



Meghan Simmons
Sammy Kelentic
Jim Quigley
John Oldaker
Don Massaro
Jason Willis
Scott Banks, Building Official

October 24, 2024

Board of Construction Appeals
Minutes

City Hall Council Chambers

NOTE: The Construction Board of Adjustment and Appeals shall have the power, as further defined in [section 18-118](#) to hear appeals of decisions and interpretations of the building official and consider variances of the building, electrical, gas, mechanical and plumbing codes.

I. Call Meeting to Order

Building Services Director Scott Banks called the meeting to order at 9:31 a.m.

II. Roll Call

Board members in attendance were Meghan Simmons, Sammy Kelentic, Jim Quigley, Don Massaro, and Jason Willis.

III. Introduction

Mr. Banks explained that the Board of Construction Appeals meets twice a year to hear blight cases and construction appeals.

Mr. Banks asked that the agenda be reviewed out of order beginning with the updated blight cases.

IV. New Business

b. Updates to Previous Blight Cases

- Properties brought into compliance before 10/1/2024:
 1. 2352 Lakewood Dr was purchased by an investor, then rehabilitated and sold.
 2. 2831-2839 S. Main Street buildings were demolished.

V. Staff Comments

- The Board has a vacancy for a licensed Plumber. Send in recommendations if you know someone qualified.

IV. Public Hearing:

Mr. Banks reviewed the definition of blight and what conditions constitute blight. For a property to be blighted it must present at least two of the conditions. **Exhibit A**

- a. **Consideration of inspection report(s) and supporting documents for confirmation and approval of all findings and recommendations by the building official and concurrence that**

the properties identified meets the definition of *blighted area*.

- 4070 Woodland Dr – Mr. Banks presented photographs from bodycam footage of the property detailing the blight issues including the inside of the house and the back deck to support the two blight conditions of “Uninhabitable, unsafe, or abandoned structures” and “Inadequate provisions for ventilation, light, air, or sanitation.” Mr. Banks stated that the owner has been placed in a medical facility by their sister who is aware of its condition and is trying to sell it to an investor. Police Officer Scott Luther advised of conditions in the house which included a collapsing ceiling, hoarder situation, a heavy smell of pet urine, a rotting deck, and trees growing from the house, and holes in the siding; an uninhabitable place. One Board member asked if family knew about hearing, and advised he drove by the property the day before and saw someone working. Mr. Banks advised that the owner/family were advised of the hearing and there are no current construction permits for this address.

Mr. Banks polled the Board – unanimous vote (5:0) that the subject property met requirements to be considered blighted.

- 3097 Shirley Drive – Mr. Banks presented photographs of the property including all sides of the outside of the structure detailing the blight issues to support the two blight conditions of “The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner” and “Inadequate provisions for ventilation, light, air, or sanitation.” Mr. Banks discussed the truss ventilation system that was installed in 2016, but was not completed or inspected and has since been removed. A ramp was placed, but was blown away. There have been many agreements made with the owners over the years, however, the permits that get pulled expire with no inspection being carried out. The most recent was an agreement that the owner would have siding placed by the end of September, and currently that has not been completed. Mr. Banks advised that there have been citations for this property for over eight years.

Owners Bibi and Inderdeo Ramnauth addressed the Board. They discussed the lack of funding for the project, but that a family member had given them the funds to have the siding placed. They stated that they now have a contractor who stated the siding could be placed by November 2. Questions and discussion held from Board members and the owners. Mr. Ramnauth advised that the truss system that was placed in 2016 was not complete, so he did not believe it needed to be inspected. The house was subsequently taken “all the way flat to the ground and rebuilt it.” There was an inspection after rebuilding, however, it did not pass inspection. Mr. Banks advised that the footings have not passed inspections, and when a structure gains a floor that an engineer is usually brought in. Mrs. Ramnauth stated that they had two different contractors and lost their life savings. She advised that the roof is almost complete and there are thirteen windows remaining to be placed. She stated there is a plan of action to finish the house, and they believe they can have the outside of structure completed by November 2. Mr. Banks stated there is an active

permit for the house. Owners asked what could be done to keep the property from being labeled as “blighted.” Mr. Banks advised that the structure must have a certificate of occupancy to be brought into compliance which includes more than just the outside of the property; the entire structure must be livable.

Mr. Banks polled the Board – unanimous vote (5:0) that the subject property met requirements to be considered blighted.

Mr. Banks reiterated that there is currently an open building permit. He further advised that when a Kennesaw building official determines that the structure is up to code, the property can be removed from the blight list, which would trigger Finance to remove the Kennesaw blight property tax increase.

- 2260 Kennesaw Due West Road – Mr. Banks introduced Darryl Simmons, Planning & Zoning Administrator, who presented information to support the two blight conditions of “The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner” and “Inadequate provisions for ventilation, light, air, or sanitation.” Mr. Simmons advised that the subject parcel was rezoned in 2007 with an intent to become a commercial development, but that did not happen due to the market/recession. The first building was originally designed for Kennesaw State University, however, that agreement fell through which left the building vacant. The property has suffered from some legal issues as well including not having a clear title for a time. There were three other parcels with this property that have since been sold. The building has never been inspected therefore does not meet any building standards. Due to the length of the setback there is loitering, activities day and night, and other issues that arise when a building is vacant. Mr. Banks advised there had never been an inspection of the building, there are boarded and broken windows, graffiti, transients, and the property seems to be used as a truck stop. He stated that the owner is compliant with specific issues, and will correct issues such as mowing, however there is no power to this building and the sewer issue is unknown. Officer Scott Luther described public safety issues with the property that include transient traffic, teens loitering, holes in the inside walls, spray paint on walls, glass laying all over the property, dumping, and copper stolen off the roof. Officer Luther recounted an event in which the Kennesaw Police Department coordinated with neighboring police agencies to clear the building of vagrants who had taken up residency. Currently there are eighteen wheelers parked in the lot to help deter people from squatting, however, those trucks are hurting the landscaping.

Owner Gary McNabb advised he felt “jinxed on this property.” The property has been for sale and under contract but cannot pass inspection so it falls through; and the city will not rezone the property. Mr. McNabb stated he allowed the trucks to park in the lot because he thought that it would help deter people from loitering. He has paid a company to come out three times a year to clean property. The property did have electricity, however he had it disconnected about a year ago. He receives multiple calls regarding possible purchase, but it has not worked out. He did receive a letter from Officer Collins, and that he has court scheduled in November regarding the property. He does believe that when the structure was first built it did

pass some inspections which he has the paperwork at his residence in Tennessee.

Mr. Banks advised that blight is different than code enforcement. Blight takes into account all the notices that have been received over the years. He explained to Mr. McNabb that to get out of a blighted condition, the structure would have to have a certificate of occupancy (must be habitable). Mr. Banks stated that he spoke with the two previous building inspectors (Mark Rice and Kelly Duncan) who advised they had not inspected this property. Mr. Banks advised that if Mr. McNabb has copies of previous footing inspections, those will be accepted. Public Works does not have a record of the detention pond inspection, so that would be needed as well. Mr. Banks advised that the structure must have an active building permit and active work being done on the property to be removed from blight. Mr. Banks further explained that if the Board decided the property is blighted, the City Manager will receive their recommendation and if he agrees, the paperwork will be given to Finance. The taxes will be raised seven times their value. The owner can sell, fix, or demolish the structure. If sold, the blight does follow the property and would stay until the new owner remedies the blighted condition.

Mr. Banks polled the Board – unanimous vote (5:0) that the subject property met requirements to be considered blighted.

VI. Adjournment

- Mr. Banks adjourned the meeting at 10:12 a.m.

Definition of Blight

- ▶ (1) “Blighted property,” “blighted,” or “blight” means any urbanized or developed property that:
 - a. Presents two or more of the following conditions:
 - 1. Uninhabitable, unsafe, or abandoned structures, or
 - 2. Inadequate provisions for ventilation, light, air, or sanitation, or
 - 3. An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe that the Governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this division shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm, or
 - 4. A site identified by the Federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq. or environmental contamination to the extent that requires remedial investigation or a feasibility study, or
 - 5. Repeated illegal activity on the individual property of which the property owner knew or should have known; or
 - 6. The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner; and
 - b. Is conducive to ill health, transmission of disease, infant mortality or crime in the immediate proximity of the property.