



SHAKER HEIGHTS

BOARD OF APPEALS

MINUTES OF THE MEETING March 3, 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 Charles Orlowski, City Forrester.

1. Chairperson Earl Williams called the meeting to order 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 February 3, 2021. Mr. Kottha seconded the motion. The motion was approved 4 – 0 – 1.
3. The Board called and heard the following appeal:
 - a. Appeal of Dr. Dereck Armin, Case No. BA-21-03-NAPW, 18224 Sherrington Road, Notice of Public Nuisance – Tree. Attorney Brian Mulhall represented Appellant. He called Mark Hoenigman, a certified arborist, and Dr. Armin, the Appellant, as Appellant's witnesses. The witnesses were sworn in by Mr. Gruber. The City called Charles Orlowski, the City's certified arborist as the City's witness. The witness was sworn in by Mr. Gruber.
4. Mr. Dick moved that the Board go into executive session to discuss the appeals. Mr. Kottha seconded the Motion. The Board voted 5 – 0 in a roll call vote to go into executive session to discuss the appeal.
5. The Board reached the following decisions in the appeals:
 - a. Appeal of Dr. Dereck Armin. It was moved by Mr. Kottha to grant the appeal with the following conditions:
 - i. The Tree must be cabled in accordance with Mr. Hoenigman's advice and recommendation.
 - ii. The excavation and area surrounding the tree must be filled with new organic material in accordance with Mr. Hoenigman's advice and recommendation.
 - iii. Any dead or dangerous branches or limbs must be pruned as needed, according to Mr. Hoenigman's advice and recommendation.
 - iv. Appellant must provide written verification to the City within sixty (60) days of this Decision that the above three tasks have been completed.
 - v. The Tree must be re-inspected every two years to determine its ongoing health and safety and to check for any signs of deterioration, according to Mr. Hoenigman's advice and recommendation.
 - vi. The Appellant testified that it is his intent to sell the property. The Board grants his appeal with the caveat that the purchaser must have full knowledge of this

appeal and the Board's conditions. Therefore, Appellant must provide a copy of this Decision to the buyer of the Property prior to transfer, and at least at the same time as the point of sale acknowledgement form is provided to the buyer for signature, if not sooner. A copy of this Decision shall be transmitted to the City's Building and Housing Department and shall become a part of the Property file.


The Motion was seconded by Ms. Barz. The Board voted 4 – 0 to approve the Motion.

6. The Meeting was then adjourned.

Date Approved: 5-5-21



Earl Williams, Chairperson of the Board



William M. Ondrey Gruber, Secretary