# PROPERTY MAINTENANCE CODE BOARD OF APPEALS
# A G E N D A

**JANUARY 31, 2013 - 2:00 P.M.**

**CITY HALL CONFERENCE ROOM**
**15 LOOCKERMAN PLAZA**
**DOVER, DELAWARE**

***Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at CityClerk@dover.de.us) should you wish to be recognized.***

AGENDA ADDITIONS/DELETIONS

1. Property Maintenance Code Citation - Appeal of Decision - 1160 S. DuPont Highway *(Richard Arndt)*

2. Adjournment

/dd
S:\AGENDAS-MINUTES-PACKETS\Misc-Agendas\PROPERTY MAINTENANCE CODE BOARD OF APPEALS\01-31-2013 PMCBA.wpd

*THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.*

H AND A ELECTRIC Company

302-678-8252

59 ROOSEVELT AVE.
DOVER, DELAWARE 19901

RECEIVED
JAN 11 2013
OFFICE OF THE CITY CLERK

January 7, 2013

City of Dover
Division of Code Enforcement
15 Loockerman Plaza
Dover, De. 19901

Re: Vacant Building citation:

1160 DuPont Highway
ED-05-077.17.00-000
Case No. 12-00003806

Attn: Tim Tarailan

Upon receiving notice of Vacant Bldg. Citation Case No. 13-3806 and review of such I decided to meet with Ron Coburn-Code Enforcement Officer and originator of the Citation to have better understanding of what the content of the Citation was addressing . Ron was very helpful in his explanation of the Citation and certainly represented the City of Dover in a professional manner.

I then decided to have some help in interpreting the Citation that was listed so as not to look at this matter in a bias one way view as the property owner. In doing so, I met with Adam Perza, 2nd District Councilman who represents the area of the property listed in the Citation.

We met, I explained my interpretation and views of the topic and he made his comments as to such. Based upon this meeting I have decided to appeal the Citation issued.

Please proceed with the process for such appeal and notify me of the next step. I have attached Mr. Perza's comments for your review.

Sincerely,

Richard W. Arndt
President/Owner

Attachment: Letter/Mr.Perza

**Division of**
**Code Enforcement**
15 Loockerman Plaza
Dover, DE 19901

# City of Dover

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

December 19, 2012

RICHARD ARNDT
363 BEECHWOOD AVE
DOVER DE 19901

RE: Property Address: 1160 S DUPONT HWY
Tax Parcel #: ED-05-077.17-05-750.000-000
Case Number: 12-00003806

Dear Mr. Arndt:

On June 26, 2006, the Dover City Council adopted the Vacant Building Ordinance to reduce the negative impact vacant buildings have on the surrounding businesses and neighborhoods. This letter is to inform you that your building has been found to be vacant as defined under Article 12, Chapter 22 of the Dover Code of Ordinances.

In accordance with this ordinance, this building must be registered with the City of Dover. Enclosed with this notice is a registration form. Please return this form by January 21, 2013 to the City of Dover Department of Planning and Inspections. Failure to return the form within 30 days of mailing will result in the building being registered by this department.

An annual registration fee shall be paid at the time of registration. If the building inspector registers the building as vacant the fee shall be due not later than 30 days after the building is registered as vacant. Please read the enclosed leaflet for more information on fees and any exemptions that may apply with the fees.

The building inspector shall inspect any premises in the city for the purpose of enforcing and assuring compliance with the provisions of this article. Upon request of the building inspector, an owner shall provide access to all interior portions of a vacant building in order to permit a complete inspection.

Please contact this office between the hours of 8:30 a.m. and 5:00 p.m. at (302) 736-7011 with any questions or concerns regarding this letter.

Sincerely,

RON COBURN
Code Enforcement Officer

cc: file

**Department of**
**Planning & Inspections**
15 Loockerman Plaza
Dover, DE 19901

# City of Dover

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

City of Dover Vacant Building Registration

AMT DUE $ 250.00 AMT PAID _____

DATE DUE 1/21/13 CASE # 12-3806 DATE REGISTERED _____

Vacant Since: 8/10/09 Tax Parcel # ED-05-077.17-05-750.000

Property Address: 1160 S DuPont Hwy Dover DE 19901

Previous Property Owner: _____

Current Property Owner: Richard Arndt

Address: 363 Beechwood Ave
Dover DE 19901

Phone: _____ Cell: _____

Responsible Person/Agent: _____

Address: _____

Phone: _____ Cell: _____

**Local agent is required for any owner residing outside of Kent County Delaware**

Mailing address for all correspondence: _____

_____

Insurance on Building: Y / N (please circle)
If Yes: Name of Insurance Company: _____

Exempt from Registration Fee: Y / N (please circle)

Explanation of Exemption if granted: _____
****If building is for sale or lease – Listed selling price _____
****Attach a copy of the Realtors Listing Sheet (REQUIRED)

Owner Signature: _____ Date: _____

Fees as follow:

| | |
|---|---|
| Buildings vacant one year or less; | $250.00 |
| Buildings vacant for more than one year but less than two years; | $500.00 |
| Buildings vacant for more than two years but less than five years; | $1,000.00 |
| Buildings vacant for five years or longer; | $2,000.00 |

Staff Use Only:
Staff Registered: Y / N Staff Member: _____
Owner Notified: Y / N Date Owner Notified: _____

REVISED 09/17/12

# Vacant Building Ordinance

City of Dover
15 Loockerman Plaza
Dover City DE 19901
Phone 302-736-7010
Fax 302-736-4217
www.cityofdover.com

**City of Dover Inspections & Planning**

2/3/2011

On June 26th, 2006, the Dover City Council adopted the Vacant Building Ordinance to reduce the negative impact that vacant buildings have on the surrounding businesses and neighborhoods.

## DEFINITIONS

***Vacant Building:***

A building, structure, residential structure or a dwelling unit or commercial unit within a building that has been unoccupied or unattended for three (3) months or more.

***Actively for Sale or Lease:***

The building is being actively marketed through a licensed real estate broker or the owner who is regularly advertising the property in newspapers circulated in and around Dover. It is being offered for sale or lease at a cost of no more than 25% over market rate as determined by the City Assessor. The building must be in reasonable condition for sale or lease, including but not limited to: no trash has collected inside or outside of the building, the utilities are functional, and it us not being used as storage that is unrelated to the former use.

## REGISTRATION:

There are two ways to register the building as vacant:

(i) The owner shall register with the city not later than 30 days after any building in the city becomes vacant, or

(ii) The Building Inspector or his designee, shall investigate any property that may be subject to registration. Based on his findings, the Building Inspector may register the property as a vacant building subject to this chapter.

*a. Notice will be sent to the Property Owner notifying them of the Building being registered as vacant.*

## RESPONSIBLE PERSON:

The vacant building shall have a person or agency that lives in the county listed as the responsible person.

## REGISTRATION FEE:

The registration fee is an annual fee due by March 31st. Please contact this Department for the correct amount due.

The annual fee is:

- $250.00 for buildings vacant one year or less.
- $500.00 for buildings vacant for more than one year but less than two years.
- $1000.00 for buildings vacant for more than 2 years but less than 5 years.
- $2000.00 for buildings vacant for five years or longer.

## EXEMPTIONS:

1. The following are exempt from the registration: (i) The building has fire damage. The owner has 90 days to file for a permit to start construction or demolition or it will be determined a vacant property.

2. The following properties shall be registered as vacant, but they are exempt from the registration fee: (i) The building is actively being offered for sale or lease for a maximum period of 3 years. After such time this ordinance will be in effect. Proof of activity shall fall on the owner to provide. (*See definition*). (ii) The owner has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy. (iii) The property is in probate or where the owner has entered a long term care facility within six months of the building being vacant. (iv) The property is currently undergoing environmental cleanup or assessment.

**Address Information**

| | |
|---|---|
| Address: | 1160 S DUPONT HWY |
| City, state, zip: | DOVER DE 199014424 |
| Carrier route: | C012 |
| Delivery point: | 600 |
| Inside/outside code: | IN INSIDE CITY LIMITS |
| Jurisdiction: | DOVER DOVER |
| General location: | DIST4 DISTRICT 4 |
| DRS from Location Master | 40279000 |
| Address type: | Main Parcel |
| Effective date: | |
| Location status: | Active |
| Last change user: | CASS2001-1 |
| Last change date: | 11/06/2001 |

**Parcel Information**

| | |
|---|---|
| Tax Map Number | ED-05-077.17-05-750.000-000 |
| Parcel status: | Active |

**Zoning Information**

| | | |
|---|---|---|
| Zoning: | HIGHWAY COMMERCIAL | C-4 |
| Commissioner district: | COUNCIL DISTRICT 2 | |
| Undivided interest %: | .00% | |
| Longitude/latitude: | .000000 | .000000 |
| Map X/Y coordinates: | | |
| Property code: | | |

**Current Owner**

| | |
|---|---|
| Name: | ARNDT,RICHARD |
| Address: | 363 BEECHWOOD AVE |
| | DOVER DE 19901 |

ELECTRIC SERVICE HAS BEEN OFF SINCE 8/19/09

# KENT COUNTY, DELAWARE

**555 Bay Road, Dover, Delaware 19901-3615**
**(302) 744-2300 -- FAX (302) 736-2279**

***"Serving Kent County With Pride"***

## PROPERTY INFORMATION

Planning and Building Permits Information

| | | | | |
|---|---|---|---|---|
| **Reference #** | | ED EAST DOVER HUNDRED | | **Card #** 1 **of** 1 |
| **Location ID** | 15060 | **Map Number** | 2-05-07717-05-7500-00001 | |
| **Tax ID** | 15060 | **Deed BVP** | D 3991 0027 D 0474 0233 | |
| **Parcel ID** | 40794 | **Property Code** | P - PROPERTY | |

**Current Owner**
ARNDT, RICHARD W.
363 BEECHWOOD AVE
DOVER, DE 19901

**Property Location**
1160 DUPONT HWY
DOVER , DE 19901

**Zoning** C4 **Acres** .15

**Additional Owner**

**Sub-Division** INGRAM LOTS

| Sales History | | | | Liv.Sq.Ft | 833.0000 |
|---|---|---|---|---|---|
| **Date** | **Price** | **Assessment** | | **Total Rooms** | 4 |
| 8/20/07 | 0 | **Land** | 8,800 | **Bedrooms** | 1 |
| 0/00/00 | 0 | **Buildings** | 17,200 | **Full Bath** | 1 |
| | | **Total** | 26,000 | **Half Bath** | |

| | | | | |
|---|---|---|---|---|
| **Base Tax Due** | .00 | Last Billing Detail | History | Farm Info |
| **Tax Penalty** | .00 | | | |
| **Total Tax Bal.** | .00 | | | |
| **Sewer Balance** | .00 | **Sewer Account #** | - 00 | |
| **Neighborhood #** | 00204 | **Coordinates** | | 0471073 E 0416460 N |
| **Land Use** | 1 | **Lot Dimensions** | | 165.28 135.95 |
| **Living Units** | NO | **School District** | 18 | CAPITOL |
| **Class** | Residen | **Fire District** | 46 | ROBBINS HOSE (DOVER) |
| **Plat Book Pg** | 001 00026 | **Sewer District** | 00 | NONE |
| **Topography** | Level | **Ambulance District** | 46 | ROBBINS HOSE (DOVER) |
| **Street or Road** | Paved | **Trash District** | | |

## ARTICLE XII. - VACANT BUILDINGS

Sec. 22-400. - Purpose; applicability; definitions.
Sec. 22-401. - Monitoring, inspection and condition standards.
Sec. 22-402. - Agent—Responsible person required.
Sec. 22-403. - Registration and registration fee.
Sec. 22-404. - Violation and penalties.
Sec. 22-405. - Exemptions—Types of buildings eligible for exemption status from the registration fee.
Sec. 22-406. - Appeals.

### Sec. 22-400. - Purpose; applicability; definitions.

(a) *Purpose*. The purpose and intent of this article is to establish a registration and identification program of vacant buildings within the city. Vacant buildings are detrimental to the surrounding buildings and neighborhoods in which they exist. The article is also to ensure the public health, safety and welfare insofar as they are affected by vacant buildings within the city. The health, safety and welfare of the neighborhoods in which vacant buildings are located are of the utmost importance to the city, as is the general community character in which these vacant buildings are located.

(b) *Applicability*. The provisions of this article shall apply to all matters affecting or relating to vacant buildings. Where, in this article, different sections of this Code may specify different requirements, the most restrictive shall govern.

(c) *Definitions*. The following words, terms and phrases, when used in this article, shall have the meanings ascribe to them in this subsection, except where the context clearly indicates a different meaning.

(1) *Vacant building* means a building, structure, residential structure or a dwelling unit or commercial unit within a building that has been left unoccupied or unattended for three months or more.

(2) *Actively for sale or lease* means the building is being actively marketed through a licensed real estate broker or the owner who is regularly advertising the property in newspapers circulated in and around Dover, it is being offered for sale or lease at a cost of no more than 25 percent over market rate as determined by the city assessor, and the building is in reasonable condition for sale or lease, including but not limited to: no trash has collected inside or outside of the building, the utilities are functional, and it is not being used as storage that is unrelated to the former use.

*(Ord. of 6-26-2006)*

### Sec. 22-401. - Monitoring, inspection and condition standards.

(a) The building inspector shall inspect any premises in the city for the purpose of enforcing and assuring compliance with the provisions of this article. Upon request of the building

inspector, an owner shall provide access to all interior portions of a vacant building in order to permit a complete inspection.

Once a building/structure/unit or residence (hereon after referred to as building) is registered as a vacant building, the vacant building shall be inspected annually for as long as it is considered vacant.

(b) The vacant building shall be secured; however the windows and other entrances shall not be boarded or made opaque.

(c) The vacant building shall be in reasonable condition (all utilities shall be functional, there shall be no trash or debris inside or outside the building and it shall not to be used as storage that is unrelated to the former use).

*(Ord. of 6-26-2006)*

## Sec. 22-402. - Agent—Responsible person required.

(a) *Property manager.* Any owner of a vacant building, residing outside of the county, shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other real estate for a fee and who resides in the county acting as a property manager. The property manager, including family members and designated individuals, shall have charge, care and control of the vacant building, and shall provide access to the vacant building for inspection upon request by the building inspector, within 90 days.

(b) *Corporate or partnership owners.* Any corporation or partnership owning a vacant building shall have a designated member, partner, or employee having charge, care and control of the vacant building. The designated member, partner or employee shall reside in or have an office located in the county, or shall be required to have a licensed property manager residing or having an office located in the county, or other designated individual who does not manage any other real estate for a fee, and who resides in the county, acting as a property manager. The property manager, or other designated individuals shall have charge, care and control of the vacant building, and shall provide access to the vacant building for inspection, upon request by the building inspector, within 90 days.

*(Ord. of 6-26-2006)*

## Sec. 22-403. - Registration and registration fee.

(a) *Registration of building.* There are two ways to register the building as vacant.

(1) The owner shall register with the city not later than 30 days after any building in the city becomes vacant, as defined.

The registration of the vacant building shall include the site address, the name of the current owner or owners, current address of the owner and of all applicable owners, tax parcel number, proof of insurance on the building, description of the condition of the building, plans for the building (to eliminate the vacancy), the responsible person or agent and their contact information and any other applicable information. If any information changes the owner is responsible for informing the city of those changes in a timely manner.

(2) The building inspector or his designee, shall investigate any property that may be subject to registration. Based upon his findings, the building inspector may register the property as a vacant building subject to this chapter.

a. *Notice of registration.* Within five business days of such registration, the licensing and permitting office shall notify the owners of the registered property

by certified mail at their last known address according to the records of the city and Kent County.

b. *Registration fee.*

(i) The annual registration fee shall be paid at the time of registration. If the building inspector registers the building as vacant the fee shall be due not later than 30 days after the building is registered as vacant. The annual registration fee will then be due by the 31st of March every year after that as long as it remains vacant. The starting point for counting a building as being vacant will begin on the date of the enactment of this article [June 26, 2006].

(ii) The registration fee will be prorated for a building when it is first registered as vacant from the date it is registered until the March 31 annual fee is due.

(iii) The annual fee is as provided for in Appendix F—Fees and Fines.

*(Ord. of 6-26-2006; Ord. of 4-14-2008; Ord. No. 2009-09, 6-22-2009)*

## Sec. 22-404. - Violation and penalties.

(a) If the registration fee is not paid within 30 days of being due, the owner shall be in violation of this article.

(1) A lien can be assessed against the property. Such fees shall be entered in the municipal lien docket as a lien owing the city, and the same may be turned over to the city solicitor for collection.

(2) The fee will be assessed to the parcel's tax bill.

(3) The fee shall be paid in full prior to the transfer of title.

(4) The fee shall be paid in full prior to the issuance of any building permits for the subject building and for any other building that is owned by the owner within the city.

(b) If the building is taken off of the list during the year the owner is entitled to receive a prorated portion of that year's registration fee.

*(Ord. of 6-26-2006)*

## Sec. 22-405. - Exemptions—Types of buildings eligible for exemption status from the registration fee.

(a) The following are exempt from the registration: The building has fire damage. The owner has 90 days to file for a permit to start construction or demolition or it will be determined a vacant property.

(b) The following properties shall be registered as vacant, but they are exempt from the registration fee:

(1) The building is actively being offered for sale or lease for a maximum period of three years. After such time this article will be in effect. Proof of activity shall fall on the owner to provide. See definition.

(2) The owner has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy.

(3) The property is in probate or where the owner has entered a long term care facility within six months of the building being vacant.

(4) The property is undergoing currently environmental cleanup or assessment.

*(Ord. of 6-26-2006)*

## Sec. 22-406. - Appeals.

(a) An appeal of the building inspector's decision must be made in writing within 30 days of the decision. The appeal would be heard by the property maintenance code board of appeals.

(b) An appeal of the 25 percent over market rate (from the actively for sale or lease definition) can be considered through an appraisal using accepted appraisal standards to determine market rate. The owner has the option of asking the city tax assessor to perform the appraisal or having one performed (using accepted appraisal standards) at their own expense.

*(Ord. of 6-26-2006)*