation occupancy existing dated 26-Jul-11, Assessor's Card 40A-40B Willington Hill. He indicated that inspections of vacant property are not required under the Housing Code; only registration is to be filed in accordance with the Landlord Registration Ordinance. The department does periodic verification that the property is still vacant but inspections are not done. Certification would become due when the dwelling unit is rented. Attention should be given to the qualifications of "newly constructed versus "initial". The model of the Housing Code is used in other communities as well as Mansfield. There is an implementation schedule according to which properties become due for certification and then 2 years thereafter. The Certificates of Occupancy was issued for renovations and not new construction. 8 Hanks Hill project has significantly much smaller portion to remain. Assessor Cards for 8 Hanks Hill reflect year built 2009 and for Willington Hill properties 1969, year remodeled 2011.

3. Persons Whose Interest Affected by this Appeal – There were no comments from the public.

4. Board Questions to Speakers RE Presented Materials - Acting Chairman noted that the Code of Town of Mansfield Connecticut Part II General Legislation Chapter 130 Housing Code Section 901 Certification was reference for the Board's review of this Appeal. William Biggs concurred and observed that the structures at Willington Hill were apartments before renovation and are apartments there now. Michael Block questioned his project against the intent of the Housing Code. He asked the Board to review his appeal on the basis that the place was gutted, no same door, no same siding, no same windows, no same insulation. He remarked that his project should be considered as new house. While the Board was in agreement that extensive renovations were completed, they disagreed with the perspective of the premises as new construction. They felt the Housing Code seemed clear and an exception was not met. Upon Michael Block's contention for CO inspections done by the building officials to satisfy housing inspection, the Board stated Building Code and the Housing Code are two separate regulations. William Briggs commented that impact of ease of scheduling for both or either property owner and/or housing office not merit change in the inspection implementation schedule.

5. Board Decision Vote – The circumstances of these properties did not meet the criteria for an exception under the Code. The subject residential rental housing units are located within the Rental Certification Zone, therefore obtaining a certificate of compliance is required in the event the units are occupied. The exception for 5-year period concerning newly constructed units did not apply as the present day issued CO was not the initial one for the property. The Code stipulates an implementation schedule for obtaining certification. Term of Certificate is two years following the date of issuance. Motion made by William Briggs to deny the appeal, Will Bigl seconded - All being in favor, the motion passed unanimously.

V. ADJOURNMENT: There being no further business to be presented to the members, William Briggs moved to adjourn the meeting, Will Bigl seconded. Motion passed and the meeting adjourned at 5:55 p.m.

Respectfully submitted,
Jennifer Thompson, Secretary