



SHAKER HEIGHTS

BOARD OF APPEALS

MINUTES OF THE MEETING May 5, 2021 - 7:30 A.M. VIA CONFERENCE CALL DUE TO COVID-19 PUBLIC HEALTH EMERGENCY

Members Present: Earl Williams, Chairperson, Neil Dick, Patricia Barz, Arun Kottha, and Joseph MacDonald. Also Present: William M. Ondrey Gruber, Director of Law, Lisa Gold-Scott, Assistant Director of Law, James Scherer, Law Clerk, and William Hanson, Housing Commissioner for the City.

1. Mr. Kottha called the meeting to order as acting Chairperson, and made a preliminary announcement about the procedure for the virtual hearing. Mr. Gruber called the roll of members present.
2. Mr. Dick moved to approve the Minutes of March 3, 2021. Ms. Barz seconded the motion. The motion was approved 4 – 0.
3. Mr. Earl Williams joined the meeting as Chairperson.
4. The Board called and heard the following appeal:

Appeal of Archon Capital, L.P., Case No. BA-21-05-NAHC, 14416 Onaway Road, Notice of Public Nuisance – Housing. Attorney Jeffrey Posner represented Appellant. Rob Nicholson represented Appellant as part of its management. The City called William Hanson as a witness.

5. Mr. Dick moved that the Board go into executive session to discuss the appeals. Ms. Barz seconded the Motion. The Board voted 5 – 0 in a roll call vote to go into executive session to discuss the appeal.
6. The Board reached the following decisions in the appeals:

Appeal of Archon Capital, L.P.: Mr. Kottha moved that Appellant's appeal is DENIED IN PART and GRANTED IN PART, conditioned on the Appellant meeting the following schedule and terms:

- A. Within 5 business days of the date of this Decision letter, Appellant must apply to the City for a point of sale (POS) inspection and pay the double fee required by ordinance.
- B. Within 10 calendar days from the date of Appellant's application, the City will conduct a POS inspection and issue a Certificate of Inspection.
- C. Within 14 calendar days from the date of the issuance of the Certificate of Inspection, the Appellant will provide repair estimates for each violation from a contractor registered to do business in Shaker Heights that reflects fair market value for labor and materials
- D. Within 5 calendar days from the date of receipt of the repair estimates, the City will either approve or disapprove the estimate

- E. If disapproved, the City will revise individual estimates to minimum amounts acceptable to the City.
- F. Within 14 calendar days from the date of the approved escrow amount, the Appellant will submit the paperwork required to establish an escrow account along with a certified check for the escrow hold. Appellant may submit requests for disbursements as permitted by the City's POS ordinance.
- G. Within 15 calendar days from the date of deposit of the escrow funds, Appellant or its contractor must submit plans for approval and apply for required building permits for the repair work, to include an application for ABR approval for any exterior alterations such as windows, porches, etc.
- H. Within 60 calendar days from the issuance date of the Certificate of Inspection, the Appellant shall complete the painting and replacement of broken windows and schedule a City re-inspection to confirm completion, and within 120 calendar days from the issuance date of the Certificate of Inspection the Appellant shall correct all violations and schedule a City re-inspection to confirm completion.
- I. If substantial compliance on the correction of all violations is not made by the deadline, including any extensions granted by the City, then the City may access escrow funds for repair or demolition as allowed under the ordinance, and/or pursue other legal remedies available to the City by law. If the home still represents a public nuisance, the City may pursue demolition. Written notice will be provided to the Appellant at least 30 calendar days in advance of demolition.
- J. The Appellant shall designate and file with the Director of Building and Housing the name, address and telephone number of an agent who is a resident of Cuyahoga County for the purpose of receiving all notices of inspection, orders, or otherwise from the City relative to such improved real estate, as required by City ordinance.

The Motion was seconded by Mr. Williams. The Board voted 5 – 0 to approve the Motion.

7. The Meeting was then adjourned.

Date Approved: 6-2-21

Earl Williams
Earl Williams, Chairperson of the Board

William M. Ondrey Gruber
William M. Ondrey Gruber, Secretary