

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

The Construction and Property Maintenance Code Board of Appeals meeting was held on June 28, 2018 at 4:00 p.m. with Chairman David Anderson presiding. Members present were Mr. Lewis and Mr. Martin. Staff members present were Mr. Coburn, Mrs. McDowell and Mr. Pepper.

AGENDA ADDITIONS/DELETIONS

Mr. Lewis moved for approval of the agenda, seconded by Mr. Martin and unanimously carried.

Property Maintenance Code Violation (Chapter 114 – Vegetation, Article II – Weeds, Section 114-32 – Maximum Height) Appeal Of Decision And Fines – 60 South Queen Street And 26 North Kirkwood Street (National Council On Agricultural Life And Labor Research Fund, Inc. (NCALL))

Mr. Ron Coburn reviewed the case history for 60 South Queen Street and 26 North Kirkwood Street.

Ms. Kelleher stated NCALL had contracted Dover Interfaith Mission to cut the grass, provide snow removal, and pick up trash for vacant lots that they owned. However, in February the executive director of the mission left, and the administration management team was overwhelmed with work. Mr. Kelleher handed out an email sent to Interfaith dated May 9th stating that the grass was getting very high and needed to be cut. Time went on and she thought it had been cut, she explained that NCALL was in the process of demolishing properties and this property was scheduled to be demolished by the end of April but continued to get pushed out every week which made coordinating grass cutting fall behind. The property was demolished closer to the end of May.

Responding to Mr. Lewis, Ms. Kelleher stated that violation was received by the accounting department so she did not receive it immediately, but once she had she responded to Mr. Coburn in a letter dated May 23rd.

Responding to Mr. Anderson, Mr. Coburn stated that he had not seen the invoice but typically the violation fine was \$25.00 plus the cost of the cutting which was typically \$50.00 which would make the fine \$75.00.

Responding to Mr. Martin, Ms. Kelleher stated that Dover Interfaith Mission invoiced NCALL bi-weekly for grass cutting. She stated that they were paid \$12.00 per hour. She stated that NCALL had several vacant lots and had done some demolition work so Interfaith had been picking up a lot of trash.

Mr. Martin stated that he thought the partnership between the two non-profits was a wonderful idea but unfortunately, they were still subject to the rules, regulations, and policies.

Responding to Mr. Anderson, Mr. Lewis stated that he left the Interfaith Homeless Mission Board of Directors before he was elected to Council. Responding, Mr. Anderson stated that it was not a conflict and Mr. Lewis was free to vote on the item.

Mr. Martin moved to deny the appeal for 60 South Queen Street and 26 North Kirkwood Street. The motion was seconded by Mr. Anderson and unanimously carried.

Property Maintenance Code Citations (Chapter 22 – Buildings And Building Regulations, Article XII – Vacant Buildings, Section 22-403 – Registration And Registration Fee) – Appeal Of Decision And Registration Fees – 223 North Governors Avenue (Alvin Rohm)
Mr. Coburn reviewed the case history for 223 North Governors Avenue.

Responding to Mr. Lewis, Mr. Coburn stated that the property was pulled from sheriff's sale because the taxes, all the bad fees, were paid.

Mr. Coburn explained the four types of exemptions for vacant buildings.

Responding to Mr. Martin, Mr. Coburn stated that a fire occurred at the property in January of 2013 which led them to discover that it was vacant.

Mr. Rohm stated that the property in question was his grandparents and is located next to his own property. He explained that his grandmother had passed away in 2001 and he had been trying to maintain the property since. He stated that there was a fire in 2012 and at that time his sister was living at the property. However, she left because of the fire and he did not have insurance because he could not afford it. He explained that City staff informed him that the house would need to go on the abandoned building list. The fire company had made a hole in the roof when they took care of the fire, so he thought fixing the hole would get him off the list. He stated that he was not working, only his wife was, so he only had money when he received his tax refund. He used his refund to fix the roof in 2014 or 2015 but it did not get him off the list. He sent a letter to the City asking how to have the property removed from the list and Mr. Taraila responded asking if the fees and taxes could be paid, to which he responded yes. He did not hear back from Mr. Taraila. He stated that a month later the electricity was turned off. He was told that the property would go to sheriff's sale if the fees were not paid.

Mr. Rohm stated that because he did not have an income other than tax refunds it was hard for him to try to fix the property up and pay the abandoned building fee. He stated that he was told he could not get a permit for the property either until the fee was paid.

Responding to Mr. Lewis, Mr. Rohm confirmed that the total amount he owed in building fees was \$5,000.00.

Mr. Anderson stated that he felt that there must have been a miscommunication somewhere. It was his understanding that because Mr. Rohm did not have any past debts, he should be able to obtain a building permit. Once he obtained a building permit and start due diligence to have the building repaired for occupancy, he could ask for the exemption from the fee.

Responding to Mr. Anderson, Mr. Rohm stated that he would like to ask the board to defer the decision for sixty (60) days.

Mr. Martin moved to defer decision on the matter for sixty (60) days. The motion was seconded by Mr. Lewis and unanimously carried.

Property Maintenance Code Citations (Chapter 22 – Buildings And Building Regulations, Article XII – Vacant Buildings, Section 22-403 – Registration And Registration Fee) – Appeal Of Decision And Registration Fees – 60 Ridgely Street (Philip J. McGinnis)

Responding to Mr. Anderson, Mr. Coburn stated that 60 Ridgely Street was occupied and not considered a vacant building, however, 40 Ridgely Street was a vacant building. Mr. Coburn stated that 40 and 60 were the same property, they were two different addresses on the same property with the same ownership however 60 was occupied and 40 was not.

Mr. Coburn reviewed the case history for 60 Ridgely Street.

Responding to Mr. Anderson, Mr. Coburn stated that in a similar case the clock was started as if it was year one, it was not considered the sixth year in terms of the application fee. He stated that it had been ruled on by the board, but the ordinance had not been changed so he had to enforce it the way it was written.

Mr. Lewis moved to start the clock for the vacant building fee at year one (1) beginning on June 28, 2018 and enforcing the year one (1) fee of \$375.00 in the hopes that by the second year Council would have reviewed the ordinance and revised the code. The motion was seconded by Mr. Martin and unanimously carried.

Mr. Lewis moved for adjournment, seconded by Mr. Martin and unanimously carried.

Meeting adjourned at 4:53 p.m.

David Anderson
Chairman

RRC/TM/jt

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Attachments

Attachment #1 - Emails provided by Ms. Kelleher