

PROPERTY MAINTENANCE APPEALS BOARD
Monday, February 13, 2023 at 1:00 p.m.
141 N. Front St. Columbus, OH 43215
First Floor Conference Room

The Property Maintenance Appeals Board met at 141 N. Front Street – First Floor Conference Room, at 1:03 p.m. on February 13, 2023. The following members were present:

Pamela Palmer, Chair
Patrick Dukes
Katie McCann
Tony Riffe
Scott Wolf

City Attorney Robert Tobias was present as counsel to the Board. Property Maintenance Inspection Specialist Cassondra Scurlock was present as Board Secretary.

Old Business:

None.

New Business:

PMA-491

The applicant, Sanjay Bhatt, Attorney at Law, submitted a written request to withdraw the variance request via email on 2/13/23 at 8:28am.

Withdrawn

PMA-492

The appellant, Kelsey Krumm, was present. Code Enforcement was represented by Code Enforcement Officer (CEO) Paul Kidwell.

The first matter of business for the Board was to rule on hearing of the appeal, since it had been submitted more than 15 days after service.

Kelsey Krumm explained that she is a student and had also been out of the country for some time, and did not see the violation notice that had been left at the property. Kelsey explained that her roommate had collected mail and placed in a stack, for Kelsey to review upon her return. At the time Kelsey Krumm was in receipt of the violation notice, she then spoke to Code Enforcement Officer Hunter and submitted the request to appeal.

A motion was made by Katie McCann and seconded by Patrick Dukes to approve hearing of the appeal. Motion granted 5-0.

CEO Kidwell provided testimony explaining the exhibits of the case packet along with the current condition of the violation property. The property had been issued notice for violation of CCC 709.03 and 707.03. CEO Kidwell advised the Board that the property remains in violation of CCC 709.03, presenting pictures taken on February 8, 2023 displaying high grass and weeds. Board

member McCann asked if the violation is located on the owner's property or right-of-way. CEO Kidwell said it is located on the owner's property. Board member Dukes asked if this was generated by a complaint. CEO Kidwell said that, yes, it was. Board member McCann asked if the abutting area is an alley. CEO Kidwell said that it is a sidewalk at Alkire Rd.

The appellant, Kelsey Krumm, provided testimony, stating that the area is part of a re-wilding project. Kelsey explained that the area was allowed to grow undisturbed for a season, which was last year. In the spring of this year, Kelsey planned to cultivate the area with native wild flowers. Board member Dukes asked if the area is still overgrown. Kelsey said that yes, she had not started clearing it yet. Board member McCann asked how long Kelsey would need to come into compliance. Kelsey stated that she could begin working on the area this upcoming weekend. CEO Kidwell added that Kelsey may wish to contact ODNR for guidance. Board member Riffe asked if flowers are allowed that grow over 12 inches. CEO Kidwell said yes, as long as they are not classified as noxious weeds. Board member Riffe asked for clarification, if the project is a school project or a personal project. Kelsey said it is a personal project.

A finding of fact was made by the Board, to accept the evidence submitted and to accept the testimony as true and accurate. A motion for the finding of fact was made by Katie McCann and seconded by Scott Wolf. Motion grated 5-0.

A motion was made by Katie McCann and seconded by Tony Riffe to deny the appeal. Motion granted 5-0.

Deny Appeal, 5-0

PMA-493

The appellant, Jacob Mercer, was present. Code Enforcement was represented by Code Enforcement Officer (CEO) Bill Williams.

CEO Williams provided testimony explaining the exhibits of the case packet along with the current condition of the violation property. The property had been issued notice for violation of CCC 707.03. CEO Williams advised the Board that the property is in substantial compliance, presenting pictures taken on February 9, 2023 displaying solid waste that has been removed. Board member McCann asked if CEO Williams would say the property is in compliance. CEO Williams said that the property is in substantial compliance, with only minor scattered litter at the area.

The appellant, Jacob Mercer, provided testimony, stating that the area where the solid waste was located is behind his garage and he is not see that area frequently. Jacob said that in the Franklinton area, trash will show up and he did not place it there. Jacob said that he called and had bulk pickup scheduled to remove the items. Board member McCann asked if he has cameras. Jacob said that he does, but not in that area.

A finding of fact was made by the Board, to accept the evidence submitted and to accept the testimony as true and accurate. A motion for the finding of fact was made by Tony Riffe and seconded by Patrick Dukes. Motion grated 5-0.

A motion was made by Katie McCann and seconded by Patrick Dukes to deny the appeal. Motion granted 5-0.

Deny Appeal, 5-0

PMA-494

The appellants, Kevin Shank and Robin Harris, were present. Code Enforcement was represented by Code Enforcement Officer (CEO) Zach McCandlish and Code Enforcement Specialist (CES) Mike Schwab.

Board chairperson, Pamela Palmer, recused herself.

CEO McCandlish provided testimony explaining the exhibits of the case packet along with the current condition of the violation property. The property had been issued notice for violation of CCC 709.03. CEO McCandlish advised the Board that the property remains in violation of CCC 709.03, presenting pictures taken on February 10, 2023 displaying high grass and weeds. CEO McCandlish also explained the possible ground contamination. CES Schwab added that there was a fertilizer factory that used to occupy the neighboring area, and that had caused contamination of soil. Board member Dukes asked who owns the easement. CES Schwab said that the City does. Board member Dukes asked why there is a no-trespassing sign. CES Schwab said that the City likely placed it there to deter dumping. Board member Dukes asked if the City maintains the property. CES Schwab said that the City does not. Board member McCann asked if anybody has told the appellants that they can go onto the property. CES Schwab said that he does not know, but the appellants may be able to answer that.

The appellant, Kevin Shank and Robin Harris, provided testimony, stating that the property is a family home that they use to help women with alcohol addiction. Ms. Harris said that a few years ago they received a letter from the EPA regarding soil contamination. The area in question has overgrown to the point that there are problems with groundhogs and rodents. Ms. Harris said she questions if the site is still contaminated. Board member McCann asked who installed the snow fence. Mr. Shank said that the City did. Board member McCann asked if they have called 311. Ms. Harris said they have but their requests keep getting closed. CEO McCandlish said that the EPA documents mention the right-of-way area will become part of phase 2. Mr. Shank said it has been closed by the EPA. CES Schwab said that the EPA appears to have settled and closed the issue. Ms. Harris said she wants to know if the area has been retested, and what assurance they have that the area is safe. Board member McCann asked if this is the only area. CEO McCandlish said that he mapping makes it difficult to determine. Board member McCann asked Board Attorney Tobias, if the appeal is sustained, does it run with the land or only with these owners. Board Attorney Tobias provided information regarding the responsibility of the Board, and the limitations regarding the Code section.

A finding of fact was made by the Board, to accept the evidence submitted and to accept the testimony as true and accurate. A motion for the finding of fact was made by Patrick Dukes and seconded by Scott Wolf. Motion grated 4-0.

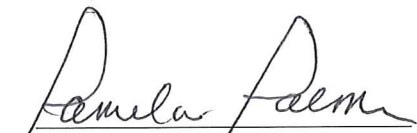
A motion was made by Patrick Dukes and seconded by Scott Wolf to deny the appeal with modification, to grant an additional 90 days (5/8/23) to come into compliance. Motion granted 4-0.

Deny Appeal with modification, to grant an additional 90 days (5/8/23) to come into compliance, 4-0

A motion was made by Katie McCann and seconded by Patrick Dukes to accept the January meeting minutes from January 9, 2023. Approved 5-0

Introduction of our new Board member, Tony Riffe.

There being no further business, Katie McCann made a motion to adjourn the meeting at 2:07pm, seconded by Scott Wolf. Meeting adjourned 5-0



Pamela Palmer
Chairperson



Cassandra Scurlock
Secretary