

**BOARD OF BUILDING CODE OF APPEALS  
CITY OF WILLOUGHBY  
REGULAR MEETING  
JANUARY 4, 2010  
MINUTES**

**Present:** Tony Ranallo; Mike Gallagher; Randy Vinson; Jay Byram;  
Tom Ruple, Chairman  
**Absent:** Richard Parker  
**Others:** John Wiles, Law Director; Richard Smith, Chief Bldg &  
zoning Inspector; Betty A. Nardelli, Secretary

Tom Ruple, Chairman, called the meeting to order at 7:05 p.m.

**NEW BUSINESS**

**APPEALS**

**FRANK DEMILTA**  
P.O. Box 748

**Exam. Of Unsafe structure**  
**C.O. 1341.02**

**Notice of Violation**  
@ 38878 Mentor Ave.  
**C.O. 1341.03(a)**

**Appeal - C.O. 1341.05**

Chairman Ruple swore in Richard Smith, Chief Building and Zoning Inspector and the author of the October 15, 2009 letter of condemnation, Ron Vaughn and Frank DeMilta the appellants.

Mr. Smith explained to the Board the reasons and events leading up to the condemnation of the building. Mr. Smith stated that per C.O. 1341.02 he made an examination of the building which is obsolete and dilapidated. Access to the inside of the building was open. Mr. Smith furnished pictures of the building showing broken or boarded up windows, rusted out mechanical equipment, lack of exterior maintenance, dilapidation and vandalism. John Wiles, Law Director, stated that the pictures are Exhibit A and part of the record. Mr. Smith stated that the property cannot be occupied because it is unsafe. Mr. Smith stated that per C.O. 1341.03 a notice of violation listing items needing corrections was sent to Frank DeMilta, the owner of the property. Ron Vaughn responded with his October 26, 2009 letter of appeal.

Mr. Vaughn said that they are trying to sell the property and it is going to take time to find the right person to purchase the property. Mr. Vaughn stated that they have not given anyone permission to access the property except the Police Department who

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have been using the property for training purposes. Ron Vaughn said that the electric and water utilities have been shut off but the sewers still work. They had to clean up the trash people dumped on the property. Mr. Vaughn stated that the building is the same as when they bought it. The restaurant located in the building was still in business when they purchased the property. When the owner died his daughter put the property up for sale and Frank DeMilta purchased it. Mr. Vaughn said that they pay the taxes and the mortgage on the property and they aren't asking for occupancy to the building.

Frank DeMilta stated that they try to work with the City. The homeowners that purchased new homes there in the new development located behind them knew that the building was there.

Tony Ranallo said that it will cost money whether they demolish the building now or later.

Chairman Ruple advised the applicants that the property will be more marketable if they remove the building and clean up the site. Chairman Ruple stated that no one is going to renovate what's there and it will cost to demolish the building. The property will be more marketable if the building is demolished and then you can see how much land is there. Mr. Vaughn said that an environmental test and point of sale was completed on the property when it was purchased in response to Chairman Ruple's question.

Chairman Ruple advised the applicants that per C.O. 1341.01 he sees five things as reasons that the building should be demolished under the law of which some are fire hazard and obsolescence.

Mr. Vaughn stated that this is unfair just because of three people who bought homes in the back of this property and decided to complain about the building that they knew was there when they purchased their homes. Mr. Smith responded by saying that two Councilman of that area are also concerned about the building. Mr. Smith stated that they inspected other buildings in the City in response to Mr. Vaughn's question. Three of the buildings inspected were residential and occupied. The buildings were condemned and demolished.

Mr. Wiles stated that the issue is whether the building should be condemned and demolished. If the City demolishes the building the cost is added to the property taxes.

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Mr. DeMilta requested a time extension to demolish the building. Mr. Wiles advised the applicants that the Board can't set a time limit to demolish the building in their motion. Also it is the applicant's responsibility to find out the cost of demolishing the building in response to Mr. Vaughn's question.

A motion was made by Randy Vinson and seconded by Tony Ranallo to grant the appeal for condemnation for 38878 Mentor Ave.

**Chairman Ruple explained to the Board that by granting the appeal you are allowing the building to remain.**

Roll call: Ayes: 0 Nays: 4 Abstain: 1  
Motion carried: **DENIED**

**Jay Byram abstained.**

**MINUTES**

**September 8, 2009**

A motion was made by Randy Vinson and seconded by Tony Ranallo to approve the minutes of September 8, 2009 as written.

Roll call: Ayes: 5 Nays: 0  
Motion carried: **APPROVED**

**BOARD OF BUILDING CODE OF APPEALS**

**Election -  
Chairman/  
Vice Chairman**

A motion was made by Randy Vinson and seconded by Jay Byram to nominate Tom Ruple as Chairman of the Board for the year 2010.

Roll call: Ayes: 4 Nays: 0 Abstain: 1  
Motion carried: **APPROVED**

A motion was made by Tom Ruple and seconded by Tony Ranallo to nominate Randy Vinson as Vice Chairman of the Board for the year 2010.

Roll call: Ayes: 4 Nays: 0 Abstain: 1  
Motion carried: **APPROVED**

There being no further business the meeting adjourned at 8:00 p.m.

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Tom Ruple, Chairman

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Betty A. Nardelli, Secretary

