

**Minutes**  
**Board of Building Appeals**  
**April 21, 2022**

**Members Present:**

Levi Collins  
Linda Chartrand  
Janis Sunderhaus  
Bart Mills  
Kim Parks

**Others Present:**

Tony Geiger, Law Director  
Doug Ditto, Assistant Building Administrator  
Richard Cotrell, Building Inspector  
Brandon, Weigt, Property Maintenance Inspector  
LuAnn Lause, Appellant  
Neal Lause, Appellant  
Philip Pang, Appellant  
Chad VanVoorhis, Appellant  
Susan Crotty, Community Development Director  
Todd Gordon, Councilor

The meeting was called to order at approximately 2:00p.m. A quorum was present.

*Linda Chartrand made a motion to appoint Levi Collins as Acting Chairman. Kim Parks seconded the motion. Motion carried unanimously.*

Minutes from previous meetings were reviewed. *Linda Chartrand made a motion to accept the minutes as printed. Motion was seconded by Kim Parks. Motion carried unanimously.*

**APPEAL NUMBER 1-22 101 South Dale Drive, Lima, Ohio 45801**

**Appeal of Plan Denial Letter for Application #2022000795 dated March 3, 2022**

**Appellant: LuAnn & Neal Lause**

Those sworn to provide testimony were Doug Ditto, Richard Cotrell, LuAnn Lause, and Neal Lause.

Doug Ditto submitted into evidence his staff report for 101 South Dale Drive. *Linda Chartrand made a motion to accept the staff report. Motion was seconded by Kim Parks. Motion carried unanimously.*

Doug Ditto reviewed his staff report. Mr. Ditto stated **Exhibit A** is the appellant's original application and drawings depicting their proposed project. **Exhibit B** is the denial letter listing all of the deficiencies relating to the 2019 Residential Code of Ohio. Mr. Ditto stated with the appeal that was filed, the appellant submitted new drawings. Mr. Ditto stated the new drawings

made all of the items from the denial letter go away except for one, which is the foundation is not below the frost line. Mr. Ditto stated the proposal structure meets the requirements based on the 2018 International Building Code. Mr. Ditto stated it is the staff's recommendation to allow a variance for this structure.

***Janis Sunderhaus made a motion to issue a variance for the structure located at 101 South Dale Drive. Motion was seconded by Linda Chartrand. Motion carried unanimously.***

**APPEAL NUMBER 2-22 35 Superior Court, Lima, Ohio 45801**

**Appeal of Demolition Order #2022000966 dated March 9, 2022**

**Appellant: Chad VanVoorhis**

Those sworn to provide testimony were Doug Ditto, Richard Cotrell, and Chad VanVoorhis.

Doug Ditto submitted into evidence his staff report for 35 Superior Court. ***Linda Chartrand made a motion to accept the staff report. Motion was seconded by Janis Sunderhaus. Motion carried unanimously.***

Doug Ditto reviewed his staff report. On March 9, 2022 an emergency demolition order for the structure was issued to Chad VanVoorhis for the structure located at 35 Superior Court. An appeal of the order was filed on March 16, 2022 by Chad VanVoorhis. The purchase price of the structure was listed by the Allen County Auditor for a sum of \$0 on August 19, 2016. The land assessed value is \$1,200 and the property assessed value is \$15,500 for a total assessed value of \$16,700. A review of the Allen Count Auditor's Real Estate Tax records reflect the annual real estate taxes of \$368.06. Total taxes currently due are \$183.03. Mr. Ditto stated this structure is part of the same building where the board had previously upheld a demolition order for 39 Superior Court. Mr. Ditto stated there was a structural failure of unit 41 in this building, which prompted the issuing of several demolition orders. Defects of the structure meet 1420.05 (A, B, C, D, E, F, G, I, J, K) Dangerous and Unfit Structures Defined 1420.07 (B). 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 35 Superior Court.

On April 13, 2022, an exterior inspection was performed by Richard Cotrell. Mr. Cotrell provided an inspection report and photos as his evidence. Mr. Cotrell noted the following: structure is occupied, cracks, window areas not sealed, windows in disrepair, steps crumbling, door escue, window missing,

On April 20, 2022, an interior inspection was performed by Richard Cotrell. Mr. Cotrell provided an inspection report and photos as his evidence. Mr. Cotrell noted the following: water stains on tiles, light fixtures and light switch covers missing, duct work in disrepair, haphazard

wiring, cracks in rear basement wall, each basement has its own demising wall and the demising wall is spalling, hole in ceiling and wall, light coming in around exterior door, plaster peeling and concrete spalling, 220 wire not secure, mold down floor.

Mr. Ditto stated owner has not submitted plans with building permit application or obtained permits since emergency demolition order on March 9, 2022. Based on the information presented, it is the staff's recommendation to uphold the demolition order for 35 Superior Court.

Kim Parks asked if it would be an option to tear down the other units and leave this one standing. Mr. Ditto replied it is a possibility, but that depends on what the owner is proposing.

Chad VanVoorhis asked Richard Cotrell if most of the items were minor. Mr. Cotrell replied most items could be repaired. Mr. VanVoorhis proposed tearing down the other units and keeping his unit and Philip Pang's units. Mr. VanVoorhis stated he is currently doing a lease with the option to purchase contract with his tenant. Mr. VanVoorhis stated he fixed the roof a couple months prior.

Mr. VanVoorhis submitted into evidence his estimates. *Janis Sunderhaus made a motion to accept the appellant's exhibits into evidence, which was seconded by Kim Parks. Motion carried unanimously.*

Mr. VanVoorhis stated he estimates it would cost \$9,200 for materials and \$5,000 for labor to repair the steps, reroute utility lines, and repair the basement wall. Mr. VanVoorhis stated Mr. Pang had received a letter from a design group stating a support wall can be placed at any of the existing party walls. Mr. VanVoorhis was asked why the repairs had not been done. Mr. VanVoorhis replied the structure used to be condemned and he made repairs 2 years prior to bring it up to code.

*Janis Sunderhaus made a motion to uphold the demolition order for the structure known as 35 Superior Court, which was seconded by Linda Chartrand. The motion carried 4-1 as follows: Yeas: Linda Chartrand, Janis Sunderhaus, Bart Mills, Levi Collins. Nays: Kim Parks.*

**APPEAL NUMBER 3-22 33 Superior Court, Lima, Ohio 45801**  
**Appeal of Demolition Order #2022000937 dated March 9, 2022**  
**Appellant: Philip Pang**

Those sworn to provide testimony were Doug Ditto, Richard Cotrell, and Philip Pang.

Doug Ditto submitted into evidence his staff report for 33 Superior Court. ***Linda Chartrand made a motion to accept the staff report. Motion was seconded by Janis Sunderhaus. Motion carried unanimously.***

Doug Ditto reviewed his staff report. On March 9, 2022 an emergency demolition order for the structure was issued to Savvy Capital, LLC for the structure located at 33 Superior Court. An appeal of the order was filed on March 17, 2022 by Philip Pang. The purchase price of the structure was listed by the Allen County Auditor for a sum of \$102,000 on November 22, 2021. The land assessed value is \$1,200 and the property assessed value is \$15,600 for a total assessed value of \$16,800. A review of the Allen County Auditor's Real Estate Tax records reflect the annual real estate taxes of \$318.34. Total taxes currently due are \$0. Defects of the structure meet 1420.05 (A, B, C, D, E, F, G, I, J, K) Dangerous and Unfit Structures Defined 1420.07 (B). 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 33 Superior Court.

On April 13, 2022, an exterior inspection was performed by Richard Cotrell. Mr. Cotrell provided an inspection report and photos as his evidence. Mr. Cotrell noted the following: the stucco is crumbling and falling off of the exterior walls exposing the clay block and promoting decay of the clay block supporting the exterior walls of the structure, deteriorated roof system, large crack in the foundation wall on the east end of the structure, large crack by the second story window on the rear of the structure that has been patched in the past but has opened up again, cracks in the stucco allowing water to enter the space between the stucco and the clay block promoting rapid decay of the block and growth of mold.

On April 18, 2022, an interior inspection was performed by Richard Cotrell. Mr. Cotrell provided an inspection report and photos as his evidence. Mr. Cotrell noted the following: no functional smoke alarm present on the first floor, basement wall adjacent to the stairs is buckling and pushing into the basement, cracks and spalling in the basement walls, storage of materials close to the furnace in the basement which is a fire hazard, was unable to see parts of the basement walls as they were covered with foam board.

Mr. Ditto stated owner has not submitted plans with building permit application or obtained permits since emergency demolition order on March 9, 2022. Based on the information presented, it is the staff's recommendation to uphold the demolition order for 33 Superior Court.

Philip Pang submitted into evidence his exhibits. ***Linda Chartrand made a motion to accept the appellant's exhibits into evidence, which was seconded by Janis Sunderhaus. Motion carried unanimously.***

Mr. Pang presented the board with a letter from a design firm as well as financial statements.

Kim Parks commented with the current state of housing in the City right now, she believes if something can be fixed, she is all for it. Bart Mills stated to be able to fix the basement walls, it would be pricy endeavor. Janis Sunderhaus asked if Mr. Pang would be willing to get an appraisal of his unit. Mr. Pang replied that it would depend on how much an appraisal costs and if Mr. VanVoorhis was on board. Mr. Pang stated his plan only works if Mr. VanVoorhis is on board. Ms. Sunderhaus asked Mr. Pang what he is willing to do. Mr. Pang replied that he would work with Mr. VanVoorhis. A discussion ensued as to what can be done.

*Janis Sunderhaus made a motion to uphold the demolition order for the structure known as 33 Superior Court, which was seconded by Linda Chartrand. The motion carried 4-1 as follows: Yeas: Linda Chartrand, Janis Sunderhaus, Bart Mills, Levi Collins. Nays: Kim Parks.*

**APPEAL NUMBER 4-22 34 Superior Court, Lima, Ohio 45801**  
**Appeal of Demolition Order #2022000953 dated March 9, 2022**  
**Appellant: Philip Pang**

Philip Pang asked that the board proceed to the decision. Doug Ditto stated the interior is similar to 33 Superior Court. Levi Collins asked if the recommendation for this property is the same as the 33 Superior Court to which Mr. Ditto replied that it is.

*Linda Chartrand made a motion to accept Philip Pang's testimony in the previous case as evidence in this case, which was seconded by Janis Sunderhaus. Motion carried unanimously.*

*Linda Chartrand made a motion to uphold the demolition order for the structure known as 34 Superior Court, which was seconded by Janis Sunderhaus. Motion carried unanimously.*

**APPEAL NUMBER 5-22 36 Superior Court, Lima, Ohio 45801**  
**Appeal of Demolition Order #2022000973 dated March 9, 2022**  
**Appellant: Jeff Radabaugh**

Levi Collins asked if the owner was present. Ashley Blake, secretary for the board, stated an email was received by Jeff Radabaugh stating he would be out of town and unable to attend the hearing. Mr. Radabaugh asked for a continuance of his hearing. Bart Mills asked the City if there is an immediate danger with the structure. Doug Ditto replied 41 Superior Court does have an immediate danger, which prompted the emergency orders. The board decided to proceed with hearing the cases.

Those sworn to provide testimony were Doug Ditto, Richard Cotrell, and Brandon Weigt.

Doug Ditto submitted into evidence his staff report for 36 Superior Court. ***Janis Sunderhaus made a motion to accept the staff report. Motion was seconded by Linda Chartrand. Motion carried unanimously.***

Doug Ditto reviewed his staff report. On March 9, 2022 an emergency demolition order for the structure was issued to ABR Investment Properties for the structure located at 36 Superior Court. An appeal of the order was filed on March 21, 2022 by Jeff Radabaugh. The purchase price of the structure was 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 \$7,800 for a total assessed value of \$9,000. A review of the Allen County Auditor's Real Estate Tax records reflect the annual real estate taxes of \$494.20. Total taxes currently due are \$2,333.08. Demolition title report of liens and encumbrances and other liens of record from December 30, 2021, indicates one mortgage to Richard A. and Rosella C. George Living Trust, OR Volume 2018, page 04407 filed April 24, 2018. Defects of the structure meet 1420.05 (A, B, C, D, E, F, G, I, J, K) Dangerous and Unfit Structures Defined 1420.07 (B). 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 36 Superior Court.

On April 13, 2022, an exterior inspection was performed by Richard Cotrell. The following was noted: the stucco is crumbling and falling off of the exterior walls exposing the clay block which is promoting the decay of the clay block supporting the exterior walls of the structure, deteriorated roof system, the front porch of the structure is deteriorated and crumbling, the stucco on the rear has paint peeling and cracks exposing the structural clay block beneath to water promoting the decay of the block and mold growth.

Mr. Ditto stated owner has not submitted plans with building permit application or obtained permits since emergency demolition order on March 9, 2022. Based on the information presented, it is the staff's recommendation to uphold the demolition order for 36 Superior Court.

***Linda Chartrand made a motion to accept the appeal statement of the owner into evidence for this case. Kim Parks seconded the motion. Motion carried unanimously.***

Brandon Weigt stated the owner does not maintain this property. Mr. Weigt stated the City maintains this property by cutting the grass, multiple trash cleanups, and multiple board ups of windows and doors.

***Linda Chartrand made a motion to uphold the demolition order for the structure known as 36 Superior Court, which was seconded by Kim Parks. Motion carried unanimously.***

**APPEAL NUMBER 6-22 37 Superior Court, Lima, Ohio 45801**  
**Appeal of Demolition Order #2022000974 dated March 9, 2022**  
**Appellant: Jeff Radabaugh**

Those sworn to provide testimony were Doug Ditto, Richard Cotrell, and Brandon Weigt.

Doug Ditto submitted into evidence his staff report for 37 Superior Court. *Janis Sunderhaus made a motion to accept the staff report. Motion was seconded by Linda Chartrand. Motion carried unanimously.*

Doug Ditto reviewed his staff report. On March 9, 2022 an emergency demolition order for the structure was issued to ABR Investment Properties for the structure located at 37 Superior Court. An appeal of the order was filed on March 21, 2022 by Jeff Radabaugh. The purchase price of the structure was 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 \$7,800 for a total assessed value of \$9,000. A review of the Allen Count Auditor's Real Estate Tax records reflect the annual real estate taxes of \$494.20. Total taxes currently due are \$2,333.08. Demolition title report of liens and encumbrances and other liens of record from December 30, 2021, indicates one mortgage to Richard A. and Rosella C. George Living Trust, OR Volume 2018, page 04407 filed April 24, 2018. Defects of the structure meet 1420.05 (A, B, C, D, E, F, G, I, J, K) Dangerous and Unfit Structures Defined 1420.07 (B). 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 37 Superior Court.

On April 13, 2022, an exterior inspection was performed by Richard Cotrell. The following was noted: the stucco is crumbling and falling off of the exterior walls exposing the clay block which is promoting the decay of the clay block supporting the exterior walls of the structure, deteriorated roof system, the front porch of the structure is deteriorated and crumbling, the stucco on the rear has paint peeling and cracks exposing the structural clay block beneath to water promoting the decay of the block and mold growth.

Mr. Ditto stated owner has not submitted plans with building permit application or obtained permits since emergency demolition order on March 9, 2022. Based on the information presented, it is the staff's recommendation to uphold the demolition order for 37 Superior Court.

Linda Chartrand asked if the properties were inhabited. Mr. Ditto replied they are not and are currently boarded up. Mr. Ditto stated they have not had water service since 2013.

Kim Parks asked Brandon Weigt if he boarded this property up to which he replied yes.

*Bart Mills made a motion to accept the appeal statement of the owner into evidence for this case. Janis Sunderhaus seconded the motion. Motion carried unanimously.*

*Kim Parks made a motion to uphold the demolition order for the structure known as 37 Superior Court, which was seconded by Linda Chartrand. Motion carried unanimously.*

**APPEAL NUMBER 7-22 40 Superior Court, Lima, Ohio 45801**  
**Appeal of Demolition Order #2022000977 dated March 9, 2022**  
**Appellant: Jeff Radabaugh**

Those sworn to provide testimony were Doug Ditto, Richard Cotrell, and Brandon Weigt.

Doug Ditto submitted into evidence his staff report for 40 Superior Court. *Janis Sunderhaus made a motion to accept the staff report. Motion was seconded by Linda Chartrand. Motion carried unanimously.*

Doug Ditto reviewed his staff report. On March 9, 2022 an emergency demolition order for the structure was issued to ABR Investment Properties for the structure located at 40 Superior Court. An appeal of the order was filed on March 21, 2022 by Jeff Radabaugh. The purchase price of the structure was 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 \$7,700 for a total assessed value of \$8,900. A review of the Allen Count Auditor's Real Estate Tax records reflect the annual real estate taxes of \$494.85. Total taxes currently due are \$2,323.39. Demolition title report of liens and encumbrances and other liens of record from December 30, 2021, indicates one mortgage to Richard A. and Rosella C. George Living Trust, OR Volume 2018, page 04407 filed April 24, 2018. Defects of the structure meet 1420.05 (A, B, C, D, E, F, G, I, J, K) Dangerous and Unfit Structures Defined 1420.07 (B). 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 40 Superior Court.

On April 13, 2022, an exterior inspection was performed by Richard Cotrell. The following was noted: the stucco is crumbling and falling off of the exterior walls exposing the clay block which is promoting the decay of the clay block supporting the exterior walls of the structure, deteriorated roof system, the front porch of the structure is deteriorated and crumbling, the stucco on the rear has paint peeling and cracks exposing the structural clay block beneath to water promoting the decay of the block and mold growth, second floor windows are broken allowing the elements into the structure which is promoting deterioration of the structure and mold growth inside the structure.

Mr. Ditto stated owner has not submitted plans with building permit application or obtained permits since emergency demolition order on March 9, 2022. Based on the information presented, it is the staff's recommendation to uphold the demolition order for 40 Superior Court.

Richard Cotrell stated this unit is adjacent to 41 Superior Court which has collapsed and is also adjacent to 39 Superior Court which the board upheld the demolition order for at the last meeting.

Brandon Weigt stated the City has maintained this property on numerous occasions and continues to do trash cleanups.

Janis Sunderhaus asked how long the water has been off for this unit. Mr. Ditto replied it has been off since 2015.

***Janis Sunderhaus made a motion to accept the appeal statement of the owner into evidence for this case. Linda Chartrand seconded the motion. Motion carried unanimously.***

***Kim Parks made a motion to uphold the demolition order for the structure known as 40 Superior Court, which was seconded by Linda Chartrand. Motion carried unanimously.***

**APPEAL NUMBER 8-22 41 Superior Court, Lima, Ohio 45801**

**Appeal of Demolition Order #2022000914 dated March 9, 2022**

**Appellant: Jeff Radabaugh**

Those sworn to provide testimony were Doug Ditto and Richard Cotrell.

Doug Ditto submitted into evidence his staff report for 41 Superior Court. ***Janis Sunderhaus made a motion to accept the staff report. Motion was seconded by Linda Chartrand. Motion carried unanimously.***

Doug Ditto reviewed his staff report. On March 9, 2022 an emergency demolition order for the structure was issued to Jeff Radabaugh for the structure located at 41 Superior Court. An appeal of the order was filed on March 21, 2022 by Jeff Radabaugh. The purchase price of the structure was listed by the Allen County Auditor for a sum of \$17,800 on July 30, 2018. The land assessed value is \$1,200 and the property assessed value is \$7,700 for a total assessed value of \$8,900. A review of the Allen County Auditor's Real Estate Tax records reflect the annual real estate taxes of \$492.85. Total taxes currently due are \$2,811.18. Defects of the structure meet 1420.05 (A, B, C, D, E, F, G, I, J, K) Dangerous and Unfit Structures Defined 1420.07 (B). 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 41 Superior Court.

On March 4, 2022 **Exhibit C3** notes the rear of the structure has collapsed.

On April 13, 2022, an exterior inspection was performed by Richard Cotrell. The following was noted: the stucco is crumbling and falling off of the exterior walls exposing the clay block which is promoting the decay of the clay block supporting the exterior walls of the structure, deteriorated roof system, the front porch of the structure is deteriorated and crumbling, the stucco on the rear has paint peeling and cracks exposing the structural clay block beneath to water promoting the decay of the block and mold growth, the exterior wall of the rear of the structure has had a structural failure due to extended lack of maintenance and exposure to moisture.

Mr. Ditto stated owner has not submitted plans with building permit application or obtained permits since emergency demolition order on March 9, 2022. Based on the information presented, it is the staff's recommendation to uphold the demolition order for 41 Superior Court.

*Janis Sunderhaus made a motion to accept the appeal statement of the owner into evidence for this case. Linda Chartrand seconded the motion. Motion carried unanimously.*

*Bart Mills made a motion to uphold the demolition order for the structure known as 41 Superior Court, which was seconded by Janis Sunderhaus. Motion carried unanimously.*

**APPEAL NUMBER 9-22 43 Superior Court, Lima, Ohio 45801**  
**Appeal of Demolition Order #2022000979 dated March 9, 2022**  
**Appellant: Jeff Radabaugh**

Those sworn to provide testimony were Doug Ditto and Richard Cotrell.

Doug Ditto submitted into evidence his staff report for 43 Superior Court. *Janis Sunderhaus made a motion to accept the staff report. Motion was seconded by Bart Mills. Motion carried unanimously.*

Doug Ditto reviewed his staff report. On March 9, 2022 an emergency demolition order for the structure was issued to ABR Investment Properties for the structure located at 43 Superior Court. An appeal of the order was filed on March 21, 2022 by Jeff Radabaugh. The purchase price of the structure was 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 \$7,700 for a total assessed value of \$8,900. A review of the Allen County Auditor's Real Estate Tax records reflect the annual real estate taxes of \$485.92. Total taxes currently due are \$2,764.07. Demolition title report of liens and encumbrances and other liens of record from December 30, 2021, indicates one mortgage to Richard A. and Rosella C. George Living Trust, OR Volume 2018, page 04407

filed April 24, 2018. Defects of the structure meet 1420.05 (A, B, C, D, E, F, G, I, J, K) Dangerous and Unfit Structures Defined 1420.07 (B). 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 43 Superior Court.

On April 13, 2022, an exterior inspection was performed by Richard Cotrell. The following was noted: the stucco is crumbling and falling off of the exterior walls exposing the clay block which is promoting the decay of the clay block supporting the exterior walls of the structure, deteriorated roof system, the front porch of the structure is deteriorated and crumbling, the stucco on the rear has paint peeling and cracks exposing the structural clay block beneath to water promoting the decay of the block and mold growth, second floor windows are broken allowing the elements into the structure which is promoting deterioration of the structure and mold growth inside the structure.

Mr. Ditto stated owner has not submitted plans with building permit application or obtained permits since emergency demolition order on March 9, 2022. Based on the information presented, it is the staff's recommendation to uphold the demolition order for 43 Superior Court.

*Linda Chartrand made a motion to accept the appeal statement of the owner into evidence for this case. Janis Sunderhaus seconded the motion. Motion carried unanimously.*

*Kim Parks made a motion to uphold the demolition order for the structure known as 43 Superior Court, which was seconded by Janis Sunderhaus. Motion carried unanimously.*

*Having no further business, Janis Sunderhaus made a motion to adjourn, which was seconded by Levi Collins. Motion carried unanimously.*

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Levi Collins, Acting Chairman