CONSTRUCTION AND PROPERTY MAINTENANCE
CODE BOARD OF APPEALS

The Construction and Property Maintenance Code Board of Appeals meeting was held on September 9, 2026, at 3:28 p.m., with Mr. Boggerty presiding. The members present were Mr. Rocha, Mr. Campana, and Mr. Martin. Staff members present were Mr. Kopp, Mr. Layfield, Ms. Wheeler, and Ms. Martin. Mr. Neil was absent.

ADOPTION OF AGENDA

Mr. Campana moved for approval of the agenda, seconded by Mr. Rocha, and unanimously carried.

2009 Property Maintenance Code Violation (Chapter 3 - General Requirements, Section 302.1 - Sanitation) - 774 and 774A South State Street

The Chair corrected the street addresses stated on the agenda from 747 and 747A South State Street to 774 and 774A South State Street for the record.

Mr. Eddie Kopp, Chief Code Enforcement Officer, stated that the matter concerned Code Enforcement's interpretation of the materials shown in the property photographs as junk and debris. He stated that Ms. Patty Downes disagreed with that interpretation and requested that the Board determine whether the materials violated Section 302.1.

Ms. Downes reviewed updated photographs of the property. She stated that the items included screen doors and materials intended for roofing, decking, and property maintenance. She explained that complications following surgery in April prevented her from completing the work during the summer and that she was not released to lift items until late July.

Ms. Downes stated that the garage had been full of appliances and belongings left by a longtime tenant who had died. She explained that the tenant's belongings had been removed gradually during the preceding month, creating additional room for storage. She stated that the property consisted of five units in four buildings on one parcel.

Ms. Downes and her representative stated that a prospective buyer was seeking commercial financing and that the parties had signed a memorandum of understanding. They explained that the prospective buyer wanted the furniture and building materials to remain with the property. They estimated that a contract could be completed within 30 to 60 days.

Responding to Mr. Martin, Ms. Downes stated that placing all of the materials inside the garage would prevent access through the garage. She explained that the metal roofing was approximately 12 feet long and was stored outside with plywood on top to prevent the material from blowing away and to protect treated lumber from the sun.

Board members discussed whether building materials stored outdoors without an active construction permit were consistent with a clean and sanitary exterior property. Members noted that the materials were not being used for an identified project and were visible from neighboring properties, including nearby offices and parking areas. Members also discussed possible storage in the garage or another unit.

Mr. Kopp read Section 302.1 of the 2009 International Property Maintenance Code into the record. He stated that the code requires all exterior property and premises to be maintained in a clean, safe, and sanitary condition and applies regardless of whether the property is residential or

commercial. He asked the Board to decide whether Code Enforcement correctly interpreted the condition of the property.

Ms. Downes maintained that the items were useful building materials rather than junk and debris. She stated that she kept leftover materials available for repairs and had reduced other debris shown in earlier photographs.

Mr. Kopp clarified that a sale would not resolve the violation because the violation would remain with the property. He stated that Code Enforcement had suspended enforcement while the appeal was pending and recommended a defined compliance period before enforcement resumed. He further explained that, after the appeal was resolved, Ms. Downes could request an extension if the property showed good-faith effort toward compliance.

The Board discussed a 30-day period to store or remove the materials. Ms. Downes requested 60 days because of the anticipated settlement schedule and the continuing removal of personal belongings. Mr. Kopp stated that the code did not provide an exemption based on a pending sale, but that Code Enforcement could consider an extension request after reviewing progress on the property.

Mr. Kopp clarified that the materials could remain if they were properly stored. The appellants were advised that they would receive a letter explaining the next steps.

Mr. Campana moved to deny the appeal and delay further enforcement for 30 days. The motion was seconded by Mr. Rocha and unanimously carried.

Mr. Rocha moved to adjourn the Construction and Property Maintenance Code Board of Appeals meeting. The motion was seconded by Mr. Campana and unanimously carried.

The meeting adjourned at 3:55 p.m.

Andre M. Boggerty
Chairman

AB/rm