

**STATEMENT OF UNSAFE OR DANGEROUS STRUCTURE (K.S.A. 12-1750)  
LOCATED AT 413 SOUTH CHERRY STREET, OLATHE, KANSAS**

TO: The Governing Body of The City of Olathe, Kansas  
FROM: Ryan Arter, Chief Building Official

I have inspected the address listed above and make the following findings:

1. The property at 413 South Cherry Street, Olathe, Kansas, 66061 is legally described as: Lot 11 and the North 20 feet of Lot 12 Block 77, City of Olathe, a subdivision in the City of Olathe, Johnson County, Kansas.
2. The record owner of the property is:  
  
Loren Emerson Brownlee, Jr.  
413 S. Cherry St.  
Olathe, KS 66061
3. The property is described as follows: A one-story home is located on the property. On July 12, 2012, a house fire in the northeast corner destroyed the exterior wall and interior ceiling structure of the living room area of the home. The Olathe Fire Department installed temporary shoring to strengthen the structure, and removed the front entry door and windows affected by the fire - which was replaced with siding and boarded up. Since that time, the structure has been uninhabitable and not repaired or maintained. The structure now has several open areas in the roof, leaving portions of the interior of the house open to the elements. The rear window of the house is boarded up, and the exterior of the home is in disrepair.

The City hired a structural engineer to inspect the property and prepare a formal report evaluating the structural condition of the property. The report is attached. The engineer concluded that the building meets the applicable definition of “unsafe”, which is the definition in the International Existing Building Code, which has been adopted as part of the Olathe Municipal Code. Specifically, the engineer concluded that some observed structural deficiencies “constitute a partial collapse or lacking necessary support of the ground.” (Page 3).

4. The area is zoned R-2.
5. The adjacent land use consists of single-family homes to the north, east and south, with a commercial parcel adjacent to the west.
6. No repairs or work towards demolition of the structure have taken place since the fire on July 12, 2012. The structure has remained unrepaired for more than 11 years and is in a continual deteriorating condition.

**Finding and Recommendation:** It is my opinion that the building is so dilapidated and unsafe that it: 1) produces blighting influence on the surrounding property; 2) has become an attractive nuisance for rodents, pests and other animals; 3) remains a fire hazard if power should ever be restored to the property; 4) presents a health and safety threat to the neighboring properties and

## ATTACHMENT A

the community; and 5) is uninhabitable. Pursuant to K.S.A. 12-1750, I find that the structure is both unsafe and dangerous.

Dated this 11th day of July 2024.

A handwritten signature in black ink, appearing to read "Ryan W. Arter". The signature is written in a cursive style with a long horizontal stroke extending to the right.

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Ryan Arter, Chief Building Official



June 14, 2024

Lindsay Jarrett  
City of Olathe, KS  
100 E Santa Fe St  
Olathe, KS 66061

Re: Structural Condition Assessment  
413 S Cherry St  
Olathe, KS 66061

## **Introduction**

The purpose of the assessment is to determine the current structural condition of the house at the above address including the following:

- Determine current conditions & deficiencies
  - Categorize deficiencies as life safety, performance, or serviceability issues
- Planning for maintenance, repair, and/or budgeting
- Identifying areas of Distress, Failure, or Damage

The scope of the investigation includes the following:

- Preliminary Assessment of the entire house
  - Field evaluation of existing conditions
  - Identification of problem areas

Methods and Techniques

- Field evaluation tools & techniques
  - Visual inspection
- Imaging techniques
  - Photography
- Drawings and Sketches

The following is based on visual, non-destructive observation of the building only. No attempt was made to check structural components that were not readily visible or accessible. Many areas of the house were not directly observable due to the large number of items being stored in the house. It should be noted that certain assumptions and or conclusions must be drawn in a report of this nature, and that, it may be the case that additional structural issues could arise if further evidence were revealed through a more intrusive investigation. This report is intended to provide an overview of the existing conditions only, and no warranties or guarantees shall be implied.

## **Description of Structure**

### **General Description**

The residence observed is a small single-story wood-framed single-family home supported by a concrete masonry unit (CMU) foundation enclosing a crawl space below the first-floor framing. The exterior of the home is clad in vinyl lap siding, the interior of the home is clad in gypsum board finishes, and the roof covering is 3-tab asphalt shingles. For the purposes of this report, the front of the home is the east elevation.



### History

According to Johnson County records, the house was built in 1920. It appears that, based on an observed roof overlay, the bathroom and bedroom at the southwest corner of the residence are an addition to the home.

According to the Olathe building official on-site at the time of the observation, a fire damaged the east exterior walls of the residence from the northeast corner wrapping around the westward jog in the east wall until the wall turns back to the south.

### Existing Data Collected

No existing drawings or reports were provided as part of this assessment. All background information was provided verbally on-site at the time of the observation by city building department staff.

### Site Observations

#### Overview

Generally, the house was observed to be in a state of disrepair. The front entry is boarded up, many of the windows have been painted over, the siding is dirty, the landscaping is overgrown, and the roof has been patched in several locations with patch shingles overlaid on the previous layer. The CMU foundation mortar joints were observed to have stepped cracking indicative of foundation movement. (Ref general photos in Appendix A)

The majority of the interior of the house is crowded with the homeowner's possessions that are, in some areas, piled to head height. The density of the contents of the house was very limiting in observing the kitchen, rear entry room, dining room, southeast bedroom, and southwest bedroom. Some of the contents had been removed before Apex's arrival on-site to allow for some visibility of the floor's surface. (Ref photos 1-4)

#### Crawl Space

Access to the crawl space was limited to two narrow openings on the east side of the house. Entrance was not possible due to the narrow height of the openings, but a limited visible inspection was performed. (Ref photos 5 & 6) The observable structure was recorded on the sketches found at the end of Appendix A.

The floor framing in the northeast wing of the house was composed of 2x8 joists at 24" OC with a dropped beam at mid-span supported periodically by small steel pipe columns. The beam was not visible due to a smaller diameter pipe being located in front of it. It appears that the beam is composed of built-up 2x4s. It's not clear whether or not the pipe columns are supported on footings. To the west, a rectangular duct blocks visibility of the west half of the framing, but it can be seen that the south ends of the joists are discontinuous and that to the west of the jog in the east wall it's unclear whether or not the joists are supported by a beam. The remnants of an old stone foundation appear to be left behind. It's unclear whether or not those stones remain in service as part of the foundation. (Ref photos 7 & 8)

Through the southmost crawl space opening it can be seen that the joists span east to west and the near span is supported by a flush beam in the floor system. Past the flush beam, the floor framing was difficult to observe. More stone remnants are visible. Adjustable metal jacks can be seen throughout this wing of the residence supporting individual joists. The jacks may be supported by small foundation elements. (Ref photos 9 & 10)



### Interior Observations

Reference Appendix A for all specific interior observations. The observation numbers are associated with a numerical dot on the sketches included at the end of the appendix to locate the observation in space. The photos in the appendix may be clicked on when viewed in PDF form for an enlarged image.

### Discussion

Section 115 of the 2018 International Existing Building Code (IEBC) provides guidance regarding unsafe buildings and equipment. Section 115.1 states:

Buildings, structures or equipment that are or hereafter become *unsafe*, shall be taken down, removed or made safe as the *code official* deems necessary as provided for in this code.

IEBC section 202 defines *unsafe* in the following way:

Buildings, structures or equipment that are unsanitary, or that are deficient due to inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or in which the structure or individual structural members meet the definition of "*Dangerous*," or that are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed unsafe. A vacant structure that is not secured against entry shall be deemed unsafe.

Section 202 further defines *Dangerous* in the following way:

Any building, structure or portion thereof that meets any of the conditions described below shall be deemed dangerous:

1. The building or structure has collapsed, has partially collapsed, has moved off its foundation, or lacks the necessary support of the ground.
2. There exists a significant risk of collapse, detachment or dislodgement of any portion, member, appurtenance or ornamentation of the building or structure under service loads.

The residence observed has the conditions described in the definition of unsafe throughout the building. The contents of the building are both unsanitary and along with the boarded up front entrance a hinderance to egress. The building does not have active electrical services to run lights and HVAC equipment to provide proper lighting and ventilation.

Some of the structural deficiencies identified in the Observations section (including Appendix A) above constitute partial collapse or lacking necessary support of the ground. The deflection observed in the floor framing in the southwest bedroom appears to be significant enough that the framing members may have collapsed into the crawl space and rested on the grade below. The structure near the center of the house, as viewed from the crawl space access locations, does not appear to have a complete load path, and some of the members appear to have been modified in a way that alters the load path.

The ceiling above the northwest corner of the dining room that is deflecting downward significantly appears to be at risk of collapse along with the floor in the southeast corner of the dining room that is deflecting downward.



The roof structure along the south wall of the house is significantly decayed and will continue to deteriorate due to continued exposure.

### **Conclusions & Recommendations**

It is the opinion of this firm that the residence observed meets the IEBC definitions of unsafe and has structural members that meet the definition of dangerous. Accordingly, the building shall be either taken down or made safe per section 115.1 of the IEBC.

In order to make the building safe, significant repairs would be required to address the deficiencies outlined in the Observations section of this report along with any that are uncovered during a detailed structural assessment. Additionally, repairs to other systems including plumbing, electrical, HVAC, and finishes would be required.

According to Johnson County Tax records, the appraised value of the property in 2024 is \$116,200, and the size of the residence is 960 ft<sup>2</sup>. If examined on a square foot basis, the house is valued at \$121/ft<sup>2</sup>. This value does not likely consider the condition of the home. The actual value given its condition may likely be much lower. Assuming a modest 20% reduction in value due to the condition of the residence the value would be approximately \$97/ft<sup>2</sup>.

According to United States Census Bureau data, the median size and cost of a new single-family home are 2233 ft<sup>2</sup> and \$400,700 respectively. If examined on a square foot basis, the median cost is approximately \$180/ft<sup>2</sup>. The costs associated with major repairs tend to be higher than those of new construction due to the added difficulties of interfacing with existing surrounding structural components. Even if the repairs were able to be made at a cost per square foot well below the median cost of single-family residential construction, it seems unlikely to make financial sense to repair the residence.

If repairs are to be made to the building, they shall be performed according to a set of repair drawings designed by a qualified architect and engineer. To ensure that the building is not allowed to deteriorate further due to continued decay, a reasonable timeline for repairs to be permitted and begun is within a year of the date of this report. During the time in which repairs are under design and awaiting approval, the building shall remain unoccupied, and access shall be limited.

If it is deemed that repairs are not financially practical, then the structure shall be demolished per IEBC section 115.1.

Please call if Apex Engineers, Inc. can be of further assistance.



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**LIMITATIONS**

The scope of our services includes only those items specifically addressed herein. All other items are outside the scope of this inspection; including but not limited to, any environmental assessment (such as, but not limited to mold, mildew, presence of hazardous or toxic materials in the soil, surface water, groundwater, etc.).

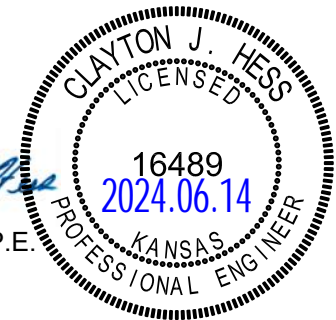
Absolute causes and/or conclusions cannot be guaranteed with this report and/or with an inspection of this nature. Apex Engineers, Inc. has performed our services in a manner consistent with the standard of care and skill ordinarily exercised by firms of our type practicing under similar conditions at this time and locality.

This report is intended for the confidential and exclusive use of Apex Engineers, Inc.'s client. No other person or company is authorized to use this report for any purpose without Apex Engineers, Inc.'s client permission. Without exception, this report will expire 180 days from the date of issuance.

Best Regards,  
Apex Engineers, Inc.

Daniel W Meyer P.E.  
Project Manager

Clayton J. Hess, P.E.  
Principal





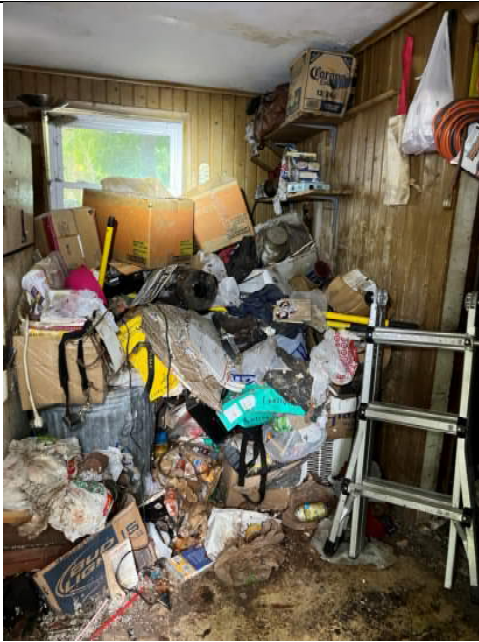


Photo 1: Contents of the residence



Photo 2: Contents of the residence

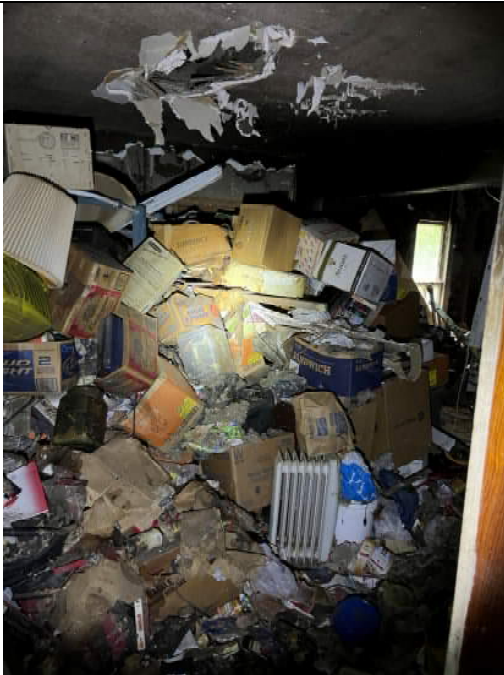


Photo 3: Contents of the residence

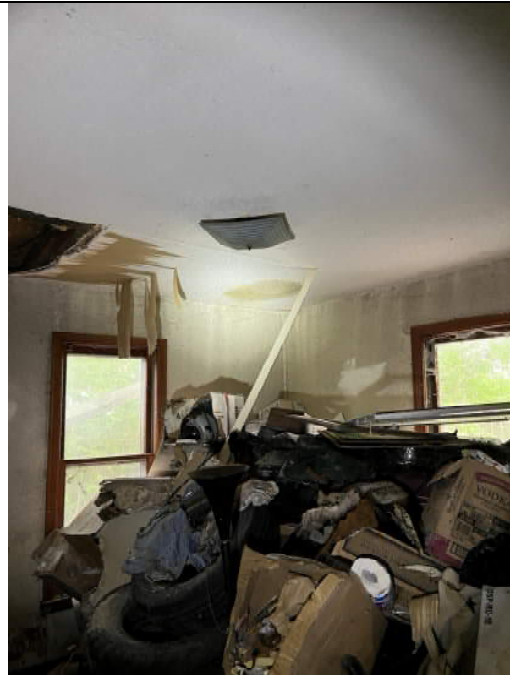


Photo 4: Contents of the residence





**Photo 5: Crawl space access**



**Photo 6: Crawl space access**



**Photo 7: Northeast wing framing. Note the beam and short post**



**Photo 8: Unsupported floor joists ends**



**Photo 9: Southeast wing framing. Note the flush beam, stone remnants, and jack post**



**Photo 10: Jack posts, unsupported joists from an alternative angle, and a cut joist**





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## Appendix A: Site Observations

### General Information

**Engineer**  
Dan Meyer

**Address**  
413 S Cherry St Olathe, KS 66061

**Client**  
City of Olathe

**Transactional Status**  
Staying

### Residence Information

**Direction of the Front Door**  
East

**Year Built**  
1920

**Number of Stories Above Grade**  
Single

**Framing Material**  
Wood

**Foundation Type**  
Crawl Space

**Foundation Material**  
CMU

### Photos





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## Photos







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## Interior Wall & Floor Framing Observations

Number	Floor	Unknown	Description	Photos
1	First		The wall framing in the clouded area has been repaired due to fire damage, according to an Olathe building official.	  
2			The gypsum board ceiling has collapsed in the clouded area leaving the top side of the floor covered in gypsum board and insulation. The ceiling and roof framing is visible in this area and appears to be mostly intact and was spared any major fire damage. No charring was observed in the members. Some older previous repairs were observed and appear to have been done to address fungal decay in several of the rafters and roof sheathing.	

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Number	Floor	Unknown	Description	Photos
				Two photographs showing the interior of a roof or attic. The top photo shows wooden joists and rafters with some wiring. The bottom photo shows a similar view with more wooden framing and a white pipe.
3	First		The ceiling within the clouded area has a visible downward sag. The roof framing above was not able to be viewed due to the contents of the home.	A photograph of a room filled with cardboard boxes and other clutter. The ceiling is sagging and appears to be made of drywall or plaster that is peeling or cracking.
4	First		A hole in both the roof and ceiling framing was observed in the clouded area. Decaying ceiling and wall framing was observed around the opening. The surface of the floor below was observed to be wet and covered with organic material below the opening.	A photograph showing a hole in the ceiling and wall framing. The wood around the hole is decayed and crumbling. The floor below the hole is visible and appears to be covered with organic material.





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Number	Floor	Unknown	Description	Photos
				



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Number	Floor	Unknown	Description	Photos
5			<p>A hole was observed in the ceiling in the clouded area. Some of the rafters were observed to be decayed, but a hole in the roof wasn't able to be observed directly because the floor in the area directly below the hole did not appear to be safe to access.</p>	
6			<p>A hole was observed in the ceiling in the clouded area. Some of the rafters were observed to be decayed, but a hole in the roof wasn't able to be observed directly because the floor in the area directly below the hole did not appear to be safe to access.</p>	

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Number	Floor	Unknown	Description	Photos
7	First		The first floor framing in this area is visibly, significantly deflected downward. The contents of the house obscure the the floor to the north of the area making the full extent of the deflection unclear.	
8			The floor in the clouded area below the partition wall between the bathroom and southwest bedroom is substantially deflected and may be reasonably consider to have effectively collapsed down into the crawl space below. A large gap of 6" or more was observed below the partition separating the two rooms and the top of the floor's surface. The floor within the southwest bedroom was only visible at the east end of the room. The floor's surface to the west was obscured by the contents of the house.	  



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Number	Floor	Unknown	Description	Photos
				