

**DATE: August 6, 2018**

**RESOLUTION NO. 18-0806-04**

**DECISION REGARDING INTENT TO ABATE DANGEROUS PROPERTY  
CONDITIONS, PURSUANT TO R.C. § 505.86, ON REAL PROPERTY  
LOCATED AT 4555 SELDOM SEEN RD., POWELL, OH 43065  
(DELAWARE CO. PIN 319-313-04-026-000)**

**PREAMBLE**

**WHEREAS**, on August 6, 2018 the Liberty Township Board of Trustees, Delaware County, Ohio (the "Board") held a hearing, pursuant to R.C. § 505.86, on the Board's intent to remove, repair, and/or secure an unoccupied residential structure ("Structure") located at 4555 Seldom Seen Rd., Powell, OH 43065 (PIN 319-313-04-026-000), and;

**WHEREAS**, after holding the hearing and receiving all evidence and hearing all testimony, the Board now decides the matter.

**RESOLUTION**

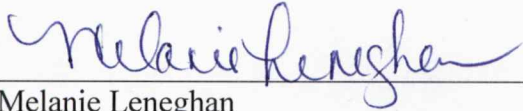
**NOW THEREFORE, BE IT RESOLVED**, as follows:

- A. The Board hereby adopts the Findings of Fact and Conclusions and Decision attached hereto as Exhibit A as its decision and/or resolution of this matter.
- B. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.
- C. All exhibits referenced in this Resolution are by this reference incorporated into and made a part of this Resolution.
- D. This Resolution shall be in full force and effect immediately upon adoption.

Voted on and signed this August 6<sup>th</sup>, 20 18 in Liberty Township, Delaware County, Ohio.

**(SIGNATURES ON FOLLOWING PAGE)**

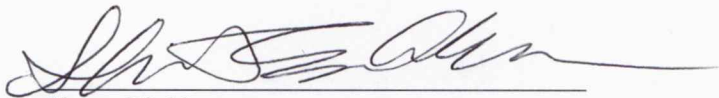
**BOARD OF TRUSTEES OF  
DELAWARE TOWNSHIP,  
DELAWARE COUNTY, OHIO**



Melanie Leneghan  
Trustee




Michael Gemperline  
Trustee



Shyra Eichhorn  
Trustee


Attest by Township Fiscal Officer

  
Nancy Denuffe  
Liberty Township Fiscal Officer  
Delaware County, Ohio

State of Ohio :  
Delaware County :

I, the undersigned Fiscal Officer of Liberty Township, Delaware County, Ohio, hereby certify that the foregoing Resolution No. 18-0806-04 is taken and copied from the record of proceedings of the Board of Trustees of Liberty Township, Delaware County, Ohio, and that it has been compared by me with the resolution on the record and is a true copy. Further, I certify that the adoption of such resolution occurred in an open meeting held in compliance with R.C. § 121.22.

Date: August 6, 2018

  
Nancy Denuffe  
Liberty Township Fiscal Officer  
Delaware County, Ohio

**EXHIBIT A**

**BOARD OF TRUSTEES  
LIBERTY TOWNSHIP  
DELAWARE COUNTY, OHIO**

**IN RE:**

**ABATEMENT OF  
DANGEROUS PROPERTY  
CONDITIONS ON REAL  
PROPERTY LOCATED AT  
4555 SELDOM SEEN RD  
POWELL, OHIO**

:  
:  
:  
:  
:  
:  
:  
:  
:

---

**FINDINGS OF FACT AND CONCLUSIONS AND DECISION**

---

This matter came before the Liberty Township Board of Trustees, Delaware County, Ohio ("Board") at the Board's regular meeting on August 6<sup>th</sup>, 2018 upon a request for a hearing under R.C. § 505.86(C). The request was timely submitted by Robert J. Shannon aka Robert Joseph Shannon and concerns the BOT's intent to remove, repair, and/or secure an unoccupied residential structure ("Structure") located on the property owned by Mr. Shannon located at 4555 Seldom Seen Rd., Powell, Ohio 43065 (PIN 319-313-04-026-000) ("Property").

**NOTICE**

Notice of the date, time, and place of the hearing was provided to Mr. Shannon by certified mail, return receipt requested, consistent with R.C. § 505.86(C)(2). Per R.C. § 505.86(C)(2), both the Board and Mr. Shannon subsequently agreed to hold the hearing on this date.

## ATTENDANCE

Present for the hearing were the following:

1. Board members:

- A. Melanie Leneghan
- B. Michael Gemperline
- C. Shyra Eichhorn

2. Nancy Denuette, Liberty Township Fiscal Officer

3. Additionally, the following individuals were present:

- A. Duane Matlack, Del. Co. Code Compliance.
- B. Charles Hurt, Asst. Zoning Insp.
- C. Robert Shannon, property owner
- D. Chris Betts, Del. Co. Asst. Prosecutor
- E. \_\_\_\_\_

## PROCEDURAL HISTORY

On June 1, 2018 a building official with Delaware County Code Compliance, which is the county building department, visited the Property and inspected the Structure. Chief Building Official, Duane Matlack, then issued a report of the inspection dated June 5, 2018 ("Report") and provided a copy of the Report to the Board. Per the Report, the official found the Structure to be:

- An unoccupied residential structure;
- Vacant and unmaintained for many years;
- Empty;
- Without utilities; and,



- Suffering from a lack of upkeep and in disrepair.

The Report additionally states that “[t]he rear of the house has a failed porch or room and its remaining structure is unsupported and in danger of further collapse.” Further, the Report states the “[s]iding on [the] house is beginning to detach from framing due to decay.” The Report concludes that the Structure “is in poor condition, unsafe, unsecured and an attractive nuisance.” Based on the inspection, the building official declared the Structure to be “unsecured, unsafe, structural [sic] defective and . . . deemed [it] to be a serious hazard.”

On June 18, 2018 the Board approved Resolution 18-0618-03 (“Resolution”), whereby the Board, based on the Report, declared the Structure to be a nuisance and, pursuant to R.C. § 505.86, indicated its intent to remove, repair, and/or secure the Structure. Pursuant to R.C. § 505.86(B), notice of the Board’s declaration and intent was mailed to Mr. Shannon on June 19, 2018 via certified mail. Enclosed were copies of the Resolution and Report. As required by R.C. § 505.86(C), the notice also informed Mr. Shannon that he is entitled to and could request a hearing before the Board on the Board’s intent to remove, repair or secure the Structure. Accordingly, Mr. Shannon timely requested a hearing. Notice of the hearing was subsequently provided via certified mail to Mr. Shannon. The present hearing is held in response to Mr. Shannon’s request and pursuant to R.C. § 505.86(C).

### **WITNESSES**

The following witnesses were sworn and testified before the Board:

1. Charles Hurt, Asst. Zoning Ins.
2. Duane Matlack, Del. Co. Code Compliance

3. Robert Shannon, property owner
4. John Seaver, property owner 4537 Seldom Seen
5. \_\_\_\_\_

### **EVIDENCE**

The following evidence was submitted to and received by the Board:

<u>Exhibit No.</u>	<u>Description of Evidence</u>	<u>Witness Offering Evidence</u>
<u>Board's A</u>	<u>Report</u>	<u>Board</u>
_____	<u>current photos</u>	<u>Duane Matlack</u>
_____	<u>2012 photos</u>	<u>Duane Matlack</u>
<u>Seaver 1</u>	<u>notes</u>	<u>John Seaver</u>
<u>Board's B</u>	<u>photos</u>	<u>Duane Matlack</u>
_____	_____	_____
_____	_____	_____

### **FACTS AND CONCLUSIONS**

Based on the evidence and testimony presented, the Board makes the following findings of fact and conclusions:

- the structure would be in violation of the zoning  
Code if repaired and used for storage.
  - the structure is in dangerous condition and a  
nuisance to neighboring residences
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

## **DECISION**

Based on all the evidence and hearing all the testimony, the Board hereby makes the following order deciding this matter (**AS IDENTIFIED BY CHECKMARK**):

☐ The Board **AFFIRMS** its prior declaration in Resolution 18-0618-03 that the Structure is a nuisance and, pursuant to R.C. § 505.86, **DIRECTS REMOVAL** of the Structure. To perform such work the Board, Liberty Township ("Township") employees, and/or any contractor hired by the Board to perform the work may enter the Property. The Board shall use Township labor, materials, and/or equipment for the removal of the Structure and/or contract for any and/or all of the same. Award of any contract(s) for such labor, materials, and/or equipment shall be made by the Board via a separate resolution. The Total Cost of removal shall be paid and collected as set forth in Resolution 18-0618-03.

☐ The Board **AFFIRMS** its prior declaration in Resolution 18-0618-03 that the Structure is a nuisance and, pursuant to R.C. § 505.86, **DIRECTS REPAIR** of the Structure. To perform such work the Board, Township employees, and/or any contractor hired by the Board to perform the work may enter the Property. The Board shall use Township labor, materials, and/or equipment for the repair of the Structure and/or contract for any and/or all of the same. Award of any contract(s) for such labor, materials, and/or equipment shall be made by the Board via a separate resolution. The

Total Cost of repairs shall be paid and collected as set forth in Resolution 18-0618-03.

☐ The Board **AFFIRMS** its prior declaration in Resolution 18-0618-03 that the Structure is a nuisance and, pursuant to R.C. § 505.86, **DIRECTS SECURANCE** of the Structure. To perform such work the Board, Township employees, and/or any contractor hired by the Board to perform the work may enter the Property. The Board shall use Township labor, materials, and/or equipment for the securance of the Structure and/or contract for any and/or all of the same. Award of any contract(s) for such labor, materials, and/or equipment shall be made by the Board via a separate resolution. The Total Cost of securing the Structure shall be paid and collected as set forth in Resolution 18-0618-03.

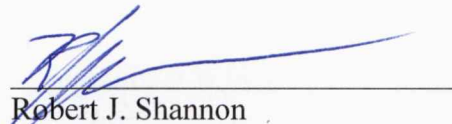
☐ The BOT **RESCINDS** its prior declaration in Resolution 18-0618-03 that the Structure is a nuisance and, pursuant to R.C. § 505.86, **DISMISSES** this matter.


**ALTERNATIVE RESOLUTION (ONLY IF IDENTIFIED BY CHECKMARK)**

☒ In lieu of the Board deciding this matter and pursuant to R.C. § 505.86(D), Mr. Shannon agrees with the Board to perform the **REMOVAL** / REPAIR / SECURANCE (circle as applicable) of the Structure. Such work shall be fully completed and acceptable to Code Compliance and the Board by December 31, 20 18. Mr. Shannon additionally agrees that if such work is not completed by the above date, the Board, Township



employees, and/or any contractor hired by the Board to perform the work may immediately and without further proceedings enter the Property and perform the work without interference or disruption. Mr. Shannon further agrees that the Total Cost of the work, including, but not limited to, all labor, materials, and/or equipment used in performing the work, shall be paid and collected as set forth in Resolution 18-0618-03. Lastly, Mr. Shannon agrees that he has entered this agreement of his own free and voluntary act and will as settlement of this matter.

  
Robert J. Shannon  
aka Robert Joseph Shannon

  
Date

#### **ADDITIONAL FINDINGS**

The Board makes the following additional findings:

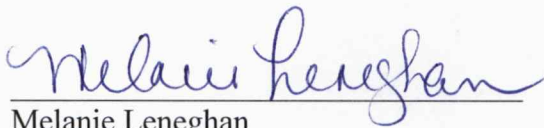
- All interested persons and witnesses were properly sworn and were permitted to testify and provide evidence.
- Pursuant to R.C. § 121.22, this hearing was properly noticed and open to the public. All decisions of the Board concerning and relating to this matter were adopted in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.
- This is a final order of the Board. Any party in interest who requested and participated in the hearing, and who is adversely affected by the order of the Board, may appeal the order under R.C. § 2506.01.

#### **SIGNATURES**

The members of the Board signing below concur in the decision and the findings of facts and conclusions contained herein.

Approved and signed this 6<sup>th</sup> day of August, 2018.

**BOARD OF TRUSTEES  
LIBERTY TOWNSHIP  
DELAWARE COUNTY, OHIO**

  
Melanie Leneghan

Trustee


  
Michael Gemperline

Trustee

  
Shyra Eichhorn

Trustee

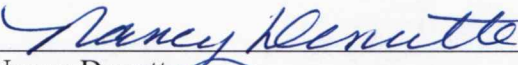
Attest by Township Fiscal Officer

  
Nancy Denuite  
Liberty Township Fiscal Officer  
Delaware County, Ohio

State of Ohio :  
Delaware County :

I, the undersigned Fiscal Officer of Liberty Township, Delaware County, Ohio, hereby certify that the foregoing Findings of Fact and Conclusions and Decision is taken and copied from the record of proceedings of the Board of Trustees of Liberty Township, Delaware County, Ohio, and that it has been compared by me with such document on the record and is a true copy. Further, I certify that the adoption of said document occurred in an open meeting held in compliance with R.C. § 121.22.

Date: 8-6-2018

  
\_\_\_\_\_  
Nancy Denutte  
Liberty Township Fiscal Officer  
Delaware County, Ohio



Delaware County

EXHIBIT

tabbles

Board's A

## CODE COMPLIANCE

Building  
Regulations

Floodplain  
Regulations

Zoning  
Regulations

June 5, 2018

Liberty Township Board of Trustees  
c/o Nancy Denutte, Fiscal Officer  
7761 Liberty Rd  
Powell, Ohio 43065

Re: 4555 Seldom Seen Rd / Parcel 319-313-04-026-000

Dear Board of Trustees:

At your request, an inspector from the Code Compliance Office visited the referenced site on June 1<sup>st</sup>, 2018, to inspect the property under Section 109 of the 2013 Residential Code of Ohio (RCO) Orders, Violations and Unsafe Buildings. The findings of that inspection are listed below:

The property has an unoccupied residential structure that has been vacant and unmaintained for many years. The residence is empty with no utilities. The structure suffers from lack of upkeep and has fallen into disrepair. The rear of the house has a failed porch or room and its remaining structure is unsupported and in danger of further collapse. Siding on house is beginning to detach from framing due to decay. The foundation and floor system are also deteriorating. This structure is in poor condition, unsafe, unsecured and an attractive nuisance.

Section 109.4 of the RCO states: Structures or existing equipment that are unsafe or unsanitary due to inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life, shall be deemed a serious hazard. Where a building is found to be a serious hazard, such hazard shall be eliminated or the building shall be vacated, and where such building, when vacated, remains a serious hazard, it shall be razed.

Based on the June 1<sup>st</sup>, 2018, site inspection and the language in RCO Section 109.4 the structure is unsecured, unsafe, structural defective and is deemed to be a serious hazard by the Building Official.

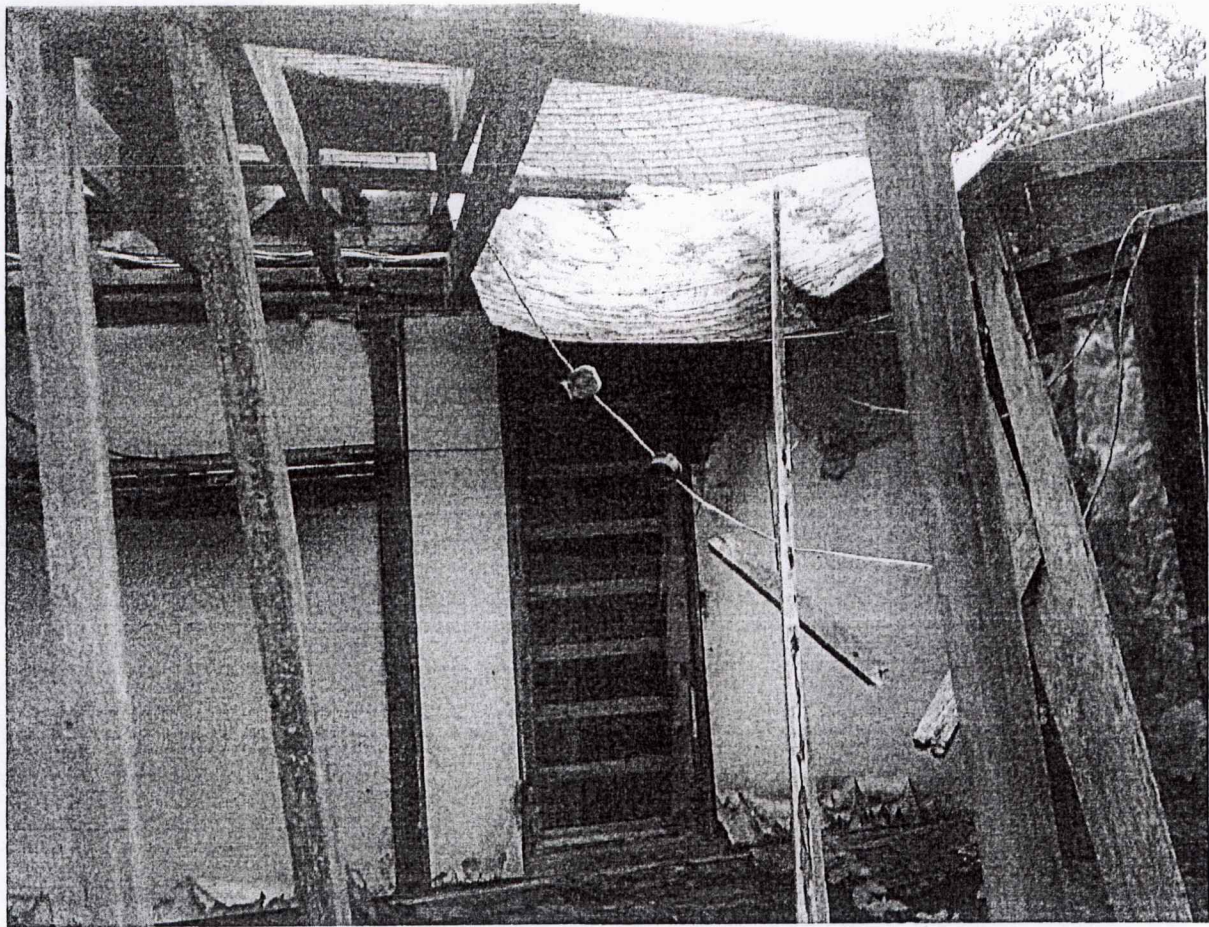
If you have questions, comments or need additional information please let me know. Otherwise, please keep our office informed of any changes on the violation.

Sincerely,

A handwritten signature in cursive script that reads "Duane Matlack".

Duane B. Matlack, CBO, CFM  
Chief Building Official  
740 833-2217

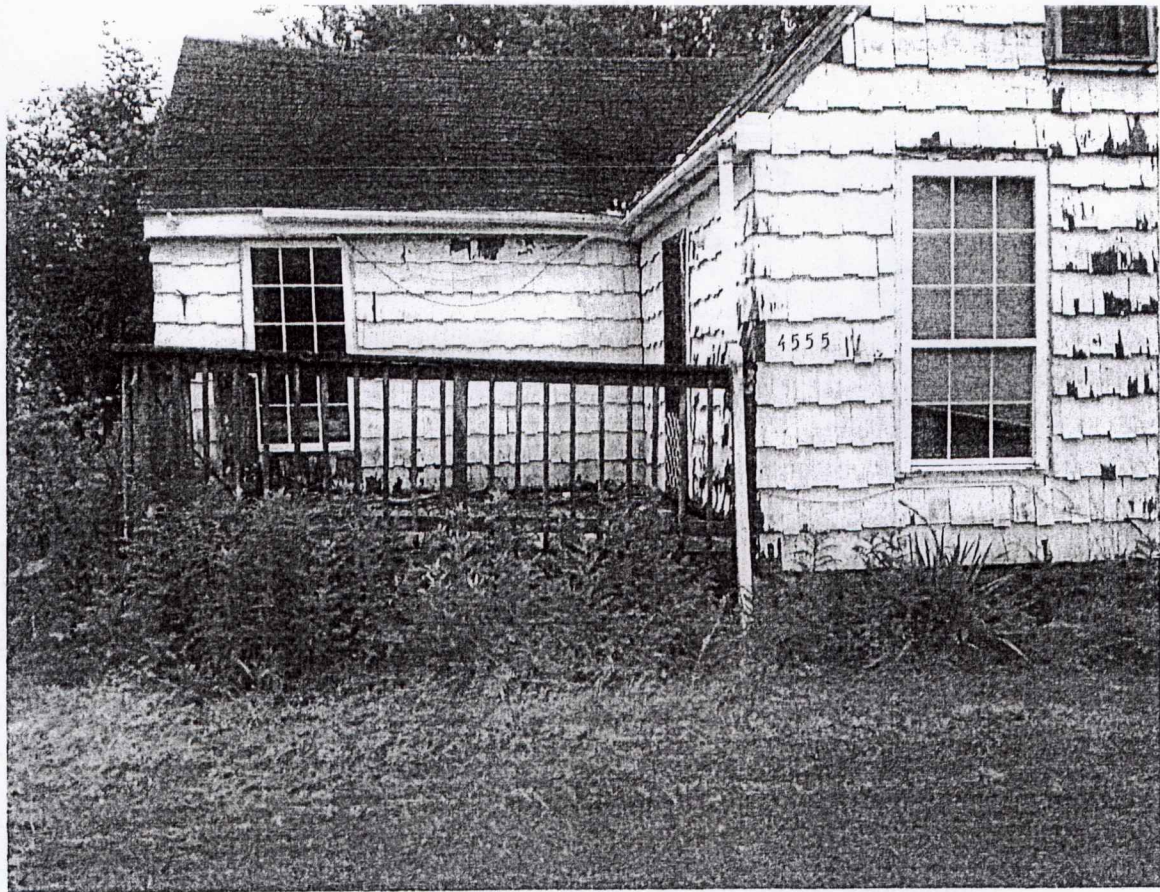




90 days - back overhang  
deck

foundation secured  
board up areas of exposure to  
weather - treated







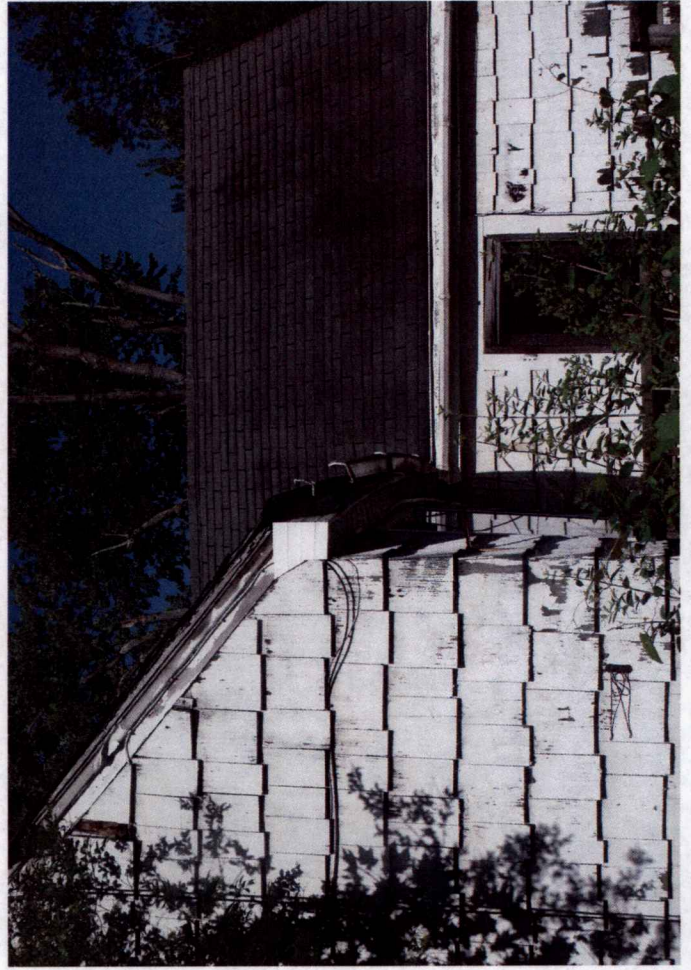
EXHIBIT

Board's

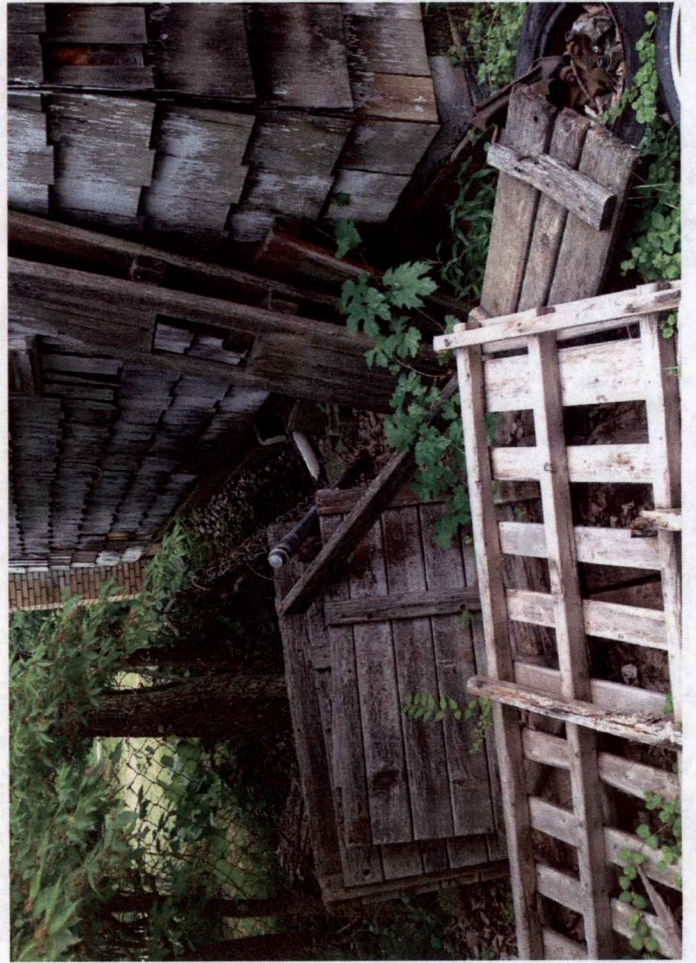
B

tabbies

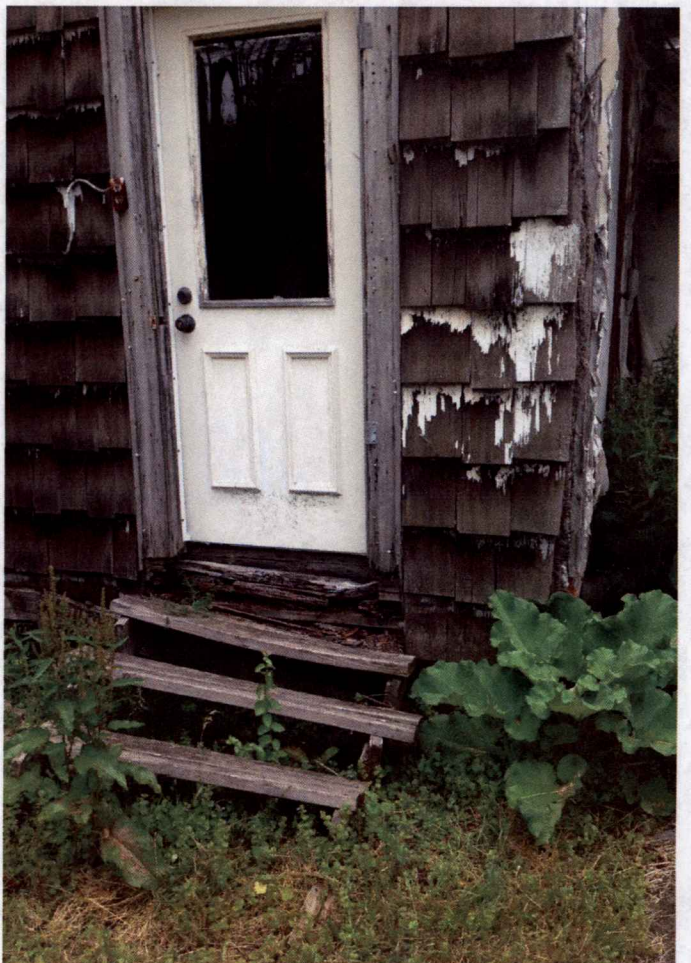
JUNE 15TH 2018



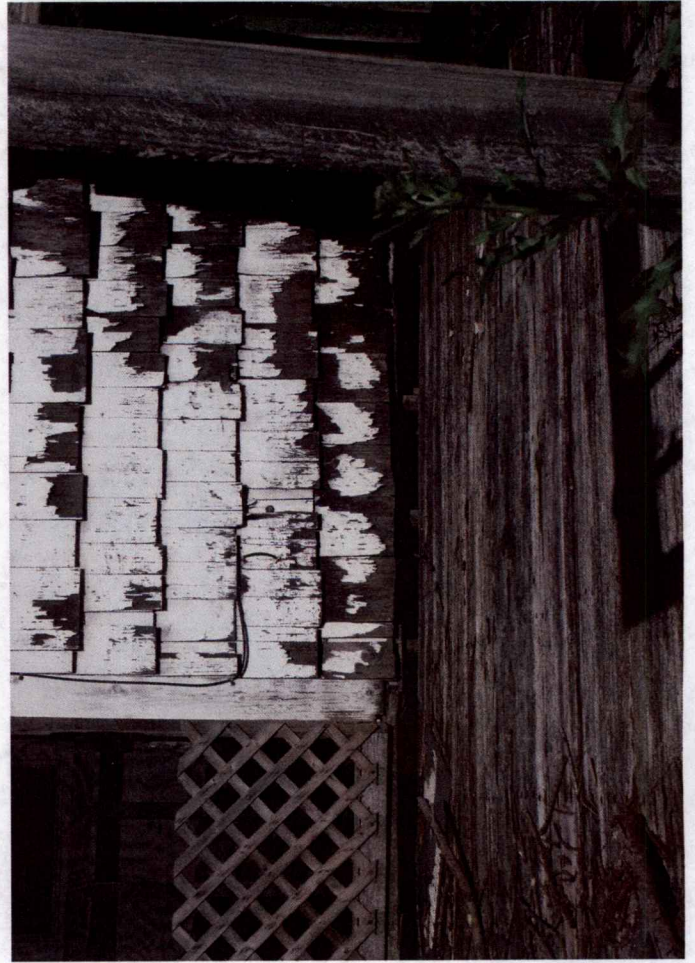




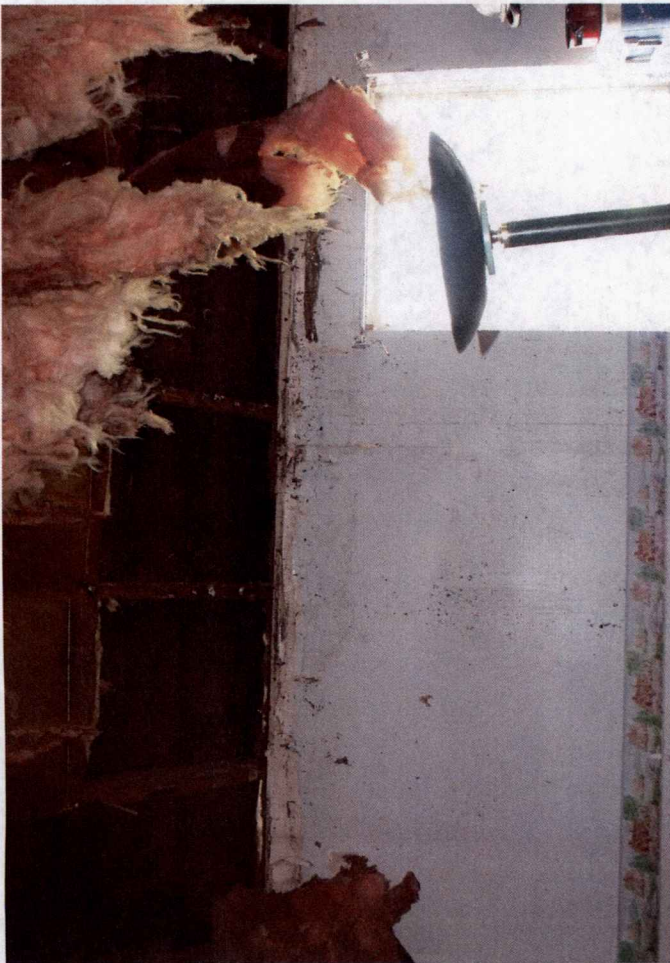
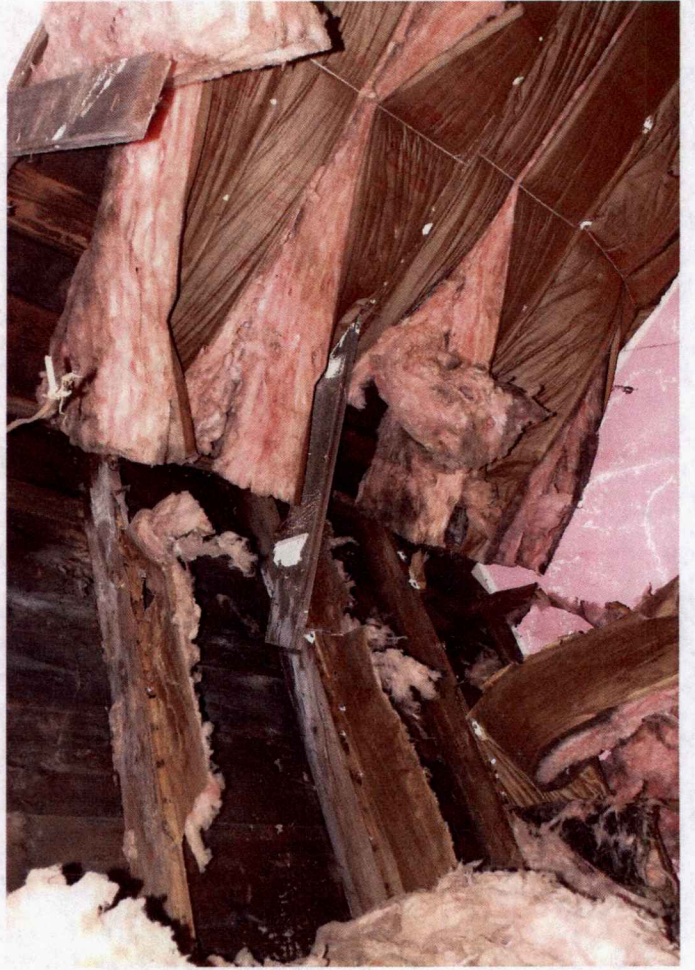
























### Zoning Meeting Points:

- When we moved in – there were builder signs at 4555, 4567 and other ‘challenged’ houses without that we would not have purchased the house, because the selling realtor assured us they would all be torn down for bigger houses. The builder had house specs on their web site that they could build – and they went under during the housing collapse.
- House has not been lived in or maintained for 11+ years we have lived next door – and was already unlivable when we moved in – abandoned as-is when the owner’s son committed suicide inside the house.
- 4503 – House was ordered to be torn down – although it was occupied within the past 7-8 years
- We have been reporting the condition of this house and lack of property maintenance the entire 11+ years to Liberty Township.
  - o We have had limited progress when the garage was torn down – since it was looking like it was going to collapse on our expensive RV.
- House is a refuge for vermin – a nuisance and danger to neighborhood pets and families:
  - o Can share videos of groundhogs and raccoons going too/from property
  - o 80+ Year old neighbor has raccoon issues – climbing into her attic
  - o We have taken numerous diseased, feral kittens to Delaware Animal shelter – at a cost to taxpayers
  - o Coyotes hunt for vermin around the house – and are frequently right in front of our house
- Our daughter has grown up being terrified to go outside alone in the dark because of the condition of this house and the rodents that come from it.
  - o No child should have to feel that way in their yard especially in Powell
  - o She now drives and won’t park her car on our perfectly good side driveway
- That property is an embarrassment to all that visit our home – our daughter avoid inviting friends to her house and I have not hosted my work team at our home.

### Additional Data:

- Blight Houses impact on Neighborhood home values – a couple of many instances that google will reveal across the nation:
  - o This research finds that as properties are abandoned for longer periods of time, the impact on nearby property values not only increases in magnitude but also is seen increasingly farther away.  
<https://www.tandfonline.com/doi/abs/10.1080/10511482.2013.832350?src=recsys&journalCode=rhpd20>
  - o Neighborhood blight and the presence of vacant and abandoned properties have profound negative impacts on afflicted communities. Blighted properties decrease surrounding property values, erode the health of local housing markets, pose safety hazards, and reduce local tax revenue. -  
<https://www.huduser.gov/portal/pdredge/pdr-edge-featd-article-012218.html>

### Summary:

- What good is investment in our property – or the other two new houses on our street - with abandoned properties at 4555 and 4567 standing? We are in a money losing situation without resolution.
- What is the value to anyone of this and other houses standing?