

Jason Ruedy

From: Jason Ruedy
Sent: Thursday, July 17, 2014 8:16 AM
To: 'Severin, Samuel'
Subject: FW: stop work orders
Attachments: 1622.12 Bldg Permit Rpt - Permit No. 00 6083.pdf; 1622.12 Bldg Permit Rpt - Permit No. 01 0076.pdf

Sam,

Have you had any luck determining how the MOA wishes to proceed on the Isabelle matter? There was another break-in on 7/7 with extensive damage being done to the property. This is due, in part, to the Isabelle's inability to secure the perimeter of the entire property with a fence, the installation of which will include certain grading work that the MOA has indicated is in violation of a stop work order. As you might imagine, my client's frustration level with the MOA grows with each of these events. Please let me know where we are at. If the MOA takes the position that it is not possible to allow the Isabelle's to proceed with the development of their property without imposition of additional conditions that were not initially required under the permits that the Isabelle's secured in connection with this project, then we need to know that so we can move things forward. Please get back to me at your earliest convenience.

Jason J. Ruedy
Law Offices of Royce & Brain
1407 W. 31st Ave., 7th Floor
Anchorage, AK 99503
Phone: 907.258.6792
Fax: 907.276.2919

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-----Original Message-----

From: Jason Ruedy
Sent: Friday, June 27, 2014 9:15 AM
To: 'Severin, Samuel'
Subject: FW: stop work orders

Sam,

I was out yesterday, but saw that you called late Wednesday afternoon. After reviewing the 2 SWOs that you sent, I took a look at some of the documents in the Isabelles' file. It appears that both SWO's that were issued on 8/26/2004 were lifted. The MOA's own Building Permit Reports generated in connection with the Isabelles' 2 permits for this project indicate (a) that the SWO regarding the fill issues was lifted on 9/27/2006 and (b) that the SWO regarding the structural issue was lifted on 5/27/2008. I've attached copies of those reports with the relevant information highlighted. I wanted to get you this information so you had an opportunity to review it before we spoke. Both reports were generated subsequent to the 2006 violation notices that you attached to your email on 6/25/2014. Is the MOA now taking the position that the SWOs that were lifted in 2006 and 2008, respectively, were both subsequently reinstated? If

so, I would appreciate knowing on what grounds. I'll give you a call later today to discuss. If you are able to furnish me with any of the information that I've requested sometime this morning, I believe it may facilitate a more productive discussion about these issues when I call you back this afternoon. I will call you back this afternoon either way.

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-----Original Message-----

From: Jason Ruedy
Sent: Wednesday, June 25, 2014 12:27 PM
To: 'Severin, Samuel'
Subject: RE: stop work orders

Sam,

Thanks for the attachment. I can only assume that the MOA is no longer concerned about the roof collapsing due to snow load, as the SWO regarding the roof was issued almost 10 years ago and there has been no collapse. Weren't the structural issues already resolved through the builder's board hearing that occurred in 2005? With respect to the SWO referencing the fill, is the MOA still contending that fill needs to be removed from Lot 7B? Can the MOA produce documents showing what slopes and setbacks are not in compliance with the approved permit? Can the MOA produce evidence that adjacent properties have been impacted by drainage? I thought we confirmed at the meeting in my office that these were non-issues in light of the aerial photos and the fact that the MOA's overlay, which formed the basis for the engineer's opinion on several of these issues, was in error. To the extent the MOA can provide any of the documents confirming the allegations made in the SWO's, that may be a good starting point. Otherwise, I would simply request that the MOA confirm, in writing, whether it believes any further administrative remedies are available to the Isabelles at this time or whether it considers the available administrative remedies to be exhausted. To the extent further administrative remedies are required, please identify what the MOA considers them to be. Feel free to contact to discuss any of this in further detail. Thanks.

Jason J. Ruedy
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Anchorage, AK 99503
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-----Original Message-----

From: Severin, Samuel [mailto:SeverinS@ci.anchorage.ak.us]

Sent: Wednesday, June 25, 2014 11:13 AM

To: Jason Ruedy

Subject: stop work orders

Jason - please see attached.

Sam



MUNICIPALITY OF ANCHORAGE

ALL PERSONS ARE HEREBY ORDERED TO AT ONCE

STOP WORK

PERTAINING TO CONSTRUCTION, ALTERATIONS,
REPAIRS, WIRING, GRADING, OR REGULATED
EQUIPMENT OR LAND USE

On these premises at Seaview Heights, Lot 7A
Anchorage, Alaska, Permit No. 01-0076

This order is issued because structure roof not constructed per approved plans. Roof must be shored or retrofitted prior to snow fall to prevent collapse. See attached inspection report. Please arrange meeting on site with Chief of Inspections and engineer of record to verify as-built condition and discuss change order requirements.

By: Ron Thompson, Building Official

Date: August 28, 2004

Time: 12:45 p.m.

warning

AMC 23.10.202.4.1 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.

08/28/04 THU 14:50 (TI/RX NO 8811) 0001

#17



MUNICIPALITY OF ANCHORAGE

ALL PERSONS ARE HEREBY ORDERED TO AT ONCE

STOP WORK

PERTAINING TO CONSTRUCTION, ALTERATIONS,
REPAIRS, WIRING, GRADING, OR REGULATED
EQUIPMENT OR LAND USE

On these premises at Seaview Heights, Lot 7A
Anchorage, Alaska, Permit No. 00-6083

This order is issued because an independent estimate shows up to 45,000 cubic yards on site. Bring no more fill on site until the following are corrected and approved: Remove fill from lot 7B. Bring slopes and set backs into compliance with approved permit or submit engineered alternatives for approval and install after approved. Submit a drainage design to PME for approval which does not impact adjacent properties or rights-of-way. Provide compaction tests. Verify amount of fill.

By: Ron Thompson, Building Official

Date: August 26, 2004

Time: 12:45 p.m.

warning

AMC 23.10.202.4.1 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.

08/26/04 THU 14:53 (TX/RX NO 8811) 2002

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Municipality of Anchorage

Mark Begich, Mayor



Building Safety Division

P.O. Box 196650 • 4700 Bragaw Street
Anchorage, Alaska 99519-6650 • (907) 343-8301 • (907) 343-8200 Fax
<http://www.muni.org>

Date: August 3, 2006

Certified Mail: 7004 2510 0002 8201 0880

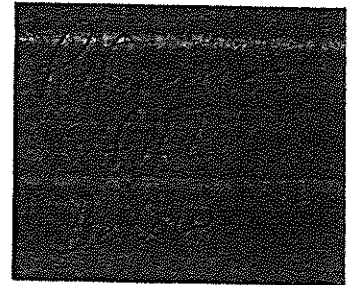
NOTICE AND ORDER

LOCATION OF VIOLATION

6555 West Dimond Blvd.
Block 2, Lot 7B
Seaview Heights Subdivision

RECORD OWNER

Delido Isabelle
P.O. Box 220021
Anchorage AK 99522-0021



CODE OFFICIAL FINDINGS

The building official has determined that the structure located at the above address has not been brought into compliance within the specified construction period permitted. The failure to submit design documentation, revised construction plans addressing incorrect building, structural designs, fill across property lines and continued maintenance of the dilapidated structure and/or deficient condition on your premises constitutes a dangerous structure and a nuisance. As such, it is subject to abatement.

Failure to correct all fill and grade violations by not providing proper compaction, placing fill on neighboring property, failure to bring slope setbacks and angles into compliance with approved permit requirements, and not having required inspections, create a dangerous condition. A stop work order was issued that you failed to comply with, which constitutes unlawful continuance.

CODE SECTIONS

The following code sections have been identified as being violations and/or will be administered based upon actions that have already taken place:

Chapter 10, Anchorage Administrative Code

23.10.202.13 Contractor

The building official may find incompetence or lack of skill by fraudulent measures shall not be granted to revocation. Any action (Building Board).

23.10.203.1 Unsafe building

Structures or existing structures of inadequate means of support or are otherwise dangerous and inadequate maintenance and removed or made safe. A vacant structure not

SENDER - COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
U.S. Postal Service™			
CERTIFIED MAIL™ RECEIPT			
(Domestic Mail Only; No Insurance Coverage Provided)			
For delivery information visit our website at www.usps.com .			
OFFICIAL USE			
Postage \$		8/3/06	Postmark Here
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage			
Sent To		DELIDO ISABELLE	
Street, Apt. No. or PO Box No.		P.O. BOX 220021	
City, State, Zip		ANCHORAGE AK 99522-0021	

<input type="checkbox"/> Agent	<input type="checkbox"/> Addressee
Name	Date of Delivery
Present from item 1?	<input type="checkbox"/> Yes
Address below:	<input type="checkbox"/> No
Express Mail	
Return Receipt for Merchandise	
C.O.D.	
Extra Fee	<input type="checkbox"/> Yes

23.10.206.3 Unlawful continuance.

Any person continuing any work after being served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

23.10.207.1 Violation penalties

Any person violating a provision of this code or failing 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.

Chapter 70 Abatement of Dangerous Buildings:

23.70.702 Definitions General

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than (50) percent, or in any supporting part, member or portion, less than sixty-six (66) percent of the:
 - a. strength;
 - b. fire resisting qualities or characteristics;
 - c. weather-resisting qualities or characteristics required by law in the case of a newly constructed building or structure like area, height and occupancy in the same location.
 - d. this subsection does not apply to strength required to resist seismic loads.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the code official to be unsanitary, unfit for human occupancy or in such a condition it is likely to cause sickness or disease.

Chapter 105 Grading, Excavation and Fill

23.105.109.1 Cuts - General

- A. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section. Cuts shall not cause a net increase in surface runoff across property lines. Runoff shall discharge to approved locations or be retained on site.
- B. In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

23.105.109.2 Cut - Slope.

The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope) unless the permittee furnishes a soils engineering

or an engineering geology report, or both, stating the site has been investigated and giving an opinion that a cut at a steeper slope is stable and does not create a hazard to public or private property.

23.105.110.4 Fill - Compaction.

All fills shall be compacted to a minimum of ninety (90) percent of maximum density.

23.105.110.5 Fill - Slope.

The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than one (1) unit vertical in two (2) units horizontal (50% slope).

23.105.111.1 Setbacks - General.

Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure A-1.

23.105.111.2 Setbacks - Top of cut slope.

The top of cut slopes shall not be made nearer to a site boundary line than one-fifth of the vertical height of cut with a minimum of two (2) feet (610 mm) and a maximum of ten (10) feet (3048 mm). The setback may need to be increased for any required interceptor drains.

23.105.111.3 Toe of fill slope.

The toe of fill slope shall be made not nearer to the site boundary line than one-half the height of the slope with a minimum of two (2) feet (610 mm) and a maximum of twenty (20) feet (6096 mm). Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the code official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

1. Additional setbacks.
2. Provision for retaining or slough walls.
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion.
4. Provisions for the control of surface waters.

23.105.111.4 Modification of slope location.

The code official may approve alternate setbacks. The code official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate the intent of this section has been satisfied.

REQUIRED ACTION

1. Obtain approval for construction plans along with project schedule to repair or demolish the dangerous building by September 1, 2006. AMC 23.70.704.1.
2. If demolished or removed, the property must be left in a clean, level, and nuisance-free condition. IBC 3303.4.
3. Provide revised drawings allowing for permit approval to remove fill from adjoining property and insure code required grades will be met by September 1, 2006. AMC 23.70.704.1.
4. Provide revised plans correcting all grading deficiencies to contour of land, drainage and compaction of all fill that has been placed as well as the fill to be placed. Obtain permit approval by September 1, 2006. AMC 23.70.704.1.

5. Civil penalties per 23.10 Table 3-N.4 at \$500.00 per day will be assessed for non-compliance of each code violation, under provisions allowed by this code, each day after September 1, 2006 if violations or conditions of this Notice and Order are not met.

ACTION BY THE MUNICIPALITY OF ANCHORAGE

If the building is not repaired or demolished, and fill and grade not corrected within 30 days of date of service, the Municipality may proceed with causing the demolition and/or grading corrections by its own efforts as per AMC 23.70.708.3.

The responsibility for payment of the charges for all expenses incurred during abatement by code official as set forth in this chapter shall rest solely upon the owners of the property upon which the abatement occurred. Owners, as used in this section, includes the record owner upon the date of service of Notice and Order as served under section 704, jointly and severally with any subsequent owner until all costs assessed under this chapter are paid in full. 23.70.710.1.

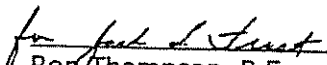
APPEAL INFORMATION

Anchorage Dangerous Buildings Code, Section 23.70.706.1 – Form of Appeal.

Be advised that this Notice and Order may be appealed to the Board of Building Regulation Examiners and Appeals by anyone having legal interest in the property. An appeal form must be provided to the building official within 10 days of date of service. Please contact MOA Building Safety for proper forms and appeal requirements.

FAILURE TO APPEAL

Your choice not to appeal this Notice and Order will constitute a waiver of all rights to a Building Board appeal.



Ron Thompson, P.E.
Director/Building Official

RT/vg

