AGENDA ITEM 3B

SHADOW RIDGE APARTMENTS

8500 GRANVILLE PARKWAY
DATE OF BOARD MEETING:
January 16, 2013

SUBJECT:

Appeal of Chief Building Officials Notice of Violation
Sections 304.4, 304.10, 304.12, 603.1 and 603.3 of the Property Maintenance Code
Shadow Ridge Apts.-8500 Granville Parkway

PROPERTY INFORMATION

APPELLANTS:

SR Group, L.L.C. DBA Shadow Ridge Apartments
8500 Granville Parkway
La Vista NE 68128

PROPERTY OWNERS:

SR GROUP, L.L.C. Mr. Max J. Burbach-Agent
Suite 800, 1125 S. 103rd Street
Omaha NE 68124

SUBJECT PROPERTIES:

Lot 21B Alpine Village South

ZONING:

R-3, High Density Residential
BACKGROUND

Description of Properties:

2. The property known as Shadow Ridge Apartments, 8500 Granville Parkway, sits on Lot 21B Alpine Village South. The apartment complex was built in 1970 of concrete block foundation, standard framing and a wood truss roof system.

Appeal Proceedings:

2. This is an appeal by appellants Shadow Ridge Apartments of the “Notice of Violation” of the Chief Building Official dated October 3, 2012. The Notice of Violation stated they were to commence necessary repairs of the major code violations to the buildings within 30 days of the notice and to request a follow up inspection within that 30 days to verify compliance. If the major code violations have not been corrected subsequent penalties may apply including but not limited to condemnation of individual units or entire buildings. The appellants were notified that they may appeal the Notice of Violation of the Chief Building Official to the Building Board of Appeals.

On November 1, 2012, a written request from Mr. Max Burbach representing Shadow Ridge Apartments was received by the City requesting an appeal hearing to the Building Board of Appeals of the Notice of Violation dated October 3, 2012.

Attachments:

   Appeal letter dated November 1, 2012.
   Photographs of the major code violations.
November 1, 2012

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

City of LaVista
Attn: Jeff Sinnett
Chief Building Official
8116 Park View Boulevard
LaVista, NE 68128

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

City of LaVista
Board of Adjustment
LaVista City Hall
8116 Park View Boulevard
LaVista, NE 68128

Re: Notice of Appeal of Notice of Violation, Properties located at 8500 Grandville Parkway, Shadow Ridge Apartments, LaVista, Nebraska 68128
Our File No. 13713-0001

Dear Mr. Sinnett:

Our Firm represents SR Group, LLC, owner of the Shadow Ridge Apartments at 8500 Grandville Parkway, LaVista, Nebraska 68128. We are in receipt of Mr. Sinnett’s letter dated October 3, 2012 providing notice of alleged violations of the International Property Maintenance Code (IPMC) and the Rental Inspection Program (RIP), based on inspections of various units within the apartment complex. The October 3, 2012 letter references, as attached to the letter, Inspection Results relating to a December 15, 2011 inspection and also an inspection on September 10, 2012. We did not receive the actual Inspection Results until October 12, 2012 with respect to the December 2011 inspection and not until October 16, 2012 with respect to the September 2012 inspection. Copies of the Inspection Results are attached to this Letter. Also attached is a separate sheet provided by your office, entitled “General Repairs Needed at Shadow Ridge Apartments (“General Repairs”). Pursuant to applicable City code and ordinance, we are hereby providing notice of appeal of the alleged violations contained in the Inspection Results.

The bases of this appeal are as follows: Virtually all of the alleged Major Violations and Minor Violations noted on the December 15, 2011 Inspection Results have been corrected. Certain items noted with respect to Units 118, 120 and 124 (8504 Granville Parkway) and Unit 202 (8506 Granville Parkway) should be 100% completed within ten (10) business days from the date of this Notice. In addition, SR Group, LLC is currently addressing the matters raised in the September 10, 2012 Inspection Results and should have the majority of those items completed within the 90 days noted for completion. SR Group continues to work diligently to resolve all issues.
With respect to the matters referenced in the General Repairs, we would like to meet with you to discuss the comments therein and statements as to required modifications of mechanical/furnace rooms, clearances, etc., including but not limited to physically separating the joint mechanical/furnace rooms, which appears to be cost prohibitive and may result in inefficiencies in the operation of the HVAC systems. We would like to discuss these concerns and possible alternatives to any such requirements.

For these reasons, we do not believe further legal action by the City is necessary or warranted. We look forward to resolving these issues as timely as possible, including meeting with your office to discuss the issues raised in this Notice. Please advise us of the next steps in this proceeding.

Sincerely,

Max J. Burbach

MJB/ssf

cc: Steve Elken
October 3, 2012

SR Group LLC
c/o Mr. Max J. Burbach
Suite 800
1125 South 103rd Street
Omaha NE 68124

*Via Certified Mail*

NOTICE OF VIOLATION

RE: Properties located at 8500 Granville Parkway, Shadow Ridge Apartments
La Vista Nebraska 68128

Dear Mr. Burbach:

The purpose of this letter is to provide notice of violations of the International Property Maintenance Code (IPMC) and the Rental Inspection Program (RIP) at the rental property referenced above within the City of La Vista.

The City performed rental inspections of 28 units on December 15, 2011. The units did not pass. The violations are identified in the attached Inspection Results documents. The City gave notice of the violations on December 15, 2011 and a deadline of ninety (90) days to remedy the violations. After the initial deadline expired, a request for a ninety (90) day extension was granted, which extended the deadline to June 15, 2012. This deadline has now expired and the violations have not been remedied. Any additional requests for extensions will not be granted.

You have ten (10) days from the date of this notice to commence repairs and thirty (30) days from the date of this notice to completely remedy the major code violations identified in this notice. A follow-up inspection will be conducted approximately thirty (30) days from the date of this notice to verify the major code violations have been completely remedied. If the code violations listed in the attached Inspection Results have not been corrected at the time of the follow-up inspection, subsequent penalties may apply, including condemnation of any buildings or individual units.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
p: 402-331-4343
f: 402-331-4375

Community Development
8116 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

Fire
8110 Park View Blvd.
p: 402-331-4740
f: 402-331-0410

Golf Course
8305 Park View Blvd.
p: 402-339-9147

Library
9110 Giles Rd.
p: 402-537-3900
f: 402-537-3902

Police
7701 South 96th St.
p: 402-331-1582
f: 402-331-7210

Public Works
9900 Portal Rd.
p: 402-331-8927
f: 402-331-1051

Recreation
8116 Park View Blvd.
p: 402-331-3455
f: 402-331-0299
Failure to completely remedy the major code violations identified in this notice may also result in further legal action taken by the City of La Vista.

The IPMC provides any person failing to comply with a notice of violation shall be deemed guilty of a misdemeanor and the violation shall be deemed a strict liability offense. The IPMC also provides the City may institute an appropriate proceeding at law to correct or abate violations, or to require the removal or termination of the unlawful occupancy of the rental property in violation of the provisions of the IPMC or this notice. Any action taken by the City concerning your rental properties shall be charged against the property where the major violation is located and shall be a lien upon the real estate.

The IPMC also provides any person who shall violate this notice, or fail to comply with the requirements of this notice, shall be prosecuted to the full extent of the law. Each day that a violation continues after notice has been sent shall be deemed a separate offense.

The imposition of the penalties stated in this notice shall not preclude the City from instituting appropriate action to restrain, correct or abate the violations, or to prevent occupancy of the rental properties.

Any person directly affected by this notice shall have the right to appeal to the board of appeals of the City of La Vista provided a written application for appeal is filed within twenty (20) days after the date of this notice.

Furthermore, the City conducted rental inspections of an additional 28 units on September 10, 2012. The units did not pass inspection. The violations are identified in the Inspection Results documents which are also attached. The City has given a deadline of ninety (90) days from the date of the inspections to remedy the violations.
The deficiencies the City found in its inspection of the 56 units strongly suggests the same major code violations exist in the units the City has not yet inspected. The major code violations will require extensive work in order to bring the entire complex into compliance with the IPMC and RIP, particularly the mechanical rooms and decks.

As a result, the City is requiring submittal of a master plan showing when the mechanical rooms and decks for all of the units will be brought into compliance with the IPMC and RIP. This plan should include not only the 56 units the City has found deficient but also the 220 units remaining to be inspected.

If you have any questions concerning this information please contact our office.

Sincerely,

[Signature]
Jeff Binnett
Chief Building Official

cc: Stephen F. Elken
    Michael Optowski
    Laura Miller
    Nebraska State Fire Marshal
    City Attorney
General Repairs Needed at Shadow Ridge Apartments

The fire ratings of the mechanical rooms are compromised due to loose and damaged drywall at ceilings and walls, untapped drywall joints and unsealed wall penetrations. Repairing or replacing the damaged drywall and sealing the firewall penetrations with fire caulking are needed.

The undivided air returns shall be separated from each other and the furnace flues shall not be allowed to pass through the air returns.

The flue clearances at single wall and B-Vent at mechanical rooms and water heater rooms are not correct in all locations. B-Vent requires a minimum of 1” clearance and single walls requires a minimum of 6” clearance. Approved heat shields may be used to reduce clearances.

The rotted structural material supporting the furnaces shall be corrected. There are several crooked and leaning furnaces.

Several of the fire doors throughout the building need adjusted to not drag on the floor and to close all the way and latch.

There are not the required minimum workspace clearances at the front of the furnaces and Electrical disconnects in mechanical rooms.

Laundry room in 8502: Rotted wall at mechanical room shall be repaired. The Fire Door into the laundry area does not close all the way because of a loose top hinge.

The entry area decks to the three buildings that were inspected 8502, 8504, and 8506 all need the rim joists bolted to the structure, all have some level of rotted floor joists, loose, split, or displaced flooring boards that need repair. Several split or damaged stringers with loose treads were also noted. Loose guardrails and handrails noted. Please make the necessary repairs to ensure safety and code compliance.
<table>
<thead>
<tr>
<th>Property</th>
<th>Description</th>
<th>Code</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>8502 Granville Parkway</td>
<td>Provide smoke detectors in every bedroom or potential sleeping quarters and in the hall adjacent to the bedrooms. Reversed polarity at outlet near kitchen sink. Provide a wire clamp to secure the power cord to the bottom of the disposal. Properly secure the dishwasher drain line at the high drain loop under the kitchen sink. Kitchen sink water shut off handles are broken or missing. Hallway emergency light by the water heater closet is not working with test button. Water Heater Closet: Need an extension pipe at TPR valve. The B-Vent requires 2” clearance where it passes through the ceiling. The single wall flue pipe requires 6” of clearance or an approved heat shield where it is within 6’ of any combustible material on wall or ceiling. Provide a lid on the sump pump pit for safety. Patch the hole in the ceiling / cabinet to both cover the exposed wires and provide fire separation.</td>
<td>102</td>
<td>N</td>
</tr>
<tr>
<td>8502 Granville Parkway</td>
<td>Label the electrical panel in link.</td>
<td>90</td>
<td>B</td>
</tr>
<tr>
<td>8502 Granville Parkway</td>
<td>Provide smoke detectors in every bedroom or potential sleeping quarters and in the hall adjacent to the bedrooms. Reversed polarity at outlet near kitchen sink. Provide a wire clamp to secure the power cord to the bottom of the disposal. Properly secure the dishwasher drain line at the high drain loop under the kitchen sink. Kitchen sink water shut off handles are broken or missing. Hallway emergency light by the water heater closet is not working with test button. Water Heater Closet: Need an extension pipe at TPR valve. The B-Vent requires 2” clearance where it passes through the ceiling. The single wall flue pipe requires 6” of clearance or an approved heat shield where it is within 6’ of any combustible material on wall or ceiling. Provide a lid on the sump pump pit for safety. Patch the hole in the ceiling / cabinet to both cover the exposed wires and provide fire separation.</td>
<td>103</td>
<td>N</td>
</tr>
<tr>
<td>BB</td>
<td>06</td>
<td>108</td>
<td>5902 Granville Parkway</td>
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<td>------------------------</td>
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<td></td>
<td></td>
<td>Provide smoke detectors in every bedroom or potential sleeping area.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>BB</th>
<th>06</th>
<th>107</th>
<th>5902 Granville Parkway</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>another room in the building to the bedroom or potential sleeping area.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>BB</th>
<th>06</th>
<th>106</th>
<th>5902 Granville Parkway</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Provide smoke detectors in every bedroom or potential sleeping area.</td>
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<table>
<thead>
<tr>
<th>BB</th>
<th>06</th>
<th>105</th>
<th>5902 Granville Parkway</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>as indicated in the previous section.</td>
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</table>

<table>
<thead>
<tr>
<th>BB</th>
<th>06</th>
<th>104</th>
<th>5902 Granville Parkway</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Provide smoke detectors in every bedroom or potential sleeping area.</td>
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</tr>
</tbody>
</table>

December 15, 2017
Rental Inspection Results
Shadow Ridge Apartment Complex

La Vista
[Signature]
<table>
<thead>
<tr>
<th>Page</th>
<th>Line</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>BB</td>
<td>30</td>
<td>Fire and smoke detectors in every bedroom or potential sleeping area.</td>
</tr>
<tr>
<td>BB</td>
<td>40</td>
<td>Provide smoke detectors in every bedroom or potential sleeping area.</td>
</tr>
<tr>
<td>BB</td>
<td>50</td>
<td>Insure no active lighting.</td>
</tr>
<tr>
<td>BB</td>
<td>60</td>
<td>Report any missing or broken.</td>
</tr>
<tr>
<td>BB</td>
<td>70</td>
<td>Provide smoke detectors in every bedroom or potential sleeping area.</td>
</tr>
<tr>
<td>BB</td>
<td>80</td>
<td>Test smoke detectors.</td>
</tr>
<tr>
<td>BB</td>
<td>90</td>
<td>Smoke detectors in every bedroom or potential sleeping area.</td>
</tr>
</tbody>
</table>

**La Vista**

December 15, 2011

Rental Inspection Results

Shadow Ridge Apartment Complex
<table>
<thead>
<tr>
<th>Code</th>
<th>Corrective Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>804</td>
<td>Install smoke detectors on every bedroom or potential sleeping area.</td>
</tr>
<tr>
<td>804</td>
<td>Provide smoke detectors in every bedroom or potential sleeping area.</td>
</tr>
<tr>
<td>BB</td>
<td>Ensure hand is loose in shower.</td>
</tr>
<tr>
<td>BB</td>
<td>Ensure hand is loose in shower.</td>
</tr>
<tr>
<td>BB</td>
<td>Ensure hand is loose in shower.</td>
</tr>
<tr>
<td>BB</td>
<td>Ensure hand is loose in shower.</td>
</tr>
</tbody>
</table>

**December 15, 2017**

La Vista
Rentaire Inspection Report
Shadow Ridge Apartment Complex
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>BB01</td>
<td>Provide sink detector in every bedroom or potential sleeping quarters.</td>
</tr>
<tr>
<td>BB02</td>
<td>Provide smoke detector in every bedroom or potential sleeping quarters.</td>
</tr>
<tr>
<td>BB03</td>
<td>Ensure that all smoke detectors are operational.</td>
</tr>
<tr>
<td>BB04</td>
<td>Ensure that all carbon monoxide detectors are operational.</td>
</tr>
<tr>
<td>BB05</td>
<td>Ensure that all electrical panels are labeled.</td>
</tr>
<tr>
<td>BB06</td>
<td>Ensure that all electrical panels are accessible.</td>
</tr>
<tr>
<td>BB07</td>
<td>Ensure that all electrical panels are secured.</td>
</tr>
<tr>
<td>BB08</td>
<td>Ensure that all electrical panels are protected from water damage.</td>
</tr>
<tr>
<td>BB09</td>
<td>Ensure that all electrical panels are protected from physical damage.</td>
</tr>
<tr>
<td>BB10</td>
<td>Ensure that all electrical panels are protected from unauthorized access.</td>
</tr>
<tr>
<td>BB11</td>
<td>Ensure that all electrical panels are protected from tampering.</td>
</tr>
<tr>
<td>BB12</td>
<td>Ensure that all electrical panels are protected from unauthorized tampering.</td>
</tr>
</tbody>
</table>

December 15, 2011
Final Inspection Results
Shadow Ridge Apartment Complex
La Vista
<table>
<thead>
<tr>
<th>Problem Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1234</td>
<td>Provide smoke detectors in every bedroom or potential sleeping areas.</td>
</tr>
<tr>
<td>5678</td>
<td>Provide smoke detectors in every bedroom or potential sleeping areas.</td>
</tr>
<tr>
<td>9012</td>
<td>Provide smoke detectors in every bedroom or potential sleeping areas.</td>
</tr>
</tbody>
</table>

**December 15, 2011**

Rental Inspection Results
Shadow Ridge Apartment Complex
<table>
<thead>
<tr>
<th>Unit</th>
<th>8505 Granville Parkway</th>
<th>20A</th>
</tr>
</thead>
</table>

**Problem:** Excessive organic growth in Nimace door outside of unit #202.

**Description:** Knock-out the fire door to the Laundry room is not closing.

**Additional Issues:**
- Knock-out of box is unprotected and it is not vented to the bottom of the box.
- The electrical cover box and the wire passthrough the wall.
- The cover and the cover is missing.
- The wiring at the electrical cover box and the cover is missing.
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Water damage and holes in fire-rated walls/ceiling in mechanical closet.
a hole about 2" x 4" through a deck Support joist.

Rotted deck Support joist
Guardrail 4x4 post
Broken in half and
secured together

Same post as above
and welded connection
where steps meet
deck.