

**BOARD OF BUILDING STANDARDS & APPEALS
WORK SESSION
THURSDAY, NOVEMBER 13, 2014**

5:30 P.M. PROMPT

- **ELECT 2014 CHAIRMAN -**
- **DISCUSSION OF AGENDA -**

Bedford, Ohio

November 13, 2014

The Board of Building Standards and Appeals met in a work session at Bedford City Hall on Thursday, November 13, 2014 at 5:45 P.M.

Present: Latos, Wilson, Lynch, Stemple. Absent: Dardy.

Also Present: Pro-Tem Secretary Michelle Hollo, City Manager Mike Mallis, Assistant Law Director John Montello, Building Commissioner Calvin Beverly and Deputy Chief Martin Stemple.

Elect 2014 Chairman

This is the first meeting of the Board of Building Standards and Appeals in 2014 and a chairperson needs to be selected. Dave Lynch agreed to serve as Chairman.

Discussion of Agenda

After the agenda was prepared and packets distributed last week, Mr. Beverly received a request for an appeal. The agenda will be amended to include the appeal of Walter Wawro, 231 Union Street, Bedford.

Motion to accept the request from Walter Wawro, 231 Union Street, Bedford, Ohio to define the structure as a deck so that the 2013 Residential Code of Ohio (RCO) Section 102.10(9) can be utilized which would exempt the aforementioned structure from approval and permit.

Mr. Beverly stated that Mike Birskevich is representing the property owner, Mr. Wawro, 231 Union Street, requesting the Board to define the series of horizontal platforms being constructed as a deck. If it is defined as a deck, the 2013 Residential Code of Ohio (RCO) Section 102.10(9) can be utilized which would exempt the structure being constructed from permits and approval.

The applicant is requesting the structure be defined as a deck because the structure is (1) less than 200 square feet, (2) not attached to the dwelling, (3) less than 30 inches above finished grade, and (4) not a required means of egress. There is a means of egress at the rear of the house with an attached deck.

Mr. Lynch stated the deck would be in the front of the house and a deck is not allowed in the front yard. The deck at the back of the house would meet the criteria for egress. The footers do not appear to meet code. If a permit is required, the applicant would have to tear-out and restart.

Mrs. Stemple inquired if the posts were cemented in. Mr. Beverly replied no.

Appeal of Mr. and Mrs. Deal, owner of the residence at 787 Archer Road, Bedford, Ohio seeking relief from Section 511.12 of the Codified Ordinances requiring payment for costs associated with police responding to 787 Archer Road, Bedford, Ohio for various calls.

Deputy Chief Stemple stated on October 15, 2014 Chief Nietert sent a letter to Mr. and Mrs. Deal charging them under the criminal nuisance ordinance for repeated calls. Under the new ordinance, five calls in August were lumped together as one offense. The fine for this first offense is \$250.00 plus a \$100.00 administrative fee. Mr. Deal did file his appeal within the ten days.

Mr. Mallis said Mr. Deal stopped in to City Hall and complained he did not have time to subpoena witnesses and gather evidence. It was explained to Mr. Deal this is not a court proceeding, he requested this hearing and was expecting it.

Mr. Lynch inquired if the City could declare the property a nuisance because there is no electricity or working sanitary sewer, the necessary criteria for inhabiting a house. Mr. Mallis replied the Cuyahoga County Board of Health told him that utilizing the State Building Code would be the strongest argument. Mr. Mallis is also speaking with the Court about the unfit and unsanitary conditions and it is not safe for anyone to live there.

Deputy Chief Stemple explained the five calls being appealed:

8/3/14 – Barking dogs. Summons issued.

8/4/14 – Animal cruelty. Two dogs and seven puppies being neglected.

8/19/14 – Code Violation. Swimming pool filled with dirty water and concern of breeding mosquitoes.

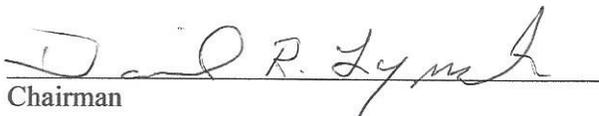
8/25/14 – Unwanted guest. Person moving personal property from home.

8/28/14 – Dogs running loose. Summons issued.

Deputy Chief Stemple also stated since the October 15th letter, the police have responded to the residence two times for barking dog and dogs running loose. These calls will be charged together as a second offense.

Further discussion held regarding the backed up sewer at this house. A sewer crew responded and Mr. Deal was harassing and threatening the employees so they left. When the sewer crew went out the second time with a supervisor, the sewer could not be snaked because there was no electricity. Mr. Deal wanted the City to provide a generator. There is a sign on the property stating no trespassing and explosives on site. The City workers did not feel safe responding there. A neighbor reported that Mr. Deal is going to the bathroom outside.

Work session adjourned at 6:03 P.M.


Chairman


Secretary Pro-Tem

REGULAR MEETING

BOARD OF BUILDING STANDARDS
& APPEALS

DATE: NOVEMBER 13, 2014

AGENDA

STATE OF OHIO
COUNTY OF CUYAHOGA

TIME: 6:00 P.M.

AMENDED

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
 - a. Approval of Minutes of the Work Session of October 29, 2013 (roll call)
 - b. Approval of Minutes of the Regular Meeting of October 29, 2013 (roll call)
4. NEW TESTIMONY
 - a. Motion to elect 2014 Chairman (roll call)
 - b. Motion to accept the request from Walter Wawro, 231 Union St. Bedford, OH to define the structure as a deck so that the 2013 Residential Code of Ohio (RCO) Section 102.10 (9) can be utilized which would exempt the aforementioned structure from approval and permit.
 - c. Appeal of Mr. & Mrs. Deal, owner of the residence at 787 Archer Road, Bedford, Ohio, seeking relief from Section 511.12 of the Codified Ordinances requiring payment for costs associated with police responding to 787 Archer Road Bedford, Ohio for various calls
5. MOTION TO APPROVE
(roll call)
6. ADJOURNMENT
(roll call)

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(Minutes and Agendas posted at www.bedfordoh.gov)

The Board of Building Standards and Appeals met for a Regular Meeting at Bedford City Hall on Thursday, November 13, 2014 at 6:08 P.M. The roll was called. Present: Latos, Wilson, Lynch, Stemple. Absent: Dardy. Also in attendance were City Manager Michael Mallis, Assistant Law Director John Montello, Building Commissioner Calvin Beverly, Deputy Chief Marty Stemple and Pro-Tem Secretary Michelle Hollo.

Motion made by Latos seconded by Wilson to approve the minutes of the Work Session of October 29, 2013. The roll was called. Vote – Yeas: Latos, Wilson, Lynch, Stemple. Nays: None. Motion carried unanimously.

Motion made by Latos seconded by Lynch to approve the minutes of the Regular Meeting of October 29, 2013. The roll was called. Vote – Yeas: Latos, Wilson, Lynch, Stemple. Nays: None. Motion carried unanimously.

Motion made by Latos seconded by Lynch to excuse Mr. Dardy. The roll was called. Vote – Yeas: Latos, Wilson, Lynch, Stemple. Nays: None. Motion carried unanimously.

Motion made by Latos seconded by Wilson to amend the agenda to add item b. Motion to accept the request from Walter Wawro, 231 Union Street, Bedford, Ohio to define the structure as a deck so that the 2013 Residential Code of Ohio (RCO) Section 102.10(9) can be utilized which would exempt the aforementioned structure from approval and permit. The roll was called. Vote – Yeas: Latos, Wilson, Lynch, Stemple. Nays: None. Motion carried unanimously.

Motion made by Latos seconded by Wilson to elect Mr. Lynch as the 2014 Chairman. The roll was called. Vote – Yeas: Latos, Wilson, Lynch, Stemple. Nays: None. Motion carried unanimously.

Motion to accept the request from Walter Wawro, 231 Union Street, Bedford, Ohio to define the structure as a deck so that the 2013 Residential Code of Ohio (RCO) Section 102.10 (9) can be utilized which would exempt the aforementioned structure from approval and permit was read by Mr. Montello.

Mike Birkovich, 384 Kenyon Avenue, Bedford, Ohio was representing Walter Wawro. The request was to have the structure at 231 Union Street defined as a deck. The owner has mobility issues and had fallen and gotten hurt. He needs special medical transport.

Mr. Lynch referred to a picture in the packet that was taken of the rear of the home. The structure is attached to the house. There is a double sliding glass door, stairs, handrails and balusters. This could be the main means of egress. The picture of the new structure located at the front of the house would be called a deck. Seeing that there are bricks underneath the posts, rather than poured, this could be determined as a deck in the front of the house. The front structure could be considered a deck knowing the ADA accessibility was located at the back of the home. Mr. Lynch explained the structure in the front fell under the jurisdiction of the local authority of the City of Bedford's Building Department and removed it from the Ohio Revised Code.

Mr. Beverly said because the structure is under 200 square feet, it is not permanently attached to the structure, it is less than 30 inches above finished grade and it does not serve as the required means of egress, there is an allowance for RCO 102.10, sub-paragraph 9, this being defined as a deck and taking it out of the Residential Building Code and putting it back in the hands of the local authority.

Motion made by Latos seconded by Lynch to accept the request from Walter Wawro, 231 Union Street, Bedford, Ohio to define the structure as a deck so that the 2013 Residential Code of Ohio (RCO) Section 102.10 (9) can be utilized which would exempt the aforementioned structure from approval and permit.

The roll was called. Vote – Yeas: Latos, Wilson, Lynch, Stemple. Nays: None. Motion carried unanimously.

Appeal of Mr. and Mrs. James Deal, owner of the residence at 787 Archer Road, Bedford, Ohio, seeking relief from Section 511.12 of the Codified Ordinances requiring payment for costs associated with police responding to 787 Archer Road, Bedford, Ohio for various calls was read by Mr. Montello.

Mr. & Mrs. Deal, owners of 787 Archer, failed to appear at this evening's meeting. Mr. Montello stated the Board should vote on the appeal even though Mr. & Mrs. Deal failed to appear for a meeting they requested.

Deputy Chief Stemple approached the podium on behalf of the Bedford Police Department. He referred to the October 15, 2014 letter informing Mr. Deal he was in violation of the criminal nuisance ordinance (see attached). Police responded to the residence five times since the warning letter and they were all valid complaints. The five (5) calls were lumped into one offense and Mr. Deal was charged the amount of \$250.00 for the first offense under Codified Ordinance 511.12. Mr. Montello asked for clarification as to whether Mr. Deal requested to appeal this decision to the Board of Building Standards and Appeals. Deputy Chief Stemple stated Mr. Deal did appeal this decision within ten (10) days of the mailing of the October 15, 2014 letter by notifying the City Manager with a handwritten letter. Mr. Montello said Deputy Chief Stemple testified that these were valid complaints.

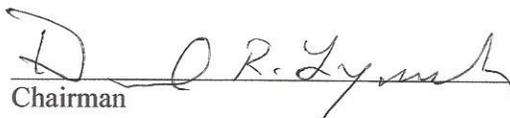
Motion made by Lynch seconded by Latos to grant the appeal of Mr. & Mrs. Deal, owner of the residence at 787 Archer Road, Bedford, Ohio, who was seeking relief from Section 511.12 of the Codified Ordinances requiring payment for costs associated with police responding to 787 Archer Road, Bedford, Ohio for various calls. The roll was called. Vote – Yeas: None. Nays: Latos, Wilson, Lynch, Stemple. Motion carried unanimously.

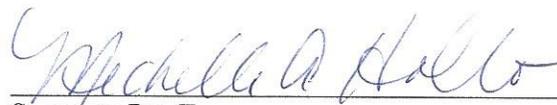
Mr. Montello clarified the request of Mr. & Mrs. Deal had failed.

ADJOURNMENT

There being no further business to come before the Board, it was moved by Lynch seconded by Wilson to adjourn. The roll was called. Vote – Yeas: Latos, Wilson, Lynch, Stemple. None. Motion carried unanimously.

Meeting adjourned at 6:20 P.M.


Chairman


Secretary Pro-Tem