

Planning Board Staff Report
May 28, 2019
Donovan Scruggs / City Planner

Appellant: John Green

Property Location: 1306 Kenneth Avenue

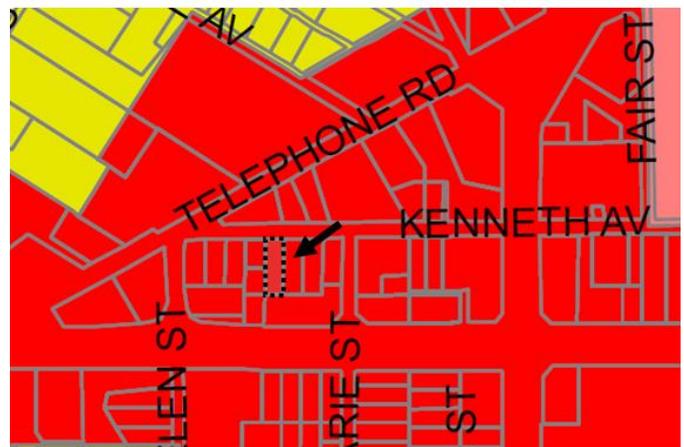
Existing Zoning District: Regional Commercial (RC) District

Requested Action: Appeal the condemnation of a structure located at 1306 Kenneth Avenue

Applicable Ordinance Section(s): Municipal Code of Ordinances 14-6 Appeals

Facts and Findings:

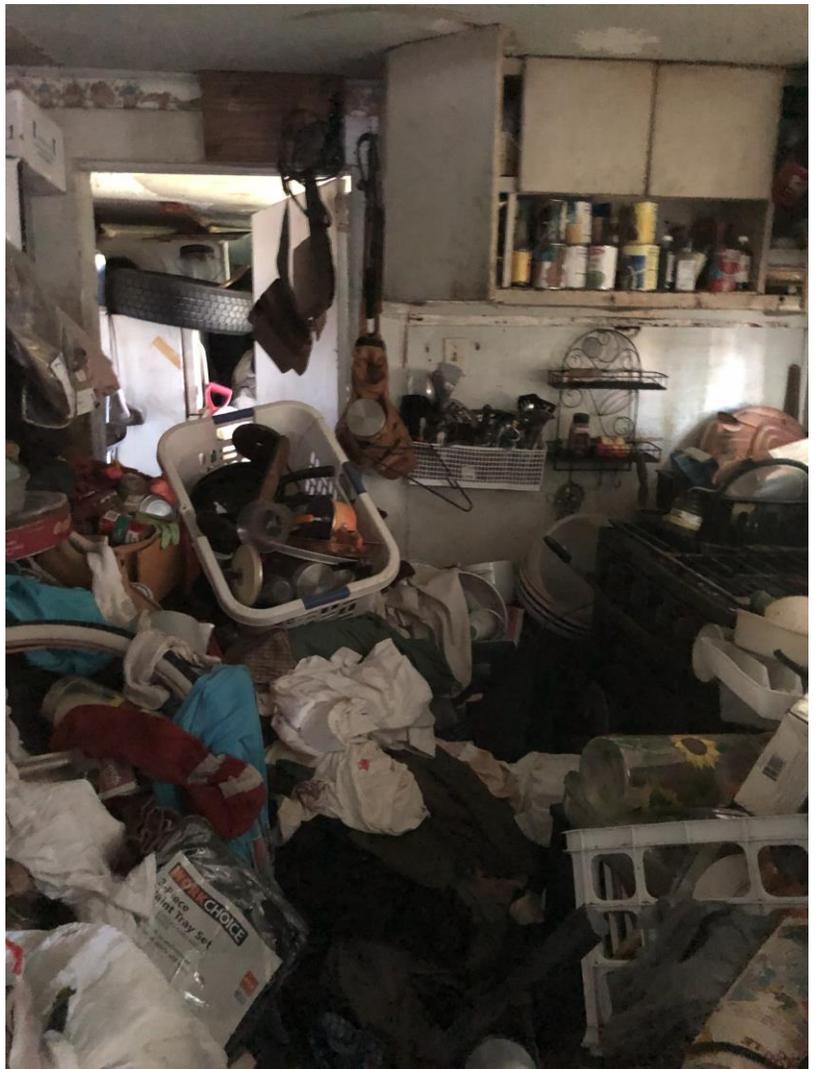
- The appellant owns the property located at 1306 Kenneth Avenue.
- The property has a history of non-compliance and code enforcement issues.
- In August 2018, a Guilty Judgement was filed against the owner for operating a boarding house, unpermitted storage of cars, illegally spliced conductors, untightened joint/connection in DWV system, and unpermitted auto repair.
- Since the ruling, no applications for building permits for repairs have been submitted to the Building Department.
- A letter was sent to the owner requesting an inspection on April 22, 2019, to determine if corrective actions have been taken. The property owner (appellant) did not allow the city inspectors or code officers to enter the site for an inspection. Based on observations of the staff, there appeared to be issues related to Building, Fire, and Safety Codes.
- A warrant was issued to permit the inspection of the property, and the inspection of the property occurred on May 6, 2019.
- The inspection included the Building Official and an Inspector, the City Planner, a Code Enforcement Officer, and Planning and Building. The Fire Inspector and members of Pascagoula Police Department were also present.
- Upon inspection of the property, a condemnation



1306 Kenneth Avenue- John Green
Administrative Appeal

order was issued. The order was based on the overall dilapidated condition of the property and fire and safety violations. A copy of the report noting the violations is attached.

- Based on the inspections, there were obvious and numerous deficiencies related to the International Building Code and the International Property Maintenance Code. These violations included access limitations and concerns, disrepair and dilapidation of roof and exterior structure, disrepair and dilapidation of floor, subfloor structure, and foundation.
- The level of disrepair of the structure is significant, and the structure is unsafe.
- The site is located in the Regional Commercial (RC) District. This district does not permit 'Single Family Residential' (defined as dwelling, single-family detached). Boarding houses are permitted uses with certain stipulations that are not satisfied with the configuration of the structure. For this reason, the use and structure are considered 'nonconforming' or 'grandfathered.'
- According to Jackson County tax values, the structure or improvements value of the house is \$23,720. This does not include the cost of the land. With the evident damage to roof structure, exterior siding, and foundation, and the interior problems with ceilings, floors, walls, fixtures, and wiring, the repair would far exceed the limits established for nonconforming uses and structures.
- According to Section 8.2.C. Structures Used for Nonconforming Use – If a structure used for a nonconforming use falls into disrepair or is damaged by any means, it shall not be reconstructed, restored, rebuilt, structurally altered, or repaired for continued use for the nonconforming use except in accordance with the requirements of Section 8.3.D, Structures Declared Unsafe Due to Disrepair and Section 8.3.E Reconstruction or Restoration after Damage.



- According to Section 8.3.D. Nonconforming Structures-Structures Declared Unsafe Due to Disrepair – If any duly authorized official declares a nonconforming structure to be physically unsafe due to the lack of repairs and maintenance, the structure shall not be reconstructed, restored, rebuilt, structurally altered, or repaired except in conformity with the provisions of this Ordinance.
- Based on the extent of the damage, 8.3.E.2 Reconstruction or Restoration after Damage: Damage Greater than 50 Percent of the Value – If a nonconforming structure is damaged by any means to an extent whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of its market value before the damage occurred, the structure shall not be reconstructed, restored, rebuilt, structurally altered, or repaired except in conformity with the provisions of this Ordinance.

Review Standards:

The planning board, when appealed to and after hearing, may recommend to the city council that the application of any provision of this chapter or the technical codes adopted in this chapter to any particular case be varied when:

- the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this chapter or the technical codes adopted in this chapter or public interest; or
- the interpretation of the building official should be modified or reversed.

Staff Recommendation:

- Uphold condemnation as ordered by the Planning and Building Department.

