

Building and Zoning Appeals Minutes

Stow City Hall Boards and Commissions, Monday, May 13, 2013, at 6:00 p.m.

Members Present: Cyle Feldman, Robert Knight, Richard Hodge, Edward Franks, and Mike Svasta

Members Absent: None

Also Present: Virginia McKillip, Debbie Davis, Christian Costello, Tony Falecone, Mary Granata Smith, Teresa Kukuk, Joseph DiLullo, Steve Dubetz, Thomas Dubetz, John Long, Eric Young, Loretta Junis, Heather Smith, Pauline Granata, Sy Cymerman, Amber Zibritosky (Deputy Law Director), Lt. Richard Ray (Fire Prevention), Tony Catalano, Bobbie Carper, and Mary Botts

Meeting called to order by Mike Svasta at 6:08 p.m.

Approval of Minutes: Motion to approve minutes of the April 8, 2013, meeting by Mike Svasta. Motion seconded by Robert Knight, all yea's, no nay's, motion passed 5-0.

Case #13-002

This is a request by Virginia McKillip to appeal an administrative decision by the Building Department giving her 30 days to vacate the condemned property at 554 Seasons Road. Due to the time of year of the administrative notice and the property owner's disability, Ms. McKillip is requesting until June 30, 2013 to remove her belongings from the residence. Section 1137.05(1) provides recourse for anyone who feels adversely affected by an administrative decision by appealing it to the Board of Zoning and Building Appeals.

Ms. McKillip was sworn in. Mr. Svasta stated the Board received your appeals request. I understand you want additional time to allow you to remove your belongings. Ms. McKillip said four generations of my family have lived in that house so I have an attic full, a basement full. There are a lot of things to go through and I have no help until school is out and then I have a couple of kids that are going to come help me. Mr. Svasta asked Ms. McKillip if June 30th would give her enough time to get your belongings out and Ms. McKillips said she thought so.

Mr. Svasta asked if the Board had any questions. Mr. Edwards asked you are not appealing the fact that the property has been condemned, just asking for time to remove your belongs? Ms. McKillip said she was led to believe that that would do me absolutely positively no good so I guess not. Mr. Hodge asked if it was safe to go in the house. What I have seen from the outside, if the inside is half as bad, it could be dangerous for someone going in. Ms. McKillip said the beams in the basement are this thick. It was built from ship's timbers hauled from Lake Erie, they are cedar. I don't think it is going to fall down anytime soon. Mr. Hodges said what about the roof falling in? Ms. McKillip said I don't think so. The timbers in the

attic are 18" thick. Mr. Knight asked if we can get an opinion from the Building Department on the condition of the structure? Mr. Catalano, said if you have ever visited this site, you are aware of the situation. We would not oppose having a problem with the June 30th deadline provided that the appellant sign a liability waiver, which we have accepted in the past; that she would go in and allow her to go in and get her things. Mr. Knight asked if this has been presented to the appellant, the idea of a waiver? Ms. McKillip said she was more than willing to sign it, it is not a problem. Mr. Knight said so you are willing to sign a waiver and Ms. McKillip said yes. Mr. Hodge said I think we need to make that signed and approved beforehand or a condition of our approval. Mr. Catalano said between now and June 30th I would like the opportunity to go in and do assessment for asbestos and abatement if possible. Mr. McKillip said she didn't think there was any asbestos in it. Mr. Catalano said we don't know that for certain and we are going to have to make that evaluation in order to run this property through Moving Ohio Forward. Ms. McKillip said there may be some on the outside of it, I don't know about the brick shingles. That may have asbestos. Mr. Catalano said we will have to do an analysis, an assessment and then we abate if possible. Mr. Catalano said do you see any problem with that Amber (Deputy Law Director)? Ms. Zibritosky said she did not see a problem with that and it can be part of the waiver that we draw up, perhaps as a condition of an extension that she would have to let you in to do. Mr. Knight asked who was going to pay for that abatement, if necessary? Mr. Catalano said the City pays for it, we pay for the assessment and the abatement and the costs are partially covered through the State program. Ms. Carper said the asbestos abatement is required in order to qualify for that. Mr. Feldman asked if someone could education him on the timeline. Mr. Catalano said we declared the building a dangerous building on February 13, 2013, and Ms. McKillip filed an appeal almost immediately. We had it scheduled for last month's appeal. Ms. McKillip said and supposedly my lawyer was going to be here tonight and he's not. Mr. Catalano said so that is how we ended up here this evening. Mr. Hodge said there was nobody here last time. Mr. Feldman said so between now and February, have any of your belongings been removed? Ms. McKillip said yes. Mr. Feldman said so you have started the process of removing things? Ms. McKillip said yes. Mr. Knight asked if Ms. McKillip was living in the building now and Ms. McKillip said no. Mike Svasta asked Mr. Catalano, if he had two items? Mr. Catalano said the asbestos assessment and abatement and then I think that is all we need to do between now and then. Ms. McKillip asked where she goes to sign the waiver? Mr. Catalano said the Law Department will prepare the waiver and then it will be in the Building Department for you to sign. Ms. Zibritosky said it will be ready probably by the end of this week. Mr. Catalano said you don't have any problem with us going in and doing the assessment? Ms. McKillip stated no. Mr. Catalano said that way we can move forward with restoring the property immediately following. Mr. Knight said the property remains in the appellants name? Mr. Catalano said correct. Mr. Hodge asked what kind of timeline are you looking at? Mr. Catalano said it depends on what they discover in the assessment but generally speaking, just a few days. Mr. Hodge said so once it is cleared, she can go in. Mr. Catalano said she can go in now. That is not going to interfere with the assessment. Ms. McKillip said like I said, there is a lot of stuff. When four

generations have lived in one home, everybody acquires stuff. Mr. Knight asked if they were going to do a Phase 1 on this oil tank, Phase 2? See what has been leaking out of that oil tank. Mr. Catalano said no, not on residential property, I don't think we do that. Mr. Knight said it looks like something has been leaking. Mr. Edwards said it does look like something has been leaking. Mr. Knight said so you don't have any authority to require that it be remediated also? Do you have the authority to notify the EPA? Mr. Catalano said that he did not think they would be interested in a resident's property, but we could delve into....generally speaking on a residency, the EPA has very little interest unless it was used as commercial activity at some point, they have very little interest. Mr. Knight said maybe a phone call? Mr. Catalano said yes.

Mr. Svasta had a question for the Deputy Law Director; the waiver that Ms. McKillip signs, do you have an official name for that? What is the form? Ms. Zibritosky said it is something that we created, one that we have used a lot. I would look it over and make sure it fits the situation, it is a general liability form that we created.

Mr. Svasta asked if there were any questions from the Board or any questions from the audience. There were none.

Motion for approval of Case #13-002, granting Ms. McKillip until June 30, 2013 to remove her belongings from the residence on the condition that she signs a general liability waiver and allows the city officials to do an asbestos assessment and abatement of the property. Ms. McKillip said yes. Seconded by Edward Franks. All yeas, no nays, motion passed 5-0.

Case #13-004

This is a request by Eric Young, property located at 1485 Woodlake Boulevard, for a variance to place an accessory structure one foot from the rear and side property lines. This property is located in an R-1 District. Section 1143.07 states that any detached accessory building is required to be a minimum of six feet from the rear and side lot lines.

Mr. Young was sworn in. Mr. Svasta asked Mr. Young if he would tell them about his variance request. Mr. Young said he would like to add an additional storage shed for the property. The property is a corner lot so I have two essential front yards to my property, as well as there is a grade to the property that slopes to the far rear corner so I really only have one corner of the property that would be suitable for a shed, that would be appropriate or would fit in the space with the guidance of the ordinance. I have been talking to my neighbors and I would put a shed up to and adjacent to the rear corner within the 6' requirement of the ordinance. I did that after getting and speaking to both adjacent neighbors prior and they both agreed. Mr. Svasta asked if any of the neighbors were there today. There were none. Mr. Svasta said when he visited this property, I noticed there was a cable TV pedestal there in that back corner. Have you talked to the cable company? Mr. Young said he was not able to get a straight answer, I called Time Warner. Mr. Knight asked if there was any reason why you couldn't move this off

the line in both directions to maintain the offsets? Mr. Young said in front of where I want to put it, it is very marshy and wet. I am going to have to get the shed up off the ground. As for the aesthetics, I was hoping to keep as much of the yard as useable as I could. That was my hope in keeping it where it was at. It was just getting the most of using my yard since it is my only yard. Mr. Knight said so moving it to this side is not an option. Mr. Young said not without removing a large tree and/or on the street side, there is a graded hill. Ms. Carper said the shed also has to be 12' from the residence. Mr. Svasta said the reason I mention the pedestal is that the shed is going to be right on top of the pedestal. Utility work will need clearance to get into that pedestal to do maintenance. Mr. Young said if the Board would approve I don't have any problems moving 4' to 6' away from that pedestal if I can remain within what the ordinance requires on the rear side of the shed away from that pedestal. Ms. Carper said if for some reason the utility would need to do work back there, they have the right to tear your shed down and not replace it so moving it away would be a good idea. Mr. Young said the electric company and the phone company did not mark any lines to it. They marked the internet lines. Mr. Feldman asked if the neighbor closest to this shed was okay with it? Mr. Young said his answer was he doesn't use that part of my property so I don't have a problem with it. There is a split rail fence that lines it right now and we are probably going to replace where that fence is and put the back of the shed on it and he didn't have any problems with it. Mr. Knight said so you don't know whose service comes out of that back pedestal, whether it is just yours or your neighbors on either side? Mr. Young said I did not ask about any of the other properties. Mr. Knight said those properties have potentially more than one service coming out of it. Mr. Young said OUPS did not mark any lines to it.

Motion to approve Case #13-004 by Richard Hodge, seconded by Edward Frank. Motion amended with the condition that a 6' setback from the west property line and the 1' setback from the north property line for maintenance of the utility pedestal, motion by Cyle Feldman, seconded by Richard Hodge. Motion passed 4-1.

Case #13-005

This is a request by CitiMortgage, Inc., property located at 2017 King Drive, to appeal an administrative decision by the Building Department giving 30 days to repair or remove the condemned property at 2017 King Drive. Section 1137.05(1) provides recourse for anyone who feels adversely affected by an administrative decision by appealing it to the Board of Zoning and Building Appeals.

Case Withdrawn

Case #13-006

This is a request by Christian Costello, property located at 5216 Beckett Ridge, for an additional 16 foot rear yard variance to permit construction of a deck under 30 inches. A previous rear yard variance of 3 feet was granted for the construction of the principal residence in 2011. The property is located in an R-1 PUD District. The recorded plat for this development established a 45 foot rear yard setback.

Mr. Costello was sworn in. Mr. Costello stated I am asking for a 16' variance to construct a deck. Back in 2011, we constructed the residence to comply with the square footage requirements of the neighborhood. We had to build a big enough house to go along with those requirements and because of our irregular shaped lot (it is a pie shaped lot), it is narrow in the front and we had to push the house back farther into the lot. Anything I would put on the back of the house would require a variance. I have spoken with all the neighbors around, front, back and both sides. Mr. Knight asked what the square footage of the house and Mr. Costello said he believed it was 2900 square feet. Mr. Svasta said the house already is into the setback by 3 feet? Mr. Costello said just under, yes. Mr. Svasta said so you are asking for an additional 16' for the deck? Mr. Knight said that 2900 does not include the garage, correct? Mr. Costello said correct. Mr. Knight this is a case of a too big of house on a too small a lot and you all know my position on that. There were no more questions.

Motion to approve Case #13-006 by Mike Svasta, seconded by Richard Hodge, motion passed 4-1.

Case #13-007

This is a request by Thomas Dubetz, property located at 3280 Kent Road, to appeal an administrative decision by the Building Department giving 30 days to repair or remove the condemned property at 3280 Kent Road. Section 1137.05(1) provides recourse for anyone who feels adversely affected by an administrative decision by appealing it to the Board of Zoning and Building Appeals.

Mr. Tom Dubetz said basically, I went over to Tony afterwards, after we got the notice and I went in there and I just want to have specifics of why this is a dangerous building. We are willing to fix whatever is on there. We already started doing the work within the thirty days and I have an architect, and a number of other people who went in there looking for these things, but I am just bringing one in just to save time for the Board. If you have any further questions because we don't see why the building, we don't know what we need to know. How can you fix something when you don't know what to fix? That is basically it. We do have some pamphlets from the gentleman (architect report). Mr. Steve Dubetz was sworn in (he is one of the sons of the owner). Mr. Dubetz passed around pamphlets. The most recent one was done in an attempt to know what to fix so all we are asking for is more time to work with Tony and make the building acceptable to the Building Department. Mr. Tom Dubetz said the building is in use right now, we are using it for storage because obviously there are limitations. The author of the reports is right here (Mr. Cymerman, an engineer, was sworn in). Mr. Tom Dubetz said we can exchange contract information and try to get this resolved. Mr. Svasta said just to be clear on what you are requesting here. The City has condemned your property and has given you 30 days to repair or remove the condemned building and you are appealing is... Mr. Tom Dubetz said we want to save the property, obviously, and we had had some disagreements, but if he (Mr. Catalano) can show us the specifics of what he wants done to make it not a dangerous property, we will

comply but we need the specifics. It is hard to do something without being told what to do. Mr. Svasta asked Mr. Catalano to review the findings. Mr. Catalano said you all have a copy of this memo that we sent out (Ms. Carper made copies of the memo). Mr. Hodge said this has been going on since December, 2010, and here we are in May, 2013, almost two years later. Mr. Dubetz said we did what they told us do and he wouldn't be specific on what to do. Mr. Catalano said we prepared a slide show for your viewing. Mr. Catalano said let me go back. This building was formally occupied by Myers Appliance in 2005. In 2005, Myers Appliance moved out of the building and moved across into the strip plaza and the building, for all intensive purposes, has been pretty much vacant since 2005 except for a short period of time in 2007 when Walcott Carpet occupied the structure for sample sales until their building out in Ravenna was reconstructed. I am not sure exactly, I think they were only there for six months or so. The building has been vacant since. In December, 2010, we received some complaints about the building so myself and the Fire Marshall went out there and the building was open so we went in to see what the conditions were. Pretty much what you are going to see on the slide show is what we encountered. You (The Board) have all received copies of the correspondence that we sent to Dubetz. I sent an initial letter out saying that we encountered these issues with your building, here is the circumstances and please contact us. We didn't get a reply. In January, 2011, we designated it a dangerous building per these photographs. We have siding missing, roof was open, the eve where the gable vent is, downspouts and gutters. Someone asked what the date of these pictures were and Mr. Catalano said the pictures were back from when we were there in late 2010 in January. Mr. Dubetz said those have all been repaired. Mr. Catalano said these are the conditions we encountered, gutter and downspout, we thought the foundation buckled on the east side of the building, rotten and peeling windows, gutters missing, steps in disrepair. These conditions right here exist today on that building. That chimney we found, it has since been plastered but we are still not sure what the inside of the chimney is, we know it had some plastering done to it without inspections and no permits were issued. Broken windows, rotten sashes and the interior, that is what we encountered in 2010. The ceilings had collapsed. That is pretty much the condition and we have not been back in that building since to see if any of this stuff has been fixed. The initial complaints were vandalism, you can see someone was in bashing holes in the walls and tearing it up pretty good inside. Today, this is what we find in the building (picture of items shown) storage in an unoccupied vacant building, which the Fire Marshall has some issues with as well and has prepared a letter for the property owners. Ms. Carper said she gave them a copy of it. Mr. Catalano said that is immediately inside the doors (picture). It is kind of hard to see but it is just full of miscellaneous stuff, debris, so that is what we encounter today.

Mr. Catalano said let me just go through the timelines with you. We declared the structure in 2011 a Dangerous Building and Tom Dubetz requested that I put in writing a list of the deficiencies which I provided in a letter on February 7th, you have that attachment. Although it was general in nature, it pretty much outlined the problems we had with it. The roof covering was leaking water, the windows were cracked and broken, the exterior paint was peeling and was in very disrepair.

Gutters and downspouts were missing, disconnected or in disrepair, the unsafe exterior stairway, which to this day, on the side of that building, is deficient, deficient HVAC system and electrical. That building had taken on a lot of water, eaves and gutters had dry rotted, and I use the term dry rotted loosely. It was just rotten wood. Exterior siding dry rotted. We provided this letter (letter dated February 7, 2011). As a result of that letter, Mr. Dubetz requested an onsite meeting, which myself, the City Engineer and Fire Marshall attended and we walked through the building with Mr. Dubetz. At that time, we agreed to let them produce a restoration plan, we agreed to that; provide us a restoration plan to bring this building into compliance with City Codes, etc. It never happened, we did not get a restoration plan. Mr. Steve Dubetz said I was at that meeting and I don't remember anything about a restoration plan. Mr. Tom Dubetz said we had the meeting recorded, videoed, everything, going through the building. Mr. Catalano said at that time, the City agreed to delay taking action on the building, pending receipt of a building restoration plan for review and approval. On April 18th, another letter was mailed, which I have it right here, I have the letter, another letter was mailed to Mr. Dubetz requesting restoration plans, you all have a copy of that letter that I sent to him. The response was zero, we got no response. Then I sent that information over to the Law Department who on June 2, 2011, sent him a letter to which he replied, finally, by coming into the Building Department, and you picked up a permit to repair the roof. On June 2, 2011, the Law Department sent Mr. Dubetz a letter warning of legal action if work did not begin promptly to bring the property into compliance with City Ordinances and Codes. On June 6, 2011, Tom Dubetz applied and was issued a reroof permit, he patched the roof in the area of the addition in the front of the building that was leaking that caused the ceiling to collapse, and we believe, at approximately that same time, he white-washed the building, and that is the extent of the work that we know that was done to bring this building into compliance. On August 8, 2011, the City Engineer and I, again visited the property to determine compliance with City Codes, however, restoration remained incomplete. So fast forward to this past April 6, 2013, we condemned the building again. We have been going over this and over this with these people. This building is a blight, it is in disrepair, and it needs to be dealt with now.

Mr. Knight asked Ms. Carper to go through the pictures again (slide show). Mr. Knight had some questions on them. Mr. Knight said he is going to look at each picture, and you (Mr. Dubetz) are going to tell me what the status is today as we sit here. Picture Number 1, has that been implemented? Mr. Dubetz said the windows have been replaced. Mr. Knight said what about the siding? Mr. Dubetz said the board is still off because basically you can see it is structurally sound. Mr. Knight said when you say the windows have been replaced, in the entire building? Mr. Dubetz said not every window needed to be replaced, like the big panel windows but the other ones have. Mr. Knight said so when you say they have been replaced, just the glazing or the frame? Mr. Dubetz said it is totally new windows. We are going wrap them but it is going to take a little bit more time. Mr. Knight asked on the next slide if that had been repaired? Mr. Dubetz said that we have not got to them. The next slide Mr. Knight asked what the status was of the electrical system, is the power on to this building? Mr. Dubetz said we don't have

the power on because we don't have a need for the power to be on. Mr. Knight said what about the downspout condition? Mr. Dubetz said it has been repaired. The next picture, the foundation wall, Mr. Knight said it appears to have some bowing to it. Mr. Dubetz said it is structurally sound. Mr. Dubetz said they had one block that was pushed in on the side of Stow Cone and over by the step by the stairs going in, they requested that there was a hole there, we filled that in, he (Mr. Catalano) never came on out to see anything so we did what they said. Mr. Knight said when you talk about the structural integrity of that wall, who is telling you that it is structurally sound? Mr. Dubetz said the architect behind us. Mr. Knight said an engineer or an architect? Mr. Cymerman said an engineer as well, I am a professional structural engineer. The only damage to that wall was a traffic impact, a vehicle impact. They pointed to that and said this wall is buckling, it was one block. Mr. Dubetz said it was one block and we repaired that. Next slide, Mr. Knight said are these windows still this way or have they been repaired? Mr. Dubetz said the small ones are still there but the other ones have all been replaced. Next 2 slides, Mr. Knight asked what was the condition of those steps? Mr. Dubetz said when we went there on the video, I was jumping up and down a couple of feet in the air on the steps and the steps were very sturdy. Mr. Knight said is that the condition of the steps today? Mr. Dubetz said yes. Next slide, Mr. Knight asked if they tuck-pointed this (chimney)? Mr. Dubetz said they said to make sure that we fixed that immediately so we got up there and made sure no bricks would fall. Mr. Knight said what about the condition of the flue, is it a functioning fireplace? Mr. Dubetz said no, it is not functioning. Mr. Knight said so this chimney as it stands with the repairs you made is structurally sound? Mr. Dubetz said yes. Next slide, Mr. Knight asked is the air conditioning unit still there, windows replaced? Mr. Dubetz said those have been replaced. Next slide, Mr. Knight said on the clean up, where do you stand, is that cleaned up? Mr. Dubetz said yes. Mr. Knight said what about the wall cracks, are those superficial? Mr. Dubetz said superficial, there is a leak in the building which made that stuff fall, that is the reason why the water was inside the water, the roof was seven years old, the City approved it, we went in and videoed during the time period that they said, that is why we had the newspapers down, showing that there was no leaking in all the time period but we did replace the front because we thought he was correct on the patio/porch. Mr. Knight asked if the water service was on to the building? Mr. Dubetz said no. Next slide, Mr. Knight asked is the ceiling fixed? Mr. Dubetz said that was from the humidity. Mr. Knight said what is the status of it as of today? Mr. Dubetz said the status is basically it is still solid up there, we have left the things there but nothing is falling down or anything of that nature, we have pulled things out of the way. Mr. Hodge asked but has it been repaired? Mr. Dubetz said as for the plaster and that, no, we haven't done the plaster. Next slide (holes in wall), Mr. Dubetz said that has not been repaired. Next slide, Mr. Knight said so now this is a storage facility, are there any flammable liquids, kerosene, gasoline, diesel fuel? Mr. Dubetz said no, there isn't even any gas going to the building whatsoever. Mr. Knight said do you consider this storage material? Mr. Dubetz said yes, that is storage material, this is commercial storage. Mr. Catalano said it is commercial district and from what we can tell, it appears to be stuff that maybe came out of rental units or furniture, it is just miscellaneous items that are now being stacked up and stored.

Mr. Dubetz said they are in the process of putting up glass block for all the basement windows. Mr. Knight asked if there has been an estimate of the cost for the repairs to bring this back to code? Mr. Dubetz said we don't know the specifics for what he wants done. Mr. Knight said well there are some pretty obvious things there that could be done, make the electrical sound so you can hook it up, make the plumbing system sound so you can hook it up, remove the debris and eliminate the fire hazard, fix the walls, windows, ceiling, roof. Mr. Steven Dubetz said I don't know if there has been any talk about the electrical system being bad, we just quit paying the bill and turned it off. The City approved for having the electric go on in the building but since we have no water. Mr. Knight said I was trying to establish a situation here. Mr. Dubetz said the City of Stow approved the electric. Mr. Knight asked what the date was on that? Mr. Dubetz said that was 2/10/2011. Mr. Knight said that was shortly before your first letter? Mr. Dubetz said that was after. Mr. Catalano said we agreed to reenergize the building in anticipation of repairs, but guess what? It didn't happen and hasn't happened to this day. Mr. Dubetz said okay. Mr. Knight said so there are x number of dollars that have to be sunk into this building to bring it up to code? Do you have the financing or whatever x number of dollars you need? Do you have a timetable? Mr. Dubetz said on condition we get the specifics from him (Mr. Catalano), we can make a timetable. We need specifics to know what we have to fix. Mr. Knight said that is pretty nebulous because specifics can be very minor and there are some pretty obvious stuff there that should be implemented immediately and that would show a really good faith effort, the fact that you had done the work, you have spent the money, you have made a commitment to the City to bring this building back into condition. Mr. Dubetz said we have spent thousands of dollars on this building right now and beforehand also. Mr. Knight said but you still haven't satisfied the Building Department. Mr. Dubetz said they haven't told us what to fix. Mr. Knight said no, I take exception, there is some pretty obvious deficiencies there that anybody can see that should be implemented. Is that a fair statement? Mr. Dubetz said the obvious ones have been addressed, those pictures are years old, those are the original pictures. We just need the time to do it. That is it. We would like to list the property for sale and we can't do it as long as this condemnation is in effect. We believe we can get more for it with the building on it than we would without it, even if they have to do a major renovation on it so, my understanding is that we have to get the condemnation notice off of it before we list it and we want to make the building condition acceptable to the Building Department, get the condemnation notice off so we can list it. We have already been talking with Craig DeLorenzo, who is the agent on the property to the west and then he would be the same guy doing both of those properties at once, it could be a good thing for the City but we are being told we can't list it. Mr. Hodge said if you have an architect and you are a structural engineer, it looks like to me that between the two of you, you could have got some people in there and say, what do we need to do to get this building up to code and apparently, that has not happened yet. Mr. Dubetz said no. Mr. Steve Dubetz said we don't know what the occupant would want and we wouldn't want to put money into it. Mr. Knight said I could venture to guess that the future occupant doesn't want ceilings falling and holes in the walls. Mr. Dubetz said

maybe he doesn't want that wall there so why repair it? Mr. Knight said that isn't even the proper approach. If a future occupant wants to change the nature of the structure after they purchase it, that is their right to do so, but it has to be in a sellable condition that is satisfactory to the Building Department. Mr. Dubetz said a future buyer could tear the building down, you don't know, but we believe we would get more if the building is still there and that is why we are appealing this. Mr. Knight said so your sole position, if I can state it for you and then you can tell me if I am right or wrong, your sole position is that you don't have enough detail from the Building Department to be able to address the specific issues and that has gone on for about two years. Mr. Dubetz said we got a letter in April saying to commence repairs. Mr. Catalano said this doesn't go back two years, this goes way beyond 2010. We have records that go back into the 70's. Mr. Dubetz said we don't have anything from the City on 1970's and 1980's on that building. Mr. Catalano said we are just dealing essentially from 2010 when we originally declared the building a Dangerous Building in January, 2011. Since then, except for a letter from our Legal Department, these people have ignored the City and our request to bring that building into compliance. It continues today and the pictures tell the story. I don't know if any of you have had the opportunity to go out and visit the building but you can see clearly that it is in blighted condition, it remains that way. Mr. Knight said this has been a two year process, from January 2011 until today, 2-1/2 years later. Mr. Dubetz said when we had them come in to inspect, because we allowed them to enter the building, they came on in and pointed out objects to be repaired. We repaired those. Then after that, we had no notification from the City, we didn't even know what was going on still. Mr. Knight said so you didn't receive any of these correspondences? Mr. Dubetz said we got those, but then we had them come in and inspect the building, we repaired what they specified when they inspected the building, and then we had no other correspondence so when we got the April 8th letter, we said okay, this is a new action. Mr. Knight said so when you implemented those repairs, you were prepared to put it on the market? Mr. Dubetz said actually we were. Mr. Knight said you expected to get a valid offer? Mr. Dubetz said we had valid offers and actually one was going in there but when this April 8th letter, being that we have to disclose that to the buyer, his only concern was basically not so much the money, he wanted to have the zoning in the back for a parking lot because he wanted to take that property and the property next to it and put one building there to have the parking for it and he needed that back part, but after we had that letter from the City, I had to disclose that to him, because it would be immoral not to. Mr. Knight said it seems to me that there is an impasse here to a certain degree and I can't honestly sit here at this moment and time and say whether or not you are in the right or the City is in the right. Mr. Dubetz said we just wanted them to state what he wants repaired. Mr. Knight said this is just one board member's opinion. Mr. Dubetz said no, I am just saying that we just want specifics on what he wants. When he says the building side wall is caving in, show us where it is caving in. Mr. Knight said no, I think the obligation is structural analysis to show...these are a bunch of observations, these are not structural analysis. Mr. Cymerman said if there was excessive deflection, that would be an observation.

Mr. Catalano said I would like to refer everyone to a letter that I sent to the Dubetz dated April 18, 2011. I will read the second paragraph that went out to them and this is in response to our onsite meeting. We had not received the restoration plans. I wrote, "A few months have passed and the weather is no longer an issue. The City has yet to receive a restoration plan per our agreement. The building remains a blight and a dangerous building pursuant to Chapter 1311 of the Codified Ordinances. To date, we do not have that restoration plan". That is the copy of my letter that they received. We have been over this, under it and around it and I think the City has been more than fair and more than objective in working with the Dubetz to try to bring this building into compliance. Today, it remains a blight, in disrepair, and it is apparent that they only want to do what they have to do. This building is going to stay this way, in the immediate future and maybe beyond. Mr. Knight said any response to the fact that this letter states what it states about a plan for restoration? Did you or did you not provide a plan for restoration subject to this letter? Mr. Steve Dubetz said I don't know who this letter is addressed to. Mr. Knight said Ms. Julia Bower Dubetz, 4301 Stow Road. Mr. Dubetz said this is the first that I have heard of this letter, but it is over two years old. Mr. Knight said who is this person? Mr. Dubetz said that is the owner. Mr. Knight said the owner did not make this available to you in the process? Mr. Dubetz said I don't know if we received it. Mr. Knight said so the U.S. Mail did not get it to her. Mr. Dubetz said I don't know. She is 85 years old. She may have lost it, who knows? Mr. Knight said so this is the official correspondence of the City of Stow and this is not the only communication you have had regarding this property. Mr. Dubetz said we thought the 2010 and 2011 issues were all resolved, we didn't hear anything. It has been two years. Mr. Knight said this is not old and new, this is one property that is in disrepair and it has been in disrepair for a long period of time and let's not get caught up on back then and now because this is all one issue. Mr. Dubetz said you can't look at pictures from back then and say, we are going to tear it down now because of what it used to look like, I don't think that is fair. Mr. Knight said the question I want to know is where is the remediation plan? Where is it? Do you have it? Can you show it to us tonight? Mr. Dubetz said we are asking for specifics so we can prepare one. Mr. Knight said you are asking for..? Mr. Dubetz said an extension to get specifics of the Building Department on what needs to be fixed to make it acceptable? Mr. Catalano said this is semantics here. This is like we will never be able to provide them what they need to bring this building..... he is a professional engineer, he is an architect and he is a rental property manager. These people know what is wrong with this property, they know what is wrong with it.

Mr. Knight asked if anyone else on the Board had anything else to say because we are beating a dead horse here. Mr. Svasta asked who else was in the audience here? Mr. Cymerman, is this building salvageable? Mr. Cymerman said it is definitely salvageable. Mr. Svasta said the gentleman in the back with a blue shirt? Mr. Falecone was sworn in. Mr. Knight asked if there was a professional relationship between the three folks here who have been talking about this project (Tom Dubetz, Steve Dubetz, Sy Cymerman)? Mr. Steve Dubetz said well, we have hired the architect/engineer (Sy Cymerman). Mr. Knight said GBC stands for. Mr.

Cymerman said that is my architectural firm. Mr. Dubetz said I am not an employee or affiliated with GBC, my mother is a client, my mother is the owner. Mr. Knight said but you don't work for GBC. Mr. Dubetz said no. Mr. Knight said you are an architect and you are a professional engineer so you are rendering an opinion about a property that a family member owns, you don't have an independent engineer? I am just confirming. Mr. Dubetz said that would not be a problem to get. Mr. Svasta asked Mr. Falecone to proceed with what he was saying. Mr. Falecone said I have a building at 3266 Kent Road. Mr. Svasta said why did you come here tonight? Mr. Falecone said I just came here to see what was going on. Mr. Svasta asked do you have any interest in what happens to this building? Mr. Falecone said I have looked at it for a good while and I thought it was really in bad shape. Last Friday I saw they started putting windows in and I wondered what was going on and I thought I would come here and see what is going on.

John Long was sworn in. Mr. Long stated he was John Long from Long Shoes and I am two doors down from the property. We have been there for eight years since I have been in the neighborhood and all I can say is, I can't say enough about Mr. Catalano and all the people he has in the City that have done their due diligence to make this right and from what I have heard, what I see, and what I have observed tonight, I think that there has been ample opportunity for these people to make it right and for whatever reason, they choose to do what they do, so yes, it is three doors down from me. I am concerned about the appearance, I am concerned about the possibility of a fire, I am concerned about anything else that a vacant property of that type and where it is and what could happen. I just want to emphasis from what I have heard tonight and what I know, they have been given ample opportunity to make their property right.

Ms. Kukuk was sworn in. Ms. Kukuk said my husband and I own Stow Cone. You put my name on the list so I thought I better show up and see what is going on. It would be lovely to have the property picked up and make it as nice as it can be. I am always happy to see the lawnmower guys come in and get the lawn mowed.

Lt. Ray stated it was brought to his attention to look at the building and inside, we saw the items they have stored. Fire Code and the City Ordinance state a vacant structure cannot store combustible, flammable material. Mr. Dubetz said we don't have any combustible, flammable materials in the building. Lt. Ray said is that not a chair? Mr. Dubetz said well yes, in that aspect we do have some. Mr. Ray said anything that can burn is combustible. Mr. Dubetz said we have smoke alarms all the way through. Lt. Ray said but you are vacant and it doesn't do any good. Mr. Dubetz said we are using it commercially as storage. Lt. Ray said your occupancy does not allow this. Mr. Dubetz said we can't do anything else with it because of what has been going on. Lt. Ray said your current occupancy is not storage, therefore, nothing can be stored inside that structure at all. The letter you received from Bobbie states that and City Ordinance and the Ohio Fire Code Sections. Mr. Dubetz said we just got that and Lt. Ray said he understands that, so within seven days, that has to be empty. Mr. Dubetz said seven days will be hard because we

are trying to get the glass block in there. Mr. Feldman asked if they were doing the work themselves and Mr. Dubetz said yes. Someone asked if he was doing all the work and he said no but he had contractors coming on in but we have to have a location for moving things. Lt. Ray asked where did the things in there come from? It looks like baby materials, icicles, where are those items coming from? Mr. Dubetz said different locations, I couldn't tell you exactly everything. Lt. Ray said just in general, where are getting the items? Mr. Dubetz said I bought some of the items, some of the other items people wanted to store some things and put them in there. Lt. Ray said you are not zoned for storage. Mr. Dubetz said we are not renting. Lt. Ray said I understand but it is a vacant building and it cannot be used as storage. Mr. Dubetz said that is fine. Mr. Knight said so that 7 day removal is independent of tonight's decision, correct? Lt. Ray said yes.

Mr. Dubetz said since we found out there was a problem on April 8th when the letter was sent, we have immediately taken action, putting \$20,000 into the building to restore it showing it as good faith without being told specifically on the specifics and we are more than willing, if you decide on a timeline or something of that nature, to comply. Mr. Knight asked what is your timeline? If we give you an extension tonight, what extension do you need? Mr. Dubetz said I would have to get an electrician and those guys and see what their contracting is. Mr. Knight said give me a number, 30 days? 60 days? 120 days? Mr. Dubetz said we can definitely get it done before the end of the summer and that would be even in the busiest time, I can get contractors in there to do whatever is requested.

Mr. Edwards said you are not bringing into compliance because you don't know what to do to bring it into compliance? Mr. Dubetz said we are bringing it into compliance from what we can observe to do but we have not had specifics told. Why is the foundation supposedly 30% dilapidated which we can't detect that. Mr. Edwards said and you have not replied back to the City? Mr. Dubetz said I came over to him on April 10th and he went out there and put a condemned sign right on the building, that same day. That was the response I got. I asked for specifics so we can immediately go right in there and start the work. I have that recorded also of that discussion.

Mr. Svasta said what would be involved for the City to prepare that itemized list? Is that something you (Mr. Catalano) can prepare or do you have to hire a building inspector? Mr. Edwards said he (Mr. Catalano) is the building inspector. Mr. Svasta said a contract inspector to come in to prepare a post list, an itemized list of things that are needed specifically. What is involved in doing that? Mr. Catalano said to get an extensive detailed item list it would entail hours of going through that building from top to bottom. It would be an independent inspection agency going through the building and outlining the deficiencies. Mr. Catalano said he wanted to bring you back to ground zero here. They know what is wrong with the building, this is a smoke screen. We went through the building with the owners two years ago and agreed to accept a restoration plan bringing this building into compliance and make it compatible with the rest of the neighborhood so it is not a blight or eyesore. That has not happened to this day. We are almost 2-1/2 years down the

road and we still have this blighted mess on our hands. Mr. Long has been dealing with it for eight years. We have been dealing with it for much longer than that. We have records that go back into the 70's and 80's that we have issues with that building. They don't want to fix it, they don't want to make it habitable or anything. They have been trying for years to get that to happen and it is just not happening. Mr. Dubetz said you said we don't want to fix it. When we came in here and the only thing we are asking for is details on how to fix it.

Mr. Knight said I am going to side with the City on this case because I believe he has provided documentation that showed that there was a condition that needed to be repaired over two years ago and it remains unrepaired to the satisfaction of the City. That is my position. Mr. Svasta said the dilemma is that you want to sell your property and you can't sell it because the building is condemned and I understand that you only want to do the minimum so that you get that condemned sign off that front window so you can sell your building and you want to know what this minimum is. You want to spend the least amount of money possible so you can get them to sign off, put it up for sale and walk away. There has been a history of problems and a lot of frustration, not only with the City but your neighboring businesses, watching this building deteriorate over the years. We have an architect that says the building is salvageable, there is a lot of conflict here. We want to do what is right for the City of Stow and we also want to give the owner an opportunity to give you one last try to bring it up to code within a set period of time and I think we could probably frame this in a form of a motion to see if we get some support. I will do my best to see if you get any support from the board members. The itemized list is a key thing that you keep pointing out that you need. You need specifics. You are going to have to be willing to pay for that itemized list. It will be an independent contractor. We will let the City identify this contractor to come in and provide that itemized list that you have to pay for. Mr. Dubetz said I can keep on working on the building? Mr. Knight said it is your risk. Mr. Knight said the building has been condemned, subject to our action tonight, that condemnation will either be rescinded or it will stay so if it is rescinded, then they have the opportunity to do these things. If we stay it, then it is still a condemned building, they don't have the right to go in there. Mr. Svasta said I think the building is salvageable myself. Ms. Zibritosky said you can modify it, it is an option. Mr. Svasta said I have seen worse. You need to get some clear dates and conditions and if you don't meet that, then the building comes down. Mr. Dubetz said that was fair enough.

Mr. Long stated he was a little confused. There is a process and they have gone through the process. It has been determined that it is condemned so if the determination is that the building is condemned based on the process to that point, why, I don't understand, why it keeps continuing? What kind of timeline do you have here? It seems like the City has bent over backwards to try to explain where the defects are and they seem like they are asking the City and taxpayers money to say to them, to a City employee, how do you want us to build this? Well, that is not the City's job, it is not Tony's job to say how to build a structure, that is not the City's job. You people up here are in this position to help this process and I think

the slides, letters, all the information that Tony has provided, I talked to Rob Kurtz for 45 minutes about this meeting and I am just very confused why a decision can't be made tonight because it has been condemned. So when does it come down? So why do we have to contact an outside independent engineer? Mr. Knight said we don't. That was just a suggestion that has been presented. Mr. Dubetz said and it does not cost the tax payers money. We are not asking the City to build it, we are asking what is the specific items for condemning? Mr. Knight said the City has sited code. Mr. Dubetz said they have to be specific items. You can't choose what to fix by reading a code. Mr. Falecone said what if you had to live in that building the way it is, would you?

Mr. Knight made a motion to approve Case #13-007 as stated for an extension of time to make repairs to the subject property, seconded by Richard Hodge.

Mr. Svasta said to make sure I know what we are voting on. Mr. Knight said as it is stated. Our process here is to vote in the informative to approve a motion, correct Bobbie? Ms. Carper said yes. Mr. Knight said so the motion is to approve Case #13-007. Mr. Edwards said we are approving his appeal? Mr. Knight said yes and that is the appeal, and therefore giving him an extension of time (30 days). Mr. Hodge said that is what we are going to vote on. Mr. Knight said my motion is to approve as stated right here. They are appealing the administrative decision, I am motioning that we vote on this for approval. Mr. Svasta said then to clarify the 30 days to repair or remove the condemned property, when did that 30 days start? Ms. Carper said as of the posting of the property. Mr. Catalano said 30 days starts as of designation of dangerous buildings, which was April 6th. I believe, but it is 30 days from receipt of the letter. Mr. Svasta said so there is no way he can comply with that since 30 days has come and gone. Mr. Catalano said he has had two years to comply with that letter. Mr. Svasta said I mean the date of the posting. Mr. Catalano said I don't think 30 days from now won't make a difference. Ms. Carper said yes, he has had his 30 days. Mr. Knight said there is a motion on the table and it has been seconded, correct? Ms. Svasta said we are discussing it and holding up the vote because I want to make sure we are doing the right thing here. He submitted his application for appeal on April 16th so from that time. Ms. Zibritosky said he only needs the day from the day of the original day so April 16th he met the appeals deadline but that doesn't interfere with the 30 days, just to clarify if that was your question. Mr. Knight said if we approve this, his 30 days is gone already. Approving this is a moot point because the 30 days has already expired. Ms. Zibritosky said you would be approving his request for the time you specify. Mr. Svasta said he is appealing the condemnation. Ms. Carper said the other option for you would be to be to approve it with the condition of x amount of days.

Mr. Knight said I put a motion on the table and it has been seconded, do we not have to vote on that? Mr. Svasta said it has been seconded and we do have to vote on that motion? Ms. Zibritosky said she is not a parliamentarian. Mr. Svasta said it has been seconded so it has to go to the vote. Mr. Edwards asked if we can amend the motion. Mr. Edwards said it seems we are coming to an agreement here that

we should amend our motion to approve his appeal in giving him an additional timeframe to bring the building into compliance so I would like to amend the motion to give him an additional 30 days from today to bring the building into compliance. Mr. Svasta said the key thing that I see is this itemized list because without a list that someone can check off one item at a time. Mr. Edwards said it is hard for me to comprehend that we have a building property manager, an architect and an engineer looking at this and they can't decide what it is going to take to bring that building into compliance. At the very least, they should be preparing their own plan, telling the City what they intend to do to bring it into compliance which then will generate a discussion on some minor details here and there. That should have been done two years ago. You guys manage property, rehab buildings, you have an engineer here and no one knows what to do? Mr. Dubetz said in other cities we have dealt with, they give an itemized list.

Mr. Svasta said, we have a motion we are getting to vote on that if it passes, you will get a 30 day extension to correct all the deficiencies in your building to the satisfaction of the City Official, Mr. Catalano and I think the board understands that. Mr. Knight said my motion was not voted on it was not retracted. My motion was presented and seconded. Ms. Botts gave a roll call on Mr. Knight's motion for approval of Case #13-007. No yea's, all nay's. Motion denied 5-0.

Mr. Svasta said he had another motion. Mr. Knight said we just defeated and set aside their request for an extension, correct? We just denied them their appeal. Mr. Hodge said we just denied the appeal. Mr. Knight said there are no more motions to be made, correct? Mr. Svasta said the meeting is still in session. I have another motion to make. Regarding Case No. 13-007, that is to give Mr. Dubetz 30 days as of today to correct the deficiencies in the building and if the deficiencies are not corrected within 30 days to the satisfaction of the building official, then the building will be demolished. That is the motion. Do I have a second? Mr. Edward asked if that was proper and Ms. Zibritosky said she did not know the parliamentary and stuff exactly, but I do believe that technically the first motion, if it was seconded, that is my understanding. Mr. Svasta said I am looking for a second and Mr. Franks said he would second. Mr. Knight said it is not necessary to second the motion. Ms. Zibritosky said I think you have to go with the first vote. Mr. Catalano said so the appeal is a moot point. Mr. Knight said I think we are done. Mr. Dubetz said so we have not change to restore the building whatsoever? Mr. Knight said we have denied your appeal. Mr. Dubetz said even though we have shown good faith in working on the building and we show conflict with the statements? Mr. Catalano said the building remains condemned and the appeal is denied and the City will move forward with that. Mr. Dubetz asked if they could do the demolition themselves? Mr. Catalano said he would entertain that. Mr. Dubetz said what is the difference of 30 days for an extension just for us to get up to compliance? If you want the building... Mr. Knight said we voted. Mr. Dubetz said so since the building is certainly salvageable has nothing to do with it. Mr. Knight said that is an opinion. We have been asked to decide whether or not to give you approval of this motion. We, as a Board, voted 5-0 against it. Mr. Dubetz said so what do we have as an appeals process? Mr. Knight said we are not legal advisors, we do not know

what your next step is. Mr. Dubetz said are there legal methods to appeal to reinstate and have their investigators go through it. Is that my correct assumption? Mr. Knight said we are volunteer members of the community. Mr. Catalano said you have rights. We are not here to offer you legal advice. I would suggest perhaps you consult your legal representation. Now if you do wish to work with me on demolition, I would entertain that.

Adjournment: With no further business to be discussed, motion to adjourn by Mike Svasta, seconded by Robert Knight, meeting was adjourned at 7:44 p.m.

Mike Svasta, Chairman

Mary Botts, Secretary