

**PROPERTY MAINTENANCE APPEALS BOARD**  
**Monday, August 8, 2022 at 1:00 p.m.**  
**141 N. Front Street Columbus, OH 43215**  
**First Floor Conference Room**

The Property Maintenance Appeals Board met at 141 N. Front Street – First Floor Conference Room, at 1:00 p.m. on August 8, 2022. The following members were present:

**Pamela Palmer, Chair**  
**Joyce Bruce, Vice-Chair**  
**Alex Macke**  
**Katie McCann**  
**Scott Wolf**  
**Matthew Zenko**

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

**Old Business:**

None.

**New Business:**

**PMA-478**

The appellants, Caleb Miller and Alan Cline, were present. Code Enforcement was represented by Code Enforcement Officer (CEO) Joey Giammarino.

CEO Giammarino provided testimony explaining the exhibits of the case packet along with the current condition of the violation property, which was an environmental violation of CCC 709.03. Board Chair Palmer clarified with CEO that the pictures in his exhibits were taken on 8/8/22. CEO Giammarino affirmed that the pictures were taken this morning. Board member McCann asked if anything has changed since the initial inspection. CEO Giammarino said that there has not been any change at the property.

The appellant, Caleb Miller explained that he lives at the property and uses the area in violation as a land-lab and that he also uses it for presence-practice. Mr. Miller explained that he mows a border around the area. Mr. Miller also presented a Columbus Dispatch article regarding yardscape. Mr. Cline added that the rest of the yard is kept mowed and raked and in very good condition. Mr. Cline addressed CEO Giammarino and asked why there were not pictures of the rest of the yard. CEO Giammarino explained that he was only inspecting and taking pictures of the violations. Board member Macke addressed the Secretary to inquire about prairie grass and mowing only boarders at property. Board Secretary Scurlock explained that the Code does not differentiate grass-types and also there is not an allowance for boarders. Board member Macke asked if he could rework the area to a more orderly garden. Mr. Miller reiterated that his intent is not to break code and he would be agreeable to a garden. Board member Macke also addressed the weed and overgrowth at area along the alley, and advised that would need to be cut and cleared to the fence. Mr. Cline said that is not private property and he said it is un-owned. Board member McCann said that code is to maintain halfway through the alley. Code

Assistant-Administrator Edgar Dillon addressed the Board to explain concerns about unintended consequences such as ticks, fleas and rodent harborage, and the effect that these things will have on neighbors and neighboring properties.

A finding of fact was made by the Board, to accept the evidence submitted regarding CCC 709.03 and accepts testimony as true and accurate. A motion for the finding of fact was made by Katie McCann and seconded by Alex Macke. Motion grated 6-0.

A motion was made by Alex Macke and seconded by Katie McCann to deny the appeal. Motion granted 6-0.

### **Deny Appeal, 6-0**

### **PMA-479**

The appellant, Sonji Carthan, was present. Code Enforcement was represented by Code Enforcement Officer (CEO) Ginger Voll.

CEO Voll provided testimony explaining the exhibits of the case packet along with the current condition of the violation property, which was a violation of CCC 4525.11, for a dead/dying tree. Board member McCann asked CEO Voll if she contacted AEP. CEO Voll said that she did contact AEP, but that AEP determined the tree is not in the power lines and it is not scheduled for another inspection until next year.

The appellant, Sonji Carthan explained that she believes she should not be held responsible for the tree removal since the damage to the tree was caused by a car that struck the tree. Ms. Carthan also said that she does not have the money to remove the tree. Ms. Carthan added that she has applied for a home repair program being offered to Linden residents. She said she can ask if tree removal can be added in to the scope of work. Board member McCann explained that another alternative may be with homeowner's insurance policy. Board Chair Palmer said that the tree is on her property and would be her responsibility. Ms. Carthan said that she does not know where the property lines are located. Board Chair Palmer said that Ms. Carthan could get a pin-survey, but that is an additional expense. Ms. Carthan said that the tree is really not dangerous because if it falls, it will fall into the neighbor's driveway. Board member Macke said that since Ms. Carthan is going through the Linden Community grant program, that she may want to see about adding in the tree removal because the tree needs to be removed before it falls. Board Attorney Tobias said that there may be a subrogation claim, to investigate the claim against the 3<sup>rd</sup> party. Board Chair Palmer said that she once had a similar issue and that she was able to go through her homeowners insurance, and that the insurance company handled the 3<sup>rd</sup> party. Board member McCann said that they are able to provide some time to have the tree removed. Board Chair Palmer asked Ms. Carthan how much time she would need. Ms. Carthan responded that she would need six months to one year. Board Chair Palmer said that the Board is unable to give that much time. Board member Macke asked Ms. Carthan if she has gotten any estimates. Ms. Carthan responded that she has not.

A finding of fact was made by the Board, to accept the evidence submitted regarding CCC 4525.11 and accepts testimony as true and accurate. A motion for the finding of fact was made by Katie McCann and seconded by Scott Wolf. Motion grated 6-0.



A motion was made by Katie McCann and seconded by Alex Macke to deny the appeal with modification to allow extension of compliance date of 60 days (October 8, 2022). Motion granted 6-0.

**Deny Appeal, with modification to allow extension of compliance date of 60 days (October 8, 2022), 6-0**

#### **PMA-480**

The appellants, Erin Allard and April Tisben, were present. Code Enforcement was represented by Code Enforcement Officer (CEO) Janae Crawford and Code Enforcement Officer Supervisor (CEOS) James Kohlberg.

CEO Crawford provided testimony explaining the exhibits of the case packet along with the current condition of the violation property, which was an environmental violation of CCC 709.03. Board member Macke asked if the grass has been cut. CEO Crawford said that it has but there are still some areas of high grass. CEOS Kohlberg pointed out in the violation pictures presented as exhibit E3 that there is a fire hydrant that is hidden by the high grass. CEOS Kohlberg said the grass is not being maintained and there are areas in excess of 12 inches. Board Vice-Chair Bruce asked for clarification regarding the 2<sup>nd</sup> item on the violation notice regarding bricks and soil. CEO Crawford said those items are no longer in violation.

The appellant, Erin Allard provided an exhibit of the mortgage-location-survey. Board member Macke asked if Ms. Allard has a grass cutting service. Ms. Allard said that she does not and it is cost prohibitive. Ms. Allard said that once she received the notice, she did cut the grass, it had been about 2-3 feet tall. Ms. Allard said that she has almost 5 acres of property and would like to keep a mown perimeter rather than mowing the entire property. Ms. Allard explained that she has rented a commercial mower, but had some mechanical issues with the rental. Ms. Allard would like to use the area, in the future, for planting an orchard. Board member Macke asked if the property is occupied. Ms. Allard said that she is renovating it, and the property is currently vacant. Ms. Allard asked that she be permitted to mow a perimeter only. Board member Macke said that they would not be able to allow a perimeter mowing only, and that Ms. Allard would need to set a regular mowing schedule.

A finding of fact was made by the Board, to accept the evidence submitted regarding CCC 709.03 and accepts testimony as true and accurate. A motion for the finding of fact was made by Katie McCann and seconded by Alex Macke. Motion granted 6-0.

A motion was made by Alex Macke and seconded by Katie McCann to deny the appeal. Motion granted 6-0.

**Deny Appeal, 6-0**

#### **PMA-481**

The applicant, Alex Picazo was present. Code Enforcement was not represented, since this was a request for a variance to housing code 4541.015.

Mr. Picazo presented an exhibit of the proposed floor plan. Mr. Picazo explained that he owns the hotel located at 888 E. Dublin-Granville Rd. The hotel has been shut down and also caught fire.

He has been going through the process to rezone the property to multi-family housing. The plan is to convert and combine 2 hotel rooms into a 3-bedroom unit. The organization, Home for Families, is working with him to try to find 3-bedroom units for expecting mothers and place them in safe housing. The request is for a variance for the combined living room and dining space requirements. Board Attorney Tobias added that the Board needs to be sure the variance would not violate Building and/or Fire Codes. Mr. Picazo said that if they are unable to get a variance, then they would not be able to move forward with the Homes for Families. Mr. Picazo said that he has had meetings with City departments, who are in support of the plan. Code Assistant-Administrator Edgar Dillon addressed the Board to explain that he was included in a WebEx meeting and that the City does support alleviating homelessness. Board member Macke confirmed that there are currently 180 units, and those will be converted to 90 3-bedroom units. Mr. Picazo confirmed that is the ultimate plan. The first stage is to convert 90 units to 45 3-bedroom units. The second stage would be evaluated after about 18 months.

Board member McCann excused herself from the meeting prior to voting.

A finding of fact was made by the Board, to accept the evidence submitted regarding a variance to CCC 4541.015 and accepts testimony as true and accurate, and that there would be a financial hardship and there would not jeopardize the public health and safety. A motion for the finding of fact was made by Alex Macke and seconded by Scott Wolf. Motion granted 5-0.

Next, a motion was made by Joyce Bruce and seconded by Alex Macke to grant the request for a variance to CCC 4541.015, at the entire building, to allow combined kitchen/dining/living room space of 130 square feet, with occupant maximum of 5, and maintain proper Building and Fire Code. Motion granted 4-1.

**Grant the Request for Variance to CCC 4541.015, at the entire building, to allow combined kitchen/dining/living room space of 130 square feet, with occupant maximum of 5, and maintain proper Building and Fire Code, 4-1**

A motion was made by Alex Macke and seconded by Scott Wolf to accept the June meeting minutes from June 13, 2022. Approved 5-0

A motion was made by Joyce Bruce and seconded by Scott Wolf to accept the July meeting minutes from July 11, 2022. Approved 5-0

There being no further business, Joyce Bruce made a motion to adjourn the meeting at 3:05 pm, seconded by Alex Macke. Meeting adjourned 5-0

  
Pamela Palmer  
Chairperson

  
Cassandra Scurlock  
Secretary