

**PROPERTY MAINTENANCE APPEALS BOARD**  
**Monday, March 14, 2022**  
**1:00 PM – 111 N. Front Street Columbus, OH 43215**  
**Hearing Room**

The Property Maintenance Appeals Board met at 111 N. Front Street – Hearing Room, at 1:03 p.m. on March 14, 2022. The following members were present:

**Pamela Palmer, Chairwoman**  
**Alex Macke, Co-Chair**  
**Joyce Bruce**  
**Tiffanie Harris**  
**Scott Wolf**  
**Katie McCann (arrival time 1:45pm)**

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

**New Business:**

A motion was made by Joyce Bruce and seconded by Alex Macke to accept the prior months meeting minutes from February 14, 2022. Approved 6-0

**Old Business:**

City Attorney Robert Tobias addressed the board members regarding the issue of the by-laws. There was some discussion regarding the by-laws and timeframes to accept requests for appeal. The current timeframe to submit an appeal is 15 days from the date of service. This can be subjective, because of the mailing of violation notices. It was suggested that the Division of Code Enforcement flag the appeals that were submitted outside of the 15 day timeframe, so that the Board may address that issue before proceeding with the hearing. City Attorney Tobias is going to send an email to the Board with some additional changes in the by-laws, and will move forward with a vote on the by-laws at an upcoming meeting.

**PMA-446**

#21450-01790

The appellant Auto Tech LLC, represented by the owner Mohammad and his wife, appeared for the meeting. Code Enforcement was represented by Property Maintenance Inspection Specialist Margaret Lafferty. PMI Specialist Lafferty began by presenting the Code case to the board, explaining that the property was deemed vacant due to no active tenancy at the location, no active water service which was confirmed with the water department, and mail being returned from USPS with the notation that mail is unable to be delivered due to 'vacant'. Pictures were also presented from inspection date March 10, 2022 to demonstrate current violations including vacant structure not boarded or secured to code standards, bare wood at the front door, mortar voids, cracks and crumbling and/or missing material at the exterior walls. Mr. Mohammad said that 90% of what she (Lafferty) just said is wrong. Mr. Mohammad said that he has a lease from 6/3/19 for one year. Board member Harris asked for clarification from Mr. Mohammad, that if the lease was for one year from 6/3/19, then does that mean the lease expired and the property was vacant since June, 2020? Mr. Mohammad said that the property was vacant since 2021. Mr. Mohammad also stated that they have applied for rezoning. Board member Harris said that even with an approved zoning, the property remains vacant. Mr. Mohammad said that the property is

not vacant because he goes there all the time. Board member Macke requested clarification from PMI Specialist Lafferty as to what the City is looking for, since there are many layers to the violations at the property, including zoning and Columbus Fire Department. PMI Specialist Lafferty provided that the property would need to be boarded and maintained to code standards, including cleaning of the exterior premises. Board Chairperson Palmer said that they are only concerned with the vacant structure. Board member Macke explained why it is a vacant property. Mr. Mohammad said that this was the first time he was hearing about the violations. CEO Specialist Lafferty explained that she provided personal service of the violation notice, and that Mr. Mohammad also appealed the violation notice. Upon attempts to engage Mr. Mohammad to discuss modifications, allowing additional time to come into compliance, it was determined meaningful conversation was not occurring and that the Board should make a motion without modifications.

A motion was made by Joyce Bruce and seconded by Alex Macke to reject the appeal. Motion Granted.

### **Reject Appeal**

**5-0**

### **PMA-453**

The appellant Todd Dillon sent email to Board Secretary, Cassondra Scurlock, on March 9, 2022 and requested to table all of their variance hearings to April. PMAB vote is not required to table a variance request, thus the request was approved administratively.

**Tabled**

### **PMA-454**

The appellant Todd Dillon sent email to Board Secretary, Cassondra Scurlock, on March 9, 2022 and requested to table all of their variance hearings to April. PMAB vote is not required to table a variance request, thus the request was approved administratively.

**Tabled**

### **PMA-455**

The appellant Todd Dillon sent email to Board Secretary, Cassondra Scurlock, on March 9, 2022 and requested to table all of their variance hearings to April. PMAB vote is not required to table a variance request, thus the request was approved administratively.

**Tabled**

**PMA-456**

The appellant Todd Dillon sent email to Board Secretary, Cassondra Scurlock, on March 9, 2022 and requested to table all of their variance hearings to April. PMAB vote is not required to table a variance request, thus the request was approved administratively.

**Tabled**

**PMA-457**

The appellant Todd Dillon sent email to Board Secretary, Cassondra Scurlock, on March 9, 2022 and requested to table all of their variance hearings to April. PMAB vote is not required to table a variance request, thus the request was approved administratively.

**Tabled**

**PMA-458**

The appellant Todd Dillon sent email to Board Secretary, Cassondra Scurlock, on March 9, 2022 and requested to table all of their variance hearings to April. PMAB vote is not required to table a variance request, thus the request was approved administratively.

**Tabled**

**PMA-459**

The appellant Todd Dillon sent email to Board Secretary, Cassondra Scurlock, on March 9, 2022 and requested to table all of their variance hearings to April. PMAB vote is not required to table a variance request, thus the request was approved administratively.

**Tabled**

**PMA-460**

The appellant Todd Dillon sent email to Board Secretary, Cassondra Scurlock, on March 9, 2022 and requested to table all of their variance hearings to April. PMAB vote is not required to table a variance request, thus the request was approved administratively.

**Tabled**

#### **PMA-461**

The appellant Todd Dillon sent email to Board Secretary, Cassandra Scurlock, on March 9, 2022 and requested to table all of their variance hearings to April. PMAB vote is not required to table a variance request, thus the request was approved administratively.

#### **Tabled**

#### **PMA-462**

The appellant Jeff Brown was present. Property Maintenance Board member Alex Macke had to recuse himself from the case. There remained five board members to vote on the issue, therefore, a quorum was established and the hearing to allow a variance to CCC 4525.13 was able to proceed. Attorney Jeff Brown requested to permit the barbed wire to remain at the property located at 972 Harmon Ave. There is a section of the property that abuts residential property, and is currently in violation of the CCC 4525.13. Attorney Jeff Brown stated that the property at 972 Harmon Ave was a target of theft prior to the installation of the barbed wire, about 20 years ago. Board member Joyce Bruce asked if there were other security measures for theft-prevention. Attorney Jeff Brown said that he did not know. Board attorney Richard Tobias advised that there are two factors, per CCC 4505.04, to consider with a variance request: A literal application of the code section would cause unnecessary financial hardship, and that the public health, safety or welfare may not be reasonably be threatened by failure to correct the violation of the code section. Attorney Jeff Brown explained that the financial hardship would be experienced through the probable or potential for theft upon removal of the barbed wire, and that the public safety is not affected because the barbed wire has existed for 20 years without injury.

A motion was made by Joyce Bruce and seconded by Tiffanie Harris to approve the variance. Motion Granted.

#### **Variance Approved 5-0**

#### **PMA-464**

The appellant Mr. Steven Hardwick was present. Code Enforcement was represented by Code Enforcement Officer Kyle McGlumphy. CEO McGlumphy provided testimony explaining the exhibits of his case packet along with the current condition of the violation, which is a dead or dying tree in the yard and supporting information from the City-contracted arborist recommending removal. Mr. Hardwick said that he has managed the property for many years and recently purchased the property. Upon initial receipt of the violation notice, a tree service was employed to trim the tree, at an expense of \$800. Mr. Hardwick also said that the tree is currently budding and he would like time to see if it will grow. Mr. Hardwick believes the tree deserves a chance and he also loves trees and would like to see it saved. Board member McCann

asked if Budget Tree Service is an ISA certified arborist. Mr. Hardwick said that he did not know. Board member McCann states that the Board should give more consideration to the City-contracted arborist because they are ISA certified. The Board discussed providing additional time to allow for the removal of the dead tree. It was agreed that an additional 90 days would be granted, and a new compliance date of June 13, 2022.

A motion was made by Alex Macke and seconded by Scott Wolf to reject the appeal, with modification. Motion Granted.

**Reject Appeal, with modification to grant an additional 90 days for compliance, new compliance date June 13, 2022**

**6-0**

#### **PMA-465**

The appellant Julie Nessler was present. Code Enforcement was represented by Code Enforcement Officer Greg Davis. CEO Greg Davis provided testimony explaining the exhibits of his case packet. Board member Macke commented that this property was in the news relating to the criminal activity. Mrs. Nessler explained that she doesn't do drugs and the people pick her house to do these things. Mrs. Nessler also said that she has called the City Attorney and they gave her permission to work on the house. Board member Macke asked how many people had been living at the house. Mrs. Nessler said that there had been 7 people. Board member Macke explained that Mrs. Nessler cannot run a rooming house, and he also asked about the plans for the property. Mrs. Nessler said that she wants to clean it up and probably get it ready to sell because she doesn't like the location of the property. Board member McCann asked about the current allowances made by the court. CEO Davis explained that she can enter the property, but only to clean-up. Board Chairperson Palmer explained to Mrs. Nessler that they were trying to determine what she is appealing. Board member Macke asked CEO Davis if the property is currently secure. CEO Davis said that the property has been secured by EBA (Environmental Blight Abatement) on the ground level only. There are still broken windows present at the upper level of the property. The Board discussed providing additional time to allow for the securing of the windows. It was agreed that an additional 90 days would be granted, and a new compliance date of June 13, 2022, as long as there is no conflict with the ongoing environmental court case or Judge Mingo's orders. Should there be a conflict, then the court case and/or Judge Mingo's orders will supersede the PMAB decision.

A motion was made by Katie McCann and seconded by Alex Macke to reject the appeal, with modification. Motion Granted.

**Reject Appeal, with modification to grant an additional 90 days for compliance, new compliance date June 13, 2022 - as long as there is no conflict with the ongoing environmental court case or Judge Mingo's orders. Should there be a conflict, then the court case and/or Judge Mingo's orders will supersede the PMAB decision.**

**6-0**

**PMA-466**

The appellant John Izzo, attorney for the Winding Hills Condominium Association, sent an email request to Board Secretary Cassondra Scurlock on March 9, 2022, requesting to table PMA-466 and PMA-467, due to his best friend's father passed away and the funeral is scheduled for March 14, 2022. Board Secretary Cassondra Scurlock presented the request to the Board.

A motion was made by Alex Macke and seconded by Joyce Bruce to table cases PMA-466 and PMA-467 to April 11, 2022. Motion Granted.

**Tabled**  
**5-0**

**PMA-467**


The appellant John Izzo, attorney for the Winding Hills Condominium Association, sent an email request to Board Secretary Cassondra Scurlock on March 9, 2022, requesting to table PMA-466 and PMA-467, due to his best friend's father passed away and the funeral is scheduled for March 14, 2022. Board Secretary Cassondra Scurlock presented the request to the Board.

A motion was made by Alex Macke and seconded by Joyce Bruce to table cases PMA-466 and PMA-467 to April 11, 2022. Motion Granted.

**Tabled**  
**5-0**

There being no further business, Ms. Palmer made a motion to adjourn the meeting at 2:54 pm.  
6-0 Meeting adjourned

  
Pamela Palmer  
Co-Chairwoman

  
Cassondra Scurlock  
Secretary