

## **Building and Zoning Appeals Minutes**

Stow City Hall Boards and Commissions, Monday, June 10, 2013, at 6:00 p.m.

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

Members Absent: None

Also Present: Ray Sabin, Tony Falcione, Ronald Gates, Tony Catalano, Bobbie Carper, and Mary Botts

Meeting called to order by Mike Svasta at 6:00 p.m.

Approval of Minutes: Motion to approve minutes of the May 13, 2013, meeting by Mike Svasta. Motion seconded by Richard Hodge, all yea's, no nay's, motion passed 5-0.

### **Case #13-008**

This is a request by Ronald Gates, property located at 3523 Kent Road, to appeal an administrative decision by the Building Department giving 30 days to repair or remove the condemned property at 3523 Kent Road. Mr. Gates has recently purchased this property and it is his intention to repair the residence in compliance with city code. 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. Gates said he purchased the house about mid-April, about two weeks before the building was condemned. I have replaced the roof on it now with architectural shingles. I have pulled the permit to redo the front porch, putting in new header and floors and ceiling, and new posts. I do Hardy siding for a living so I will be doing the whole house in Hardy siding and hope to have that done by the end of summer. I am on the road for two weeks at a time and then I am back for a week or so, and I usually work on the house when I am back. My daughter and my nephew are helping me in the house. The accessory building has been torn down and the only thing left there are a few foundation blocks which I am in the process of trying to remove those. The interior we have to address some electrical issues and replace some of the drywall and some of the plaster that was loose. It has hardwood floors which I think we can save, and it is a pretty much a sound house. It has been neglected for a long time. Mr. Svasta said I have a recommendation from the City of Stow Building Department recommending a six month extension to the condemned notice providing the following work be completed (six items). The Board members have received a copy and so did Mr. Gates. Mr. Catalano said he had prepared this list after talking to the Planning Director and we put that together and thought that was a fair and equitable remedy for Mr. Gates to rehab the house. Six months is sufficient time to make that happen. Mr. Catalano said he (Mr. Gates) has already taken positive steps in the right direction and we have

confidence that he will proceed to bring this house back to life. The house was used as a two family for some time, it was never approved as a two family. One of our biggest concerns is getting it restored back to a single family dwelling as it was originally constructed.

Mr. Knight asked if he had looked over the recommendations and Mr. Gates said he had and about half have been completed already and I need to meet with the Building Inspector for the electrical to see what he wants me to do. There are some old knob and tube wiring still that will probably be replaced. The panel is pretty new. It shouldn't be too hard to do right now because it is not insulated yet so I can chase wires up. Mr. Edwards asked do you think you can complete these items on the list in a six month period? Mr. Gates said yes. I want to do the porch as soon as I get back in about three weeks. Mr. Hodge said our main concern is getting the outside looking good and then you can go ahead and do the interior later in the year when the weather is bad. Mr. Gates said that was what he was planning on doing, doing the wiring and that stuff during the winter time. I have started the soffit work. Mr. Knight asked Mr. Catalano if the electrical is satisfactory to you? Mr. Catalano said I believe so. I do want to have my electrical inspector walk through the property with the owner and identify any issues that would be problematic. Mr. Knight said you made the statement that you thought the electrical panel was acceptable. Mr. Gates said the panel has been updated. It is 100 amp and has breakers in it. They must have had fuses before that. Mr. Knight said I want to make sure as he builds on to that, he is not starting something that is not good. Mr. Catalano said initially this was a two family and we talked about it during our walk-thru about eliminating the deck on the outside, on the east side of the house, getting rid of the door and putting a window in there and removing the kitchen and revamping the plumbing, etc. There is quite a bit of work there but with the owner, we feel confident that he will make that happen and we are willing to work with him. We would much rather have a nice home there than a vacant lot. Mr. Knight asked about the foundation and Mr. Catalano said it is in good shape. Mr. Hodge said they have already gutted the kitchen.

Mr. Svasta stated he was very impressed on how Mr. Gates was aggressively attacking all of these problems. You can see the progress that was made. I don't have any reservations at all with granting this. Mr. Gates said I want to get insurance on the house but since it is condemned, I can't get insurance on it so I am in limbo here that if something happens and it burns down, I am kind of out of luck but once the condemnation is off, I should be able to get insurance on it. Mr. Svasta asked Mr. Catalano, the house is already been approved for condemnation, is there any possibility with removing that? Mr. Catalano said he can remove that once this is approved but the items will need corrected.

Motion to approve Case #13-008 by Mike Svasta granting a six month extension (must comply with the list of work, six items, to be completed in that time), seconded by Robert Knight, motion passed 5-0.

**Case #13-009**

This is a request by Raymond Sabin, property located at 5081 Stone Meadow Run, for a 3 foot, 6 inch rear yard variance to construct a deck. The property is located in an R-3 District. The recorded plat for this development established a 30 foot buffer at the rear of the building envelope.

Mr. Sabin stated I have a little bump out on the house there with a sunroom and right outside of that patio door, the fireplace sticks out so I wanted to go out a little farther because that would intrude on that so I am asking for a 3' 6" variance to make the deck useable. Mr. Svasta asked is there a 30' setback to the back of the sunroom? Mr. Sabin said it is on that line, I want to go 3-1/2 feet past it. There is nothing behind me but woods. Mr. Hodge asked is that a wooden deck you are putting down? Mr. Sabin said yes. Mr. Svasta said he took a look at the location and he saw where it was staked out and I feel that the 3' 6" was not excessive at all. I think that is what you do need to make it a worthwhile project. Mr. Edwards said I was out there earlier this evening and I saw that and I don't see any problems with it. It will actually improve the looks of the back of the property. Mr. Sabin said nobody can really see even back there. Mr. Svasta said the well that is in the back there that says "potable water". Is that drinking water? Mr. Sabin said my sump pump runs all the time and the water is always running down that drain back there. I am a little concerned about that. I am not sure who to ask about that. Ms. Carper said you might want to contact the Engineering Department about that. There were no phone calls concerning this case.

Motion to approve Case #13-009 by Mike Svasta, seconded by Richard Hodge, motion passed 5-0.

**Case #13-010**

This is a request by Vijay Patel, property located at 3274 Kent Road, to appeal an administrative decision by the Building Department giving 30 days to repair or remove the condemned property at 3274 Kent Road. Mr. Patel is requesting a 90 day extension of the condemn order. 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. Patel did not attend the meeting. Ms. Carper started a slide show on this case. Mr. Catalano stated this building has been on the decline for a number of years. I think it was originally the old Altieri's Restaurant and then it became Scorchers for a period of time and now it is this. It was converted to a liquor store and has deteriorated to this point. In this slide, there is quite a bit of trash and debris that has accumulated. The stone is all cracked and deteriorated and there is severe water damage on the interior as well. The rear exterior steps are in disrepair. That was the rear exit of the building. Those steps are in pretty bad shape. In the parking lot, you can see it has deteriorated significantly. Again, this is a case of sheer neglect. You can see the finish on the building is deteriorated and there are structural deficiencies on the exterior wall and there are a few slides with the same. We don't know what happened here and apparently something got knocked down.

The entire façade right here is wood and it is rotten. The exterior finish is falling apart. There are bird nests everywhere. On the east view, down in this area, you can see part of the building on the foundation is failing. The scuppers are failing and water pours over the roof and this is an area on the asphalt driveway that is failing near the foundation and that is failing as well. In the interior, inside here is a mess. It is an absolute disaster. We have an asbestos assessment on the building and it is clean, we know that. Mr. Knight asked who will pay for this demolition? Mr. Catalano said the City will pay for the demolition, the quotes range from \$10,000 to \$15,000 and they will put a lien on the tax duplicate. Our plan is to do both of these buildings because the other one will be coming down on the 21<sup>st</sup>. There is also a grease interceptor here that needs to be taken out and we will do that and terminate the sewer. We will probably save some of the parking lot. We will go out and identify what we can salvage. Mr. Knight asked if it was energized and Mr. Catalano said the power is shut off. The gas line was terminated at the street so it is ready to go. Ms. Carper said the property owners for the building next door have seen the light and are cooperating with us.

Mr. Hodge said in this letter from the attorney it said that he (Mr. Patel) was going to lease it and Mr. McShane was going to spend \$45,000 to redo it but he went bankrupt and so that is gone. Mr. Catalano said I have known Mr. McShane for a long time and I can't imagine that he would have given that kind of money on something like this. This building is in extreme state of disrepair. Mr. Hodge said no one is going to buy that property the way it is. Mr. Svasta asked why did the attorney want a 30 day extension? Mr. Hodge said I think they were hoping to sell it. Mr. Catalano said he talked to the attorney on the phone and he indicated that he had heard that Dollar General was interested in purchasing the sight and redeveloping it. The Planning Department has not heard anything about this. The Dollar General is currently located across the street. This area has always been problematic in terms of parking. This gentleman (Mr. Falcione) owns the property next door. If you look in the windows this is a mess. It is probably worse than the building next door. Mr. Svasta said the attorney said he wanted OM properties sufficient time to comply with the ordinance, it sounds like they want to try. Mr. Catalano said we are moving down the path towards demolition. We have quotes and everything in place to make this happen. He has two choices; it can either go on his tax duplicate or he can cover the cost himself. Our plan is to move forward with this expeditiously. Mr. Knight said \$45,000 will barely cover repairs to that foundation. Mr. Catalano said you could barely pay for the parking lot. Mr. Knight said so the numbers don't add up. Mr. Catalano said it is beyond repair. Mr. Knight said if they are basing their objection to the fact that they want to spend \$45,000, they are throwing their money away. They are not going to get enough corrective action out of \$45,000 to spare the wrecking ball. This is a moot point at this stage. Mr. Catalano said we are not doing this to promote future development, we are doing this because this building needs to go. Will this area become attractive to a developer at some point? Probably and at that point, negotiations will have to start.

Mr. Svasta asked Mr. Falcione if he had something to say. Mr. Falcione said I just really want to see something done because it is really a mess. It's an eyesore to

the whole community. You have 4th of July coming up and a lot of people will be by there and it wouldn't look good for Stow. Mr. Knight asked if it would come down by the 4th? Mr. Catalano said depending on the action tonight, if you move this case forward, I will submit with Akron Air Quality, a ten day notification. In the meantime, we know that it is clear of asbestos so all I have to get through is that 10 days and I can take it out. I have a demolition contractor lined up on the other one and I can just move him right over there and grab this one as well. I would like to do this simultaneously.

Mr. Svasta said an attorney representing OM Properties, is asking for a 90 day extension so that he can bring the building into compliance. Mr. Knight said and my point is the money he proposes to spend, his proposal, is to spend \$45,000, and that was with the tenant, and I think that has fallen through so what he is saying now in his letter is that he's got it up for sale and somebody is going to buy it and assume the responsibility of the condemnation. Mr. Knight said so he is not putting forth any proposal to spend x number of dollars. Mr. Svasta said in contrast to the first case where the owners are actively working to repair. Ms. Carper said I think the fact that no one bothered to show up for the hearing speaks volumes.

Motion to approve Case #13-010 by Robert Knight, seconded by Richard Hodge, motion denied 5-0.

### **New Business**

Mr. Svasta asked if there were any vacations coming up where someone will be out. Mr. Hodge state he would be out for the next meeting of July 8<sup>th</sup>.

Roberts Rules Book – Mr. Svasta said the City of Stow purchased a book on “Roberts Rules of Order” and I am going to take it and read it. I did a little study on Roberts Rules and it was invented during the Civil War by a Civil War Officer and when the Generals and Officers would get together to make a point during a meeting about how to approach and discuss battle plans without chaos so Robert came up with this method of a way to present motions to give everyone a chance to speak and it seems to work. I will go through this and pass it on.

Adjournment: With no further business to be discussed, motion to adjourn by Mike Svasta, seconded by Robert Knight, meeting was adjourned at 6:45 p.m.

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Mike Svasta, Chairman

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Mary Botts, Secretary