

Wilmington, Delaware
October 17, 2019

#4722

Sponsor:

Council
Member
Johnson

WHEREAS, the Commissioner of the Department of Licenses and Inspections has declared the property located at 505 North Broom Street, parcel #2602730277 (the “Property”) to be in such condition as to constitute a public nuisance building as set forth in Wilmington City Code Section 4-27, subsections 116.1.4(a) and 116.1.5; and

WHEREAS, on or about July 19, 2019 and October 7, 2019, timely notice of the condition of the Property were provided to the owners of record, Mirosław Kostyshyn, John J. Kostyshyn, Peter T. Kostyshyn and Patricia R. Kostyshyn (the “Owners”) in the form of written demolition orders (the “Orders”) (attached as Exhibits “A” and “B”, respectively) which included copies of the Site Visit Reports dated June 21, 2019 and September 25, 2019 from Larsen & Landis, Structural Engineers (the “Engineer’s Reports”); and

WHEREAS, the Orders and Engineer’s Reports were sent to the Owners via regular mail and certified mail; and

WHEREAS, the Order dated July 19, 2019 required the Owners to correct the violations and/or demolish the structure as required by Wilmington City Code Section 4-27, subsections 116.1.1 and 116.1.5; and

WHEREAS, the Owners failed to comply with the July 19, 2019 Order (see photographs attached as Exhibit “C”); and

WHEREAS, the September 25, 2019 Engineer’s Report notes that ongoing deterioration of the partially collapsed rear block poses a possible hazard to a neighboring property and recommends immediate demolition; and

WHEREAS, a second Order dated October 7, 2019 was issued requiring the Owners to correct the violations cited in the prior Order or to demolish the structure, and further advising the Owners that due to the dangerous condition posed by the collapsed rear portion of the structure, the Department of Licenses and Inspections would be undertaking a partial demolition of said portion in an effort to abate the dangerous condition; and

WHEREAS, the dangerous conditions persist; the Owners have failed to take the necessary steps to rehabilitate or demolish the Property; and the Commissioner of Licenses and Inspections recommends that the Property be demolished, in whole or in part, as needed to abate said dangerous conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Commissioner of Licenses and Inspections be, and hereby is, authorized to secure demolition of the Property on a date selected by him, subject to the resolution of any appeal of the Commissioner's October 7, 2019 Order by the Owners.

BE IT FURTHER RESOLVED that all expenses of such demolition be paid by the City Treasurer from monies from the City Treasury, with said Owners being liable to the City of Wilmington for the full amount so expended pursuant to 25 *Del. C.* §§ 2901, 4601 and 4602.

FURTHER RESOLVED that liens may be placed upon the Property pursuant to 25 *Del. C.* §§ 2901, 4601 and 4602.

FURTHER RESOLVED that the City Clerk shall forward copies of this Resolution to the Commissioner of Licenses and Inspections and the City Treasurer as their respective authority to act in this matter.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This resolution authorizes the Department of Licenses and Inspections to demolish 505 North Broom Street and also authorizes the City Treasurer to expend funds necessary to carry out the demolition, with the cost to become a lien upon the Property.

EXHIBIT A

City of Wilmington



MICHAEL S. PURZYCKI
Mayor

Department of Licenses & Inspections
(302) 576-3030

By Regular & Certified Mail: 7016 0340 0000 4602 8896

July 19, 2019

EMERGENCY DEMOLITION ORDER

Patricia & Peter Kostyshyn
1127 Brandywine Blvd.
Wilmington, DE 19809

Mirosław Kostyshyn
617 Cranhill Drive
Wilmington, DE 19808

John Kostyshyn
1301 Centre Road
Wilmington, DE 19805

RE: **505 N Broom Street**
Parcel no. 2602730277

Dear Mr & Ms. Kostyshyn:

As a result of an inspection conducted on **June 21, 2019**, the Department of Licenses & Inspections has determined that the structure located **505 N Broom Street** violates Chapter 4, Sections 4-27 (116.1.1), (116.1.4) and (116.1.5) of the Wilmington City Code. Due to the existence of the conditions more specifically enumerated below, the continued vacancy of the building and the lack of reasonable maintenance, this structure is unsafe and constitutes a public nuisance posing a threat to public health, safety, and welfare.

The following conditions must be repaired, or the structure completely demolished, within 30 days:

- Holes in roof (1 Wilm. C. §4-27, 116.1.1 (a))
- Deteriorated roof shingles and roof sheathing throughout (1 Wilm. C. §4-27, 116.1.1 (a))
- Deteriorated fascia and soffit boards throughout (1 Wilm. C. §4-27, 116.1.1 (a))
- Missing downspouts throughout (1 Wilm. C. §4-27, 116.1.1 (a))
- Missing wall siding and holes in exterior wall (1 Wilm. C. §4-27, 116.1.1 (a))
- Structural failure - rear addition collapse (1 Wilm. C. §4-27, 116.1.1 (q))
- Public nuisance having blighting influence on neighboring properties (1 Wilm. C. §4-27, 116.1.4 (a)(2)(B))

Kostyshyn
July 19, 2019
Page Two

If you fail to correct the conditions listed above within 30 days, the City of Wilmington will demolish the structure (or a portion of the structure) on or about September 1, 2019 in order to abate the public nuisance posed by your property.

You will be provided no further notice of the demolition. If the structure is demolished by the City, the City will place a lien on the property for the costs incurred by it in accordance with the provisions of 25 Del. C. §§ 4601 and 4602, and the property will be subject to sheriff sale. Further, your failure to timely complete the repairs or demolish the property in accordance with this notice could result in a criminal summons being issued to you.

Should you have any questions, please contact me at (302)576-3031.

Sincerely,



Michael A. Boykin
Deputy Commissioner
Department of Licenses & Inspections



June 26, 2019

SITE VISIT REPORT

To:	Ellis Blomquist	From:	M. J. Paul, PE Del. Prof. Eng. Reg. No. 9692
Company:	City of Wilmington Licenses and Inspections	Project:	505 N. Broom Street Wilmington, Delaware
Subject:	Removal of Collapsed Rear Block	Date of Site Visit:	June 21, 2019

The partially collapsed rear block of the above-captioned building constitutes an immediate hazard to that property and its occupants, and it poses a nuisance if not hazard to both adjacent properties and their occupants. The rear block should be demolished immediately.

As with demolition generally, removal of the rear block must be done top-down. The partially collapsed condition reinforces this method imperative, and also argues for the engagement of a well-qualified demolition contractor with a proven record of successfully completing difficult demolition projects.

Based on our review of conditions in the field and our general understanding of demolition procedures, we believe there are three possible main scenarios.



Image 1 - Rear block of 505 N Broom St

Demolition Using Equipment

Powered equipment (including boom lifts) probably will result in the safest and quickest demolition. However, deploying and operating the equipment will not be easy and will require the use of neighboring properties. (See Images 2 through 5.)

Small-model equipment can be brought up the driveway of 509 N. Broom Street. Then the fence between 509 and 507 can be removed temporarily to bring the equipment into the back yard of 507. The equipment can be operated from that back yard, or the equipment can be moved into the back yard of 505 after it has been cleaned up and prepared.

After demolition debris and the equipment have been removed in reverse of the same route, the back yards, fence, and driveway must be restored.

(Although it may be possible to bring equipment through the apparently vacant lot that runs behind 505 and 507 and fronts W. 5th Street, this may not be feasible, due to the condition of the lot.)

Demolition Using Full Scaffolding

A line of two or three level scaffolding along the back of the rear block would provide safe working platforms for hand demolition.

After the rear stair is removed from the back of the rear block and grade has been prepared, the scaffolding can be erected. Scaffolding materials probably can be brought in via the side yard. Scaffolding would include outriggers at the upper levels for work on the rear block second story set back.

Demolition Using Limited Scaffolding

Since the first story and its roof/floor framing apparently had been supporting the second story prior to its collapse and apparently is presently supporting the collapsed portion, the first story and its roof/floor framing may be able to support ladders and small sections of scaffolding set on the roof/floor.

After the roof/floor framing, as reviewed from inside the first story, either is determined to be sound or is temporarily shored, ladders and scaffolding on grade can be used to remove enough collapsed material to provide an initial working space on the roof/floor. Additional collapsed material then can be removed incrementally to enlarge the working space. Ultimately, a large enough space would be created to enable placement of ladders and scaffolding so that the tall, remaining portion of the second story on the north side can be dismantled and removed. Once the second story is removed, the first story and foundations can be demolished working from grade.

As for the prior scenario, scaffolding and ladders can be brought in via the side yard.

The above scenarios are intended to be only general descriptions. They do not purport to address the many safety and legal issues associated with proper demolition planning, logistics, operations, and execution, all of which are the responsibility of the demolition contractor. The scenarios do not purport to recommend actual demolition procedures.

Please contact us if you have any questions regarding this report.

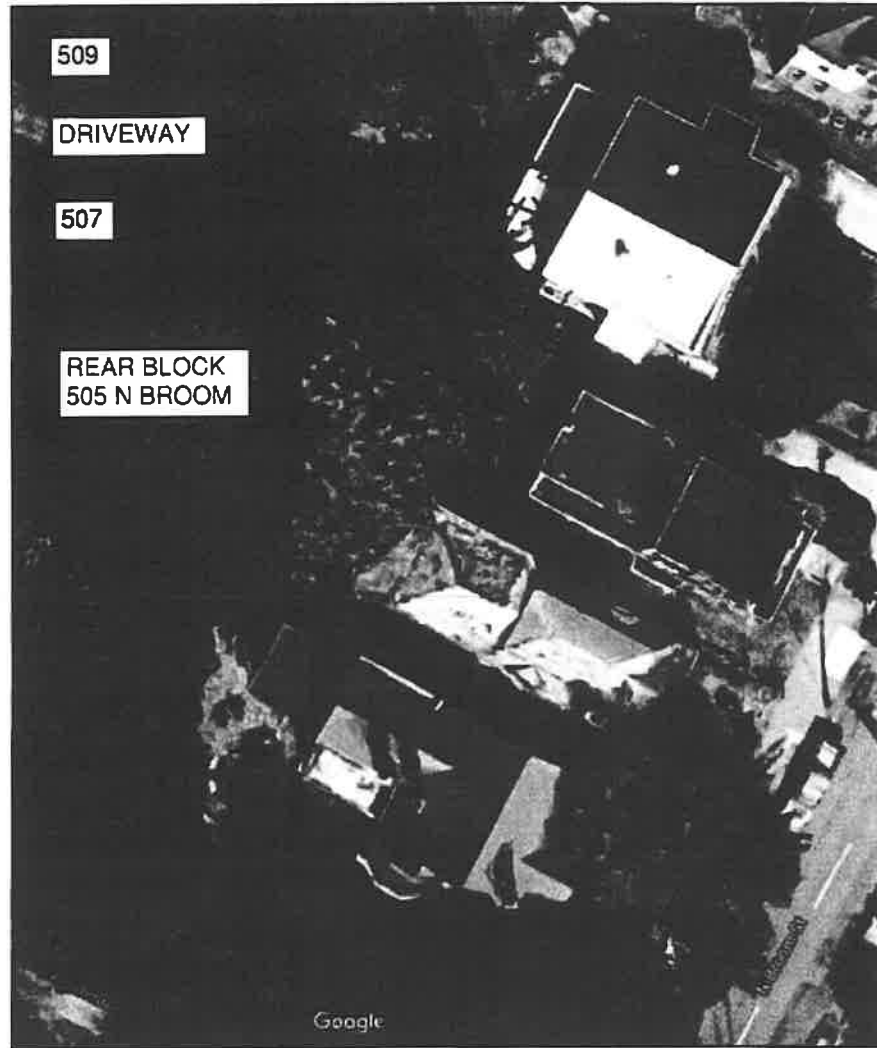


Image 2 - Google Maps screenshot showing general site conditions



Image 3 - Back yard of 507 N Broom St along 505 rear block

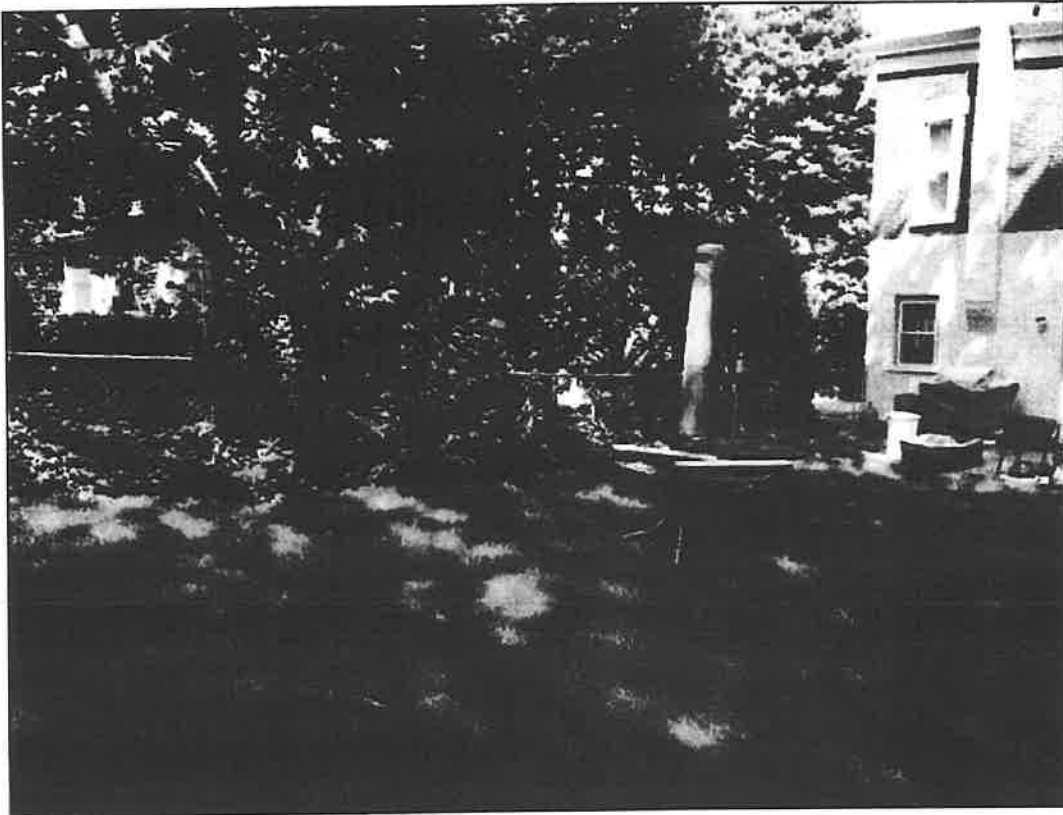


Image 4 - Fence between back yards of 507 and 509 N Broom St



Image 5 - Driveway of 509 N Broom St alongside 507

EXHIBIT B

City of Wilmington



MICHAEL S. PURZYCKI
Mayor

October 7, 2019

By Certified Mail, Regular Mail and by Posting the property

Patricia and Peter Kostyshyn
1127 Brandywine Blvd.
Wilmington, DE 19809
(701600340000046029145)

Miroslaw Kostyshyn
617 Cranhill Drive
Wilmington, DE 19808
(701600340000046029169)

John Kostyshyn
1301 Centre Road
Wilmington, DE 19805
(701600340000046029152)

DEMOLITION/ABATEMENT ORDER

RE: 505 Broom Street (Parcel No. 2602730277)

Dear Messrs. and Miss Kostyshyn:

As you are aware, the Department of Licenses and Inspections ("the Department") issued the enclosed Emergency Demolition Order ("Emergency Order") dated July 19, 2019 requiring you to undertake within 30 days certain repairs to the above referenced property or to demolish it. The Emergency Order determined that given its condition, the structure is unsafe, poses a threat to public health and safety, and constitutes a public nuisance.

Shortly after the Emergency Order was issued, Miss Kostyshyn contacted me and stated the family was working on the property, and a contractor would be making repairs to the property. I requested Miss Kostyshyn provide me with written documentation regarding the work performed at the property and the signed contract and scope of work to be undertaken by the contractor. As of the date of this Order, the required information has not been provided and the violations have not been corrected.

As a result of your failure to correct the violations cited in the Emergency Order (which are incorporated herein) or to demolish the property, the structure continues to pose a threat to public safety, and there is a continued likelihood that the structure in its current unsafe condition may damage adjacent properties (see enclosed engineer

Kostyshyn
October 7, 2019
Page 2

reports dated June 26, 2019 and September 25, 2019). While all the violations noted in the Emergency Order are required to be corrected, the most pressing concern is the partially collapsed rear portion of the structure. As such, the City will proceed with demolition/removal of the collapsed portion of the structure in order to abate this dangerous condition. A lien for the costs incurred by the City shall arise on your property in accordance with the provisions of 25 *Del. C.* §§ 2901, 4601 and 4602.

Please be further advised that should you fail to correct the other violations noted in the Emergency Order within 30 days, the City will proceed with additional abatement action, up to and including demolition of the entire structure.

Sincerely,

A handwritten signature in black ink that reads "Michael A. Boykin". The signature is written in a cursive style with a large, prominent initial "M".

Michael A. Boykin
Deputy Commissioner
Department of Licenses and Inspections

Enclosures

APPEAL RIGHTS

You have the right to appeal this order. The appeal must be in writing and filed with the office of the Commissioner of the Department of Licenses and Inspections within fifteen (15) days of receipt of the notice being appealed. Each appeal shall be accompanied by:

- A. A written petition setting forth:
 - 1. The principal points upon which the appeal is made.
 - 2. Specific reference to the provisions of the applicable code section or the sections upon which the appeal is based.
 - 3. The name(s) and addresses of the owners of all other property (ies) affected by this appeal.
- B. **A non-refundable fee of fifty dollars (\$50.00)**

The appeal should be addressed as follows:

**Secretary
Board of Licenses and Inspections Review
Louis L. Redding City/County Building
800 N. French Street, 3rd Floor
Wilmington, Delaware 19801**

A hearing will be scheduled before the Board of Licenses and Inspections Review. At this hearing, you may introduce evidence and/or witnesses to support your appeal. You may be represented by an attorney, or you may choose to present your appeal on your own. The Board of Licenses and Inspections Review has the authority to affirm, modify, reverse, vacate, or revoke the action for which the appeal is being made. A written notice of the Board's decision will follow the hearing.

City of Wilmington



MICHAEL S. PURZYCKI
Mayor

Department of Licenses & Inspections
(302) 576-3030

By Regular & Certified Mail: 7016 0340 0000 4602 8896

July 19, 2019

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Kostyshyn
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Department of Licenses & Inspections

SITE VISIT REPORT

June 26, 2019

To:	Ellis Blomquist	From:	M. J. Paul, PE Del. Prof. Eng. Reg. No. 9692
Company:	City of Wilmington Licenses and Inspections	Project:	H104 505 N. Broom Street Wilmington, Delaware
Subject:	Removal of Collapsed Rear Block	Date of Site Visit:	June 21, 2019

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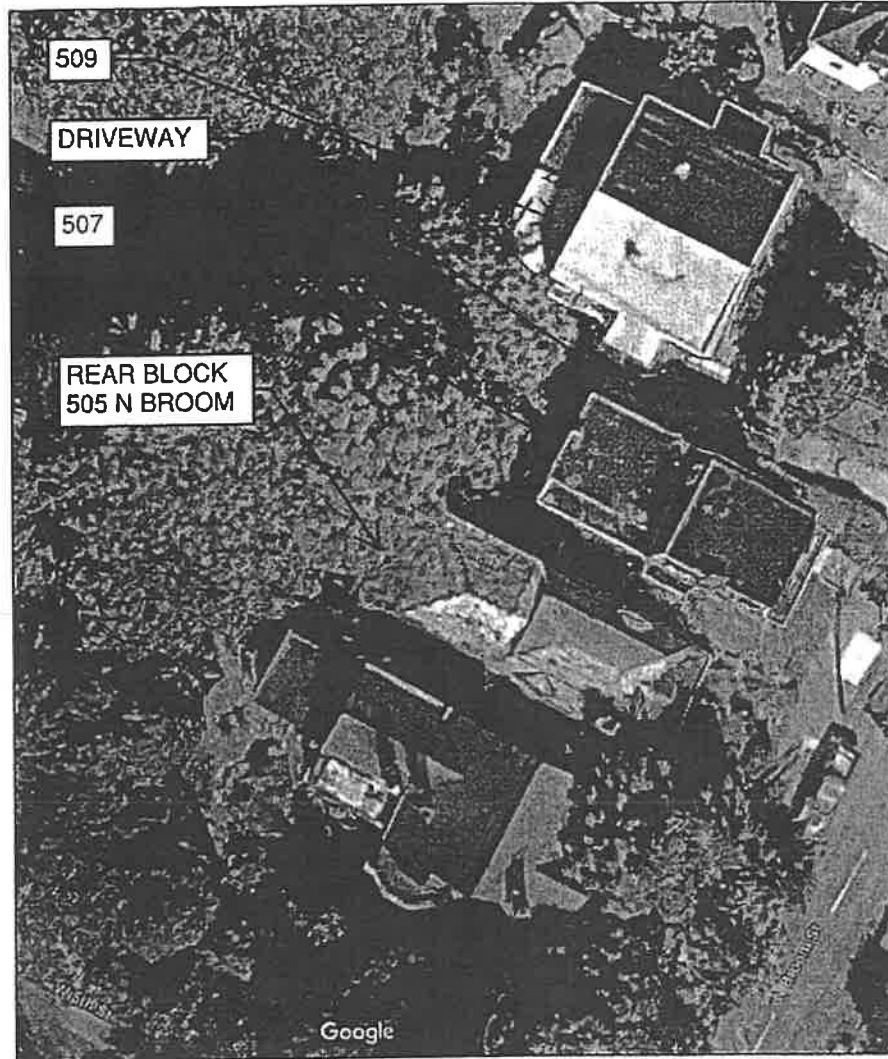


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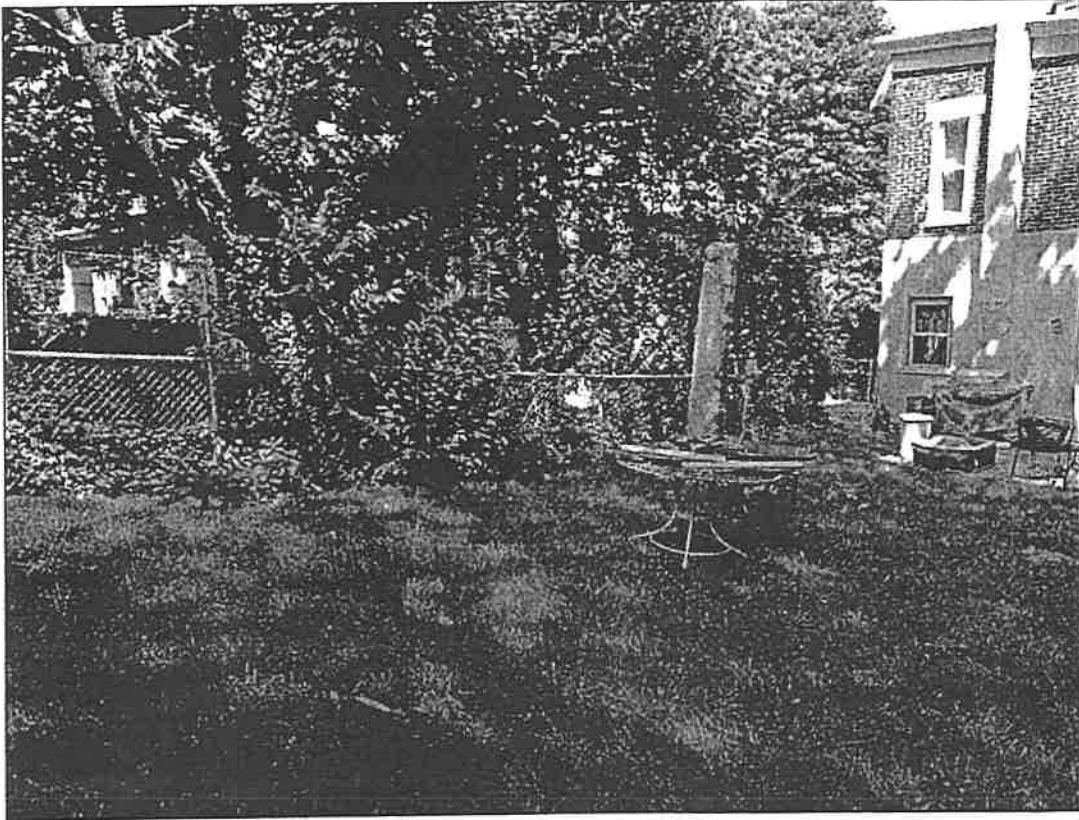


Image 4 - Fence between back yards of 507 and 509 N Broom St

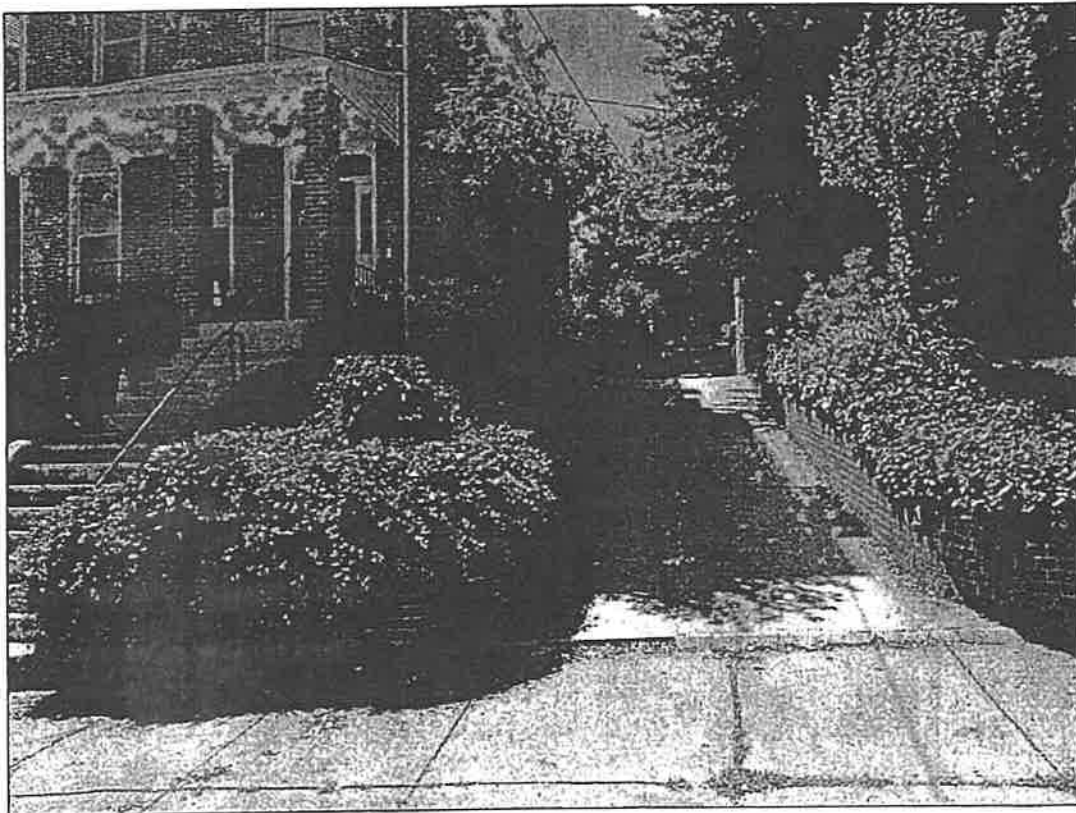


Image 5 - Driveway of 509 N Broom St alongside 507

LARSEN & LANDIS

STRUCTURAL ENGINEERS



SITE VISIT REPORT

September 25, 2019

To:	Inspector Blomquist	From:	M. J. Paul, PE Del. Prof. Eng. Reg. No. 9692
Company:	City of Wilmington Licenses and Inspections	Project:	505 N. Broom Street Wilmington, Delaware
Subject:	Condition Assessment Update	Date of Site Visit:	September 24, 2019

In accordance with your authorization and request, we again visited the captioned row-house (the building) to review existing conditions. Our review was strictly visual, limited to conditions in plain view while standing on grade in the back yard of 507 N. Broom Street (which the resident granted permission to enter).

We previously have provided engineering services related to the building, most recently in June and July. We also performed site visits and produced reports in early 2010.

There do not appear to have been substantive changes in the condition of the partially collapsed rear block (or in the main block). It is our opinion, however, that ongoing deterioration in the partially collapsed rear block poses a possible hazard to the adjacent property at 503 N. Broom Street. It is possible that there could be sudden further collapse that results in debris entering the side yard and rear yard of 503, and perhaps lodging against the side of that building. Because of this possible hazard, we recommend that the rear block of the building be demolished immediately.



June



September

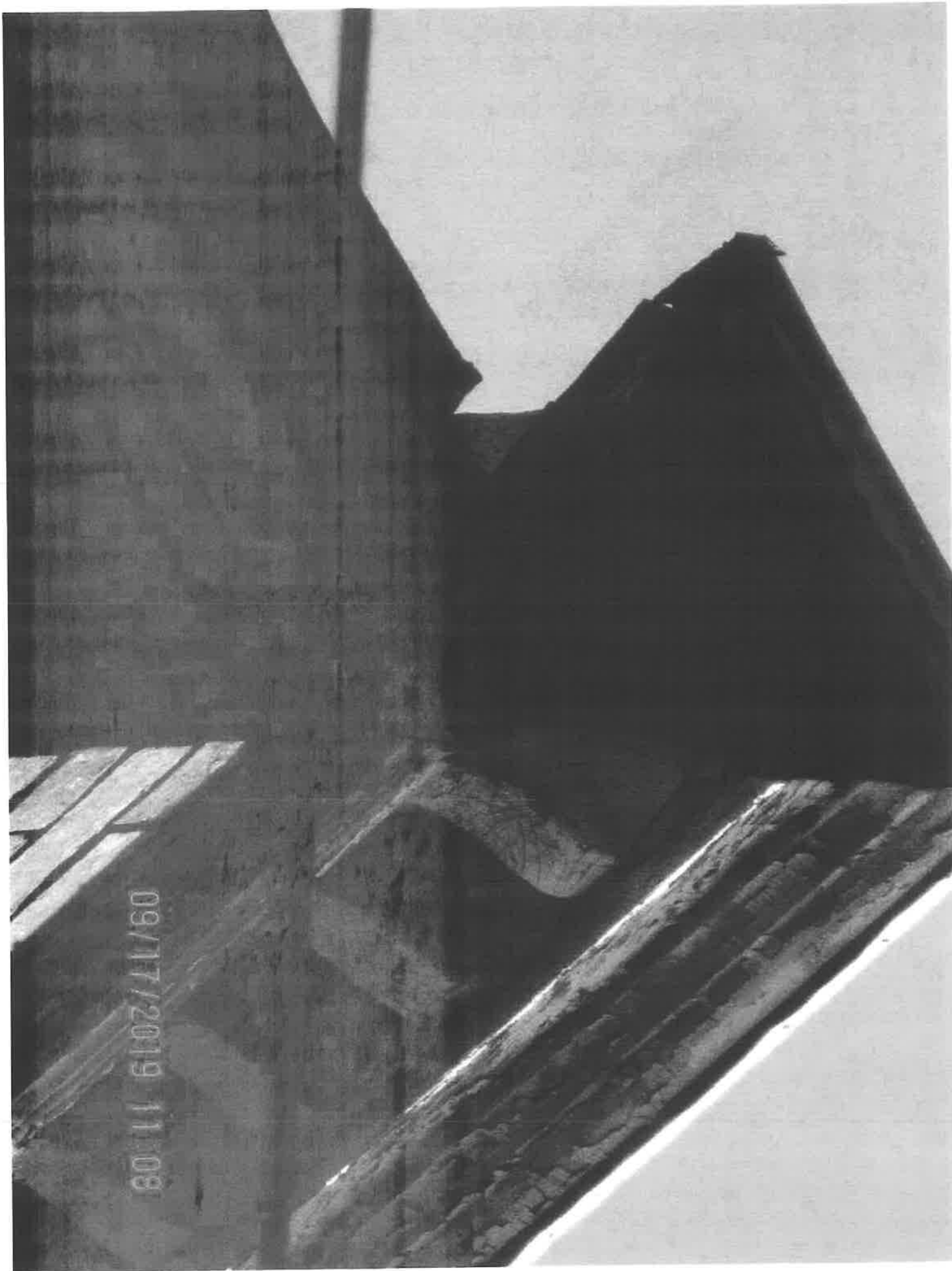
EXHIBIT C



09/17/2019 11:07



09/17/2019 11:07





09/17/2019 11:03





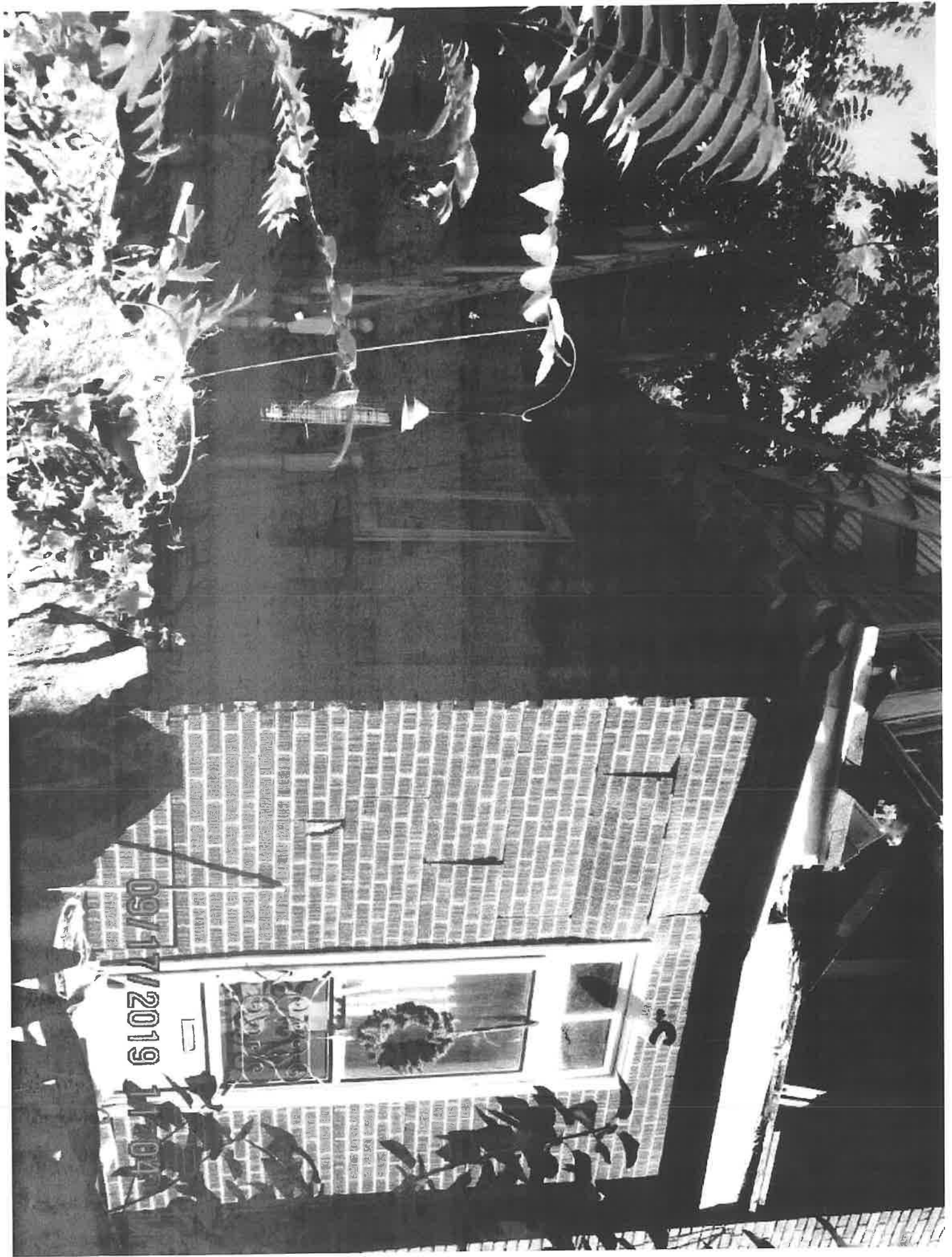


09/17/2019 11:03





09/17/2019 11:04



09/17/2019 14:04



