

## RECORD OF PROCEEDINGS

Minutes of

Meeting

## ZONING HEARING

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

March 3, 2008

Held

20

The Atwater Trustees held a hearing on Monday March 3, 2008 at 6:00pm at the Atwater Town hall located at 1219 St Rte183 Atwater Ohio 44201.

## ATTENDING

Those attending the hearing were: Cindy Werab, James Conley Danny Derreberry, Rebecca Bennett, Chris McDuri, Bob Bane, and John Kovacich.

## CALL TO ORDER

The hearing was called to order at 6:00pm by Cairman Derreberry, roll call: Cindy yes, Jim yes, Danny yes.  
Chairman Derreberry turned the hearing over to Vice Chairman Conley due to illness, (lose of voice)

## SWEAR IN

James Conley swore in the witnesses that were present to testify. Zoning Inspector Bob Bane answered, "I will".

## TESTIMONY

Zoning Inspector, Bob Bane gave the Trustees his testimony as followed: I was asked for the inspection of the property located at 6311 Elm St. parcel number 01-038-000-00-037-000 for 505.86 ORC, which was granted. I have a court order by Judge Laurie Pittman to do that inspection with the Portage County building department, Portage County Health Department, Atwater Township Fire Department and myself as a representative of the Atwater board of Trustees. The Portage County Building Department did their inspection and I will read their report.

"This is a report made on October 24, 2007 of 6311 Elm Rd. per an administrative search warrant ordered by Judge Laurie Pittman, Common Pleas Court of Portage County at the request of Atwater Township Zoning Inspector, Bob Bane. This Inspection was conducted under the guidelines of the revised code 505.86. The inspection was performed by a representative of the Portage County Building Department, in conjunction with Jack Madbed of the Portage County Health District and Bob Bane Atwater Township Zoning Inspector. The property contains a single family dwelling that has both a one story and a two-story component, immediately to the west of the main building is a small barn style storage shed. There is no garage. Photographs are attached that were taking on the day of the inspection, which support the following commentary. Externally the dwelling appears to have newer vinyl siding and windows. One broken window was observed and at the rear of the dwelling there is an attached covered deck which is missing floorboards. On the east side of the dwelling an approximate 6 ft section of the foundation is caved in leaving the basement open to the outside. The same east side of the structure, the two-story portion of the structure appears to be out of plum, which was observed in slight visual lean in a eastward direction. Internally the doors of the dwelling were locked, but unobstructed windows provided clear view of the first floor sections. From this observation there was no apparent major interior damage. Access to the basement was available through unlocked bulkhead doors. This provided a clear view of the east side foundation wall that was caved in, including sagging floor joists under the two-story section further access to the adjacent basement section under the single story section of the dwelling, where the south foundation wall of this area was is also "caving in" causing damage to the floor joist and duct work. Due to the severe deterioration to the foundation walls of this dwelling, it is my opinion that this structure requires extensive repairs, reconstruction, or demolition. Choosing repairs or reconstruction the applicant shall submit a zoning certificate, detailed construction plans and obtain the required building permits for each structure. Choosing demolition requires a permit from the Building Department as well.

Sincerely Robert Wrentmore, Chief Building Official"

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Bob Bane then read a report from the General Health District; References 6311 Elm Rd. Accommodation Inspection

"Dear Sir, On October 4, 2007 I conducted an inspection of a home at 6311 Elm Rd Atwater Township. The purpose of my inspection was to determine if this structure and property is insecure, unsafe, or structurally defective as defined in the revised code 505.86. My observation as a health inspector is as noted from the outside of the home and review of the lot. A small white vinyl sided stick built structure of indeterminate age appeared to be at least 50 plus years old. Currently empty and appeared to be vacant for some time. The high grass in this semi residential area needs to be cut to limit vermin infestation and hazards to neighbors. The collapsed cellar walls has allowed the house to shift slightly and allow easy access to the home for vermin infestation. Exterior needs attention to maintenance and broken windows should be replaced. If this home is to remain, then it must be secured against trespassers and animal infestation. Due to the density of the area, this home may be hazardous to neighbors and magnet trespassers and vandals. Effort should be made to make repairs as soon as possible or remove it to minimize the danger to the community. If you have any questions feel free to contact me at my office" and is signed by Jack Madbed.

Bob Bane then stated that he has receipts from certified mail sent to Richard Doak and to American General Finance. It is my opinion that we move forward to ask for removal of this structure or demand its immediate repair.

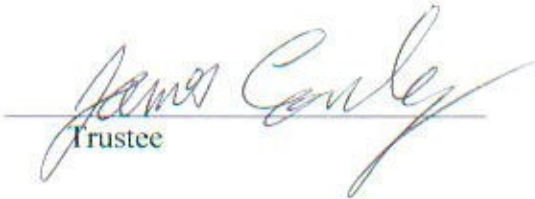
Motion to proceed with the property of 6311 Elm St. for removal of the structure or immediate repair action to be taken by the homeowner or lean holder by April 16 2008, made by Cindy Werab. Second by James Conley. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

Bob Bane stated that he will contact all lean holders and the home owner by certified mail, stated that the property must be repaired, removed or plans for repair turned into the Township by April 16, 2008, or there will be bids taken for removal on April 21, 2008.

Chris McDuri stated that the cost for removal could be placed on the tax duplicate to reimburse the Township for the expense of removal.

Motion by James Conley to close the hearing. Seconded by Cindy Werab. Roll call: Cindy yes, Jim yes, Danny yes Motion carried. 6:20 pm

  
Chairman

  
Trustee

  
Fiscal Officer

  
Trustee