

# Appeals Statement with Exhibits

Natalie and Joseph Weitz  
338 Highmeadow Court  
Gahanna, Ohio 43230

29 July 2022

Property Appeals Board  
City of Gahanna  
200 South Hamilton  
Gahanna, Ohio 43230

RECEIVED  
JUL 29 2022

BY: J. Van Meter  
clerk

PAB-0003-2022

To the City of Gahanna Property Appeals Board:

We are writing in appeal to our sidewalks recently marked for repair, along with a statement of concern regarding the Sidewalk Program. We understand and fully support the city's desire for safe and walkable neighborhoods. We also fully understand it is the responsibility of homeowners to maintain the city sidewalks on their property.

The *Sidewalk Maintenance Program* brochure features a statement of sidewalk evaluation criteria taken from City of Gahanna Ordinance 521.06. alongside example photos featuring sidewalks in need of repair (exhibit A). City of Gahanna Ordinance 521.06 also states the inspection criteria as, "The primary inspection area criteria to be utilized by the Director or their designee shall include primary conditions deemed by such official to be potentially detrimental to the public health, safety and welfare." When we were initially presented with the *Sidewalk Maintenance Program* brochure, we were pleased to know that the hazardous neighborhood sidewalks would be repaired. We knew this would likely include one area in the front of our home where there is a protruding edge that could present pedestrian hazard.

When the inspector came to mark the sidewalks in early 2022, we were shocked to discover there would be 13 marked sidewalk sections. At that time, we were not provided with the documentation stating why the marked areas were deemed hazardous. In fact, this documentation did not arrive until June (exhibit P), after original markings had disappeared due to weathering. As we were instructed in the paperwork accompanying our estimate, we contacted the city prior to July 15 to request the squares be remarked so we could better understand why they might be hazardous. The city stated they would be remarked. Unfortunately, they were not. We contacted the city again on Monday, July 25 knowing that our appeal was due six days later on July 31 and the city marked the sidewalks the following day on July 26. That timeline provides us just 3 business days to prepare this appeal. The above narrative is provided to show additional burden placed upon the homeowner.

The chart below outlines the 13 marked sections and includes for each: the documented primary defect, cost for repair, and our perspectives as homeowners along with other notes. Photos of each point are included as exhibits.

## Overview of Marked Sidewalk Points

**\*\*Shaded rows indicated points uncontested by homeowners.**

Point	Exhibit	Primary Defect	Cost	Comments
2	B	Sections project above walk	\$ 68	The slight projection is not reasonably <i>potentially detrimental to the public health, safety, and welfare.</i>
7	C	Excessive cracking	\$ 285	Although we do not see this cracking as "excessive," we do agree this may become problematic in the near future due to the "Y" formation of the crack. We are in agreement it is in need of replacement.
8	D	Excessive cracking	\$ 285	Cracking does not appear excessive and also does not meet the <i>Sidewalk Maintenance Guidelines</i> definition of excessive cracking (broken pieces less than 2 feet across in any direction). See exhibit D for measurement photos.
9	E	Other conditions causing unsafe walking surface	\$ 285	This appears to be a severe section projection and we agree it is a potential hazard and should be replaced.
11	F	Other conditions causing unsafe walking surface	\$ 285	We are not sure why this point causes an unsafe walking surface. Perhaps it is due to the drain in the corner which we feel could simply be recapped (which we can do simply ourselves).
19	G	Gaps between joints or cracks	\$ 294	There is a larger gap here which does exceed the ½" outlined in the <i>Sidewalk Maintenance Guidelines</i> . Instead of replacing the entire section at a cost of \$294, we propose a fix similar to the recent sidewalk gap done by the city as shown in Exhibit G and likely a cost reduction.
23	H	Sections project above walk	\$ 68	The slight projection is not reasonably <i>potentially detrimental to the public health, safety, and welfare.</i>
24	I	Sections project above walk	\$ 68	The slight projection is not reasonably <i>potentially detrimental to the public health, safety, and welfare.</i>
37	J	Excessive cracking	\$ 285	Cracking does not appear excessive
41	K	Excessive cracking	\$ 228	Although we do not see this cracking as "excessive," we do agree this may become problematic in the near future due to the "Y"



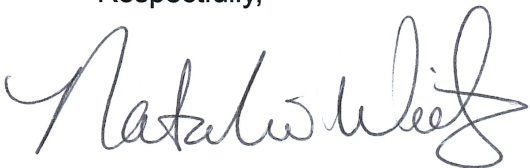
				formation of the crack. We are in agreement it is in need of replacement.
59	L	Excessive cracking	\$ 285	Cracking does not appear excessive
60	M	Excessive cracking	\$ 285	Cracking does not appear excessive
61	N	Sections project above walk	\$ 68	The slight projection is not reasonably <i>potentially detrimental to the public health, safety, and welfare.</i>
<b>TOTAL COST ESTIMATE</b>			<b>\$2789</b>	<b>\$46.48/month over 5 years</b>

Exhibit O shows overall views of our sidewalks. You may notice, as we did, they look nothing like the brochure photographs initially presented, perhaps to mislead the community in an effort to generate support for the program.

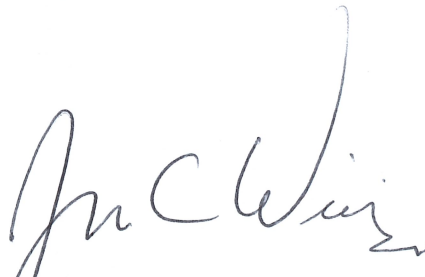
**Overall, we are appealing points 2, 8, 11, 19, 23, 24, 37, 59, 60, & 61 on the basis of City of Gahanna Ordinance 521.06. We believe points 11 and 19 can be remediated using more cost effective measures on the part of the homeowners themselves (point 11) and the party contracted by the city (point 19).**

We take incredible pride in our home as well as our safe and walkable neighborhood. We see the city's initial presentation of the Sidewalk Program to be misleading. We see the city *Sidewalk Maintenance Guidelines*, adopted in August 2021 in preparation for the program and revised in January of 2022 as initial inspections of phase 1 of the sidewalk program were to move forward, to be an unreasonable interpretation of City of Gahanna Ordinance 521.06, "The primary inspection area criteria to be utilized by the Director or their designee shall include primary conditions deemed by such official to be potentially detrimental to the public health, safety and welfare." We respectfully request review of this appeal by Gahanna City Council and the Property Appeals Board. We also encourage the Gahanna City Council to reconsider the *Sidewalk Maintenance Guidelines*. As a community, we are already managing more difficult and uncertain financial times, and the narrow interpretation of Ordinance 521.06 is creating an undue financial burden on the citizens of Gahanna.

Respectfully,



Natalie Weitz  
Homeowner  
614-774-4335  
[natalieweitz@gmail.com](mailto:natalieweitz@gmail.com)



Joseph Weitz  
Homeowner  
513-405-3839  
[weitzjc@yahoo.com](mailto:weitzjc@yahoo.com)

## Exhibits

Natalie  
Jm. Weir

### A. Excerpt of *Sidewalk Maintenance Program* brochure

#### Sidewalk Evaluation Criteria

Identifying when a sidewalk requires maintenance depends on many factors. Below is a list of factors that will be considered when determining whether a sidewalk requires maintenance in accordance with the City's sidewalk code (City of Gahanna Ordinance 521.06):

- Spalling (concrete has broken away from sidewalk in fragments)
- Sections projecting above walk
- Gapping between joints or cracks
- Surface deterioration
- Sloping away from street
- Excessive cracking
- Broken or has uneven grade
- Other conditions causing an unsafe walking surface. Some of those conditions may include, but are not limited to, deteriorating patches, wedges, loose or partial infill, excessive cross slope, or vegetation growing in cracks.

The current factors considered are described in more detail in the Sidewalk Maintenance Guidelines, which can be found on the City's website or by contacting the City's Engineering Division.



### B. Sidewalk Point 2



Overhead View



Angled view showing slight projection

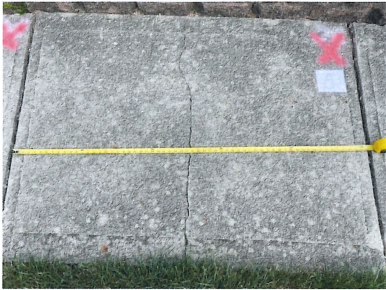


### C. Sidewalk Point 7

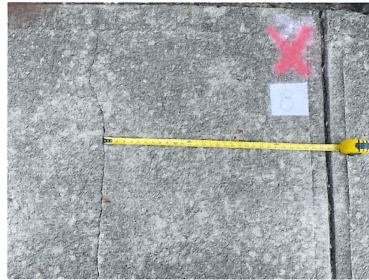


*Overhead View. Uncontested by homeowners.*

### D. Sidewalk Point 8



*Overhead view with overall measure*



*Measure of 30.5" at most narrow point on one side*

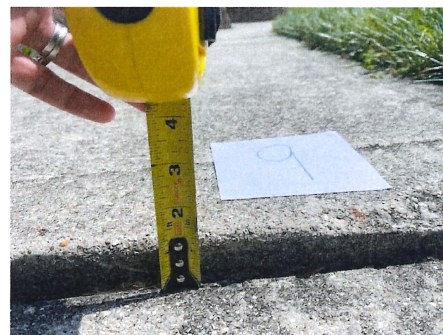


*Measure of 30" at most narrow point on other side*

### E. Sidewalk Point 9



*Overhead View. Uncontested by homeowners.*



*Showing a potentially hazardous projection*



#### F. Sidewalk Point 11



*Overhead view showing drain hole to be capped in lower right corner*

#### G. Sidewalk Point 19



*Overhead view showing larger gap along left edge*



*Our proposed cost-effective solution*

#### H. Sidewalk Point 23



*Overhead View*



*Angled view showing slight projection*

#### I. Sidewalk Point 24



*Overhead View*



*Angled view showing slight projection*



**J. Sidewalk Point 37**



*Overhead View*

**K. Sidewalk Point 41**



*Overhead View. Uncontested by homeowners.*

**L. Sidewalk Point 59**



*Overhead View*

**M. Sidewalk Point 60**



*Overhead View*



## N. Sidewalk Point 61

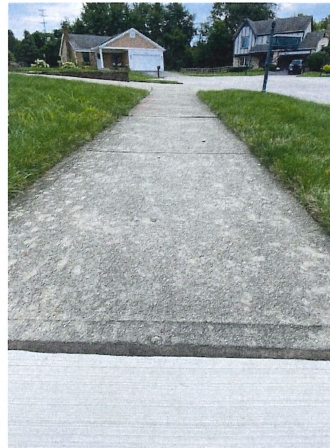


Overhead View



Angled view showing slight projection

## O. Overall views of sidewalks



## P. Sidewalk remediation estimate for 338 Highmeadow Court

Sidewalk Maintenance Program Plan and Specifications

Parcel Information: Address: 338 HIGHMEADOW CT | Parcel Number: 025-008920

[A] - Excessive cross slope or slopes away from street | [B] - Excessive cracking | [C] - Concrete spalling | [D] - Gaps between joints or cracks | [E] - Other conditions causing an unsafe walking surface | [F] - Sections project above walk

Point	Responsibility	Primary Defect	4" Concrete (sq ft)	6" Concrete (sq ft)	Joint Repair (ft)	Patch Asphalt (sq ft)	Patch Concrete (sq ft)
2	OWNER	[F]	0.00	0.00	4.00	0.00	0.00
7	OWNER	[B]	20.00	0.00	0.00	0.00	0.00
8	OWNER	[B]	20.00	0.00	0.00	0.00	0.00
9	OWNER	[E]	20.00	0.00	0.00	0.00	0.00
11	OWNER	[E]	20.00	0.00	0.00	0.00	4.00
19	OWNER	[D]	0.00	16.00	0.00	0.00	0.00
23	OWNER	[F]	0.00	0.00	4.00	0.00	0.00
24	OWNER	[F]	0.00	0.00	4.00	0.00	0.00
37	OWNER	[B]	20.00	0.00	0.00	0.00	0.00
41	OWNER	[B]	16.00	0.00	0.00	0.00	0.00
59	OWNER	[B]	20.00	0.00	0.00	0.00	0.00
60	OWNER	[B]	20.00	0.00	0.00	0.00	0.00
61	OWNER	[F]	0.00	0.00	16.00	0.00	4.00
QUANTITY			156.00	16.00	16.00	\$0.00	\$58.00
COST			\$2,223.00	\$216.00	\$172.00	\$0.00	\$58.00

Estimated Owner Cost: \$2,759.00





# RECEIPT

City Council Office  
200 South Hamilton Road  
Gahanna Ohio 43230  
Phone (614) 342-4090

NAME:	Natalie Weitz
ADDRESS:	338 Highmeadow Ct.
PHONE:	614-774-4335

PAYMENT FOR:	AMOUNT
Sidewalk Maintenance Program Appeal	\$50.00
TOTAL PAID	50.00

PAYMENT TYPE #469  
☐ CASH ☒ CHECK ☐ CREDIT CARD ☐ MONEY ORDER

RECEIVER: J. Van Metre

7/29/22  
DATE

# City of Gahanna

## BATCH 1567 PAYMENTS PROOF

CLERK: 2080jvanmeter BATCH NUMBER: 1567  
BATCH PROCESSING DATE: 07/29/2022

RECEIPT LINE	YEAR CHARGE	BILL DESCRIPTION	TYPE	CATEGORY	PRIN	PAID	CUST #	NAME	PROPERTY ID	TOTAL AMOUNT
3609	2022	3609	MS	Misc	Cash	Receipts	NATALIE WEITZ			50.00
1		APPEAL PROPAPPEAL				50.00		0.00	0.00	
		REVENUE:								
		10101000 4205				50.00	DESC: SIDEWALK APPEAL - 338 HIG			
		CASH:								
		9990 1000				50.00	DESC: SIDEWALK APPEAL - 338 HIG		REF2: JVM072922	
		1 CHECK				50.00	CHECK #: 469		MEMO: NATALIE WEITZ	
TOTAL RECEIPTS:						1				
TOTAL PAYMENTS:						50.00				
TOTAL PRINCIPAL PAID:						50.00				
TOTAL INTEREST PAID:						0.00				
TOTAL INTEREST HELD:						0.00				



## City of Gahanna

### BATCH 1567 PAYMENTS PROOF - SUMMARY

CLERK: 2080jvanmeter BATCH NUMBER: 1567  
BATCH PROCESSING DATE: 07/29/2022

CATEGORY	YEAR RECEIPTS	PRIN PAID	INT PAID
Misc Cash Receipts	2022 1		
APPEAL PROPAPPEAL		50.00	0.00
		50.00	0.00
GRAND TOTALS		50.00	0.00
TOTAL PAID		50.00	

## City of Gahanna

### BATCH 1567 PAYMENTS PROOF - SUMMARY

CLERK: 2080jvanmeter BATCH NUMBER: 1567  
BATCH PROCESSING DATE: 07/29/2022

TENDER TYPE	QTY	TOTAL AMOUNT
CHECK	1	50.00
TOTAL:		50.00



## BATCH 1567 PAYMENTS PROOF - SUMMARY

CLERK: 2080jvanmeter BATCH NUMBER: 1567  
BATCH PROCESSING DATE: 07/29/2022

RECEIPT	YEAR BILL	TYPE CATEGORY	CUST #	NAME	PROPERTY ID	OVERPAYMENT AMT
RECEIPTS					OVERPAYMENT TOTALS:	0.00
** END OF REPORT **						