

City of Sandusky Housing Appeals Board
April 27, 2021
Meeting Minutes

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The Chairman called the meeting to order at 4:00 p.m.

The following members were present: Frank Valli, Janice Warner, Alison Will, Gary Guendelsberger, and Sharon Johnson

City staff present: Amanda McClain- Housing Manager, Dante Shipp- Code Compliance Inspector, and Kelly Kromer- Clerk

Audience members sworn in by Kelly Kromer

Approval of minutes from the previous meeting:

February 23, 2021. No comments. Janice Warner moved to approve the minutes; Mr. Guendelsberger seconded the motion, which carried unanimously.

Old Business: None

Old Business: 21-05 Justin Hinkle is appealing the demolition of 923 Ogontz St., Sandusky, Ohio 44870. Parcel Number 57-03824.000

Ms. McClain took to the podium and proceeded to give a Power point presentation to the board. The PowerPoint presentation was placed upon the record and is attached to these minutes and fully incorporated herein.

Ms. McClain submitted exhibits A, B

Kelly Kromer placed upon the record that Allison Will arrived at 4:10pm

Ms. McClain submitted exhibits C, D, E, F, G, H, I, J, K, L

Attorney Justin Harris took to the podium on behalf of Justin Hinkle. Mr. Harris stated that Mr. Hinkle is one of the heir's per the notice in the paper. Mr. Harris stated that his law firm Remminger was contacted by Mr. Hinkle through his Aunt and Uncle Chris and Mary Romack. He added that Mr. Hinkle is the great-grandson of Florence Reiter which is the owner of the property and the great nephew of Lori Demore who have both since passed. Mr. Harris stated that he did speak to the City with regards to the cooperation with Mr. Hinkle to get in contact with the proper people and advance the appeal.

Mr. Harris stated that they are not there disputing the condition of the property at the time the photos were taken, however he stated they are there to through themselves at the mercy of the Housing Appeals Board and the City with respect to a game plan that he thinks will preserve a residence in the City of Sandusky and provide Mr. Hinkle with an opportunity to own his own house.

Mr. Harris stated that Mr. Hinkle works for his father Dennis Hinkle who is a registered contractor through the City. He stated that he has construction and carpentry skill sets. He stated that he also has an Uncle Chris Romack who has been responsible for revitalizing

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downtown. He stated that he has a supportive backing. He stated that he has a time line and a game plan is the Housing Appeals Board would give them more time. Mr. Harris stated that he knows even if the appeal were to be denied by the time that it actually gets to the commission and the house actually gets demolished it would be 9 or 10 months before an actual demolition takes place. He added that Mr. Hinkle can fix the property before it gets demolished and to a status of being code compliant and appealing to the eye.

Mr. Harris stated that there will take some legal finagling to getting the property in his name. Mr. Harris stated that he spoke with his partner John Ball who is a probate attorney and they would do a similar publication with respect to a notice to all potential heirs when they file something in court. He added that he left a message with Lori Demores husband and he has no interest in the property and would sign a disclaimer and it would be published to the rest of the heirs and he believes they can obtain proper title within the next 60 days or a little bit more like 75 days. He thanked Amanda for her advice to Mr. Hinkle because he was going to begin the process of improving the property however they didn't want to be in the situation where he put \$15,000-\$20,000 of his own money into the property that he doesn't have title to and then the housing appeals board makes the decision to demolish the property.

Mr. Harris stated that he is there to ask for more time. Mr. Harris gave a repair plan and cost estimates that Justin has indicated that it would take to get the property up to code including construction to the exterior and interior of the property. He stated that off record he and Justin talked about his time line and he had an exterior completion date of August and November for the interior but Mr. Harris told him based on the conditions of the photos that the interior needs to be tackled first therefor that would be the only amendment to the document. Mr. Hinkle said that by November he could have all of the work done. Mr. Harris said that they would consent to a waiver of any appeals rights to the decision that the Housing Appeals Board makes at a time in the future pending the repairs. Meaning if the repairs are not completed by the date set then he would waive any right to appeal any decision of the board and consent to the demolition and waiver any rights to appeal to the Erie County Common Pleas Court.

Mr. Hinkle wanted to give insight to the house. He stated that it was built in 1913 and his great-great-grandfather built it and he has fond memories of going to the house and doesn't want to let it go. He said that he would like to help his family members out. He said that it would be fully livable and wouldn't be an eye sore. Mr. Hinkle continued to describe what the house means to him. He stated in his line of work he sees great potential in the house. He stated that he has the financial ability and a great support system. He said he has good knowledge on carpentry and painting. He stated that it could benefit the community. Mr. Hinkle stated that he comes from nothing and is trying to help his family out.

Mr. McClain stated that the code provides for a variance. Ms. McClain finished her presentation regarding the variance at this time. She stated that the variance requirements before construction or rehabilitation commences are the title must be legally transferred to Justin Hinkle, comprehensive rehabilitation plan shall be approved by the City Chief Building

Official and any changes to the approval of the rehabilitation plan shall be submitted and be approved by the City Building Official before any changes commence or construction takes place. A professional estimate of the total cost to the rehabilitation of the structure and order to bring it into complete compliance with the Ohio Residential Code and the Building Code and the Codified Ordinances of the City shall be provided, proof of financial capacity to complete the approved rehabilitation plan shall be provided, all required building permits shall be obtained, and during construction rehabilitation of the structure shall commence immediately and proceed with due diligence until completed within a time period deemed reasonable by the Housing Appeals Board, certified contractors shall perform the rehabilitation work as required by the Residential Code of Ohio and/or the Ohio Building Code and Codified Ordinances of the City. Rehabilitation of the structure shall be completed in accordance with the plans approved by the Chief Building Official and any changes to the rehabilitation plan shall be approved in writing by the Chief Building Official. A Code Compliance officer shall be granted access to inspect the interior of the structure on a monthly bases in order to report progress of the rehabilitation project to the Housing Appeals Board.

Discussion:

Ms. McClain described the waiver of appeal. She stated that no matter how much money or time Mr. Hinkle put into the property if he doesn't follow the boards guidelines they will not appeal the board's decision and can order demolition. Mr. Harris said that is correct.

Mr. Guendelsberger said that the whole issue comes down to one fact and in order to proceed Mr. Hinkle needs to be the owner. He asked Mr. Hinkle if he is the owner and Mr. Hinkle responded "I am not currently". Mr. Harris stated that they are in the process. He added that he got the case yesterday. He stated that they feel that this is one of the most simple probate caes. Mr. Guendelsberger asked Mr. Harris when he was notified by Mr. Hinkle. Mr. Harris said in all fairness to Mr. Hinkle he attempted to reach out a little while ago. Mr. Guendelsberger stated that it looks like there is extensive damage to the structure that is going to require far greater than \$10,000.00 of rehab. Mr. Hinkle stated that the funds can be adjusted.

Mr. Harris said with respect to the variance they can revisit the variance at different increments and the board can check the variance back in 90 days. He stated that the variance can be granted today and in 90 days review it under old business and at that time he should have ownership of it and should have submitted a contract and proposal that spells out all the costs associated with building it up to code in conjunction with the Chief Building Official signoff. He said if reviewed in 90 days and he has not done that than at that time "hammer the gavel and put it in line to be demolished". Mr. Harris said that all they are asking is for 90 days of time to give the board a solid game plan.

Ms. Warner said her question was going to be if they could do it in increments.

Mr. Guendelsberger stated that he is curious about the simple quick process of probate if it is such, why has it not happened? Mr. Harris said because he's not an attorney. Ms. McClain said that Diane was living there and code backed off because she thought it would be very simple

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for her to get the property in her name even with Lori Demore passing away. She said that now it may be simpler. Mr. Harris said that the old pictures are not Mr. Hinkle's involvement. Mr. Hinkle stepped up to the plate as he is a heir.

Ms. Warner said that if they could do the steps of the variance than she would be in favor of that.

Mr. Guendelsberger said that the property taxes are based on a homestead exemption which wouldn't apply any longer. Ms. McClain stated that can't be corrected until ownership transfers and he would be foolish to make any more payments until they know the status.

Ms. Johnson stated that she is going to have to abstain from this matter. Ms. Will asked about the cost and needed to see a more detailed estimate as she has experience with rental repairs and it seems that it could be twice to three times more than the amount listed in reality. She asked him if he does foundation work. Mr. Hinkle stated that he doesn't fully understand masonry and foundation work. Mr. Harris said that his estimate was more of a game plan to bring to the board. He added that the variance that they are asking for will be submitted by DHI the registered contractor.

Ms. Warner asked if 90 days is enough time. Mr. Harris said yes to get title.

No more comments.

Mr. Warner asked if it has to be worded in a certain way.

Ms. McClain said tell me if this is what you are proposing: That you will grant the variance in increments and the first step in the variance is that he must obtain title to the property, obtain plans that are approved by the building official, and submit financial documents within 90 days.

Ms. Warner said that she wouldn't mind making that motion but has a problem with the word increments because if they don't have that we are going to order demolition.

Ms. McClain said and in return Mr. Hinkle is going to waive the right to appeal the decision of this board and everything else will be based on the recommended requirements of the variance and step by step as the board sees reasonable.

Ms. Warner stated that she would make that motion. Mr. Guendelsberger stated that he has one comment before he says anything else, He would hope that the acquisition in your name happens much sooner than 90 days since it's a simple process. Mr. Guendelsberger seconded the motion with the understanding that everything that happens in the variance you must meet. Ms. Warner said "and if not we will order demolition".

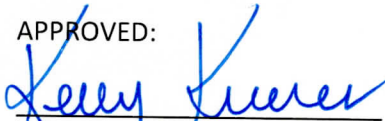
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Roll call was taken Mr. Valli-abstain, Mr. Guendelsberger-yes, Ms. Johnson-abstain, Ms. Will-yes, and Ms. Warner-yes. Motion Passes.

There was no further business before the Board. A motion was made by Mr. Guendelsberger and seconded by Ms. Warner; the board voted unanimously to adjourn the meeting at 4:43pm

APPROVED:



Kelly L. Kromer, Clerk



Mr. Frank Valli, Chairman