SPECIAL COUNCIL
AGENDA

MARCH 6, 2017 - 6:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA - DOVER, DELAWARE

AGENDA ADDITIONS/DELETIONS

1. **PUBLIC HEARINGS - VIOLATIONS OF THE DANGEROUS BUILDING ORDINANCE**
   (STAFF RECOMMENDS: 1) DECLARING THESE BUILDINGS AND ALL ACCESSORY STRUCTURES ON THESE PROPERTIES DANGEROUS; 2) ORDERING THE PROPERTIES DEMOLISHED BY APRIL 6, 2017 BY THE OWNERS OR EQUITY OWNERS AT THEIR OWN RISK; 3) ORDERING THE BUILDING INSPECTOR TO CAUSE THE DEMOLITION OF THE STRUCTURES IF NOT COMPLETED BY THE OWNERS WITHIN 10 DAYS OF THE DATE ESTABLISHED BY CITY COUNCIL; AND 4) ORDERING THE CITY MANAGER, WITH THE ASSISTANCE OF THE CITY SOLICITOR, TO CAUSE THE COST OF DEMOLITION TO BE CHARGED AGAINST THE LANDS ON WHICH THE BUILDINGS EXIST AS MUNICIPAL LIENS OR CAUSE SUCH COSTS TO BE ADDED TO THE TAX DUPLICATE AS ASSESSMENTS, OR TO BE LEVIED AS A SPECIAL TAX, OR TO BE RECOVERED IN A SUIT AT LAW AGAINST THE OWNERS.)

   A. **PROPERTY LOCATED AT 236 EISENHOWER DRIVE, OWNED BY ANGELA WESTER AND MARTHA GARRATT**
   B. **PROPERTY LOCATED AT 1175 HORSEPOND ROAD, OWNED BY MICHAEL S. GOODHAND**

2. **CITY MANAGER'S ANNOUNCEMENTS**

3. **COUNCIL MEMBERS' ANNOUNCEMENTS**

4. **ADJOURNMENT**

/tm
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Council-Agendas\2017\03-06-2017 SPECIAL - Violations of the Dangerous Building Ordinance.wpd

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(E)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING.

ACTION FORM

PROCEEDING: City Council
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: 2-27-17
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning and Community Development
SUBJECT: 236 Eisenhower Drive, Dover, Delaware – Violation of Dangerous Building Ordinance
REFERENCE: Chapter 22, Article XI – Dangerous Buildings, Sec. 22-385 - Hearing before Council and Chapter 22, Article XI - Dangerous Buildings Case #16-576 & 17-436
RELATED PROJECT: N/A
APPROVALS: N/A
EXHIBITS: PowerPoint Presentation and File Photos to be presented at the Council meeting.
EXPENDITURE REQUIRED: Preliminary estimate is $15,000. **AMOUNT BUDGETED**: $175,000 Budgeted for all demolitions Citywide in the FY-2017 Budget; As of Februay 27, 2017, there is $76,449.90 remaining in the line item. **FUNDING SOURCE (Dept./Page in CIP & Budget)**: 110-1600-534-30-33.
TIMETABLE: As soon as possible.
RECOMMENDED ACTION: 1. Declare this building and all accessory structures on this property dangerous. 2. Order the property demolished by **April 6, 2017** by the owner or equity owner at their own risk. 3. Order the Building Inspector to cause the demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**. 4. Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

BACKGROUND AND ANALYSIS

The property is owned by Angela Wester & Martha Garratt. The property is a single story ranch wood framed dwelling. On March 11, 2016, City Staff condected an exterior inspection of the home and observed several code violations, including damage to the roof and a dilapidated fence. Several notices were sent to the homeowner over the course of the summer with no response. On August 29, 2016, City Staff condemned the dwelling and posted it as unsafe for human occupancy due to the amount of damage to the structure and the lack of work being done to repair it. To date, the owner has made no contact with the City regarding the code violations or registering the dwelling as vacant. Currently the structure is vacant, with no active utilities and in a serious state of disrepair.





Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7010
Fax: (302) 736-4217

NOTICE

SENT VIA CERTIFIED & REGULAR MAIL
PHYSICALLY POSTED ON PREMISES

February 9, 2017

Angela Wester & Martha Garratt
236 Eisenhower Drive
Dover, DE 19901

Angela Wester
526 N Governors Ave
Dover, DE 19904

LSF9 Master Participation Trust
c/o Daniel T. Conway, Esquire
512 East Market Street
Georgetown, DE 19947

LSF9 Master Participation Trust
c/o Caliber Home Loans, Inc.
13801 Wireless Way
Oklahoma City, OK 73134

Texas Commerce Bank N.A.
801 West Greens Rd
Houston, TX 77067

RE: 236 Eisenhower Drive, Dover, DE 19901
Parcel #ED05-068.14-01-550.000
Case #16-576

Dear Madams:

On August 29, 2016, the Department of Planning and Inspections condemned the dwelling located at 236 Eisenhower Drive as unfit for human occupancy due to the amount of damage to the structure and the lack of work being done to repair it. Prior to this, the Department had sent several notices regarding code violations, such as a deteriorated roof, damaged wall siding and missing gutters. To date, the owner has made no contact with the city regarding these violations and has made no corrections for the code violations. Due to the condition of the property and the lack of responsiveness on the part of the owner to correct violations, the building is found to be in violation of the Dangerous Building Ordinance of the City.

Presently the dwelling has no utilities, is condemned as unsafe for human occupancy, and is registered as a vacant building. There are exterior and interior code violations that have not been corrected from previous inspections. The following defects have been sited from Article XI, Dangerous Buildings, Section 22-381 of the Dover City Ordinance.

- (5) *Unfit for habitation.* Those which have become or are so dilapidated, decayed, unsafe, insanitary or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

- (9) *General welfare.* Those which, because of their condition or use, are unsafe, insanitary, or dangerous to the public health, morals, safety or general welfare of the people of this city.
- (10) *Code violations.* Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city.
- (12) *Unoccupied buildings.* Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.

This letter is to notify you that the structures must be repaired and brought into code compliance by February 23, 2017, or staff will report your non-compliance to City Council. The Council will then set a date and time for a public hearing to afford you the opportunity to appear and show cause why this building should not be demolished.

This property has been duly posted as legally prescribed by the ordinance and all other parties will be notified as required. Please call (302) 736-7010 between 8:30 AM to 5:00 PM if you have any questions concerning this correspondence.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Director of Planning and Community Development
atownshend@dover.de.us

cc: Traci McDowell – City Clerk
Timothy M. Taraila – Code Enforcement Supervisor
City Solicitor

Attachment: Code Violation Notice

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7011
Fax: (302) 736-4217

FIFTH NOTICE

August 30, 2016

ANGELA & WESTER
GARRATT,MARTHA
236 EISENHOWER DR
DOVER DE 19901

RE: Property Address: 236 EISENHOWER DR
Tax Parcel Number: ED-05-068.14-01-550.000-000
Case Number: 16-00000576

Dear SIR / MADAM:

On March 11, 2016, the City of Dover, Department of Inspections conducted an inspection at 236 EISENHOWER DR. The inspection revealed one or more City Code Violations on the property.

Attached are the violation(s) found.

After further investigation the structure has been condemned as unfit for human occupancy due to excessive damage and lack of repairs. Anyone found in the structure after September 1, 2016 will be considered trespassing.

A re-inspection revealed that the violation(s) remain. Enclosed is a third citation. **Citations will double if not paid within 14 days of the issue date.** Failure to comply by September 29, 2016 will result in an additional Citation.

If you have any questions or to appeal this notice, please contact this office at (302) 736-7011.

Sincerely,

JAKE SHEPHERD
Code Enforcement Officer

cc: File



Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7011
Fax: (302) 736-4217

OFFICIAL CITATION

Citation # 16-00000576

ANGELA & WESTER
GARRATT,MARTHA
236 EISENHOWER DR
DOVER DE 19901

Location of Offense: 236 EISENHOWER DR
Type of Offense: PROPERTY MAINTENANCE-EXTERIOR
Date of Offense: August 30, 2016
Time of Offense: 08:25
Date of Issue: August 30, 2016
Previous Offense, If any - Date:

You are hereby fined for being in violation of the City of Dover Ordinance marked (X) below. Payment must be received by The City of Dover Inspections Dept., 15 Loockerman Plaza, Dover, Delaware prior to September 29, 2016.

Appeals of this citation may be submitted in writing to the City of Dover Inspections Department at the above address. This appeal must be made within 30 days of the date of the offense. Failure to pay this fine may result in the City of Dover seeking collections through an approved collections agency with a collection fee of 35%.

If the violation is not corrected, the City reserves the right to use its own resources or those of a contractor to abate the below violation(s) and to bill the owner of the property for such cost plus administrative fees.

Fines will be doubled if not paid within 14 days from the date the fine was issued or if an appeal is not submitted within 14 days from the date the fine was issued.

JAKE SHEPHERD
Code Enforcement Officer

Violation: HSG/BLDG Condemnation

Sec No: DCO 22-221 / 2009 IPMC Section 108 Unsafe Structures and Equipment

Fine as per code: $200.00

CASE NUMBER 16-00000576
PROPERTY ADDRESS 236 EISENHOWER DR

VIOLATION: 248 QUANTITY: 1
DESCRIPTION: 248 REPLACE ROOF DATE: 3/11/16
LOCATION: ROOF

NARRATIVE :
Replace the roof on the house. This includes the shingles, felt, and any damaged sheathing. Bring it to a proper condition. Do so in a workmanship like manner. Failure to do so may result in a citation being issued and the City using its own resources to abate the violation at the property owners expense. In addition, if the roof continues to deteriorate without correction, there is a possibility of condemnation of the property. A permit will be required.

ORDINANCE DESCRIPTION :
SECTION PM 304.7 ROOFS

CORRECTIVE ACTION REQUIRED :
REPLACE ROOF SHINGLES AND/OR ROOFING MATERIAL TO MAKE THE ROOF WEATHER TIGHT

VIOLATION: 386 QUANTITY: 1
DESCRIPTION: 386 REPAIR YARD FENCE DATE: 3/11/16
LOCATION: BACK YARD

NARRATIVE :
Replace or remove the damaged fence in the rear yard. Properly dispose of trash pieces. In the case of taking down the fence and replacing it with a new fence then a permit is required.

ORDINANCE DESCRIPTION :
SECTION PM 302.7 ACCESSORY STRUCTURES/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR, REPLACE OR REMOVE DAMAGED OR DETERIORATED YARD FENCE

VIOLATION: 717 QUANTITY: 1
DESCRIPTION: 717 RMV JUNK AND DEBRIS DATE: 3/11/16
LOCATION: EXTERIOR

NARRATIVE :
Remove and properly dispose of all junk, trash and debris on the exterior of the house. Keep exterior in a neat, organized and sanitary manner.

ORDINANCE DESCRIPTION :
SECTION PM 302.1 SANITATION

CORRECTIVE ACTION REQUIRED :
REMOVE GARBAGE, TRASH AND/OR JUNK AND DEBRIS FROM

CASE NUMBER 16-00000576
PROPERTY ADDRESS 236 EISENHOWER DR

CORRECTIVE ACTION REQUIRED :
EXTERIOR PROPERTY AREAS.

VIOLATION: 000 QUANTITY: 1
DESCRIPTION: 000 HSG/BLDG CONDEMNATION DATE: 8/29/16
LOCATION: ATTENTION

NARRATIVE :
This building is hereby condemned as unfit for human occupancy due to the amount of damage to the structure and the lack of work being done to repair it. Anyone found in the structure after 9/1/16 will be considered trespassing and further action will be taken.

ORDINANCE DESCRIPTION :
NOTICE
THIS BUILDING IS HEREBY "CONDEMNED" AS
"UNFIT FOR HUMAN OCCUPANCY", AND MUST BE
VACATED IMMEDIATELY AND/OR ALL CODE VIOLATIONS
CAUSING THIS ACTION CORRECTED IMMEDIATELY
SECTION PM 108.1 UNSAFE STRUCTURES AND EQUIPMENT GENERAL

CORRECTIVE ACTION REQUIRED :
BUILDING/DWELLING IS TO BE VACATED AND REMAIN VACATED UNTIL SUCH TIME THAT ALL VIOLATIONS HAVE BEEN CORRECTED AND APPROVAL OF OCCUPANCY HAS BEEN OBTAINED BY THE CODE OFFICIAL

VIOLATION: 001 QUANTITY: 1
DESCRIPTION: 001 WORKMANSHIP DATE: 8/30/16
LOCATION: ATTENTION

NARRATIVE :
Please correct all violations in a workmanlike manner and obtain permits if necessary.

ORDINANCE DESCRIPTION :
SECTION PM 102.5 ALL REPAIRS AND MAINTENANCE WORK IS TO BE DONE IN A WORKMANLIKE MANNER AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. TO BE WORKMANLIKE THE REPAIR MUST BE PERFORMED IN A MANNER CONSISTENT WITH WORK DONE BY A SKILLED CRAFTSMAN.

CORRECTIVE ACTION REQUIRED :
MAKE ALL REPAIRS IN A WORKMANLIKE MANNER.

VIOLATION: 108 QUANTITY: 1
DESCRIPTION: 108 REPAIR CONCRETE STEPS DATE: 8/30/16
LOCATION: FRONT ENTRY

NARRATIVE :
Please repair the damaged and deteriorating front walkway,

CASE NUMBER 16-00000576
PROPERTY ADDRESS 236 EISENHOWER DR

NARRATIVE :
which leads to the front door.

ORDINANCE DESCRIPTION :
SECTION PM 304.10 BUILDING/STRUCTURAL

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE CONCRETE STEPS

VIOLATION: 242 QUANTITY: 1
DESCRIPTION: 242 REPAIR WALL SIDING DATE: 8/30/16
LOCATION: EXTERIOR

NARRATIVE :
Please repair all missing and broken sections of siding.

ORDINANCE DESCRIPTION :
SECTION PM 304.2 EXTERIOR SURFACES

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE WALL SIDING

VIOLATION: 246(a) QUANTITY: 1
DESCRIPTION: 246(a) REPAIR OVERHANG DATE: 8/30/16
LOCATION: REAR

NARRATIVE :
Please repair the badly damaged and deteriorating section of overhang, soffit, and fascia on the rear of the structure.

ORDINANCE DESCRIPTION :
SECTION PM 304.9 OVERHANG EXTENSION

CORRECTIVE ACTION REQUIRED :
Repair, replace or remove deteriorated and or damaged overhang extension.

VIOLATION: 255 QUANTITY: 1
DESCRIPTION: 255 REPAIR OR REPLACE DRIVEWAY DATE: 8/30/16
LOCATION: DRIVEWAY

NARRATIVE :
Please replace the cracked and damaged driveway and obtain permits to do so.

ORDINANCE DESCRIPTION :
SECTION PM 302.3 DRIVEWAY SURFACE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DAMAGED AND/OR DETERIORATED DRIVEWAY

VIOLATION: 391 QUANTITY: 1
DESCRIPTION: 391 REPAIR/REPLACE GUTTER(S) DATE: 8/30/16
LOCATION: EXTERIOR

CASE NUMBER 16-00000576
PROPERTY ADDRESS 236 EISENHOWER DR

NARRATIVE : CONTINUED
Please repair or replace and clean all damaged sections of gutter to ensure proper drainage of water.

ORDINANCE DESCRIPTION :
SECTION PM 304.7 BUILDING/EQUIPMENT/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE GUTTER(S)

VIOLATION: 715 QUANTITY: 1
DESCRIPTION: 715 RMV HIGH GRASS/OVERGROWTHS DATE: 8/30/16
LOCATION: EXTERIOR

NARRATIVE :
Please remove and properly dispose of all high grass, noxious weeds, and overgrowth from the property.

ORDINANCE DESCRIPTION :
SECTION PM 302.4 and DCO 114-32 GENERAL REQUIREMENTS

CORRECTIVE ACTION REQUIRED :
REMOVE HIGH GRASS, WEEDS AND/OR NOXIOUS WEEDS FROM EXTERIOR PROPERTY AREAS






236
DANGER









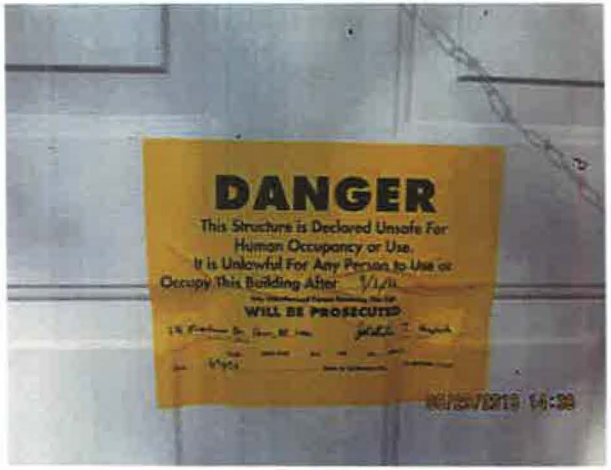





236
DANGER






DANGER
This Structure is Declared Unsafe For
Human Occupancy or Use.
It is Unlawful For Any Person to Use or
Occupy This Building After
WILL BE PROSECUTED


09/29/2016 08:42




DANGER
This Structure is Declared Unsafe For
Human Occupancy or Use.
It is Unlawful For Any Person to Use or
Occupy This Building After
WILL BE PROSECUTED


09/29/2016




DANGER




















08/25/2016 10:01



Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7010
Fax: (302) 736-4217

NOTICE

February 24, 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Angela Wester & Martha Garratt
236 Eisenhower Drive
Dover, DE 19901

Angela Wester
526 N Governors Ave
Dover, DE 19904

LSF9 Master Participation Trust
c/o Daniel T. Conway, Esquire
512 East Market Street
Georgetown, DE 19947

LSF9 Master Participation Trust
z/o Caliber Home Loans, Inc.
13801 Wireless Way
Oklahoma City, Ok 73134

Texas Commerce Bank N.A.
801 West Greens Rd
Houston, TX 77067

RE: 236 Eisenhower Drive, Dover, DE 19901
Parcel #ED05-068.14-01-550.000
Case #16-576

Dear Madams:

The Department of Planning and Inspections for the City of Dover inspected the exterior of the dwelling located at 236 Eisenhower Drive on February 23, 2017, and found that no repairs have been made to correct the violations detailed in a previous letter dated February 9, 2017. The building is in violation of the Dangerous Building Ordinance of the City and is scheduled to be presented to City Council as such on Monday, March 6, 2017 at 6:00 p.m., in accordance with the provisions of Article XI Dangerous Buildings. At this hearing, Staff will recommend that Council order the building to be demolished, including all accessory structures, either by the owner or the City. You may present testimony to City Council stating your case as to why the house should not be declared dangerous and ordered demolished.

On March 11, 2016, City Staff from the Department of Planning and Inspections conducted an exterior inspection of the home and observed several code violations, including damage to the roof and a dilapidated fence. Several notices were sent to the homeowner over the course of the summer with no response. On August 29, 2016, City Staff condemned the dwelling and posted it as unsafe for human occupancy due to the amount of damage to the structure and the lack of work being done to repair it.

Presently the structure is registered as a vacant building, with no utilities and has been condemned as unfit for human occupancy. The structure is a fire hazard and a danger to the residents in the surrounding area. The following defects have been sited from Article XI, Dangerous Buildings, Section 22-381 of the Dover City Ordinance.

- (5) *Unfit for habitation.* Those which have become or are so dilapidated, decayed, unsafe, insanitary or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- (9) *General welfare.* Those which, because of their condition or use, are unsafe, insanitary, or dangerous to the public health, morals, safety or general welfare of the people of this city.
- (10) *Code violations.* Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city.
- (12) *Unoccupied buildings.* Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.

This property has been duly posted as legally prescribed by the ordinance and all other parties will be notified as required. Please call (302) 736-7010 between 8:30 AM to 5:00 PM if you have any questions concerning this correspondence.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Director of Planning and Community Development
atownshend@dover.de.us

cc: Traci McDowell – City Clerk
Timothy M. Taraila – Code Enforcement Supervisor
City Solicitor

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7011
Fax: (302) 736-4217

FIFTH NOTICE

August 30, 2016

ANGELA & WESTER
GARRATT,MARTHA
236 EISENHOWER DR
DOVER DE 19901

RE: Property Address: 236 EISENHOWER DR
Tax Parcel Number: ED-05-068.14-01-550.000-000
Case Number: 16-00000576

Dear SIR / MADAM:

On March 11, 2016, the City of Dover, Department of Inspections conducted an inspection at 236 EISENHOWER DR. The inspection revealed one or more City Code Violations on the property.

Attached are the violation(s) found.

After further investigation the structure has been condemned as unfit for human occupancy due to excessive damage and lack of repairs. Anyone found in the structure after September 1, 2016 will be considered trespassing.

A re-inspection revealed that the violation(s) remain. Enclosed is a third citation. **Citations will double if not paid within 14 days of the issue date.** Failure to comply by September 29, 2016 will result in an additional Citation.

If you have any questions or to appeal this notice, please contact this office at (302) 736-7011.



Sincerely,

JAKE SHEPHERD
Code Enforcement Officer

cc: File

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7011
Fax: (302) 736-4217

OFFICIAL CITATION

Citation # 16-00000576

ANGELA & WESTER
GARRATT,MARTHA
236 EISENHOWER DR
DOVER DE 19901

Location of Offense: 236 EISENHOWER DR
Type of Offense: PROPERTY MAINTENANCE-EXTERIOR
Date of Offense: August 30, 2016
Time of Offense: 08:25
Date of Issue: August 30, 2016
Previous Offense, If any - Date:

You are hereby fined for being in violation of the City of Dover Ordinance marked (X) below. Payment must be received by The City of Dover Inspections Dept., 15 Loockerman Plaza, Dover, Delaware prior to September 29, 2016.

Appeals of this citation may be submitted in writing to the City of Dover Inspections Department at the above address. This appeal must be made within 30 days of the date of the offense. Failure to pay this fine may result in the City of Dover seeking collections through an approved collections agency with a collection fee of 35%.

If the violation is not corrected, the City reserves the right to use its own resources or those of a contractor to abate the below violation(s) and to bill the owner of the property for such cost plus administrative fees.

Fines will be doubled if not paid within 14 days from the date the fine was issued or if an appeal is not submitted within 14 days from the date the fine was issued.

JAKE SHEPHERD
Code Enforcement Officer

Violation: HSG/BLDG Condemnation

Sec No: DCO 22-221 / 2009 IPMC Section 108 Unsafe Structures and Equipment

Fine as per code: $200.00

CASE NUMBER 16-00000576
PROPERTY ADDRESS 236 EISENHOWER DR

VIOLATION: 248 QUANTITY: 1
DESCRIPTION: 248 REPLACE ROOF DATE: 3/11/16
LOCATION: ROOF

NARRATIVE :
Replace the roof on the house. This includes the shingles, felt, and any damaged sheathing. Bring it to a proper condition. Do so in a workmanship like manner. Failure to do so may result in a citation being issued and the City using its own resources to abate the violation at the property owners expense. In addition, if the roof continues to deteriorate without correction, there is a possibility of condemnation of the property. A permit will be required.

ORDINANCE DESCRIPTION :
SECTION PM 304.7 ROOFS

CORRECTIVE ACTION REQUIRED :
REPLACE ROOF SHINGLES AND/OR ROOFING MATERIAL TO MAKE THE ROOF WEATHER TIGHT

VIOLATION: 386 QUANTITY: 1
DESCRIPTION: 386 REPAIR YARD FENCE DATE: 3/11/16
LOCATION: BACK YARD

NARRATIVE :
Replace or remove the damaged fence in the rear yard. Properly dispose of trash pieces. In the case of taking down the fence and replacing it with a new fence then a permit is required.

ORDINANCE DESCRIPTION :
SECTION PM 302.7 ACCESSORY STRUCTURES/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR, REPLACE OR REMOVE DAMAGED OR DETERIORATED YARD FENCE

VIOLATION: 717 QUANTITY: 1
DESCRIPTION: 717 RMV JUNK AND DEBRIS DATE: 3/11/16
LOCATION: EXTERIOR

NARRATIVE :
Remove and properly dispose of all junk, trash and debris on the exterior of the house. Keep exterior in a neat, organized and sanitary manner.

ORDINANCE DESCRIPTION :
SECTION PM 302.1 SANITATION

CORRECTIVE ACTION REQUIRED :
REMOVE GARBAGE, TRASH AND/OR JUNK AND DEBRIS FROM

CASE NUMBER 16-00000576
PROPERTY ADDRESS 236 EISENHOWER DR

CORRECTIVE ACTION REQUIRED :
EXTERIOR PROPERTY AREAS.

VIOLATION: 000 QUANTITY: 1
DESCRIPTION: 000 HSG/BLDG CONDEMNATION DATE: 8/29/16
LOCATION: ATTENTION

NARRATIVE :
This building is hereby condemned as unfit for human occupancy due to the amount of damage to the structure and the lack of work being done to repair it. Anyone found in the structure after 9/1/16 will be considered trespassing and further action will be taken.

ORDINANCE DESCRIPTION :
NOTICE
THIS BUILDING IS HEREBY "CONDEMNED" AS
"UNFIT FOR HUMAN OCCUPANCY", AND MUST BE
VACATED IMMEDIATELY AND/OR ALL CODE VIOLATIONS
CAUSING THIS ACTION CORRECTED IMMEDIATELY
SECTION PM 108.1 UNSAFE STRUCTURES AND EQUIPMENT GENERAL

CORRECTIVE ACTION REQUIRED :
BUILDING/DWELLING IS TO BE VACATED AND REMAIN VACATED UNTIL SUCH TIME THAT ALL VIOLATIONS HAVE BEEN CORRECTED AND APPROVAL OF OCCUPANCY HAS BEEN OBTAINED BY THE CODE OFFICIAL

VIOLATION: 001 QUANTITY: 1
DESCRIPTION: 001 WORKMANSHIP DATE: 8/30/16
LOCATION: ATTENTION

NARRATIVE :
Please correct all violations in a workmanlike manner and obtain permits if necessary.

ORDINANCE DESCRIPTION :
SECTION PM 102.5 ALL REPAIRS AND MAINTENANCE WORK IS TO BE DONE IN A WORKMANLIKE MANNER AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. TO BE WORKMANLIKE THE REPAIR MUST BE PERFORMED IN A MANNER CONSISTENT WITH WORK DONE BY A SKILLED CRAFTSMAN.

CORRECTIVE ACTION REQUIRED :
MAKE ALL REPAIRS IN A WORKMANLIKE MANNER.

VIOLATION: 108 QUANTITY: 1
DESCRIPTION: 108 REPAIR CONCRETE STEPS DATE: 8/30/16
LOCATION: FRONT ENTRY

NARRATIVE :
Please repair the damaged and deteriorating front walkway,

CASE NUMBER 16-00000576
PROPERTY ADDRESS 236 EISENHOWER DR

NARRATIVE :
which leads to the front door.

ORDINANCE DESCRIPTION :
SECTION PM 304.10 BUILDING/STRUCTURAL

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE CONCRETE STEPS

VIOLATION: 242 QUANTITY: 1
DESCRIPTION: 242 REPAIR WALL SIDING DATE: 8/30/16
LOCATION: EXTERIOR

NARRATIVE :
Please repair all missing and broken sections of siding.

ORDINANCE DESCRIPTION :
SECTION PM 304.2 EXTERIOR SURFACES

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE WALL SIDING

VIOLATION: 246(a) QUANTITY: 1
DESCRIPTION: 246(a) REPAIR OVERHANG DATE: 8/30/16
LOCATION: REAR

NARRATIVE :
Please repair the badly damaged and deteriorating section of overhang, soffit, and fascia on the rear of the structure.

ORDINANCE DESCRIPTION :
SECTION PM 304.9 OVERHANG EXTENSION

CORRECTIVE ACTION REQUIRED :
Repair, replace or remove deteriorated and or damaged overhang extension.

VIOLATION: 255 QUANTITY: 1
DESCRIPTION: 255 REPAIR OR REPLACE DRIVEWAY DATE: 8/30/16
LOCATION: DRIVEWAY

NARRATIVE :
Please replace the cracked and damaged driveway and obtain permits to do so.

ORDINANCE DESCRIPTION :
SECTION PM 302.3 DRIVEWAY SURFACE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DAMAGED AND/OR DETERIORATED DRIVEWAY

VIOLATION: 391 QUANTITY: 1
DESCRIPTION: 391 REPAIR/REPLACE GUTTER(S) DATE: 8/30/16
LOCATION: EXTERIOR

CASE NUMBER 16-00000576
PROPERTY ADDRESS 236 EISENHOWER DR

NARRATIVE : CONTINUED
Please repair or replace and clean all damaged sections of gutter to ensure proper drainage of water.

ORDINANCE DESCRIPTION :
SECTION PM 304.7 BUILDING/EQUIPMENT/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE GUTTER(S)

VIOLATION: 715 QUANTITY: 1
DESCRIPTION: 715 RMV HIGH GRASS/OVERGROWTHS DATE: 8/30/16
LOCATION: EXTERIOR

NARRATIVE :
Please remove and properly dispose of all high grass, noxious weeds, and overgrowth from the property.

ORDINANCE DESCRIPTION :
SECTION PM 302.4 and DCO 114-32 GENERAL REQUIREMENTS

CORRECTIVE ACTION REQUIRED :
REMOVE HIGH GRASS, WEEDS AND/OR NOXIOUS WEEDS FROM EXTERIOR PROPERTY AREAS

ACTION FORM

PROCEEDING: City Council
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: 2-27-17
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning and Community Development
SUBJECT: 1175 Horsepond Road, Dover, Delaware – Violation of Dangerous Building Ordinance
REFERENCE: Chapter 22, Article XI – Dangerous Buildings, Sec. 22-385 - Hearing before Council and Chapter 22, Article XI - Dangerous Buildings Case #13-370 & 16-3080
RELATED PROJECT: N/A
APPROVALS: N/A
EXHIBITS: PowerPoint Presentation and File Photos to be presented at the Council meeting.
EXPENDITURE REQUIRED: Preliminary estimate is $10,000. **AMOUNT BUDGETED**: $175,000 Budgeted for all demolitions Citywide in the FY-2017 Budget; As of Februay 27, 2017, there is $76,449.90 remaining in the line item. **FUNDING SOURCE (Dept./Page in CIP & Budget)**: 110-1600-534-30-33.
TIMETABLE: As soon as possible.
RECOMMENDED ACTION: 1. Declare this building and all accessory structures on this property dangerous. 2. Order the property demolished by **April 6, 2017** by the owner or equity owner at their own risk. 3. Order the Building Inspector to cause the demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**. 4. Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

BACKGROUND AND ANALYSIS

The property is owned by Michael S. Goodhand. The property is a single wide mobile home with a one room addition added. The dwelling was condemned as unfit for human habitation on February 8, 2017 due to the condition of the property and the lack of responsiveness on the part of the owner to correct violations. The dwelling is in a dilapidated condition, with two windows boarded, deteriorated skirting, damaged siding and a rear wooding deck that is rotted and a danger to walk on. Additionally, there are two wooding sheds that are also in a dilapidated condition. On March 7, 2013, the dwelling was registered as a vacant building. Since that time, the City has had to have the grass and overgrowth cut by a City Contractor on nine separate occasions. To date, the owner has made no contact with the City regarding the code violations or registering the dwelling as vacant. Currently the structure is vacant, with no active utilities and in a serious state of disrepair.



Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7010
Fax: (302) 736-4217

NOTICE

SENT VIA CERTIFIED & REGULAR MAIL
PHYSICALLY POSTED ON PREMISES

February 9, 2017

Michael S. Goodhand
2923 Elm St
Winter Haven, FL 33881

Michael S Goodhand
c/o Asset Construction, LLC
PO Box 400
Camden Wyoming, DE 19934

RE: 1175 Horsepond Rd, Dover, DE 19901
Parcel #ED05-078.00-01-070.000
Case #13-370 & 16-3080

Dear Mr. Goodhand:

On February 8, 2017, the Department of Planning and Inspections condemned the dwelling located at 1175 Horsepond Rd after the structure, along with two additional sheds, were found to be in a dilapidated condition. Prior to this, the Department had sent notice on February 2, 2013 that the dwelling was a vacant house and would need to be registered as such. To date, the owner has made no contact with the city regarding registering the dwelling as vacant. The City has also sent notice to make repairs to the property with no corrections being made, along with The City having to have a contractor cut the grass since 2013. Due to the condition of the property and the lack of responsiveness on the part of the owner to correct violations, the building is found to be in violation of the Dangerous Building Ordinance of the City.

Presently the dwelling has no utilities, is condemned as unsafe for human occupancy, and is registered as a vacant building. There are exterior code violations that have not been corrected from previous inspections. The following defects have been sited from Article XI, Dangerous Buildings, Section 22-381 of the Dover City Ordinance.

- (5) *Unfit for habitation.* Those which have become or are so dilapidated, decayed, unsafe, insanitary or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- (9) *General welfare.* Those which, because of their condition or use, are unsafe, insanitary, or dangerous to the public health, morals, safety or general welfare of the people of this city.
- (10) *Code violations.* Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city.

- (12) *Unoccupied buildings.* Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.

This letter is to notify you that the structures must be repaired and brought into code compliance by February 23, 2017, or staff will report your non-compliance to City Council. The Council will then set a date and time for a public hearing to afford you the opportunity to appear and show cause why this building should not be demolished.

This property has been duly posted as legally prescribed by the ordinance and all other parties will be notified as required. Please call (302) 736-7010 between 8:30 AM to 5:00 PM if you have any questions concerning this correspondence.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Director of Planning and Community Development
atownshend@dover.de.us

cc: Traci McDowell – City Clerk
Timothy M. Taraila – Code Enforcement Supervisor
City Solicitor

Attachment: Code Violation Notice

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7011
Fax: (302) 736-4217

SECOND NOTICE

February 8, 2017

MICHAEL S GOODHAND
2923 ELM ST
WINTER HAVEN FL 33881

RE: Property Address: 1175 HORSEPOND RD
Tax Parcel Number: ED-05-078.00-01-070.000-000
Case Number: 16-00003080

Dear Mr. Goodhand:

On November 14, 2016, the City of Dover, Department of Inspections conducted an inspection at 1175 HORSEPOND RD. The inspection revealed one or more City Code Violations on the property.

Attached are the violation(s) found.

A follow up inspection was conducted and the violation(s) still remain. Failure to have the property brought into compliance with the City Codes by February 23, 2017 will result in City Staff taking this property to City Council with the recommendation to have the structures demolished.

Please contact this office with a date and time to conduct your re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-7011.

Sincerely,

TIMOTHY M. TARAILA
Chief Code Enforcement Officer

cc: File

CASE NUMBER 16-00003080
PROPERTY ADDRESS 1175 HORSEPOND RD

VIOLATION: 715 QUANTITY: 1
DESCRIPTION: 715 RMV HIGH GRASS/OVERGROWTHS DATE: 11/14/16
LOCATION: EXTERIOR

NARRATIVE :
Remove all overgrowth from the property to include the overgrowth around the shed and primary building.

ORDINANCE DESCRIPTION :
SECTION PM 302.4 and DCO 114-32 GENERAL REQUIREMENTS

CORRECTIVE ACTION REQUIRED :
REMOVE HIGH GRASS, WEEDS AND/OR NOXIOUS WEEDS FROM EXTERIOR PROPERTY AREAS

VIOLATION: 717 QUANTITY: 1
DESCRIPTION: 717 RMV JUNK AND DEBRIS DATE: 11/14/16
LOCATION: EXTERIOR

NARRATIVE :
Remove and properly dispose of all trash, litter, junk and debris from the exterior areas of the property.

ORDINANCE DESCRIPTION :
SECTION PM 302.1 SANITATION

CORRECTIVE ACTION REQUIRED :
REMOVE GARBAGE, TRASH AND/OR JUNK AND DEBRIS FROM EXTERIOR PROPERTY AREAS.

VIOLATION: 719 QUANTITY: 1
DESCRIPTION: 719 RPR/RMV ACCESSORY STRUC. DATE: 11/14/16
LOCATION: SHEDS

NARRATIVE :
Repair or remove and dispose of the two wooden sheds. The sheds have failing roofs, walls and floors.

ORDINANCE DESCRIPTION :
SECTION PM 302.7 ACCESSORY STRUCTURES/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR/REPLACE OR REMOVE DAMAGED AND/OR DILAPIDATED ACCESSORY STRUCTURE

VIOLATION: 000 QUANTITY: 1
DESCRIPTION: 000 HSG/BLDG CONDEMNATION DATE: 2/08/17
LOCATION: DWELLING

NARRATIVE :

CASE NUMBER 16-00003080
PROPERTY ADDRESS 1175 HORSEPOND RD

NARRATIVE :
Currently the home is in a delapidated condition, with no utilities and has been registered as a vacant building since 2013.

ORDINANCE DESCRIPTION :
NOTICE
THIS BUILDING IS HEREBY "CONDEMNED" AS
"UNFIT FOR HUMAN OCCUPANCY", AND MUST BE
VACATED IMMEDIATELY AND/OR ALL CODE VIOLATIONS
CAUSING THIS ACTION CORRECTED IMMEDIATELY
SECTION PM 108.1 UNSAFE STRUCTURES AND EQUIPMENT GENERAL

CORRECTIVE ACTION REQUIRED :
BUILDING/DWELLING IS TO BE VACATED AND REMAIN VACATED UNTIL SUCH TIME THAT ALL VIOLATIONS HAVE BEEN CORRECTED AND APPROVAL OF OCCUPANCY HAS BEEN OBTAINED BY THE CODE OFFICIAL



























Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7010
Fax: (302) 736-4217

NOTICE

February 24, 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael S. Goodhand
2923 Elm Street
Winter Haven, FL 33881

Michael S. Goodhand
c/o Asset Construction, LLC
PO Box 400
Camden Wyoming, DE 19934

RE: 1175 Horsepond Rd, Dover, DE 19901
Parcel #ED05-078.00-01-070.000
Case #13-370 & 16-3080

Dear Mr. Goodhand:

The Department of Planning and Inspections for the City of Dover inspected the exterior of the structures located at 1175 Horsepond Rd on February 23, 2017, and found that no repairs have been made to correct the violations detailed in a previous letter dated February 9, 2017. The buildings are in violation of the Dangerous Building Ordinance of the City and are scheduled to be presented to City Council as such on Monday, March 6, 2017 at 6:00 p.m., in accordance with the provisions of Article XI Dangerous Buildings. At this hearing, Staff will recommend that Council order the buildings to be demolished, including all accessory structures, either by the owner or the City. You may present testimony to City Council stating your case as to why the buildings should not be declared dangerous and ordered demolished.

On March 7, 2013, City Staff from the Planning and Inspections Department registered the dwelling as a vacant building. Since the date of registration, City Staff has had to have the grass cut by City contractors nine times. On November 11, 2016, a code violation notice was sent to the owner regarding several code violations including the condition of the two dilapidated sheds. As of today's date, no repairs have been made.

Presently the structure is registered as a vacant building, with no utilities and has been condemned as unfit for human occupancy. The structure is a fire hazard and a danger to the residents in the surrounding area. The following defects have been sited from Article XI, Dangerous Buildings, Section 22-381 of the Dover City Ordinance.

- (5) *Unfit for habitation.* Those which have become or are so dilapidated, decayed, unsafe, insanitary or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

- (9) *General welfare.* Those which, because of their condition or use, are unsafe, insanitary, or dangerous to the public health, morals, safety or general welfare of the people of this city.
- (10) *Code violations.* Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city.
- (12) *Unoccupied buildings.* Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.

This property has been duly posted as legally prescribed by the ordinance and all other parties will be notified as required. Please call (302) 736-7010 between 8:30 AM to 5:00 PM if you have any questions concerning this correspondence.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Director of Planning and Community Development
atownshend@dover.de.us

cc: Traci McDowell – City Clerk
Timothy M. Taraila – Code Enforcement Supervisor
City Solicitor

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7011
Fax: (302) 736-4217

THIRD NOTICE

February 24, 2017

MICHAEL S GOODHAND
2923 ELM ST
WINTER HAVEN FL 33881

RE: Property Address: 1175 HORSEPOND RD
Tax Parcel Number: ED-05-078.00-01-070.000-000
Case Number: 16-00003080

Dear Mr. Goodhand:

On November 14, 2016, the City of Dover, Department of Inspections conducted an inspection at 1175 HORSEPOND RD. The inspection revealed one or more City Code Violations on the property.

Attached are the violation(s) found.

If you have any questions or would like to schedule your inspection or appeal this notice, please contact this office at (302) 736-7011.

Sincerely,

TIM TARAILA
Code Enforcement Officer

cc: File

CASE NUMBER 16-00003080
PROPERTY ADDRESS 1175 HORSEPOND RD

VIOLATION: 715 QUANTITY: 1
DESCRIPTION: 715 RMV HIGH GRASS/OVERGROWTHS DATE: 11/14/16
LOCATION: EXTERIOR

NARRATIVE :
Remove all overgrowth from the property to include the overgrowth around the shed and primary building.

ORDINANCE DESCRIPTION :
SECTION PM 302.4 and DCO 114-32 GENERAL REQUIREMENTS

CORRECTIVE ACTION REQUIRED :
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VIOLATION: 717 QUANTITY: 1
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NARRATIVE :
Remove and properly dispose of all trash, litter, junk and debris from the exterior areas of the property.

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SECTION PM 302.1 SANITATION

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LOCATION: SHEDS

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Repair or remove and dispose of the two wooden sheds. The sheds have failing roofs, walls and floors.

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CORRECTIVE ACTION REQUIRED :
REPAIR/REPLACE OR REMOVE DAMAGED AND/OR DILAPIDATED ACCESSORY STRUCTURE

VIOLATION: 000 QUANTITY: 1
DESCRIPTION: 000 HSG/BLDG CONDEMNATION DATE: 2/08/17
LOCATION: DWELLING

NARRATIVE :

CASE NUMBER 16-00003080
PROPERTY ADDRESS 1175 HORSEPOND RD

NARRATIVE :
Currently the home is in a delapidated condition, with two windows boarded, deteriorted skirting, damaged siding and a rotted rear deck that is a danger to walk on. The dwelling and sheds have no utilities with the main dwelling being registered as a vacant building.

ORDINANCE DESCRIPTION :
NOTICE
THIS BUILDING IS HEREBY "CONDEMNED" AS
"UNFIT FOR HUMAN OCCUPANCY", AND MUST BE
VACATED IMMEDIATELY AND/OR ALL CODE VIOLATIONS
CAUSING THIS ACTION CORRECTED IMMEDIATELY
SECTION PM 108.1 UNSAFE STRUCTURES AND EQUIPMENT GENERAL

CORRECTIVE ACTION REQUIRED :
BUILDING/DWELLING IS TO BE VACATED AND REMAIN VACATED UNTIL
SUCH TIME THAT ALL VIOLATIONS HAVE BEEN CORRECTED AND
APPROVAL OF OCCUPANCY HAS BEEN OBTAINED BY THE CODE OFFICIAL