BOARD OF ZONING APPEALS AGENDA

CITY HALL COUNCIL CHAMBERS

TUESDAY, APRIL 18, 2017

MEETING BEGINS @ 6:00 P.M.

BOARD OF ZONING APPEALS MEMBERS:

PLEASE CONTACT DON SLONE @ 667-1708
NO LATER THAN 12:00 NOON, TUESDAY, APRIL 18, 2017,
IF YOU WILL BE UNABLE TO ATTEND

PREPARED BY:

DON E. SLONE, AICP, CFM
CITY PLANNER — FLOODPLAIN MANAGER
CRS COORDINATOR

P.O. Box 38, 205 East Second Street, Bonner Springs, KS 66012
Phone: 913-667-1710 Fax: 913-441-8199 Website: www.bonnersprings.org
City of Bonner Springs
Board of Zoning Appeals Agenda
Tuesday, April 18, 2017
Regular Meeting @ 6:00 p.m.

Call to Order: Time: _______

Roll Call: _____ Lloyd Mesmer (Chairman) _____ Craig Stephan (Vice-Chairman)
          _____ Sherri Neff _____ Merle Parks _____ Mark Yates

ITEM NO. 1: Variance: BZA-111: “Lot 35, Resurvey of Part of The Lake of the Forest Club”, a
request by Lisa Crough and Milo Ransopher, property owners of record for a 15 foot front yard variance and
a three (3) foot side yard variance from the required 7.5/25 foot setbacks as specified in the Zoning
Ordinance, Article VIII: R-, Single-Family Residential District, Section 5: Yard Regulations; Paragraph 1,
Front Yard and Paragraph 2, Side Yard. This request is in order to construct a new single-family home
located at 201 Lake Forest Drive.

Open Public Hearing Time: ____________
  1. Staff Presentation
  2. Applicant Presentation
  3. Public Comment

Close Public Hearing Time: ____________
Motion: ___________________ Second: ___________________
  4. Board Discussion / Vote
          _____ Mesmer _____ Stephan _____ Neff _____ Parks _____ Yates

Approved: _____  Denied: _____

ITEM NO. 2: Board of Appeals: Discuss the proposed recommendations to the 2015 International Code
Series under Section 113, Board of Appeals. The recommendation is to have the Governing Body appoint
the Board of Zoning Appeals to act as the “Board of Appeals” to hear and decide appeals of orders, decisions
or determinations made by the Building Official relative to the application and interpretation of this code.

Motion: ___________________ Second: ___________________
  1. Board Discussion / Vote
          _____ Mesmer _____ Stephan _____ Neff _____ Parks _____ Yates

Approved: _____  Denied: _____

Adjournment Time: _______
ITEM NO. 1

BOARD OF ZONING APPEALS AGENDA
Tuesday, April 18, 2017 – 6:00 p.m.

Variance: BZA-111: “Lot 35, Resurvey of Part of The Lake of the Forest Club”, a request by Lisa Crough and Milo Ransopher, property owners of record for a fifteen (15) foot front yard variance and a three (3) foot side yard variance from the required 7.5/25 foot setbacks as specified in the Zoning Ordinance. Article VIII: R-1, Single-Family Residential District, Section 5: Yard Regulations; Paragraph 1 - Front Yard and Paragraph 2 - Side Yard. This request is in order to construct a new single-family home located at 201 Lake Forest Drive.

PRESENT
Mesmer
Stephan

& VOTE:
Neff
Parks
Yates

MOTION:

SECOND:

ACTION: Make a motion to approve.

STAFF RECOMMENDATION: The City Planner and Building Official recommend approval of the variance subject to the conditions listed in the Staff Report.

NARRATIVE: A Staff Report is included in the agenda. Staff will be present to answer any questions.
Variance: Lot 35, Resurvey of Part of The Lake of the Forest Club
Case No.: BZA-111
Applicant/Owners: Lisa Crough and Milo Ransopher
Location: 201 Lake Forest Drive (Parcel No. 201302) 
(Lot 35, Resurvey of Part of the Lake of the Forest Club)
Zoning: R-1, Single-Family Residential District
Lot Size: 0.16 acres
Building Size: 35’ x 65’ (2,275 sq.ft.)
Building Use: New Single-Family Home

Staff Recommendation:
The City Planner, and Building Official support the request for a for a fifteen (15) foot front yard variance and a three (3) foot side yard variance from the required 7.5/15 foot setbacks as specified in the Zoning Ordinance, Article VIII: R-1, Single-Family Residential District, Section 5: Yard Regulations; Paragraph 1, Front Yard and Paragraph 2, Side Yard based upon the submitted “Factors for Consideration” and Supporting Documentation. This recommendation is subject to the following (2) conditions:

1. The applicant shall provide a copy of the filed Quit Claim Deed for the transfer of property between the Lake of the Forest, Inc. and the applicant/owners; and
2. Apply for a Building Permit from the Building Official prior to the commencement of any demolition or construction of the new single-family home.

Exhibits:
Applicant’s Response to the “Factors for Consideration”, Filed Final Plat - Resurvey of Part of The Lake of the Forest Club, WYCO Parcel Map, Applicant’s Site Plan, Boundary Line Adjustment, Elevation and Floor Plans, Letter from the Lake of the Forest, Inc., and the Proof of Publication.

Background:
The current single family residence was constructed in 1910 per county records located on Lot 35, Resurvey of Part of The Lake of the Forest Club, an addition to the City of Bonner Springs, Wyandotte County, Kansas. The Lake of the Forest subdivision is uniquely different than any other subdivision in the City as the subdivision was platted in the early 1900’s as a weekend/vacation retreat.

Discussion:
This request is to encroach approximately fifteen (15) feet into the required 25 foot front yard setback and three (3) foot into the required seven one-half (7½) foot side yard setback to construct a new single-family home. The existing home is in disrepair and is not able to be remodeled.

The property lines for the existing Lot 35 included the asphalt surface for Lake Forest Drive. A “Boundary Line Adjustment” was completed by Hahn Surveying that annotates the exchange of property between the owners and the Lake of the Forest Inc. This request is based upon the completed transfer of property.

A request for a variance may be granted, upon a unanimous finding by the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the findings shall be entered into the record.
1. **Condition Unique to the Property** – The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant;

2. **No Adverse Affects** – The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

3. **Unnecessary Hardship** – The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

4. **Public Health, Safety and Welfare** – The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and

5. **Ordinance Intent** – The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

**Note:**
The applicant’s response to the “Factors for Consideration” for approval of a variance is attached.
Grant of Variance

1. Condition unique to the property

- Pie shaped lot

-Historical community where many homes were built without surveys, so many out of standard code.

2. No Adverse effects

-In Fact, it will greatly lessen fire hazard and improve surrounding property values.

3. Unnecessary Hardship

- Due to full time use of wheelchair by Milo Ransopher, one of the property owners, the house design needed to be mostly on one level and wheelchair accessible.

4. Public, Health, Safety and Welfare

-The land exchange allows Lake of the Forest to now have legal ownership the road that runs in front of the property.

-Existing house is in ill repair and sitting empty. It is a fire hazard and de-values neighboring homes.

5. Ordinance Intent

-It will be an improvement over the existing house by decreasing fire hazard, clarifying lake boundaries and overall improving the aesthetics of the lake community.
RESURVEY OF PART OF
THE LAKE OF THE FOREST CLUB

BZA-111: "Lot 35, Resurvey of Part of The Lake of the Forest Club"

201 LAKE FOREST DRIVE

The tract affected by the Resurvey are contained within the limits of the original plot of the Lake of the Forest and the same are recorded in Plat Book 6, p. 1, of the records of the County of Sedgwick, Kansas.

The Resurvey is made as shown on the accompanying plat, and the same is hereby approved.

The above and herein described tract of land is hereby subsumed.

The boundaries of the said tract are the same as described in the plat of the Lake of the Forest Club, recorded in the offices of the County of Sedgwick, Kansas.

In testimony whereof, the parties hereunto subscribe their hands and seals, this 20th day of March, 1983.

SIGNED:

By: [Signature]

STATED OFFICIALS

[Seal]

[Seal]

COUNTY OF SEDGWICK

BOARD OF ZONING APPEALS - TUESDAY, APRIL 18, 2017

**SIDE YARD VARIANCE = 3'**

**FRONT YARD VARIANCE = 15'**

**PARCEL 1: LAKE TO CROUGH/RANSOPHER**

**PARCEL 2: CROUGH/RANSOPHER TO LAKE**

*SEE BOUNDARY LINE ADJUSTMENT*

**SITE PLAN**

**SCALE: 1" = 20'-0"**

Solid line is property line for Crough-Ransopher property.
BOUNDARY LINE ADJUSTMENT

PREPARED FOR: MILO RANSOPHER
LOT 35
THE LAKE OF THE FOREST CLUB
291 LAKE FOREST DRIVE
BONNER SPRINGS, KANSAS
DATE: MARCH 30, 2016

DEED DESCRIPTION: 2015R-05119
LOT 35, THE LAKE OF THE FOREST CLUB, A SUBDIVISION OF LAND IN WYANDOTTE
COUNTY, KANSAS, THE SAME BEING DESCRIBED AS LOT 35, RESURVEY OF LAKE OF
THE FOREST CLUB AS SHOWN BY RESURVEY OF PART OF THE LAKE OF THE FOREST
CLUB FILED IN PLAT BOOK 29, PAGE 29 IN REGISTER OF DEEDS, WYANDOTTE COUNTY,
KANSAS AND ALSO THE FOLLOWING DESCRIBED TRACT BEGINNING AT THE SOUTHWEST
CORNER, THENCE IN A WESTERLY DIRECTION ON A PROLONNATION OF THE SOUTH LINE
OF SAID LOT 35, 30 FEET, THENCE IN A NORTHERLY DIRECTION TO THE NORTHWEST
CORNER OF SAID LOT, THENCE ALONG THE WEST SIDE OF SAID LOT TO THE POINT OF BEGINNING.

LEGEND

- 1/3" x 34" REBAR SET WITH #14 CAP
- SURVEY MONUMENT FOUND (AS NOTED)
- ORIGIN UNKNOWN
- (M) MEASURED
- (P) PLATTED
- POB POINT OF BEGINNING

LOT 35
WOOD FRAME HOUSE
PARCEL #1
1/2" REBAR #134 CAP
1/2" REBAR #134 CAP
PARCEL #2
1/2" REBAR #134 CAP
1/2" REBAR #134 CAP
PARCEL #3
1/2" REBAR #134 CAP
1/2" REBAR #134 CAP
PARCEL #4
1/2" REBAR #134 CAP
1/2" REBAR #134 CAP

PARCEL #1 / LAKE OF THE FOREST CLUB TO RANSOPHER
BEGINNING AT THE NORTHWEST CORNER OF LOT 35, RESURVEY OF PART OF
THE LAKE OF THE FOREST CLUB, A SUBDIVISION IN THE NORTHEAST QUARTER
OF SECTION 27-T115-R23E OF THE 6TH P.M., WYANDOTTE COUNTY, KANSAS;
THENCE, 9° 10' 10" E, 105.77 FEET; THENCE, ON A NON-TANGENT CURVE TO THE
RIGHT HAVING A ARC LENGTH OF 17.62 FEET AND A RADIUS OF 94.50 FEET, SAID
CURVE HAVING A CHORD OF 83°16'33"W, 17.62 FEET; THENCE, N 14°11'49"E, 39.84 FEET;
THENCE, ON A NON-TANGENT CURVE TO THE LEFT HAVING A ARC LENGTH OF 73.86
FEET AND A RADIUS OF 184.60 FEET, SAID CURVE HAVING A CHORD OF N 01°44'00"E,
73.86 FEET; THENCE, N 52°12'16"E, 4.90 FEET TO THE POINT OF BEGINNING.
CONTAINS 1079.30 SQ. FT., MORE OR LESS.

PARCEL #2 / RANSOPHER TO THE LAKE OF THE FOREST CLUB
A PART OF LOT 35, RESURVEY OF PART OF THE LAKE OF THE FOREST CLUB, A
SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 27-T115-R23E OF THE
6TH P.M., WYANDOTTE COUNTY, KANSAS AND PART OF ADJACENT TRACT AS
DESCRIBED IN DEED 2015R-05119; COMMENCING AT THE NORTHWEST CORNER
OF SAID LOT 35; THENCE, S 62°10'12"E, 105.77 FEET TO THE POINT OF BEGINNING;
THENCE, ON A NON-TANGENT CURVE TO THE LEFT HAVING A ARC LENGTH OF 59.46
FEET AND A RADIUS OF 144.90 FEET, SAID CURVE HAVING A CHORD OF N 68°18'44"E,
59.46 FEET; THENCE, N 57°22'21"E, 36.14 FEET TO A POINT ON THE SOUTH LINE OF
SAID LOT 35; THENCE, S 52°17'26"W, 106.72 FEET ALONG SAID SOUTH LINE; THENCE,
N 61°19'12"W, 24.98 FEET TO THE POINT OF BEGINNING.
CONTAINS 969.55 SQ. FT., MORE OR LESS.

LARRY T. KAHN, LS #1349
FIELD SURVEY COMPLETED MARCH 25, 2016.

I HEREBY CERTIFY THAT THIS DRAWING IS A TRUE REPRESENTATION
OF A SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN THE
MONTH OF MARCH, 2016.

SCALE: 1" = 20' BASIS OF Bearings:
KANSAS NORTH ZONE - NAD83
March 3, 2017

Milo Ransopher  
9020 W 65th Drive  
Merriam, KS 66202

Re: Lot 35 Lake of the Forest

Dear Mr. Ransopher:

This letter shall acknowledge the following:

1. The south boundary line of Lot 35 encompasses the paved roadway of the Lake of the Forest and a portion of West Park, which is a common area of Lake of the Forest.
2. The west boundary line of Lot 35 does not extend to the gravel roadway of the Lake of the Forest.
3. A survey has been performed of the south and west sides of Lot 35 located in Lake of the Forest, which has generated the appropriate legal descriptions of the south and west sides of Lot 35.
4. You and Lake of the Forest, Inc. desire to adjust the south and west boundary lines of Lot 35.
5. Lake of the Forest, Inc. agrees to quitclaim title to the west side of Lot 35 such that the west side of Lot 35 extends to the roadway of the Lake of the Forest.
6. You agree to quitclaim title of the south side of Lot 35 such that the south boundary line does not encroach on the paved roadway or West Park.

If you need any additional action, please advise.

Sincerely,

[Signature]

Fred N. Bosilevac, Jr.
Business Manager

Cc:  Don E. Slone, AICP, CFM  
City Planner  
Floodplain Manager – CRS Coordinator  
City of Bonner Springs  
Gary Bicknell
NOTICE

NOTICE OF A PUBLIC HEARING
BOARD OF ZONING APPEALS
CITY OF BONNER SPRINGS, KANSAS

The Board of Zoning Appeals will hold a public hearing on Tuesday, April 16, 2017 at 6:00 pm at City Hall in the Council Chambers, 205 E. 2nd Street, Bonner Springs Kansas. The purpose of the public hearing is to receive public comment for:

Variance: BZA-111; "Lot 35, Resurvey of Part of The Lake of the Forest Club", a request by Lisa Crough and Mibo Ransopher, property owners of record for a 15 foot front yard variance and a three (3) foot side yard variance from the required 7.5 /25 foot setbacks as specified in the Zoning Ordinance, Article VIII: R-, Single-Family Residential District, Section 5: Yard Regulations: Paragraph 1 - Front Yard and Paragraph 2 - Side Yard. This request is in order to construct a new single-family home located at 201 Lake Forest Drive.

The complete legal description and application for the above item is available for public inspection at the Planning Department, 205 E. 2nd Street, to Don E. Stone, AICP, CFM, City Planner at (913) 667-1703 or by email to dstone@bonnersprings-ky.org.

Persons who wish to be heard will be given an opportunity to make comments at the public hearing.

/s/ Don E. Stone, AICP, CFM
Board of Zoning Appeals
Secretary
(First published 3-23-17)
1st: The Wyandotte Echo-3-23-17

PROOF OF PUBLICATION

State of Kansas, Wyandotte County, ss:
Roberta M. Peterson, of lawful age, being duly sworn, says that she is the PUBLISHER of The Wyandotte Echo, a weekly newspaper, owned and operated by M.R.P.P. Inc., printed and published in the city of Kansas City, Wyandotte County, State of Kansas, which said newspaper has a general circulation and has been admitted to the mails as second class matter in said county, and has been published therein during a period of more than five years prior to the first publication of the legal notice hereto annexed; that affiant, of her own knowledge, knows that the printed notice was published each and every issue of The Wyandotte Echo for consecutive week(s) as follows:

1st Publication was made on: March 23, 2017
2nd Publication was made on: 
3rd Publication was made on: 
4th Publication was made on: 

Printer Fees: $25.20

Roberta M. Peterson

SUBSCRIBED AND SWORN TO before me this:

23rd day of March 2017

Notary Public:

NOTARY PUBLIC
STATE OF KANSAS
GHERI R. LYNN
MY APPT. EXPIRES 6/18/19
ITEM NO. 2

BOARD OF ZONING APPEALS AGENDA
Tuesday, April 18, 2017 – 6:00 p.m.

Board of Appeals: Discuss the proposed recommendations to the 2015 International Code Series under Section 113, Board of Appeals. The recommendation is to have the Governing Body appoint the Board of Zoning Appeals to act as the “Board of Appeals” to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code.

PRESENT
Mesmer
Stephan

& VOTE:
Neff
Parks
Yates

MOTION:
SECOND:

ACTION: Make a motion to accept the recommendation to act as the “Board of Appeals.”

STAFF RECOMMENDATION: The City Planner and Building Official Staff recommend approval.

NARRATIVE: A Staff Report is included in the agenda. Staff will be present to answer any questions.
BOARD OF ZONING APPEALS MINUTES
Tuesday, November 15, 2016 @ 6:00 p.m.

Members Present: Lloyd Mesmer, Sherri Neff, Merle Parks (late – arrived at 6:26 p.m.), Craig Stephan, and Mark Yates (late – arrived at 6:30 p.m.)

Staff Present: Don E. Slone, AICP, CFM, Planning Director
Brian Hunt, CBO, Building Official

The Secretary called the meeting to order at 6:21 p.m. and called roll. Roll call listed above.

Note: Meeting started late due to the lack of a quorum.

The Secretary introduced ITEM NO. 1: Election of Officers:

The Secretary stated that the Board needed to elect officers and asked for a motion.

Craig Stephan recommended the slate for 2016-2017 remain unchanged with a second from Sherri Neff. The slate is as follows: Lloyd Mesmer, Chairman; Craig Stephan, Vice-Chairman; and Don Slone, Planning Director as the Secretary. The Secretary called for the vote. Motion passed unanimously for all BZA Board members to remain unchanged for 2016-2017.

The Secretary introduced ITEM NO. 2: BZA Appeals Discussion: Discuss the Appeal Process for Building Code Appeals from the Building Official or Zoning Ordinance Appeals from the Planning Director.

The issue at hand is the fact that the Zoning Ordinance, Article XXVI, Board of Zoning Appeals does not address Building Code Appeals for the Building Official. The Building Official asked the Board of Zoning Appeals if they had any issues being designated as the Board to address Building Code Appeals. It was unanimous to have the Planning Director and Building Official work to produce an amendment to Article XXVI, Board of Zoning Appeals.

The Secretary stated they he will work to bring forward at the next required BZA meeting a proposed draft of the proposed amendments.

Chairman Mesmer asked if the Board had any additional business, seeing none, he adjourned the meeting at 6:42 p.m.

Don E. Slone, AICP, CFM, Secretary
[A] 110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

SECTION 111
CERTIFICATE OF OCCUPANCY

[A] 111.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from permits in accordance with Section 105.2.

[A] 111.2 Certificate issued. After the building official inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

[A] 111.3 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

[A] 111.4 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 112
SERVICE UTILITIES

[A] 112.1 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

[A] 112.2 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

[A] 112.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 113
BOARD OF APPEALS

[A] 113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

[A] 113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

[A] 113.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to
pass on matters pertaining to building construction and are not employees of the jurisdiction.

SECTION 114
VIOLATIONS

[A] 114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[A] 114.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[A] 114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to 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 building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

[A] 114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

SECTION 115
STOP WORK ORDER

[A] 115.1 Authority. Where the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

[A] 115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, the owner’s authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

[A] 115.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 116
UNSAFE STRUCTURES AND EQUIPMENT

[A] 116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

[A] 116.2 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

[A] 116.3 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

[A] 116.4 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner’s agent or upon the person responsible for the structure shall constitute service upon the owner.

[A] 116.5 Restoration. Where the structure or equipment determined to be unsafe by the building official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of Section 105.2.2 and the International Existing Building Code.