

333 James E. Bohanan Memorial Drive
Vandalia, Ohio 45377

PHONE (937) 898-5891
FAX (937) 898-6117



AGENDA
City of Vandalia Property Maintenance Appeal Board
March 5, 2015

Call To Order

Attendance

Approval of Procedures

Approval of Minutes

All persons giving testimony shall be sworn in

New Business

Presentation of the case by the Code Official

Presentation of the case by the applicant

Discussion

Motion to close open hearing

Adjournment

City of Vandalia, OH

PROPERTY MAINTENANCE BOARD OF APPEALS
Hearing Procedures

- The Secretary to the Board shall call roll and maintain a record of the proceedings.
- When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.
- A Board member shall not hear an appeal in which that member has any personal, professional or financial interest.
- The Secretary shall confirm that proper notice has been provided to the applicable parties. Notice of the hearing date must be given to the appellant and the City in the same manner as service is to be made under Section 1482.23(c). If the appellant is not the owner of the property in question, such notice shall also be given to that property owner in the same manner. If it is determined that proper notice was not given the matter shall be rescheduled.
- The Chairperson shall conduct all hearings.
- All persons that will be giving testimony shall be sworn in, including staff members.
- All persons wishing to testify shall state their name and address for the record.
- The Code Official shall present the case to the Board including photographs, correspondence and relevant code sections.
- The applicant, and/or its representative shall then present their case on the contention that the Code Official has misinterpreted or misapplied some provision of the Code.
- All photographs, correspondence and other materials presented to the board shall be labeled with an Exhibit Number, retained by the Secretary of the Board and become part of the written record of the proceeding.
- Strict rules of evidence shall not be required, but only relevant information will be allowed.
- Board members are free to ask questions at any time.
- Any other interested parties present shall then be heard.
- The Chairman may limit the length of time for public comments (e.g. a member of the public may speak for five minutes).
- Individuals from the public may be asked to address the Board from a designated area for public address so that their comments are properly recorded. All comments shall be to the Board and not to other parties in attendance.
- Speakers must speak in a clear, strong voice so that all may hear.
- Comments made by the public shall be relevant to the subject under consideration.
- The public in attendance not recognized to speak shall be required to refrain from talking among themselves while others are speaking.
- Open discussion shall follow and afford all parties an opportunity to respond and present evidence and argument.
- Upon conclusion of the open discussion the Chairperson shall request a motion to close the open hearing.
- The Board may but is not required to dismiss all parties before deliberation. (When the Board is deliberating on a particular appeal, it is engaging in "adjudicative duties" and under Ohio law, considered to be a "quasi-judicial" body. The Ohio Supreme Court has determined that public

bodies conducting quasi-judicial hearings, may have privacy to deliberate, (evaluate and resolve the disputes).

- The Board may affirm, table, modify or reverse the decision of the Code Official by a concurring vote of three members. The decision of the Board on an appeal shall be limited to the application of this Code. The Board may not disregard, vary or modify the Code language.
- The Board's decision shall be within thirty days, be dated, in writing and furnished to the appellant and the City Manager's office. The decision shall set forth the rationale for the decision and advise the applicant of its right to appeal to the court.

City Of Vandalia, Ohio

PROPERTY MAINTENANCE BOARD OF APPEALS MINUTES

October 15, 2014

MEMBERS PRESENT: William Hibner, Rick Francisco, John Froschauer Sr, Ulrich Hensellek, Robert Heeter

OTHERS PRESENT: Ted Baker, Missy Pruszyński, Mayor Setzer

PURPOSE: Organizational

Ted Baker welcomed the members of the Property Maintenance Board of Appeals and explained that the purpose of the meeting was organizational and Mayor Setzer would attend to administer the Oath of Office to all board members. Discussion followed regarding the process that is described in Codified Ordinance 1482.21 as related to appeals. During the discussion, Mayor Setzer arrived and administered the Oath of Office.

Discussion resumed and as per 1482.21 (b)(3), Mr. Froschauer made a motion to select Mr. Heeter as the Chairman. The motion was seconded by Mr. Hibner and passed 5-0 in favor.

It was decided that the Board would meet annually to select a Chairman and discuss any issues that need attention. Mr. Baker will draft a procedures document in compliance with 1482.21 (d) and distribute it to the board members for their comments and action at their next meeting.

A handwritten signature in dark ink, appearing to read 'T. Baker', is written over a horizontal line.

Ted Baker
Secretary

APPLICATION FOR APPEAL

**PROPERTY MAINTENANCE BOARD OF APPEALS
VANDALIA, OHIO**

Pursuant to law, application is hereby made to the Property Maintenance Board of Appeals for a hearing relative to the enforcement of this code.

Address of Appeal 1541 Cambron Court, Vandalia, OH 45377

Housing/Property Maintenance Code Section to be appealed See Attached

Name of Applicant David S. Link

Mailing Address 1561 Cambron Court, Vandalia, OH 45377

Telephone Number 937-890-2618 Cell Phone Number N/A

Name of Owner William Waxman

Mailing Address 1541 Cambron Court, Vandalia, OH 45377

Telephone Number N/A Cell Phone Number N/A

CASE DESCRIPTION

A Violation Notice was issued by the Code Official on N/A

Please attach a copy of the Violation Notice

Reason for Notice N/A

I/we request this Hearing on the grounds that the Code Official:

☒ Misinterpreted or ☒ Misapplied the Code (Please check one)

Please specify See Attached Appeal

Applicant: I/we hereby depose and say that all the statements contained herein or in the material attached hereto are true and are an accurate representation of the facts as they exist.

David S. Link
Signature of Appellant

N/A
Signature of owner or agent for owner

Appeal filed on _____ Hearing Date _____ Case No. _____

FEE \$50.00 RECEIPT # _____

2/15

Please Note: This form is insufficient for filing all appeals. According to code 1482.

CITY OF VANDALIA BUILDING AND HOUSING CODE

1482.21. APPEALS.

(a) Application for Appeal. Any person aggrieved by a decision or order of the Code Official shall have the right to appeal that matter to the Property Maintenance Board.

(1) Written notification. A written notice of appeal must be signed by the person and filed with the office of the City Manager within ten working days after the date service of the decision or order has been completed.

(2) Contention of Misinterpretation or Misapplication of Code. An appeal shall be a means of obtaining a hearing on a contention that the Code Official misinterpreted or misapplied some provision of this Code.

(3) Grounds. The notice of appeal shall specify the decision or order appealed from and shall set forth the grounds of the appeal.

(4) Stay of proceedings. An appeal shall stay all proceedings on the decision or order from which the appeal is taken, unless the Code Official certifies to the Property Maintenance Board that a stay would cause imminent peril to life or imminent risk of substantial damage to property. In the event the Code Official so certifies, the proceedings to enforce the order or decision appealed from shall not be stayed, except by an injunction or other equitable order issued by a court, after notice to the City.

(5) Hearing on appeal. The Board shall select a time and place for a hearing on the appeal. Notice of the hearing date shall be given to the appellant and the City in the same manner as service is to be made under Section 1482.23(c). If the appellant is not the owner of the property in question, such notice shall also be given to that property owner in the same manner.

(6) Board decision. The Board may affirm, modify or reverse the order or decision appealed from. The decision of the Board on an appeal shall be limited to the application of this Code. The Board may not disregard, vary or modify the Code language. Any such decision of the Board shall be deemed to be a final administrative order appealable to the courts. The City shall be deemed to be adversely affected and aggrieved by a Board decision which modifies or reverses an order or decision of the Code Official, and the City shall have the right to appeal such a decision to the court. An appeal to the court shall stay enforcement proceedings in the same manner as described in paragraph (a)(4) hereof.

1482.99 PENALTY.

(a) Whoever violates any provision of this Housing/Property Maintenance Code shall, upon conviction thereof, be subject to the following penalties:

(1) For the first offense, a minor misdemeanor, and shall be fined not more than one hundred dollars (\$100.00) for each offense.

(2) For the second offense (whether or not of the same section of this Code), occurring not sooner than twenty days and not later than two years after the first offense, a misdemeanor of the fourth degree, and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense.

(3) For the third offense (whether or not of the same section of this Code), occurring not sooner than twenty days of the second offense and not later than two years after the first offense, a misdemeanor of the first degree, and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense.

1. Appellant

David S. Link
 1561 Cambron Court
 Vandalia, Ohio 45377
 937-890-2618

This is a written notice of appeal filed with the office of the City Manager within ten working days after the date service of the decision or order has been completed per Housing Property Maintenance Code 1482. The appellant is not the owner of the property in question.

Signature: David S. Link

Date: February 19, 2015

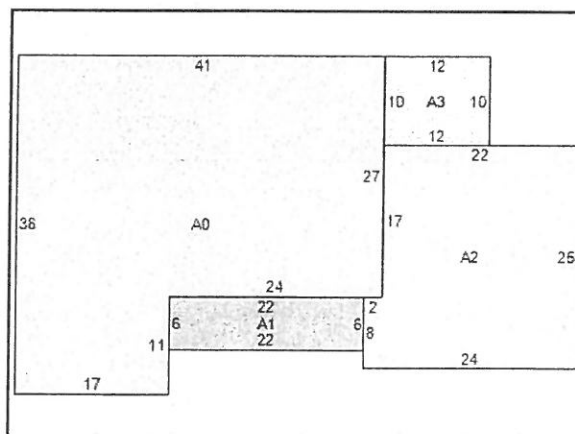
2. Property in Question

Description PARID: B02 01110 0010
 PARCEL LOCATION: 1541 CAMBRON CT
 NBHD CODE: 48100000

Owner WAXMAN WILLIAM J AND BETSY L
 1541 CAMBRON CT
 VANDALIA, OH 45377 9754

Legal Legal Description: 56 TIMBERWIND SEC 2
 Land Use Description: R - SINGLE FAMILY DWELLING, PLATTED LOT
 Deed: 1988-00134B004

Use (RSF-2) RESIDENTIAL SINGLE-FAMILY



Label	Code	Description	Area
A0		Main Building	1294
A1 11		OFF OPEN FRAME PORCH	132
A2 23		MG/BG MASONRY/BRICK GARAGE	566
A3 50/20		UNFIN BSMT/1SMAS MASONRY	120

3. Decision or Order Appealed

The decision by the Code Official to dismiss three items filed with the City of Vandalia Action Line herein referred to as Items 1,2 and 3:

Item 1 - TRACKING NUMBER: 8250981641 (Patio Permit)

Item 2 - TRACKING NUMBER: 8250961631 (Drainage Course Permit)

Item 3 - TRACKING NUMBER: 8250971637 (Retaining Wall/Landscaping Feature)

4. Grounds

The Code Official misinterpreted and misapplied various provisions of this Code and other referenced Codes;

Item 1 - Re:TRACKING NUMBER: 8250981641 (Patio Permit):

1. The Site Plan did not include the patio or include a reference to the underlying foundation, there is no proof of inspection because there is no plan, and the site plan has not been updated in the City records or the Montgomery County records.
2. Re: Residential Code of Ohio for One, Two and Three Family Dwellings Chapter 4101:8-1 General Provisions - 104.2.1.3 Inspections. If the plans for the erection, construction, repair, alteration, relocating, or equipment of a building are subject to inspection by the residential building official, under section 108, the residential building official shall make such inspections as the building official is authorized to make or shall cause to be made such inspections, investigations, and determinations as are necessary to determine whether or not the work which has been performed and the installations which have been made are in conformity with the approved construction documents.
3. Re: TRACKING NUMBER: 8250981641 (Patio Permit)
TICKET STATUS: 'DISMISSED'
LATEST ACTIVITY:Owner of property at 1541 Cambron Ct had information that the patio was poured when the house was built, so no separate patio permit was required.
DESCRIBE VIOLATION: There is no permit for the patio located in the rear yard. This item was also submitted as a property maintenance issue.
4. Requested Action(s): For the property at 1541 Cambron Court - Require Permit, Inspection, and Updated Site Plans with City of Vandalia and Montgomery County.

Item 2 - TRACKING NUMBER: 8250961631 (Drainage Course Permit)

1. The site plan does not include the grading plan, conform to Conditions of Issuance 1442.03, and is in violation of Vandalia General Offenses Code 660.15, and the Owner occupied the residence prior to the final grading and landscaping and was therefore in a position to cause, permit or allow the grading to take place.
2. Re: Housing/Property Maintenance Code 1442.03 CONDITIONS OF ISSUANCE.
No permit for an excavation or for the construction of a proposed building, addition or alteration shall be issued by the City Manager before he or she is satisfied that the plans, specifications and intended use conform to the Planning and Zoning Code, before the applicant has obtained a zoning certificate and before an indemnity bond has been furnished by the contractor, buyer or owner to provide for all damages or loss to the Municipality in its streets, sidewalks and utilities as a result of such

construction or alteration, to ensure the installation of curb boxes and drive approaches, to ensure compliance with the approved lot grading plan and to ensure compliance of the excavating, grading, filling and re-establishment of vegetation with the standards as established by Section 660.15.

Re: Vandalia General Offenses Code 660.15 DRAINAGE, FILLING, GRADING, EXCAVATING. (e) No owner, lessee, occupant or person in charge of any premises shall cause, allow or permit any excavation or grading where the ground elevation is changed by more than one foot, or where the proposed grading or excavation would result in alterations or changes to existing drainage courses, ditches, swales or other waterways, without first obtaining a permit for such operation. Application for such permits shall contain information showing the existing grade levels, the proposed grade levels and, in the case of changes to swales, drainage courses or other waterways, the existing course of such waterway, the proposed change in this waterway and sufficient topographic information to determine the change in the water run-off characteristics that this proposed change would cause. In no case shall a permit be issued where the excavation or grading operations would produce a slope steeper than 2:1 without specialized retainage designs being used, nor shall a permit be issued where the change in the grade and/or watercourse would result in increased downstream run-off beyond the capacity of the existing drainageway, ditch or other waterway to handle this run-off, nor where this grading or excavating would result in increased erosion or sedimentation to the detriment of the downstream property owner. The City Engineer shall be responsible for the review of permit applications and for the issuance of such permits.

3. Re: TRACKING NUMBER: 8250961631 (Drainage Course Permit)

TICKET STATUS: 'DISMISSED'

LATEST ACTIVITY: Mr. Baker met with homeowner at 1561 Cambron Ct.

Homeowner denied making changes to the natural drainage. There does not appear to be a violation and no permits are required.

DESCRIBE VIOLATION: The rear yard is channels water into a four inch diameter drainage tile. The drainage tile is located in the rear yard of 1541 Cambron Court and runs north to south and empties into the rear yard located at 1561 Cambron Court. The water collected by the tile is from several rear yards in the development. There is no permit for the change to the natural water course. Also, the water from the tile flows directly to the foundation of the house located at 1561 Cambron Court. Please advise if a permit will be issued, as the issuance of a permit is opposed for any channeling or drainage of water onto the lot at 1561 Cambron Court.

4. Requested Action(s): For the property at 1541 Cambron Court - Require Permit, Inspection, and Updated Site Plans with City of Vandalia and Montgomery County.

Item 3 - TRACKING NUMBER: 8250971637 (Retaining Wall/Landscaping Feature)

1. The retaining wall (herein referred to as the landscaping "feature", as proposed by the staff of the Development and Engineering Services), or "feature", is a vertical timber structure with attached horizontal supporting beams common to retaining wall designs; located in the side and rear yard of 1541 Cambron Court, the "feature" and

its support beams are rotting and falling into the yard of the property to the south and erosion is filtering down the unsupported slope previously retained by the "feature".

2. Re: Ohio Building Code 4101:1-34-01 Existing buildings and structures. 3401.2 Maintenance. Buildings, structures, *equipment* and parts thereof, shall be maintained in a safe and sanitary condition *and in accordance with the condition(s) established in current and any previous plan approvals and certificates of occupancy.* Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the building official shall have the authority to require a building or structure to be inspected. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures *without approval of the building official.*

Re: Housing/Property Maintenance Code 1482.10 EXTERIOR PROPERTY

AREAS. (a) Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition and free of rubbish. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. (b) Grading and Drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, with the exception of water retention areas and reservoirs approved by the Code Official.

Re: Ohio Building Code 4101:1-16-01 Structural design. SOIL LATERAL LOADS 1610.1 General. Foundation walls and retaining walls shall be designed to resist lateral soil loads. Soil loads specified in Table 1610.1 shall be used as the minimum design lateral soil loads unless determined otherwise by a geotechnical investigation in accordance with Section 1803. Foundation walls and other walls in which horizontal movement is restricted at the top shall be designed for at-rest pressure. Retaining walls free to move and rotate at the top shall be permitted to be designed for active pressure. Design lateral pressure from surcharge loads shall be added to the lateral earth pressure load. Design lateral pressure shall be increased if soils at the site are expansive. Foundation walls shall be designed to support the weight of the full hydrostatic pressure of undrained backfill unless a drainage system is installed in accordance with Sections 1805.4.2 and 1805.4.3.

3. Re: TRACKING NUMBER: 8250971637 (Retaining Wall/Landscaping Feature)
TICKET STATUS: 'DISMISSED'
LATEST ACTIVITY: No retaining wall (sic) was seen in the rear yard.
DESCRIBE VIOLATION: The retaining wall located in the rear yard is rotted and falling into the rear yard located at 1561 Cambron Court.
4. Requested Action(s): Repair or replace landscaping feature. If retention is necessary, require retainage design in conformance with code.

333 James E. Bohanan Memorial Drive
Vandalia, Ohio 45377

PHONE (937) 898-5891
FAX (937) 898-6117



February 9, 2015

Mr. David Link
1561 Cambron Ct.
Vandalia, OH 45377

Dear Mr. Link:

This letter is to fulfill your latest Public Records Request of 2/4/2015. We have attempted to provide all information that you requested, but if there is anything you feel we missed, please contact me.

- A. The attached photo that you provided would be considered by staff to be a landscaping feature such as edging and not a retaining wall or fence. Please find attached an application for the Property Maintenance Board of Appeals if you feel aggrieved by that determination.
- B. Please find attached copies of sections of the Vandalia Zoning Code and the Residential Code of Ohio as relative to drainage, patios and retaining walls. This request appears to be somewhat overbroad but we have attempted to comply with your request. The entire Zoning Code is provided on the City of Vandalia's website as "Codified Ordinances" if that would be helpful to you.
- C. Copy of the only correspondence with Mr. Waxman.
- D. Evidence provided by Mr. Waxman regarding the presence of the patio when the residence was built in 1988.

Sincerely,

Ted Baker
Chief Building Official





Ted Baker

From: McDonald, Gerald <GMcDonald@pselaw.com>
Sent: Tuesday, February 24, 2015 10:20 AM
To: Ted Baker
Cc: Jon Crusey
Subject: Appeal to Property Maintenance Board

Mr. Baker,

You asked me to look at the Application for Appeal to the Vandalia Property Maintenance Board of Appeals filed by David Link ("Appellant"). The Appellant is the owner of the property at 1541 Cambron Court and is appealing various issues associated with the property next door at 1561 Cambron Court. You were not clear as to which, if any of the issues presented by Appellant, are actually appealable issues to the Property Maintenance Board of Appeals and asked for my thoughts.

As you know, under Vandalia Code section 1482.21(a), any person aggrieved by a decision or order of the Code Official shall have the right to appeal that matter to the Property Maintenance Board. The Appellant has filed a written notice of appeal, signed by Appellant, with the office of the City Manager and appears to have done so within ten working days after the date of the appealable decision or order has been completed. I believe the Appellant is within his rights to file the appeal even though he is not the owner of the subject property.

Appellant is requesting a hearing based on both a misinterpretation and misapplication of the Property Maintenance Code. Pursuant to Section 1482.21(a)(3) the Appellant is responsible for completing a notice of appeal that specifies the decision or order appealed from and to set forth the grounds of the appeal. Appellant appears to be appealing the handling, or rather, the non-handling of three separate items that were filed with the City of Vandalia Action Line. Based on my reading of the Application for Appeal, I summarize each item and the grounds for the appeal separately below:

Item 1. City of Vandalia Action Line 8250981641 (Patio Permit)

Appellant indicated that the Code Official misinterpreted and misapplied various provisions of the Property Maintenance Code with respect to this issue, but does not specify which Property Maintenance Code provisions. It appears that Appellant is aggrieved by the following with respect to the property located at 1541 Cambron Crt:

1. There is no permit for the patio located in the rear yard of 1541 Cambron Crt.
2. There does not appear to be a site plan for the patio at 1541 Cambron Crt. and as such, the Site Plan for the property does not include the patio or a reference to the underlying foundation.
3. There is no proof of inspection for the patio.
4. A site plan has not been updated in the City records or County records.

In the Application for Appeal Appellant cites provisions of the Residential Code of Ohio for One, Two and Three Family Dwellings, but the provisions of that Code are not under the jurisdiction of the Property Maintenance Board. Appellant's request for action is to require a permit, inspection and updated site plan with the City of Vandalia and Montgomery County.

However, Appellant does not cite any provision of the Property Maintenance Code that has been violated or that require such permit, inspection and updated site plan. As such, in my opinion, Appellant has not presented an appealable issue to the Property Maintenance Board with respect to Item 1. City of Vandalia Action Line 8250981641 (Patio Permit)

It should be noted that according to staff, the patio at 1541 Cambron Crt was constructed at the time the house was built so no separate patio permit was required. Even if the Property Maintenance Code required a permit, that code was not adopted by the City until 2000 and the house was constructed in the late 1980s.

Item 2. City of Vandalia Action Line 8250961631 (Drainage Course Permit)

Appellant indicated that the Code Official misinterpreted and misapplied various provisions of the Property Maintenance Code with respect to this issue, but again, does not specify which Property Maintenance Code provisions. It appears that Appellant is aggrieved by the following with respect to the property located at 1541 Cambron Crt:

1. There does not appear to be a site plan for 1541 Cambron Crt. and as such, the site plan for the property does not include a grading plan, confirm to the "Conditions of Issuance" in 1442.03
2. The property at 1541 Cambron Crt is in violation of Vandalia General Offenses Code section 660.15.
3. The Owner of 1541 Cambron Crt. occupied the residence prior to the final grading and landscaping and was therefore in a position to cause, permit or allow the grading to take place.

In the Application for Appeal for item 2, Appellant does not cite any provision of the Property Maintenance Code that has been violated or that require a site plan, final grading plan or landscaping, drainage or excavating. As such, Appellant has not presented an appealable issue to the Property Maintenance Board with respect to Item 1. City of Vandalia Action Line 8250961631 (Drainage Course Permit). The Property Maintenance Appeal Board does not have the authority to deal with alleged violations of Chapters 1442 or 660 of the Vandalia Code.

Item 3. City of Vandalia Action Line 8250971637

Appellant indicated that the Code Official misinterpreted and misapplied various provisions of the Property Maintenance Code with respect to this issue. In particular Appellant claims that a determination by the Code Official that a particular item is a "landscaping feature" and not a structure subject to the Property Maintenance Code.

On February 9, 2015 it appears that you, as Chief Building Official responded to a Public Records request (of 2/4/14) from Appellant and indicated that "the attached photo that you provided would be considered by staff to be a landscaping feature such as edging and not a retaining wall or fence." Appellant appeals this determination and claims that the item at issue is a "vertical timber structure with attached horizontal supporting beams common to retaining wall designs". Further that its "support beams are rotting and falling into the yard of the property to the south and erosion is filtering down the unsupported slope previously retained by the 'feature'".

Based on the Application of Appeal, it appears that the appealable issue is whether or not the item at issue is a landscaping feature (which does not appear to be covered under the Property Maintenance Code), or an accessory structure subject to the Property Maintenance Code. Further if it is an item covered by the Property Maintenance Code, whether the item's condition is such that the item is in violation of the Code. Appellant cites section 1482.10(a) and 1482.10(b) as the apparent violation. Section 1482.10(a) requires all exterior property and premises to be "maintained in a clean, safe and sanitary condition and free of rubbish. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition." Section 1482.10(b) requires all premises to be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon. I find it hard to see how either of these two provisions would be violated even if the item at issue is deemed an item covered by the Property Maintenance Code.

Although not expressly stated in the appeal, it seems implied that if the item is covered by the code it would be covered as an "accessory structure" and as such, if it is not structurally sound or in disrepair, there may be a violation of 1482.10(g) which requires all accessory structures, such as fences and walls to be maintained structurally sound and in good repair.

Appellant also cites apparent violations of the Ohio Building Code provisions, which are not under the jurisdiction of the Property Maintenance Board.

It is my opinion that the Property Maintenance Board needs to meet within twenty working days of the filing of an appeal, and hear the appeal. I think they should summarily dismiss items 1 and 2 above for the reasons stated and

concentrate of the appeal of item 3. The hearing is to be open to the public. The appellant, the appellant's representative, the Code Official, and any person whose interests are affected shall be given notice of the time and place of the hearing and an opportunity to be heard. The property owner at 1561 must also receive notice. On appeal the Board may modify or reverse the decision of the Code Official by a concurring vote of three members. Its decision should be in writing and furnished to the appellant and to the Code Official.

I hope this information is helpful.

Gerald L. McDonald
Law Director, City of Vandalia
Pickrel Schaeffer & Ebeling
40 N. Main Street St 2700
Dayton, Ohio 45423
937-223-1130 (office)
937-223-0339 (fax)
937-641-2231 (direct dial)