

MINUTES OF THE LEGISLATIVE HEARING
ORDERS TO REMOVE/REPAIR, CONDEMNATIONS,
ABATEMENT ASSESSMENTS AND ABATEMENT ORDERS
Thursday, April 30, 2009
Room 330 City Hall, 15 Kellogg Blvd. West
Marcia Moermond, Legislative Hearing Officer

The hearing was called to order at 10:05 a.m.

STAFF PRESENT: Christine Boulware, Department of Safety and Inspection (DSI) – HPC, – Steve Magner, DSI- Code Enforcement; Craig Mashuga, DSI-Code Enforcement; Paula Seeley, DSI- Code Enforcement; and Mai Vang, City Council Offices

EXCERPT PERTAINING TO: Appeal of Dennis Peabody to a Summary Abatement Order and Vehicle Abatement Order for property at 1751 Bush Avenue.

Dennis Peabody, appellant, appeared.

Ms. Moermond asked for a report from Inspector Seeley. Ms. Seeley stated that a complaint was received on April 9 regarding garbage/rubbish in the backyard. She inspected the property on April 15 and issued orders to remove excessive refuse and two over-sized trailers with improper storage from the yard with a compliance date of April 27. She also issued orders to remove a vehicle which had expired tabs and was parked on an unimproved surface. She presented pictures of the property.

Mr. Peabody stated that he was retired and disabled and took care of his neighbors yards by mowing and removing snow. He said that he had talked to Mary Montgomery in Zoning and since he had provided an affidavit from his neighbor indicating that he had gravel for a parking surface since 1972, he was grandfathered in and allowed to have gravel for a driveway. He said that he intended to add more gravel to the surface this summer. He presented a copy of the letter from Ms. Montgomery along with the affidavit of verification from his neighbor. He said the vehicle listed on the order was not a Ford and he also had current tabs on the vehicle. He presented a picture of the license tabs on the vehicle which were current.

Ms. Seeley confirmed that the vehicle was now in compliance. She said that she had also confirmed with Mary Montgomery that Mr. Peabody was approved to park on the gravel in front of the garage doors, off the alley. She said that the trailers were over-sized and were not parked on approved surfaces and according to the code, he could not park them all over the yard. She said that one of the trailers appeared to have wheels on it which would also not be allowed. She also said that the only approved parking surface would be pavers, asphalt or concrete and would be subject to site plan review for approval.

Mr. Peabody responded that he was working with Mary Montgomery on a site plan for his trailers. He said he did not have room in his garage for the stuff on the trailers that he had outside. He said the boat trailer was approximately 6 by 12 feet, did not have wheels on it, it was on concrete and was used to store two canoes, a crawdad, a row boat, and a chair for a deer stand. He did have a

tarp covering it until one of the neighbors' trees fell on it and destroyed the tarp. He used another one of the trailers which was approximately 5 by 7 for hauling his lawnmowers, rototillers, snow blowers and used another trailer for recycling materials. He said that there was a trailer which he planned to cut up and dispose of sometime this summer.

Ms. Moermond reviewed the summary abatement order which included the standard violation language with the addition of the following: remove metal fencing; tires; wood; buckets; metal gates; recycling; all improper storage under tarps and in the trailers; and remove several trailers which are parked on an unimproved surface in the rear yard.

Mr. Peabody stated that the fencing was going to be used on an 80 acre garden plot a guy was going to let him use in Wisconsin. He said all of the fencing material would be gone within the next couple of weeks as it was too muddy to take it and put it up right now.

Ms. Moermond asked Ms. Seeley to explain the photographs and indicate which trailers were allowed. Ms. Seeley indicated that she had concern with the trailer with the boats on it which appeared to have wheels on it, as well as the large green box which had wood on top of it and appeared to be used for storage. She said there was also a large, red commercial vehicle which she believed was overweight and would not be allowed to be stored there. The little lawn trailers would be allowed; however, all of the excessive storage would need to be removed as there was so much stuff she could not maneuver around the backyard. She believed Mary Montgomery was scheduled to inspect the property for zoning review.

Mr. Peabody asked what gave an inspector the right to come onto private property. Ms. Moermond responded that the Legislative Code allows inspectors to go on properties to inspect. Mr. Peabody responded that he wanted the inspectors to stay out of his yard because it was a private yard.

Ms. Moermond recommended granting the appeal for the Vehicle Abatement Order as it in compliance. She recommended denying the appeal on the Summary Abatement Order and granting an extension to the close of business on May 8 to bring the property into compliance.

The hearing adjourned at 12:50 a.m.

Submitted by:
Vicki Sheffer