

Minutes
Board of Building Appeals
January 20, 2022

Members Present:

Levi Collins
Linda Chartrand
Janis Sunderhaus

Others Present:

Anthony DiPietro, Deputy Law Director
Amy Harpster, Building Commissioner
Richard Cotrell, Building Inspector
Mark Spaulding, Appellant
Jeff Radabaugh, Appellant

The meeting was called to order at approximately 3:00p.m. A quorum was present.

Linda Chartrand made a motion to appoint Levi Collins as Acting Chairman. Janis Sunderhaus seconded the motion. Motion carried unanimously.

APPEAL NUMBER 2-21 Spaulding 734 East Third Street, Lima, Ohio 45804

Appeal of Demolition Order #2021003929 dated July 7, 2021

Appellant: Mark Spaulding

Those sworn to provide testimony were Amy Harpster, Richard Cotrell, and Mark Spaulding.

Amy Harpster submitted into evidence her Staff Report for 734 East Third Street. *Janis Sunderhaus made a motion to accept the staff report. Motion was seconded by Linda Chartrand. Motion carried unanimously.*

Amy Harpster reviewed her staff report. Ms. Harpster stated on July 7, 2021 a demolition order for the structure was issued to the Estate of Sharon Latson, for the building located at 734 East Third Street, Lima, Ohio 45804. An appeal of the order was filed on July 12, 2021 by Mark Spaulding. The purchase price of the structure is listed by the Allen County Auditor for a sum of \$1,800 on June 23, 2009. The land assessed value is \$2,800 and the property assessed value is \$23,100 for a total assessed value of \$25,900. A review of the Allen County Auditor's Real Estate Tax Records reflects annual real estate taxes of \$468.64, total taxes currently due \$8,337.42 (**Exhibit A**). The next exhibit shows the layout of the property with no change. Demolition title report liens and encumbrances and other liens of record from June 11, 2021 indicate one mortgage with no other liens or encumbrances. The first repair or demolition order #2020006583 was dated November 9, 2020 and the legal demolition order #2021003929 was dated July 7, 2021. Defects of the structure meet 1420.05 (B, D, E, F, G, I, J, K) Dangerous and

Unfit Structures Defined 1420.07 (B) with no change. An estimated cost of repair for the structure is \$22,602.19 with no change. An audit of the building department records indicates no building permits or permits to demolish have been applied for or issued for the structure located at 734 East Third Street.

On January 19, 2022, an interior inspection was performed by Richard Cotrell. Mr. Cotrell provided an inspection report and photos as his evidence (**Exhibit B, 1-3**). Mr. Cotrell noted the following: Vacant, roof rotted and collapsing onto porch, chimney bricks missing and falling off, siding deteriorating in several areas, window trim pain missing and rotted, front porch floor rotted, windows rotted, rear porch roof collapsed and rotted with large holes, walls rotted, unsafe.

Ms. Harpster stated the owners have not submitted plans with a building permit application or obtained any permits since the first letter of notice on November 9, 2020. The estimated cost of repairs is \$22,602.19. The property taxes due are \$8,334.42. Based on the information presented, the staff recommendation is to uphold the demolition order #2021003929.

Mark Spaulding stated he found out Medicaid has an \$80,000 lien on the property and is no longer interested in repairing the structure.

Linda Chartrand made a motion to uphold the demolition order for the property known as 734 East Third Street. Motion was seconded by Janis Sunderhaus. Motion carried unanimously.

APPEAL NUMBER 5-21 39 Superior Court, Lima, Ohio 45801
Appeal of Demolition Order #2021007002 dated November 4, 2021
Appellant: Jeff Radabaugh

Those sworn to provide testimony were Amy Harpster, Richard Cotrell, and Jeff Radabaugh.

Amy Harpster submitted into evidence her Staff Report for 39 Superior Court. ***Janis Sunderhaus made a motion to accept the staff report. Motion was seconded by Linda Chartrand. Motion carried unanimously.***

Amy Harpster reviewed her staff report. Ms. Harpster stated on November 4, 2021 a demolition order for the structure was issued to ABR Investment Properties for the building located at 39 Superior Court, Lima, Ohio 45801. On November 10, 2021 a revised demolition order #2021007135 was issued to replace the order issued on November 4, 2021. An appeal of the order was filed on November 4, 2021 by Jeff Radabaugh. The purchase price of the structure is listed by the Allen County Auditor for a sum of \$150,000 on April 24, 2018. The land assessed

value is \$1,200 and the property assessed value is \$17,100 for a total assessed value of \$18,300. A review of the Allen County Auditor's Real Estate Tax Records reflects annual real estate taxes of \$710.88, total taxes currently due \$1,858.48 (**Exhibit A**). The next exhibit shows the layout of the property located at 39 Superior Court (**Exhibit B**). Demolition title report liens and encumbrances and other liens of record from October 29, 2021 indicates a mortgage and no liens or other encumbrances. The legal demolition order #2021007135 was dated November 10, 2021 and replaced legal demolition order #2021007002 that was dated November 4, 2021 (**Exhibit C**). Defects of the structure meet 1420.05 (A, B, C, D, E, G, I, J, K) Dangerous and Unfit Structures Defined 1420.07 (B) (**Exhibit D**). An audit of the building department records indicates no building permits or permits to demolish have been applied for or issued for the structure located at 39 Superior Court.

On September 7, 2021 an interior inspection was performed with an inspection report and photos provided as evidence (**Exhibits E1-E7**). Mr. Cotrell noted the following: The stucco is crumbling and falling off the exterior of the walls exposing the clay block and promoting decay of the clay block supporting the exterior wall structure, the roof is deteriorated and appears to be allowing weather elements to enter the structure and promote the decay of the building structure which has allowed the structure to begin to collapse, windows and doors are boarded up and in disrepair, concrete steps are crumbling, first floor is falling into the basement, 2nd floor collapsed, structure is in imminent danger of collapse.

Ms. Harpster stated the owner has not submitted plans with a building permit application or obtained permits since the legal demolition order on November 4, 2021. Based on the information presented, the staff recommendation is to uphold demolition order #2021007135.

Janis Sunderhaus asked if the door was open in Exhibit E2 and could allow entry for children to crawl into the house. Ms. Harpster replied it was open when they arrived for the inspection. Ms. Sunderhaus asked if the structure was unsafe for the neighborhood children to which Ms. Harpster replied yes.

Jeff Radabaugh stated the door is no longer open. Mr. Radabaugh stated the roof is bad. Mr. Radabaugh stated he has a buyer for 20 units and have received estimates on remodeling the inside, outside, roof, stucco, everything. Mr. Radabaugh stated they should be closing in 45 days. Mr. Radabaugh explained it is a 12-unit structure and each individual unit is deeded separately. Mr. Radabaugh stated demolishing 1 unit of the structure could cause structure damage to other units. Ms. Harpster stated there are demolition notifications are pending on all of the units due to the condition of the structure. Linda Chartrand asked if each unit is owned by someone different to which Mr. Radabaugh replied yes. MS. Chartrand asked if the potential buyer is buying all of the units. Mr. Radabaugh replied the buyer will be purchasing 20 of the 24 units between two buildings. Janis Sunderhaus asked if there was a contract in place to which

Mr. Radabaugh replied not at this time. Ms. Harpster stated part of the appeals process is to come and provide financial ability and a timeline. Ms. Harpster stated she is concerned for the children in the area due to the deterioration of the whole row and it is a concern to the neighborhood. Ms. Harpster stated she is concerned with how long the structure exists in this condition. Mr. Radabaugh stated the potential buyer has been in talks with Ms. Harpster and Doug Ditto regarding these structures. Ms. Harpster stated she has not spoken to the potential buyer. Ms. Chartrand stated she is concerned the potential buyer does not own the building and there is no signed contract. Ms. Chartrand stated it would have been nice to have the potential buyer at today's meeting. Ms. Harpster suggested staying the demolition order until the next hearing date so that the potential buyer could provide the documents requested. Ms. Sunderhaus asked what the next process is for appeal if they were to uphold the demolition order today. Anthony DiPietro stated they could file an administrative appeal through the court.

Janis Sunderhaus made a motion to uphold the demolition order for the property known as 39 Superior Court. Motion was seconded by Linda Chartrand. Motion carried unanimously.

APPEAL NUMBER 5-18 500-514 Nova Street, Lima, Ohio 45804

Appeal of Demolition Order #2018003409 & #2018003410 dated June 11, 2018

Appellant: Lorenzo White

Amy Harpster recommended staying the demolition order for the property known as 500-514 Nova Street until July 21, 2022 to allow the appellant to finish the siding and railing on the back porches.

Janis Sunderhaus made a motion to stay the demolition order for the property known as 500-514 Nova Street until July 21, 2022 to allow the appellant additional time to complete the siding and railing on the back porches. Motion was seconded by Linda Chartrand. Motion carried unanimously.

APPEAL NUMBER 4-21 201 East Third Street, Lima, Ohio 45804

Appeal of Demolition Order #2021006109 dated September 24, 2021

Appellant: Christopher Baugh

Those sworn to provide testimony were Amy Harpster and Richard Cotrell.

Amy Harpster explained Mr. Baugh recently passed away.

Amy Harpster submitted into evidence her Staff Report. ***Linda Chartrand made a motion to accept the staff report. Motion was seconded by Janis Sunderhaus. Motion carried unanimously.***

Amy Harpster reviewed her staff report. Ms. Harpster stated notification was sent regarding a partial demolition after a fire. The owner had paid to have the structure removed, but left an open excavation. Ms. Harpster stated this is a danger to the children in the neighborhood. Ms. Harpster asked for the board to uphold the demolition order.

Janis Sunderhaus Made a motion to uphold the demolition order for the property known as 201 East Third Street. Motion was seconded by Linda Chartrand. Motion carried unanimously.

Ashley Blake, secretary for the Board of Building Appeals, stated an appeal was received for the property located at 466-468 South Central Avenue. Ms. Blake stated the demolition order for this property was sent on July 7, 2021 and the appeal was received on December 29, 2021 which is passed the 10 day right to appeal. Ms. Blake said it is up to the board to decide if they would like to hear the case or not at the next hearing date. Ms. Blake stated the property owner did sign for the demolition order that was sent to the in July, but are in the process of trying to sell the property to the appellant. The appellant paid the taxes due on the property before contacting the City regarding this demolition order.

Linda Chartrand made a motion to uphold the demolition order for the property known as 466-468 South Central Avenue. Motion was seconded by Janis Sunderhaus. Motion carried unanimously.

Having no further business, Linda Chartrand made a motion to adjourn. Motion was seconded by Janis Sunderhaus. Motion carried unanimously.

Levi Collins, Acting Chairman