

CONSTRUCTION AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS

The Construction and Property Maintenance Code Board of Appeals meeting was held on June 24, 2026, at 3:36 p.m., with Mr. Boggerty presiding. The members present were Mr. Neil, Mr. Campana, and Mr. Martin. Staff members present were Mr. Kopp, Mr. England, Mr. Wood, Ms. Wheeler, and Ms. Martin. Mr. Rocha was absent.

ADOPTION OF AGENDA

Mr. Neil moved for approval of the agenda, seconded by Mr. Martin, and unanimously carried (Rocha absent).

Mr. Boggerty moved to recess until 3:45 p.m. due to logistics of Mr. Daniel Noel, so he could attempt to attend the meeting as indicated since he was outside of the country. The Board would recess from 3:37 p.m. to 3:45 p.m., which would have given Mr. Noel a total of 15 minutes to attend the meeting.

2009 Property Maintenance Code Violation (Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings, Section 22-403 - Registration and Registration Fee) - Appeal of Registration Fee – 7 Scioto Court

Mr. Martin stated that he went by the property, 7 Scioto Court, and that there was a “Coming Soon” Real Estate sign from Keller Williams. He noted that he spoke with the real estate agent and she has a signed listing agreement and would be emailing that listing agreement to Mr. Kopp. He added that Mr. Kopp should be expecting that listing agreement that afternoon.

Mr. Kopp stated that based on past practices with the Board, the recommendation of Code Enforcement was to deny the appeal based on the owner being allowed to appeal and not being present during the appeal.

Responding to Mr. Boggerty, Mr. Kopp stated that even though the Board was aware there may be a contract to sell the dwelling, it would still be the determination of the Board, even if the owner was present. He suggested that it would be in the best interest of the Board to hear Mr. England’s case history of the property, since there was a lengthy history with the property.

Mr. John England, Code Enforcement Officer, reviewed the case history for 7 Scioto Court.

Mr. Kopp stated for the record, to the best of his knowledge, that Code Enforcement has not received any confirmation on any deployment orders or written correspondence by any means to go along with what Mr. Noel was claiming. He noted that Mr. Noel was stating he was a DOD Contractor. Based on his previous experience with the military, he stated that if an individual was on deployment orders, it was mandatory, which was why the Service Members Relief Act existed. He added that, based on his conversations with Mr. Noel, it appeared that Mr. Noel was serving duty as a civilian contractor voluntarily. That it was not a deployment order to where Mr. Noel was being forced to be there.

Responding to Mr. Neil, Mr. Kopp stated that most of the fees were still outstanding for the numerous property maintenance cases that existed.

Mr. Neil stated that nothing had been paid or very little had been paid. He noted that the property was a danger to the neighborhood and that it was a magnet for homeless individuals who would

destroy the inside of the dwelling and could burn it down. He further noted that if Mr. Noel was a contractor for the government and not a military member on assignment, that would represent an entirely different picture.

Mr. Kopp stated for the record that most of the cases originated from complaints and that the cases were not inspector-initiated or coming from the Code Enforcement Department. He noted that most of the cases originated from other sources.

Responding to Mr. Neil, Mr. Kopp stated that listing the property for sale was only one (1) aspect of the Vacant Building Ordinance. He explained that according to the Vacant Building Ordinance, the property had to maintain utilities at all times, and it had to maintain compliance with the Property Maintenance Code. He noted that, based on the history of the property, it did not comply with the Property Maintenance Code due to the repeated violations; therefore, the property had not met the ordinance's requirements.

Responding to Mr. Neil, Mr. Martin stated that the "Coming Soon" sign had recently been placed and that the real estate agent had only recently become Mr. Noel's agent. He noted that the real estate agent indicated she was targeting July 2, 2026, as the anticipated date.

Mr. Kopp clarified that the real estate agent's role was specific to the sale of the property and that she would not assume responsibility for the property's maintenance.

Mr. Martin stated that it would be between the real estate agent and the owner as to whether she was going to contract individuals to keep the grass cut. He noted that the real estate agent stated that there would be some work done and she had taken over getting that work completed.

Responding to Mr. Neil, Mr. Kopp stated that the way the code was written currently, the only lien was for vacant buildings and grass fees. He noted that code enforcement citations were not lienable.

Responding to Mr. Neil, Mr. Kopp clarified that if the property was sold, the new owner would not be responsible for the outstanding fees and fines.

Responding to Mr. Martin, Mr. Kopp stated that the referral to taxes applied specifically to vacant building fees, tall grass, and weed violations.

Responding to Mr. Martin, Mr. Kopp clarified that the amounts would be added to the owner's tax bill when he paid his city taxes.

Responding to Mr. Martin, Mr. Kopp clarified that only vacant building fees and tall grass and weed violations may be added to the property tax bill. He explained that other Property Maintenance Code violations, such as abandoned vehicles, trash, or broken fences, were not currently subject to liens. He added that he was reviewing the city's codes and ordinances and anticipated proposing additional changes soon.

Responding to Mr. Campana, Mr. Kopp stated that if the property were to be sold, Mr. Noel would only be responsible for the vacant building fees and the tall grass fees. He noted that any other citation that was issued, unless it was captured at the time of sale, Code Enforcement could not collect, and out of 13 cases since 2022, that would be significant. He further noted that he did not

have the actual number in front of him, but it was a significant number, and it was due to the continued neglect of the property.

Mr. Neil moved to uphold the Code Enforcement Officer's decision and declare the property in its fourth year of vacancy. The fourth-year vacant building registration fee of \$3,000 is due within 30 days. The motion was seconded by Mr. Neil and carried with Mr. Martin voting no (Rocha absent).

Mr. Boggerty moved for an adjournment of the Construction and Property Maintenance Code Board of Appeals meeting. The motion was seconded by Mr. Neil and unanimously carried (Rocha absent).

The meeting adjourned at 4:00 p.m.

Andre M. Boggerty
Chairman

AB/cw