



Zoning Board of Appeals Staff Report

Agenda Date: 08/14/2023

Department Head Name:

Renee Barron

Department: Code Enforcement

Presenter:

Patricia West

AGENDA ITEM TITLE:

Property Maintenance Appeal – 11 S 9th St

NAME OF PETITIONER:

Jeff Diebolt

TIMELINE OF EVENTS:

04/12/2022 – Property condemned under previous ownership.

03/09/2023 – Letter mailed to Jeff Diebolt regarding transfer of ownership of a condemned property.

06/19/2023 – Site visit captured photos of the current state of the building after several concerns were brought to the city's attention.

06/20/2023

- Notice sent via first class mail to Jeff Diebolt regarding orders effective 06/20/2023 with a deadline set for 06/23/2023. As outlined in our code (**PM 107.3**), first class mail is the required form of formal notices.
- Due to the condemned status and severity of the issue, emailed Jeff Diebolt a copy of the notices as well. Jeff responded same day, acknowledging receipt.

06/27/2023

- Site visit captured photos of the updated state of the building. Building remained unsecure, posing the following safety risks:
 - Attractive nuisance to children (**Defined in Section PM-302.0**)
 - Harborage for animals (**PM-303.5**)
 - Not weatherproofed or secure to the elements (**PM-304.6**)
- 2nd notice sent first class mail to Jeff Diebolt regarding unresolved order from 06/20/2023, with a penalty fine of \$50.00 and a deadline set for 06/29/2023 at 11:59 PM
- Again, due to the condemned status and severity of the issue, emailed Jeff Diebolt a copy of the notices as well. Jeff responded same day, acknowledging receipt.

07/06/2023

- Site visit captured photos of the updated state of the building. Building entry points were secured by tarps and plywood.
- Email sent to Jeff Diebolt to notify him the orders issued on 06/20/2023 were resolved.

SUPPORTING DOCUMENTATION:

- Photos taken on 06/19/2023
- Letter | Notice of orders mailed on 06/20/2023
- Email | Subject: RE: Notice of Orders on Condemned Property | 11 S 9th St
- Photos taken on 06/24/2023
- Letter | Notice of orders mailed on 06/27/2023 (Omitted Codes from ZBA Packet)
- Email | Subject: RE: 2nd Notice of Orders on Condemned Property | 11 S 9th St
- Photos taken on 07/06/2023
- Email | Subject: RE: Notice of Orders on Condemned Property | 11 S 9th St (**Notification of Resolution**)

STAFF SUMMARY

The City of Gladstone upholds that reasonable/logical/real work expectations were clearly communicated throughout the process.

- The same verbiage was used on all formal notices, as well as all email correspondence.
 - **“Secure the *building* from the public by properly blocking off any entry points to the interior of the building.** The specific areas for concern are addressed in the enclosed photographs.”
- Pictures were included in both formal notices as well as email correspondence, clearly identifying the areas in question.

The City of Gladstone upholds that safeguards are in place to avoid unreasonable timeframes.

- There are several factors we consider when setting deadlines, including the severity of the issue, what is reasonable based off the amount of work that needs to be done, and past precedent on previous properties. The deadline set for this property was based on all these factors.
- The goal of code enforcement is to ensure minimum safeguards within our community. Implementing a blanket “safeguard” to be used on all property maintenance issues would be an injustice to this city, as it would strip the City of Gladstone’s ability to move quickly on severe violations and hazardous conditions within our community. We maintain that the condemned status of this property, severity of the violation, location of the property, and anticipated foot traffic due to the 4th of July activities downtown classified this property a high priority.

According to the Property Maintenance Code (PM-111.6), the board shall sustain, modify, or reverse the decision of the code official by a concurring vote of a majority.