CODE BOARD OF APPEALS

The Code Board of Appeals meeting was held on October 8, 2026, at 3:30 p.m., with Dr. Sudler presiding. The members present Mr. Neil, Mr. Leboon, Dr. Pillsbury (via Webex), and Ms. Main. Staff members present were Mr. Kopp, Mr. Wood, Mr. Lyon, and Ms. Martin.

ADOPTION OF AGENDA

Mr. Neil moved for approval of the agenda, seconded by Mr. Leboon, and unanimously carried.

Appeal of Case No. 26-0003873 and Related Fines - 624 Walker Road

Mr. Eddie Kopp, Chief Code Enforcement Officer, noted that the appellant had not appeared in person or online. Mr. Kopp advised that Code Enforcement's position was to recommend denial of the appeal based on the appellant's failure to appear.

Mr. Neil requested that the Board allow the appellant an additional five minutes to join the meeting.

Ms. Main requested an overview of the case.

Mr. Doug Wood, Code Enforcement Officer, stated that he initiated the case on September 8, 2026, after observing from the public right-of-way a tree located near the corner of the driveway and alley that appeared to be diseased or dying. He stated that notice was sent to the owner on September 9, 2026, providing 60 days to remove the tree from the property and properly dispose of it.

Mr. Wood stated that Code Enforcement had received no communication from the owner other than the appeal submitted to the City Clerk's Office on September 17, 2026. He explained that the owner believed the tree was healthy and that its condition was part of the tree's normal seasonal cycle. Mr. Wood stated that enforcement activity stopped when the appeal was received. He further stated that the tree remained in the same condition and that he had taken updated photographs that day.

Responding to Ms. Main, Mr. Wood confirmed that the tree was a conifer and stated that he did not observe any green growth on it. He explained that most conifers shed needles from the inside out after producing new green growth in June and July. Although some varieties of conifers are deciduous, he stated that the tree at the property was not one of those varieties.

Responding to Mr. Kopp, Mr. Wood described his professional qualifications. Mr. Wood stated that he had been a Delaware Nursery & Landscape Association master landscaper and had owned a landscaping business for 22 years.

Dr. Sudler invited anyone participating by telephone or online to identify themselves through the chat feature or by raising their hand. The appellant did not respond or otherwise appear.

Responding to Ms. Main, Mr. Kopp stated that the Code did not permit staff to speculate about the owner's reasons and that the issue before the Board was whether the tree was dead, diseased, or dying.

Ms. Main stated that, if the tree was dead, it should be removed before it fell and damaged the owner's property or neighboring property.

Mr. Neil moved to deny the appeal for 624 Walker Road. The motion was seconded by Mr. Leboon and unanimously carried.

The meeting adjourned at 3:44 p.m.

Dr. Roy Sudler, Jr.
Chairman

RS/rm