

## **CONSTRUCTION AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS**

The Construction and Property Maintenance Code Board of Appeals meeting was held on May 21, 2025, at 3:30 p.m., with Mr. Boggerty presiding. The members present were Mr. Campana, Mr. Neil, and Mr. Rocha. Mr. Martin was absent. Staff members present were Mr. Kopp, Mr. England, Ms. Brown, Mr. Gallagher, and Ms. Walls.

### **ADOPTION OF AGENDA**

**Mr. Rocha moved for approval of the agenda, seconded by Mr. Neil, and unanimously carried.**

### **PROPERTY MAINTENANCE CODE VIOLATION: Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings, Section 22-403 - Registration and Registration Fee - Appeal of Registration Fee – 12 Clara Street (Joseph & Theresa (Krause) Nicolai)**

Mr. John England, Code Enforcement Officer, reviewed the case history for 12 Clara Street.

Responding to Mr. Rocha, Mr. England stated that after the fifth year, each year the vacant building fee is \$5,000.

Responding to Mr. Rocha, Mr. Nicolai stated that the heat and electrical are at the first inspection. He cannot have a final inspection until the house is closed up. So, when First State Inspection came in for the electrical, he actually had everything wired in. He had to dewire everything in order to go through inspection. He stated that regarding the mechanical portion, Mr. Scott inspected the mechanical and the plumbing at the time that he was there. There were two (2) minor things that needed to be fixed, and they have been fixed. Now they are just waiting for cabinets to get in and then the final plumbing to be installed. He explained that he was told that he cannot have any of the final inspections done until he has the carpet, walls and everything completed. He understands that the concern for code enforcement according to their letters is that the vacant buildings are detrimental to the surrounding buildings and neighborhoods in which they exist. The health, safety and welfare of the neighborhoods in which the vacant buildings are located are the utmost importance to the city as a general character of the community in which these buildings and the vacant buildings are located. He understands that but compared to the two houses on either side of his, his home looks like a million-dollar mansion.

Mr. Eddie Kopp, Chief Code Enforcement Officer, clarified that the residential renovation permit was originally issued December 9, 2021. The last inspection on that permit was done on November 18, 2024. That permit has since expired and has not been finalized. So, due to the age of the permit, that permit would have to be reapplied for plans or drawings because it is outside the period when the permit can be extended. The permit had been extended to the maximum times and now it is void because it was not completed in time. They cannot keep a permit ongoing for years because there could be the potential that the code would change and now, they are no longer with the limits of the code.

Responding to Mr. Rocha, Mr. Kopp stated that they could potentially have to take the drywall back off due to the last inspection being conducted on November 18, 2024 and it was issued December 9, 2021. They had three (3) years to complete that, and it was just never completed. The permit has since expired and has now been voided.

Responding to Mr. Rocha, Mr. Kopp stated that they would need to revise the drawings or have an engineer submit documentation confirming that everything up to that point has been completed.

Responding to Mr. Rocha, Mr. Kopp stated that even if he was doing the work himself, he would need an engineer to go in there and verify it. As far as the mechanical and plumbing permit, the permit was issued on January 26, 2023 and the last inspection was August 9, 2024 for both permits. It has since expired and is not currently active, but it can be renewed. There are no active permits on the property and there is nothing pending on the property according to the system. When a permit comes into the system to the front staff, it is logged in the system.

Responding to Mr. Rocha, Mr. Nicolai stated that when he had called to inquire about any permits that he needed, he was told that his permits were renewed up till April 1, 2025. That was the deadline that he knew he had to get everything completed by. When he called back to say that his permits were not valid any longer, he was told that there were no permits that he needed to obtain. As far as renewing the permit, Mr. Nicolai noted that it was not a problem, and he can redraft all of the information. He is a little concerned that Mr. Kopp had stated that he may have to rip off \$5,000 worth of drywall off the wall in order to confirm what had already been confirmed and videotaped by the city.

Responding to Mr. Rocha, Mr. Kopp stated that they do not conduct the interior inspection. It would be the official decision of the building inspector, but they could be required to rip off the drywall. Mr. Kopp noted that the last inspection was in 2024, but the permits did expire in 2025.

Responding to Mr. Rocha, Mr. Nicolai noted that the electrical inspection had already been completed by an outside vendor. He explained that they had fixed the issues from the results of the inspection. Mr. Nicolai stated that Mr. Scott came back after the issues were fixed. There was one (1) venting issue, and they ended up putting a pocket valve where the shower is at and that took care of that issue. Then there was one (1) line that was actually leaking during the testing, and they took it apart and put it back together right there and then. He noted that he has all three (3) signatures for the initial inspection on the front window. He was under the impression that he was able to have the drywall on due to the pipes already being inspected.

Responding to Mr. Nicolai, Mr. Kopp noted that in the system he can see a mechanical rough that was originally denied and then the rough was approved. Also, the plumbing rough was originally denied and then it was approved. So, there should still be a final inspection on both. The last inspection that is recorded in the system by Chris Scott is August 9, 2024 for both plumbing and mechanical.

Responding to Mr. Campana, Mr. Nicolai stated that he needed to clarify information regarding whether he can get the kitchen, bathrooms up and running and all the permits finalized, he is 85% done. If he has to have floors, carpets, doors, lighting and all of the beautification things, then he is about 70% done. He has to do the entire floors, all of the walls and paint the cabinets. He has to finish the drywall, which is what he is doing now. He is focusing on those three (3) rooms to be able to put those in. If he can say that they need to have the plumbing and everything finalized, he can do it. That is the direction he is going right now.

Responding to Mr. Campana, Mr. Nicolai stated that his goal was to have all the drywall completed in the house by the end of June, and he remains on track to meet that timeline. He is aiming to have everything finished by the end of the year for the final inspection.

Responding to Mr. Campana, Mr. Nicolai stated that he anticipates receiving his certificate of occupancy by December 31st. He explained that he has been working on the project largely on his own but is seeking assistance as needed. Provided there are no unexpected setbacks, he believes he is on track, having followed a timeline he set when the permit was issued in 2023. He noted that he has met nearly all of his target milestones, with minor variations.

Responding to Mr. Neil, Mr. Kopp clarified that based on Code Enforcement's understanding, organizations like Habitat for Humanity, Milford Housing Development Corporation (MHDC), and NeighborGood Partners (formerly NCALL) typically require the property to be owner-occupied as the homeowner's primary residence to qualify for assistance. He added that these programs also have income thresholds and generally support repairs, not complete rebuilds.

Responding to Mr. Kopp, Mr. Nicolai stated he has reached out to a gentleman named Mr. Cooper, who used to be affiliated with Habitat for Humanity and lives down the street from him. He also mentioned that he has been actively networking to find assistance and has a friend who can help with the mechanical work when that phase begins. While he's been working diligently to line up resources, he has still reached this point in the timeline.

Responding to Mr. Boggerty, Mr. Kopp noted that the exterior such as grass has to be upkeep regardless.

Responding to Mr. Boggerty, Mr. Nicolai stated that he just cut the grass and blew all of the extra leaves.

Responding to Mr. Boggerty, Mr. Rocha noted that he does not believe they can exempt him for the year, but they may be able to buy Mr. Nicolai some time.

Responding to Mr. Nicolai, Mr. Boggerty stated that part of me, the heart of me understands but as a councilman, they also have to be fair. Personally, he has to acknowledge that it has been seven (7) years since this project started, and the building still remains vacant. He understands budgets, and he understands that life happens but at the end of the day, that is why they are here. They have to be mindful and considerate of their other constituents and ensure fairness across the board. He explained that Council President Neil recommended allowing a full year, but he is not inclined to support a full year extension. To him, a year feels more like an exemption than a checkpoint.

Responding to Mr. Boggerty, Mr. Neil explained that he recommended giving Mr. Nicolai until the end of the year, December 31<sup>st</sup>.

Mr. Kopp recommended that they should place the fee on hold until December 31<sup>st</sup> and then in the event that the Certificate of Occupancy is not issued, then the fee is reinstated on January 1<sup>st</sup>. This would be if they fail to comply with the provision of this board.

**Mr. Rocha moved to defer the registration fee until December 31, 2025. Failure to obtain the Certificate of Occupancy by this date means that, effective January 1, 2026, the \$5,000 fee will be reapplied, and the city will require that the property be registered as vacant in its eighth year. The motion was seconded by Mr. Neil and unanimously carried.**

Responding to Mr. Nicolai, Mr. Kopp clarified that in order to receive the Certificate of Occupancy, the house must be move-in ready. He noted that while it doesn't have to be visually perfect, it must meet all the necessary requirements for occupancy.

Responding to Mr. Campana, Mr. Kopp stated that he will need to have his renovation permit reissued, followed by obtaining the mechanical permit. He believes the mechanical permit may be eligible for an extension, but the renovation permit will require reissuance.

**Mr. Boggerty moved for an adjournment of the Construction and Property Maintenance Code Board of Appeals meeting, seconded by Mr. Neil, hearing no objection, the meeting adjourned at 4:08 p.m.**

The meeting adjourned at 4:08 p.m.

Andre M. Boggerty  
Chairman

AB/aw