

RESOLUTION NO. 051-17R

A RESOLUTION ACCEPTING RESOLUTION 17-001 OF THE SANDUSKY BUILDING CODE BOARD OF APPEALS AND AUTHORIZING THE BUILDING OFFICIAL OF THE CITY OF SANDUSKY, OHIO, TO TAKE THE NECESSARY ACTION TO ABATE THE NUISANCE BY DEMOLITION LOCATED AT 1719 WEST MADISON STREET, SANDUSKY, OHIO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Building Official of the City of Sandusky, Ohio, caused an inspection to be done on the building located at 1719 West Madison Street, Sandusky, Ohio and found said building to be unfit for human habitation and occupancy and ordered the building demolished; and

WHEREAS, the property owner exercised his right under Section 1345.04 of the Codified Ordinances to appeal to the Sandusky Building Code Board of Appeals and is seeking to overrule the Building Official's determination that said building was unfit for human habitation and occupancy; and

WHEREAS, the Sandusky Building Code Board of Appeals conducted a hearing on September 21, 2017, and after listening to the testimony of witnesses and the presentation of exhibits, concurred with the Building Official's determination that said building was unfit for human habitation and occupancy and denied the appeal, thus requiring the Building Official to have the nuisance abated; and

WHEREAS, pursuant to Section 1345.04 the Sandusky Building Code Board of Appeals has sent the findings of fact, decision, and resolution to the City Commission and pursuant to Section 1345.04(c) the City Commission shall consider the resolution of the Sandusky Building Code of Appeals and either accept or reject the resolution; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to move forward on the demolition of the property to protect the public from the imminent danger and to comply with the 30-day requirement of section 1345.04(C); and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Community Development, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission has received the findings of fact, decision,

and resolution from the Sandusky Building Code Board of Appeals (a copy of which is attached to this Resolution marked as Exhibit "A" and incorporated herein) and does hereby accept and agree with Resolution 17-001 of the Building Code Board of Appeals.

Section 2. This City Commission hereby authorizes and empowered the Building Official of the City of Sandusky to abate the nuisance located at 1719 West Madison Street, Sandusky, Ohio, by demolishing the same pursuant to Section 1345.06 of the Codified Ordinances of the City of Sandusky; and

Section 3. The costs of said abatement shall be assessed to the property pursuant to Ohio Revised Code Section 715.261 and the City may take any legal means to collect any costs expended for the abatement; and

Section 4. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

ATTEST:



KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: October 23, 2017

SANDUSKY BUILDING CODE BOARD OF APPEALS

Resolution 17-001

Whereas, pursuant to City of Sandusky Codified Ordinance 1345.04 et seq. the Sandusky Building Code Board of Appeals met in open session on September 21st 2017 at the municipal building, to hear the appeal of Ladonte Skelton regarding the Notice and Order of Demolition in relation to 1719 West Madison, Sandusky, Ohio; and

Whereas, the Board heard testimony and reviewed evidence present; and

Whereas, the Board determined that;

Now therefore, it is the finding of the Sandusky Building Code Board of Appeals:

1. That the property in question to be unsafe and unfit for human habitation or occupancy; and
2. That based upon that finding the Board does deny Ladonte Skelton's Appeal; and
3. That the Building Official shall have the nuisance abated; and
4. That this resolution shall be sent forthwith to the City Commission for the City Commission to accept or reject, pursuant to 1345.04(c) of the Codified Ordinance of the City of Sandusky, along with the findings of fact and decision.

SO BE IT RESOLVED.


John Feick, Chairperson

10-16-2017
Date:



SANDUSKY BUILDING CODE BOARD OF APPEALS

Thursday, September 21st, 2017
1st Floor Conference Room, Municipal Building
4:00 PM

Public Hearing on Appeal to Notice and Order of Demolition regarding 1719 West Madison, Sandusky, Ohio submitted by Danielle Kulik attorney for Ladonte Skelton.

Findings of Fact:

The Board having heard all of the testimony and reviewed all of the evidence presented finds the following:

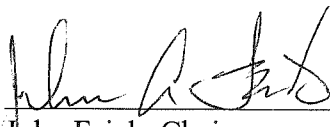
1. That the Ladonte Skelton was given proper notice.
2. That the Building Official for the City of Sandusky Scott Thom was sworn in and provided testimony.
3. That Ladonte Skelton and Danny Johnson were present and sworn in and provided testimony.
4. That attorney Geoffrey Oglesby was present representing Ladonte Skelton.
5. That all Exhibits asked to be part of the record are hereby accepted and incorporated herein, this would include Exhibits A-K and the power point presentation presented by the Building Official on September 21st.
6. That the building located at 1719 West Madison, Sandusky, Ohio is the subject of the demolition.
7. That on October 20, 1984 the use for the building was changed to S-1, a commercial use which to date has not been changed and there was no testimony presented by Ladonte Skelton or Danny Johnson that they have changed the use to a residential, therefore we find the use is commercial and properly before the Sandusky Building Code Board of Appeals.
8. That the standard before the Board was to determine whether the property discussed above is "unfit for human habitation or occupancy."
9. That Ladonte Skelton first gained possession of the property in question in 2014.
10. That the building was inspected by the City in 2016 and again in August of 2017.
11. That little to no proper improvements were conducted between the 2016 inspection and the August 2017 inspection.
12. That, pursuant to Exhibit F, the building is 90% damaged, decayed, and deteriorated from its original construction.
13. That the exterior has significant health and safety issues:
 - a. There is intake and exhaust for the furnace right by an entry door which is a health concern for carbon monoxide among other issues;
 - b. The roof and gutters have been attempted to be repaired but done so in a non-workman like manner and not done to code nor with the proper permits thus

allowing for water and other elements to infiltrate the building and causing health concerns such as mold and unsanitary conditions.

14. That the interior has significant health and safety issues:
 - a. There was significant mold present in more than one area and the Building Official testified to the odor when he first entered the building;
 - b. There was water weeping through the walls and roof causing damage;
 - c. There was live electrical sockets exposed;
 - d. There was exposed wiring for the baseboard heater in the bathroom;
 - e. There was exposed wiring for the hot water tank;
15. That Scott Thom, in his professional opinion, with his experience in working with the City as a building official and prior experience as a contractor found that the building is unsafe and presents an imminent dangerous condition and is unfit for human habitation or occupancy.
16. That Ladonte Skelton and Danny Johnson do not have the proper training or experience to make the necessary improvements themselves, nor have they taken proper permits to have the work done by someone with the proper credentials, nor have they provided any architectural drawings to indicate the scope of the work required to bring the building up to Code.

Decision:

Based upon the evidence and testimony presented before this Board, the Building Code Board of Appeals does hereby find the building in question unfit for human habitation or occupancy, and therefore denied the Appeal. Based upon this finding and denial of the Appeal the Building Official shall have the nuisance abated. A Resolution declaring the building be found to be unfit for human habitation or occupancy, and that the Building Official is to have the nuisance abated, shall be drafted and presented to the Sandusky City Commission forthwith.



John Feick, Chairperson

10-16-2017
Date: