



BOARD OF APPEALS BUILDING/HOUSING AGENDA:

February 22, 2023

Oxford Courthouse
118 West High Street
Oxford, Ohio
6:30 PM

Members: Dan Haizman, Paul Allen, Randy Eaton, David DeWitt, Timothy Meloy

Staff: Sam Perry, Rebecca Kolb, Derick Snodderly

Alternates: John Detherage, Fire Chief
Scott Otto, City Engineer

Approval of Agenda

Adoption of Minutes from February 8, 2012 Meeting

Adoption of Minutes from April 5, 2022 Work Session

Adoption of Minutes from April 20, 2022 Meeting

Old Business

New Business

1. Appeal of Code Enforcement Officer Decision, 5252 College Corner Pike, Donna Gross, Oxford Real Estate, Agent for JRJ Investment Co. LLC

Adjournment



MEMORANDUM
Community Development Department
513-524-5204

TO: Building/Housing Board of Appeals

FROM: Sam Perry, AICP
Director

DATE: February 17, 2023

MEETING DATE: February 22, 2023

RE: Appeal Hearing Recommendation, 5252 College Corner Pike

Property Manager Donna Gross of Oxford Real Estate represents JRJ Investment Co LLC in this appeal request. Oxford Real Estate is also the management company for the property owner. As noted in the letter dated January 27, 2023, Ms. Gross requests that the Board appeal the decision of Code Enforcement Officer Derick Snodderly regarding a noted code violation in Unit 1 of 5252 College Corner Pike.

5252 College Corner Pike is a brick veneer 12 unit apartment building located in a mixed commercial and residential area. Each apartment is two bedroom, one bathroom. Staff estimates that the building was built in the 1970s or early 1980s. It has three levels of apartments, with a central stair corridor that accesses all three floors. The lowest floor is partially below grade. Unit 1, the subject of the appeal is located in the lowest floor on the southwest corner of the building.

As part of a routine biennial inspection on October 6, 2022, Mr. Snodderly noted code violations existing on the property. The attached letter dated October 7, 2022 listed the code violations. The previous inspection on December 2, 2020 was conducted by Doug Paulick, an employee of National Inspection Corporation, the City's contracted agency at the time.

As noted in the letter dated January 18, 2023, a re-inspection was conducted on January 17, 2023. One of the items noted in the October 7 letter, failed inspection. Per 310.2.1, there was no record of approval for changes to the floor plan on file. The floor plan on file illustrated an exterior door and stairwell for Unit 1. The removal of the door was both a floor plan change and also resulted in a code violation with the only access to the bedroom now being through another bedroom. This is a violation of 404.4.2.

S:\shared\BBOA\Feb 22 2023 Case memo.docx
Page 1 of 3

Neither staff nor the property manager are certain when the change happened. By process of elimination, the property manager is relatively certain, as noted in the letter, that the change occurred in 2002.

Records indicate that the City or its agents have conducted at least 10 inspections at this property since 2002. There was no written record of a code violation of this nature on any of those inspections. Staff have consulted with the City's Law Director. The issuing of a rental certificate following an inspection is not equivalent to an approval of a building alteration. When the awareness of the code violation came to the attention of the City, the City took appropriate action. The owner/agent opted not to correct the violation and appealed.

It is unknown what the original purpose of the exterior door and stairwell was. No other units of the building have this exact floor plan. Given that the kitchen and bath are shared it is likely that the primary access to the subject bedroom did not change by the removal of the door and stairwell. It is unknown if the floor plan on file was original construction or a later alteration. The purpose of the code requirement prohibiting bedroom access through another bedroom are two-fold: privacy and fire safety. Staff's opinion is that the code for bedroom privacy is met. Staff's opinion is that the code for fire safety may have been compromised by the change. The subject bedroom does have one operational window, which is a code requirement for non-sprinkled buildings. All bedrooms in this building have one window. The lowest level windows are slightly smaller than the windows in the upper two floors because of the exterior grade. The remaining door to the subject bedroom does not open directly to an interior hallway, but instead into another bedroom. Though the hall door is close by, it does require an additional step for egress purposes. Based on these facts and any additional testimony at the hearing, the Board will need to weigh the circumstances of this case against the code requirements in order to make their determination.

Oxford PMC Section 111 allows appeals to be heard and decided, as a means of due process. Section 111 states that:

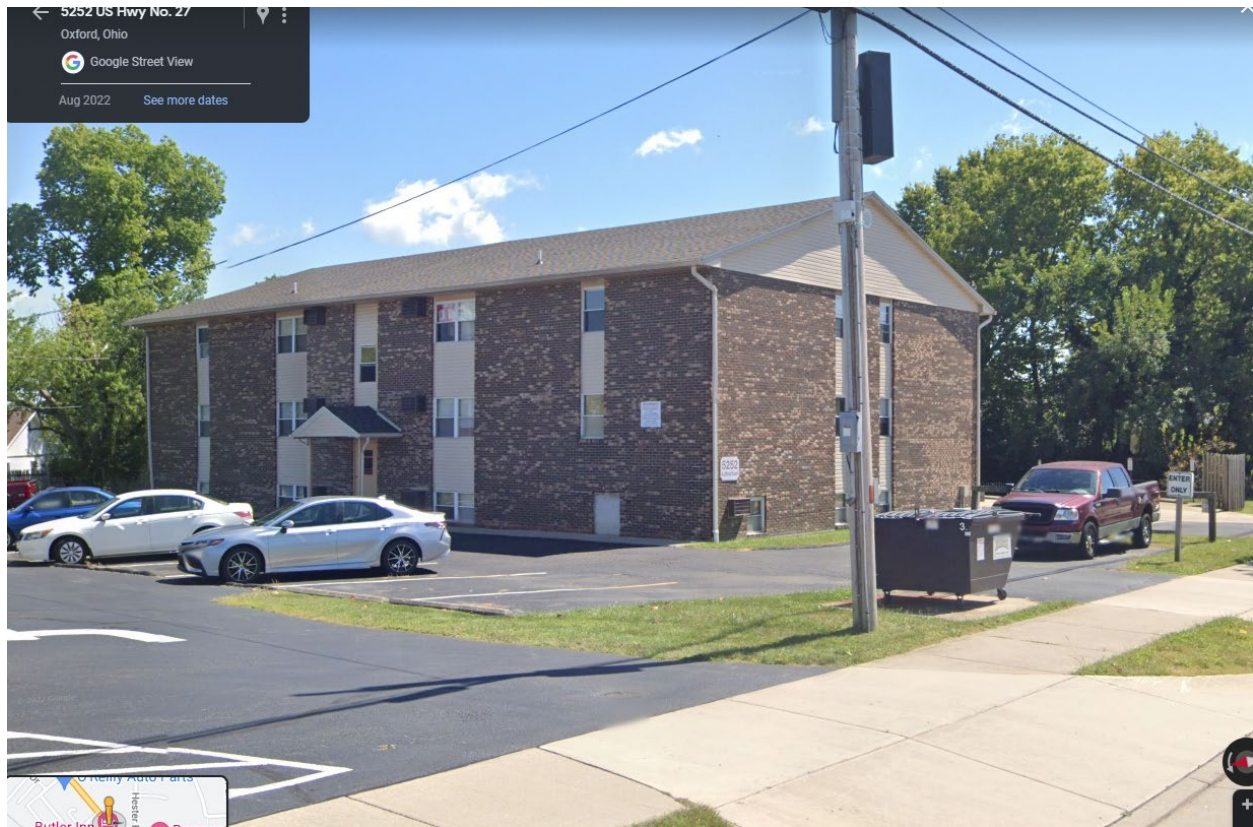
"the application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means."

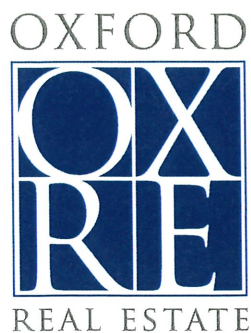
It is not clear from the request which of the three above categories that the appeal is requested under. If the Board decides to grant the appeal, it will need to cite for the record which, if any, of the three in Section 111, are applicable:

- 1.) Incorrect interpretation
- 2.) Provisions of this code do not fully apply
- 3.) Requirements of this code are adequately satisfied by other means

If the Board does not grant the appeal, the owner/agent can appeal the decision to a court or if willing to comply, will be provided a reasonable time by staff to bring the property into compliance.

August 2022 Google Street View Photograph





January 27, 2023

City of Oxford
Building & Housing
Board of Appeals
15 S. College Ave.
Oxford OH 45056

RE: 5252 College Corner Pike Unit 1

Dear Chair Haizman and Board Members,

JRJ, Co. is appealing a decision from Derick Snodderly, Code Enforcement Officer, failing the rental inspection of 5252 College Corner Pike Apt. #1, quoting violation of PMC 404.4.2 Access from bedrooms.

Officer Snodderly performed his inspection of the property using an outdated floor plan created by James Kimbrough, a previous code enforcement officer dated 11.19.96. PMC 310.2.1 states "the owner or agent may be required to provide an updated floor plan if the code official deems the floor plan on file to be insufficient, inadequate or outdated".

JRJ Co. has attached an accurate floor plan representing 5252 College Corner Pike Apt. #1 as it has existed for several years and still exists today.

As explained previously to Officer Snodderly, the implied violation was created by the elimination of an exterior stairwell depicted in the City's 1996 floor plan. The stairwell was eliminated out of necessity due to excessive flooding from uncontrolled storm water runoff from US SR 27. As we recollect, the work was performed by Rile Construction and the updated drawing should have been submitted with Rile's application.

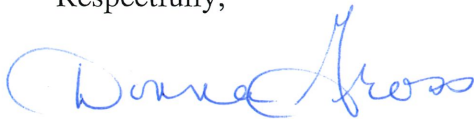
JRJ, Co requested the City of Oxford look in their archives for a permit issued to Rile Construction in the early 2000's for the exact circumstances. The City of Oxford should also have a record of all previous rental permits issued for Apt. 1 where no violations have been noted for the floorplan attached.

To demonstrate historical facts, we have attached copies of rental permits obtained for the past 8 years, as well as 2 photos from the City of Oxford's 2007 appraisal of the property showing visual evidence that the exterior stairwell did not exist at that time. We also came across a photo of waterproofing completed in 2003 after the stairwell was eliminated, leading us to believe the stairwell was eliminated in 2002.

Using the year 2002 as a reference and calculating the requirement of an inspection once every 2 years, this would indicate the City of Oxford Code Enforcement Office inspected the property a minimum of 10 times since 2002 and passed the apartment with no notation of a violation or concern. Either the City of Oxford Code Enforcement Office and numerous Code Enforcement Officers have repeatedly failed to do their job for the past 20+ years or there is no evident concern regarding the existing layout of the property. Either way, JRJ, Co. nor the tenant should be burdened with a requirement to reconfigure the floorplan of this occupied apartment. Especially, since JRJ, Co. has paid for and received valid rental permits following passing inspections from Code Enforcement up to this date.

Officer Snodderly has proposed 4 different remedies for the proposed violation, all which JRJ, Co. believe to be disruptive. JRJ, Co. is requesting the Code Enforcement Office and the Board of Appeals grandfather the existing floor plan and occupancy of 5252 College Corner Pike Apt.#1.

Respectfully,

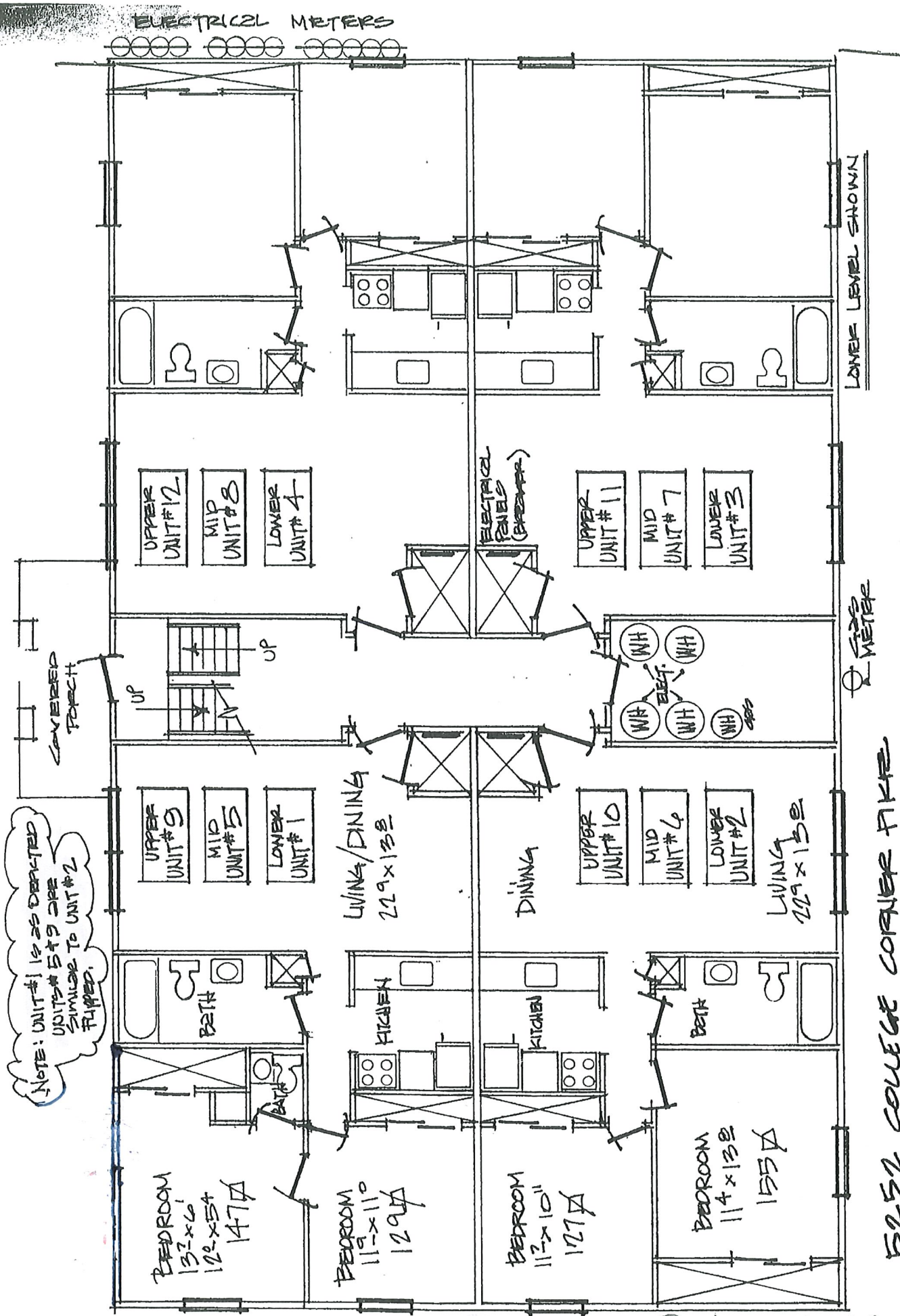


Donna Gross, Broker
Oxford Real Estate, Inc.
Agent for JRJ Co.

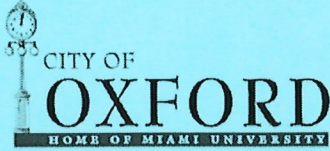
cc: JRJ, CO

Attachments:

Current Floor Plan as submitted by JRJ, Co.
Permit Numbers: 20141439, 20151439,
20161439, 20171439, 20181439, 20191439,
CR21-3287, CR21-5138
2007 Photo from City Eminent Domain Appraisal
2003 Photo of exterior waterproofing



5252 C.C. Pike - 1-12



City of Oxford
Inspections Division
101 East High Street
Oxford, OH 45056
(513) 524-5209

RENTAL PERMIT

This permit certifies that a valid rental dwelling permit has been issued to the address and person(s) listed below.

Address: *5252 College Corner Pike Unit 01*

Owner/Operator:

J.R.J. Company

Agent:

Oxford Real Estate

Fee: *\$55.00*

Permit Number: *20141439*

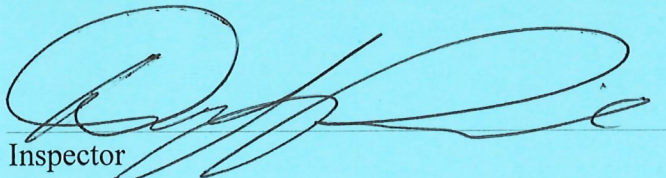
Use: *MF*

Effective Date: *October 17, 2014*

**Maximum Unrelated
Occupants Permitted:** *4*

Expiration Date: *October 17, 2015*

A copy of this permit shall be posted in a conspicuous place within the dwelling unit per PM-308.1.1. This permit cannot be transferred. If ownership of the property changes, the permit must be surrendered to the City of Oxford within ten (10) days. You must submit a completed application and pay appropriate fees for renewal before the expiration of this permit.


Inspector





City of Oxford
Inspections Division
101 East High Street
Oxford, OH 45056
(513) 524-5209

RENTAL PERMIT

This permit certifies that a valid rental dwelling permit has been issued to the address and person(s) listed below.

Address: *5252 College Corner Pike Unit 01*

Owner/Operator:

J.R.J. Company

Agent:

Oxford Real Estate

Fee: *\$55.00*

Permit Number: *20151439*

Use: *MF*

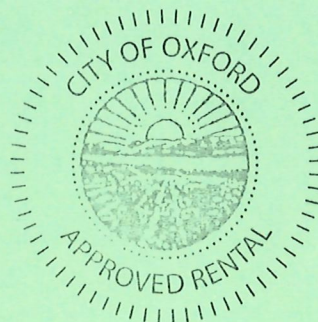
Effective Date: *October 17, 2015*

**Maximum Unrelated
Occupants Permitted:** *4*

Expiration Date: *October 17, 2016*

A copy of this permit shall be posted in a conspicuous place within the dwelling unit per PM-308.1.1. This permit cannot be transferred. If ownership of the property changes, the permit must be surrendered to the City of Oxford within ten (10) days. You must submit a completed application and pay appropriate fees for renewal before the expiration of this permit.


Inspector





City of Oxford
Inspections Division
101 East High Street
Oxford, OH 45056
(513) 524-5209

RENTAL PERMIT

This permit certifies that a valid rental dwelling permit has been issued to the address and person(s) listed below.

Address: *5252 College Corner Pike Unit 01*

Owner/Operator:

J.R.J. Company

Agent:

Oxford Real Estate

Fee: *\$55.00*

Permit Number: *20161439*

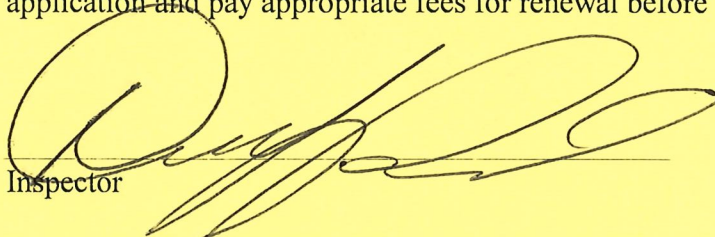
Use: *MF*

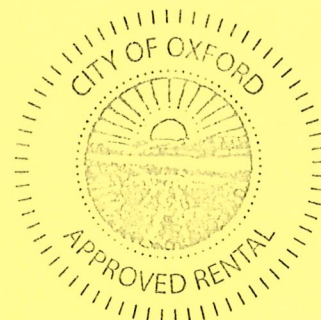
Effective Date: *October 17, 2016*

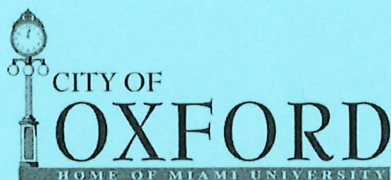
**Maximum Unrelated
Occupants Permitted:** *4*

Expiration Date: *October 17, 2017*

A copy of this permit shall be posted in a conspicuous place within the dwelling unit per PM-308.1.1. This permit cannot be transferred. If ownership of the property changes, the permit must be surrendered to the City of Oxford within ten (10) days. You must submit a completed application and pay appropriate fees for renewal before the expiration of this permit.


Inspector





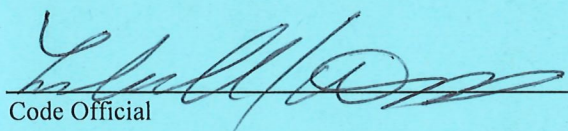
RESIDENTIAL RENTAL PERMIT

This permit certifies that a valid residential rental permit has been issued to the address and person(s) listed below.

Address: 5252 College Corner Pike Unit 01
Owner/Operator: J.R.J. Company
Agent: Oxford Real Estate
Fee: \$55.00
Permit Number: 20171439
Maximum Unrelated Occupants: 4
Use: MF (Multi-Family)
Effective Date: October 17, 2017
Expiration Date: October 17, 2018

The City inspected the interior and exterior of this property.

A copy of this permit shall be posted in a conspicuous place within the dwelling unit per PMC 310.3. This permit cannot be transferred. If ownership of the property changes, the permit must be surrendered to the City of Oxford within ten (10) days. You must submit a completed application and pay appropriate fees for renewal before the expiration of this permit.


Code Official





RESIDENTIAL RENTAL PERMIT

This permit certifies that a valid residential rental permit has been issued to the address and person(s) listed below.

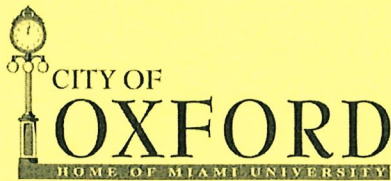
Address: 5252 College Corner Pike Unit 01
Owner/Operator: J.R.J. Company
Agent: Oxford Real Estate
Fee: \$55.00
Permit Number: 20181439
Maximum Unrelated Occupants: 4
Use: MF (Multi-Family)
Effective Date: October 17, 2018
Expiration Date: October 17, 2019

The City inspected the interior and exterior of this property.

A copy of this permit shall be posted in a conspicuous place within the dwelling unit per PMC 310.3. This permit cannot be transferred. If ownership of the property changes, the permit must be surrendered to the City of Oxford within ten (10) days. You must submit a completed application and pay appropriate fees for renewal before the expiration of this permit.


Code Official





RESIDENTIAL RENTAL PERMIT

This permit certifies that a valid residential rental permit has been issued to the address and person(s) listed below.

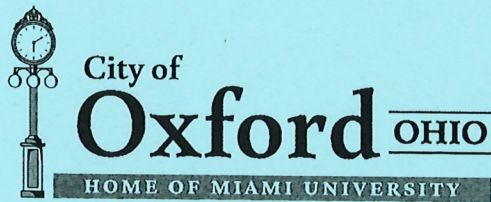
Address: 5252 College Corner Pike Unit 01
Owner/Operator: J.R.J. Company
Agent: Oxford Real Estate
Fee: \$55.00
Permit Number: 20191439
Maximum Unrelated Occupants: 4
Use: MF (Multi-Family)
Effective Date: October 17, 2019
Expiration Date: October 17, 2020

The City inspected the interior and exterior of this property.

A copy of this permit shall be posted in a conspicuous place within the dwelling unit per PMC 310.3. This permit cannot be transferred. If ownership of the property changes, the permit must be surrendered to the City of Oxford within ten (10) days. You must submit a completed application and pay appropriate fees for renewal before the expiration of this permit.


Code Official





RESIDENTIAL RENTAL PERMIT

This permit certifies that a valid residential rental permit has been issued to the address and person(s) listed below.

5252 College Corner Pike Unit 01

Responsible Party

Oxford Real Estate

Owner

J.R.J. Company

Fee:	\$55.00
Permit Number:	CR21-3287
Maximum Unrelated Occupants:	4
Use:	5F - Five or More Apartments
Effective Date:	01/26/2021
Expiration Date:	10/17/2021

Stipulations

The City inspected the interior and exterior of this property.

A copy of this permit shall be posted in a conspicuous place within the dwelling unit per PMC 310.3. This permit cannot be transferred. If ownership of the property changes, the permit must be surrendered to the City of Oxford within ten (10) days. You must submit a completed application and pay appropriate fees for renewal before the expiration of this permit.

City of Oxford Inspections Division

15 S. College Ave., Oxford, OH 45056

(513)-524-5209



RESIDENTIAL RENTAL PERMIT

This permit certifies that a valid residential rental permit has been issued to the address and person(s) listed below.

5252 College Corner Pike Unit 01

Responsible Party

Oxford Real Estate

Owner

JRJ Company

Fee: \$30.00
Permit Number: CR21-5138
Maximum Unrelated Occupants: 4
Use: 5F - Five or More Apartments
Effective Date: 09/28/2021
Expiration Date: 10/17/2022

Stipulations

The City inspected the interior and exterior of this property.

A copy of this permit shall be posted in a conspicuous place within the dwelling unit per PMC 310.3. This permit cannot be transferred. If ownership of the property changes, the permit must be surrendered to the City of Oxford within ten (10) days. You must submit a completed application and pay appropriate fees for renewal before the expiration of this permit.

City of Oxford Inspections Division

15 S. College Ave., Oxford, OH 45056

(513)-524-5209



Front parking from northwest



North side parking from northeast (front)



5252 C.C.P. 2003

sump pump installation
and waterproofing

000 #17 22MAR04 WALGREENS



Community Development Department Property Maintenance Violations

October 7, 2022

Oxford Real Estate
19 S. Beech St.
Oxford, OH 45056

RE: RENTAL INSPECTIONS

Dear Christine:

This letter is in regards to rental inspections that were conducted on October 6, 2022 at various properties managed by Oxford Real Estate. Listed below are the outstanding violations for each property per the City of Oxford Property Maintenance Code:

5252 College Corner Pike

- **Per PMC 310.2.1, changes have been made to the floor plan without record of approval or permits.** Below are the changes noted, which will require permit records to be submitted for review; or, if there were no permits, a new permit application submitted for review and processing, is required.
 - o Approval required for the enclosing of the door on the southwest corner of the building that used to enter the bedroom in Unit 1
 - Please note that the enclosing of this door has now put the southwest bedroom in Unit 1 in violation of PMC 404.4.2 and can no longer be used as a sleeping area since the only access is through another bedroom.
- **Corrective action:** A building permit application is required to be submitted for review and processing of the changes to the floor plan not previously approved.
- **PMC 404.4.4 Prohibited occupancy.** Kitchens and nonhabitable spaces shall not be used for sleeping purposes.
- **Corrective action:** In **Unit 4**, please have the tenant relocate her bedroom from the living room area to an approved sleeping area.
- **PMC 605.2 Receptacles.** All receptacle outlets shall have the appropriate faceplate cover for the location.
- **Corrective action:** In **Unit 4**, please install a faceplate cover on the outlet in the bedroom on the left. - **Corrected**

- **PMC 305.3 Interior surfaces.** Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered.
- **Corrective action:** In **Unit 10**, please remove peeling ceiling paint throughout the unit and repaint those areas.

5973 Contreras Rd

- **PMC 608.1 Carbon monoxide detectors.** In any residential property that has fossil fuel burning equipment, a carbon monoxide detector must be installed in the immediate vicinity of each sleeping area
- **Corrective action:** In **Unit 1**, install a carbon monoxide detector outside the bedrooms near the living room. In **Unit 5**, install a carbon monoxide detector outside the bedroom areas. - **Corrected**

PMC 111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Please contact me if you have any questions or concerns.

Respectfully,



Derick Snodderly

Code Enforcement Officer
dsnodderly@cityofoxford.org
 513-524-5209



Community Development Department
Property Maintenance Violations

January 18, 2023

Oxford Real Estate
19 S. Beech St.
Oxford, OH 45056

RE: 5252 COLLEGE CORNER PIKE UNIT 1

Dear Donna:

This letter is in regards to the rental inspection conducted on October 6, 2022 and follow-up inspection on January 17, 2023 at 5252 College Corner Pike Unit 1. Listed below are the outstanding violations per the City of Oxford Property Maintenance Code:

5252 College Corner Pike

- **PMC 404.4.2 Access from bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Below are the options to correct the above Property Maintenance Code violation:

1. Change the intended use of one of the bedrooms to a study, dining room, etc. This option would not allow sleeping in the area of the converted bedroom. If the first bedroom is used as the sleeping area, the maximum allowable occupancy would be reduced from four to one. If the back right bedroom is used as the sleeping area, the maximum allowable occupancy would be reduced from four to two.
2. Extend the hallway into the first bedroom past the entrance door to the back right bedroom and install a new entrance door for the first bedroom. This option would result in an alteration to the first bedroom, therefore, would have to meet the current PMC occupancy square footage requirements. This would result in a maximum occupancy reduction from four to three.
3. Create adjoining rooms to combine the space into one large bedroom. To comply with the Ohio Residential Code, this option would require the removal of the entrance door to the back right bedroom and installation of a larger opening in the common wall resulting in an alteration to both bedrooms. Therefore, would have to meet the current PMC occupancy square footage requirements. This would result in a maximum occupancy reduction from four to three. To create adjoining rooms, the alteration shall comply with the Ohio Residential Code listed below:

Section 303.2 Adjoining rooms. For the purpose of determining light and ventilation requirements, rooms shall be considered to be a portion of an adjoining room where not less than one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room and not less than 25 square feet (2.3 m²).

4. Install another entrance from the hallway to the half bath in the back right bedroom. This would allow access to the hallway and other common areas without passing through the first bedroom.

Once alterations take place, per **PMC 310.2.1**, an updated floor plan must be submitted to the Community Development department to reflect the changes. **Proper permits must be obtained prior to commencing any alteration work on the interior of the unit.**

PMC 111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Please contact me if you have any questions or concerns.

Respectfully,



Derick Snodderly

Code Enforcement Officer
dsnodderly@cityofoxford.org
513-524-5209

