

# MEMORANDUM

EXHIBIT

11/19/02

TO: CITY COUNCIL

FROM: SHAWN LEININGER, AICP  
DEVELOPMENT PLANNER

DATE: NOVEMBER 15, 2002

SUBJECT: 76 SCIOTO STREET PROPERTY MAINTENANCE - UPDATE

November 15, 2002 was the first deadline to correct the property maintenance violations at 76 Scioto Street (Garry Swackhamer). Included in this first deadline were the property maintenance violations associated with the detached garage and residence. A final inspection of the garage and residence violations was conducted on November 15, 2002. The text of the August 1, 2002 memorandum is included below. The results of the inspection have been added to the text. Garry Swackhamer will be present at the November 19, 2002 Council meeting to discuss the results of the inspection.

*"As a follow-up to the July 23 Council Meeting, Staff met with Garry Swackhamer, 76 Scioto Street, on July 29 to discuss the outstanding property maintenance violations and a revised timeframe to correct the violations.*

*As stated in the property maintenance code (Section 1323.09), an initial timeframe not to exceed forty-five (45) days must be granted. The Property Maintenance Officer has the ability to then extend the forty-five (45) day period no more than thirty (30) days and can do this three times not to exceed ninety (90) days. This equates to a maximum 135 day abatement period.*

*Based on an on-site meeting with Mr. Swackhamer and the above allowances of the code, Staff recommends the following timeframe. All violations associated with the garage and residence must be abated within 135 days from the date of the order (July 2, 2002), or on or before November 14, 2002. This shall include at a minimum the following;*

- ~~1. All exterior wood that is deteriorated or beyond repair be replaced, Section 1323.05(a)(5)(B)(1). **COMPLETED**~~
2. All exterior wood be painted or stained (with an opaque stain), Section 1323.05(a) and 1323.05(a)(5)(A). **REAR GABLE ON RESIDENCE NOT PAINTED**
- ~~3. The porch be brought into good repair by attaching the roof to the main structure and the temporary supports be removed and replaced with permanent support posts, Section 1323.05(a)(5)(B)(1). **COMPLETED**~~
- ~~4. The garage roof must replaced and made in good repair, Section 1323.05(a)(5)(A) and 1323.05(a)(5)(B)(1). **COMPLETED**~~
- ~~5. All broken or missing windows must be replaced, Section 1323.05(a)(5)(B)(3). **COMPLETED**~~

*If these items are completed on or before November 14, 2002, the City will view the abatement of the violations on the residence and garage as a matter of good faith and establish a separate timeframe for the chicken coop and barn. If the items are not completed, the City would have the right to withdraw its approval of this schedule and seek remedy of the violations in Court.*

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All violations associated with the chicken coop and barn must be abated within 135 days from the first day of spring 2003, March 20, 2003, or on or before August 2, 2003. This shall include at a minimum the following;

1. All exterior wood that is deteriorated or beyond repair be replaced, Section 1323.05(a)(5)(B)(1).
2. All exterior wood be painted or stained (with an opaque stain), Section 1323.05(a) and 1323.05(a)(5)(A).
3. The roof on the chicken coop must be replaced and made in good repair, Section 1323.05(a)(5)(A) and 1323(a)(5)(B)(1).
4. The roof on the barn must be made in good repair, Section 1323.05(a)(5)(A).
5. All broken or missing windows must be replaced, Section 1323.05(a)(5)(B)(3).

Mr. Swackhamer has agreed to establish a series of setoff deadlines within the March 20, 2003 – August 2, 2003 schedule. If not met, the City would have the right to withdraw its approval of this schedule and seek remedy of the violations in Court.

At the time of our meeting, Mr. Swackhamer stated he would need 180 days to complete the chicken coop and barn. This included completing several projects outside the scope of the order. If City Council chooses, they could extend the recommended 135 day schedule to 180 days. With good project management, Staff feels the violations could be corrected in 135 days without compromising Mr. Swackhamer's ability to complete his additional projects.

All replacements and colors must match and conform to the original design. Any divergence from the existing, or pre-existing, condition must be approved by the Historic District Commission. Mr. Swackhamer has picked-up an application for a Certificate Appropriateness and intends to be on the August 15, 2002 Historic District Commission agenda. Mr. Swackhamer will need approval to replace and remove several windows. He does intend to receive approval on several other items not related to the order. Mr. Swackhamer has agreed to tear down the out house attached to the barn. This does not require approval of the Historic District Commission as it is less than 75 square feet in area.

Since the time the order was sent, Mr. Swackhamer has made progress in correcting the violations. The roof structure of the garage has been replaced and may be shingled this weekend. The materials have been purchased to stain the wood of the house and garage. Mr. Swackhamer is in the process of restoring the porch supports and will be re-installing them in the coming weeks.

If you have any comments or questions, please contact me at (614) 885-5380 or sleininger@ci.powell.oh.us."