

BELLBROOK PROPERTY REVIEW COMMISSION
PUBLIC HEARING MINUTES
JANUARY 16, 2018

PRESENT: Ms. Meredith Glick Brinegar
Mr. Robert Middlestetter-arrived at 6:18
Mr. Philip Ogrod
Chairman Robert Guy

ABSENT: Ms. Sharon Schroder

GUESTS: Mr. Lee S. Castor
Mr. Zac Castor

CALL TO ORDER:

Chairman Guy called the meeting of the Property Review Commission to order at 6:16 PM and requested questions from the board regarding the prior minutes; hearing none, Chairman Guy moved to approve the prior minutes of August 15, 2017; Ms. Brinegar seconded the motion. Roll was called. Chairman Guy, yes; Ms. Brinegar, yes; Mr. Middlestetter, yes; Mr. Ogrod, yes. The motion carried 4-0. It is noted for the record that Mr. Don Buczek, Assistant to the City Manager and Ms. Melissa Jones, Code Enforcement Officer and Ms. Jami Kinion, City Board Secretary, were also present at this public hearing.

Chairman Guy requested that those individuals who wished to speak at the hearing this evening to stand and be sworn in at this time. Once the witnesses were duly sworn, Chairman Guy opened the public hearing.

OLD BUSINESS: None

NEW BUSINESS:

Mr. Buczek introduced Ms. Melissa Jones to the Board. She is the new part time Code Enforcement Officer for the City of Bellbrook.

PRC CASE # 18-01: 274 PINEGROVE DRIVE (BURTON)

Ms. Jones stated that this case involves one violation. The violation pertains to outside storage of various items and junk. The property owner was notified about the storage of items in May, June and December. In August the property was inspected and no violations were found. When re-inspected in December, the junk was present on the property. The violation has occurred over several years and has been before the Property review Commission in the past.

Mr. Buczek said Mr. Burton has been in front of the Property Review Commission and he has also been to court three or four times.

Mr. Buczek said civil penalties are now in place for enforcement. The options here are to go to court or to assess civil penalties. The first round of civil penalties is \$25.00 a day for a maximum of ten days or \$250.00. If these are left unpaid, a lien is placed on the property. Mr. Buczek said it is the Board's decision to make.

Ms. Brinegar asked if civil penalties are assessed, are they still expected to comply in addition to paying the penalties. Mr. Buczek said yes. He said the board can decide to assess fines, court or both.

Mr. Ograd asked to have the process for civil penalties explained. Mr. Buczek said the property owner is mailed a certified letter to notify them. A date is established when the penalties will start. Mr. Buczek said we have to try several methods to contact the resident. First, a letter is sent certified mail. If the resident does not respond to the letter, a posting on the property is the next step.

Mr. Middlestetter said he is open to assessing the civil penalties. He said for some people it won't matter. Mr. Middlestetter also said if the penalties are not paid, a lien would be placed on the property, the next step is court.

Mr. Buczek said an option is to establish a due date that the violations need to be resolved.

Chairman Guy requested additional board discussion; hearing none, he requested a motion regarding this case. Ms. Brinegar made a motion to assess civil penalties effective immediately. The resident has 60 days to resolve the violation, if not resolved; this case will proceed to court. Seconded by Mr. Ograd. Roll was called. Ms. Brinegar, yes; Mr. Ograd, yes; Mr. Middlestetter, yes; Chairman Guy, yes. The motion carried 4-0.

PRC CASE # 18-02: 191 PINEGROVE DRIVE (BROWN)

This case involves one violation. The violation pertains to outside storage of various items and junk. The property owner was notified about these violations in April, May and December. The owner sent a letter to us in May stating the issue was resolved. The violation has occurred over several years and has not been resolved.

Ms. Jones said a faxed letter was received by Mr. Brown which stated the property was cleaned up. Ms. Jones took pictures of the property prior to the meeting which showed the property was not cleaned up.

Mr. Buczek said this case has been before the Property Review Commission in the past. The last time he was brought before the PRC, he constructed a temporary shed on the side of his house. He put the junk into this shed so it was out of view. At that point, the case was mute. However, the city followed up with Mr. Brown and told him the temporary shed was in an illegal location. The temporary shed has since fallen down. Mr. Buczek said there are still parts of the shed in his yard.

Ms. Brinegar said based upon Mr. Brown's letter, he felt he was being targeted by the city because other neighbors have trashcans outside too. Ms. Brinegar said it is just not about the trashcans. It is a collection of things.

Ms. Jones told Mr. Brown in a letter back in December to remove unused trashcans, tubs, coolers, bottles and shovel from view. The trashcans that Ms. Jones referenced are

unused crack ones that are laying in his yard. She also mentioned in the letter that this is a repeat of a violation from 2016.

Ms. Brinegar asked what actions have been taken against Mr. Brown in the past. Mr. Buczek said when he constructed the temporary shed and put the items out of view that resolved the case. There was the issue with the temporary shed being in an illegal spot, which was a zoning issue. That issue is resolved due to the temporary shed falling down.

Mr. Middlestetter said since there has not been any communications; they should proceed with a motion similar to the previous case.

Ms. Brinegar said the cases are similar but the previous case has been to court. Chairman Guy said there are different rules now with the assessing of the civil penalties. Ms. Brinegar agreed with that but she thought with the other case, there was a consensus of a harsher penalty since the case had been to court.

Chairman Guy requested additional board discussion; hearing none, he requested a motion regarding this case. Mr. Middlestetter made a motion to assess civil penalties effective immediately. The resident has 60 days to resolve the violations, if not resolved, this case will proceed to court. Seconded by Chairman Guy. Roll was called. Mr. Middlestetter, yes; Chairman Guy, yes; Ms. Brinegar, yes; Mr. Ograd, yes. The motion carried 4-0.

PRC CASE #18-03: 2187 PLANTATION TRAIL (CASTOR)

Ms. Jones said this case involves two violations. The first violation pertains to stacking of firewood. The second violation pertains to the overgrowth of vegetation. The firewood is being left in the driveway, unstacked. The overgrowth of vegetation is impeding traffic as the growth is over the road. The property owner was notified about these violations in November and December. She said Mr. Castor has made no attempt to contact the city to get these issues resolved. The violation for the stacking of firewood has occurred over several years.

Mr. Castor, property owner at 2187 Plantation Trail said he heats his home with wood and has for the past 25 years.

Chairman Guy asked Mr. Castor if he had another place to store the wood. Mr. Castor said his back patio holds about one cord of wood. The other cord remains in the driveway, unstacked. Mr. Castor said he goes through about 8-10 cords of wood a year.

Mr. Buczek said the issue here is the fire wood needs to go somewhere else so it is not dumped in the driveway. Mr. Castor said the company that he purchases the wood from will back into his driveway and dump 1-2 cords of wood onto the driveway.

Ms. Brinegar said she does not have an issue with the wood being delivered there but it needs to be put out of view.

Mr. Ograd asked Mr. Castor if there was another place to store the wood after it is delivered. Mr. Castor said he will bring it around to the Florida room and then it is consumed. This is a continual process.

Ms. Brinegar said there are many ways to solve this. You could get a new form of heat. She said that seems like an expensive alternative. She said the easiest alternative is to find another place to stack the wood. Mr. Castor said it is a lot of work to move 2 cords of wood.

Mr. Middlestetter asked about the past violations. Ms. Jones said he was notified about these violations in November and December. He was asked to properly stack the fire wood. Ms. Jones said there has been no attempt to contact the city to resolve this.

Mr. Buczek clarified that firewood must be stacked in an orderly fashion. It does not say which location of the yard it needs to be in. The key is to neatly stack the fire wood.

Mr. Middlestetter asked Mr. Castor if he had intentions of moving the firewood in his driveway. Mr. Castor said there is no firewood in the driveway. Currently, all of the wood is located on the back patio. He has consumed it due to the cold weather. He also said on Thursday there will be 2 more cords of wood delivered. Mr. Middlestetter said the wood being delivered cannot be left in the driveway until spring. Mr. Castor said the wood in the driveway is just a staging area for the wood until he has room on the back patio. Mr. Middlestetter said when he has mulch delivered in his driveway; it is not there for weeks at a time. It is there for 3-5 days. Mr. Buczek said with mulch, it is not being delivered every two weeks all summer long.

Ms. Brinegar said she understands the storing but she said the net effect is constantly having a pile of wood in the driveway in the winter.

Mr. Middlestetter said it appears that Mr. Castor is currently not in violation since there is no wood in the driveway. Mr. Middlestetter asked Mr. Castor when he gets future loads of wood delivered, does he have a reasonable timetable of moving the wood out of the driveway and place it in an orderly form. Mr. Castor said three weeks has been about the average amount of time that the wood has been in the driveway.

Ms. Jones asked if the wood could be stacked behind the RV on the property. Mr. Castor said his trash cans are located there so the wood could not be placed there.

Mr. Castor asked if this violation was a result of a neighbor complaining. Mr. Buczek said without going back and looking there very well could have been a complaint about the wood in the driveway.

Mr. Castor said he is not heating his home with wood by choice. He has an older furnace that is not very efficient. It is costly for him to have a new system installed. He is asking the Committee to bear with him. He has been a member of the community a long time. He said he is doing the best he can.

Mr. Middlestetter said Mr. Castor is currently not in violation and asked him to move the wood within a week after it is delivered. Mr. Castor said again, it is usually three weeks. Mr. Middlestetter said the three weeks is not defined in the ordinance.

Ms. Brinegar read from the ordinance that fire wood must be stacked and piled in a reasonably compact and orderly fashion. When the wood is delivered it is just dumped onto the driveway. Ms. Brinegar asked Mr. Castor if he thought the wood was in a pile after it was delivered. He replied, yes. A pile is a pile. Ms. Brinegar said her view is that it is dumped and it is not piled in a reasonably compact and orderly fashion.

Mr. Middlestetter said the fire wood ordinance needs to be reviewed. He said the time needs to be defined for the placement of wood. Mr. Ogrod agreed and said both time and the objectiveness on what is stacked and piled in an orderly fashion needs to be better defined. Mr. Buczek said he will have this ordinance reviewed.

Being no current violation with the wood, the next violation is the overgrowth of vegetation by the road and side of the house.

Ms. Jones said the overgrowth of vegetation is impeding traffic as the growth is over the road. Mr. Castor said the he will make sure that the vegetation is not impeding traffic.

Chairman Guy requested additional board discussion; hearing none, he requested a motion regarding the overgrown vegetation. Mr. Ograd made a motion directing the owner, Mr. Lee Castor, to trim the ornamental grass no later than January 22, 2018; Ms. Brinegar seconded the motion. Roll was called. Mr. Ograd, yes; Ms. Glick Brinegar, yes; Mr. Middlestetter, yes; Chairman Guy, yes. The motion carried 4-0.

OPEN DISCUSSION:

Mr. Buczek said at the next Board of Zoning Appeals Meeting, a new chair and vice chair will need to be decided upon. The next meeting will be on February 20, 2018.

ADJOURNMENT:

There being no further business to discuss, Chairman Guy adjourned the meeting at 7:25 PM.

Robert Guy, Chairman

Date

Jami Kinion, Secretary

Date