

BELLBROOK BOARD OF ZONING APPEALS
PUBLIC HEARING MINUTES
MARCH 20, 2018

PRESENT: Mr. Robert Guy
Mr. Robert Middlestetter
Mr. Philip Ograd
Chairman Brinegar

ABSENT: Ms. Sharon Schroder

GUESTS: Mr. and Mrs. Paul Dixon
Ms. Tia Harnish
Mr. David Duhl

CALL TO ORDER:

Chairman Guy called the meeting of the Board of Zoning Appeals to order at 6:14 PM and requested questions regarding the prior minutes; hearing none, Mr. Middlestetter moved to approve the prior minutes of the Board of Zoning Appeals, August 15, 2017. Ms. Brinegar seconded the motion. Roll was called. Mr. Middlestetter, yes; Ms. Brinegar, yes; Mr. Ograd, yes; Chairman Guy, yes. The motion carried 4-0. Ms. Brinegar moved to approve the prior minutes of the Property Review Commission minutes of January 16, 2018. Mr. Ograd seconded the motion. Roll was called. Ms. Brinegar, yes; Mr. Ograd, yes; Mr. Middlestetter, yes; Chairman Guy, yes. The motion carried 4-0. It is noted for the record that Mr. Don Buczek, Assistant to the City Manager and Ms. Kinion, City Board Secretary and Code Enforcement Officer, Ms. Jones were also present at this public hearing.

The next item of business was nominating a New Chair and Vice Chair for 2018. A motion was made by Mr. Middlestetter to appoint Mr. Ograd as Vice Chairman for 2018. Chairman Guy seconded the motion. Roll was called. Mr. Middlestetter, yes; Chairman Guy, yes; Ms. Brinegar, yes; Mr. Ograd, yes. The motion carried 4-0.

Mr. Middlestetter made a motion to appoint Ms. Brinegar to serve as Chairman for 2018. Mr. Ograd seconded the motion. Roll was called. Mr. Middlestetter, yes; Mr. Ograd, yes; Mr. Guy, yes; Ms. Brinegar, yes. The motion carried 4-0.

OLD BUSINESS:

Ms. Jones gave an update on the previous Property Maintenance Cases.

PRC Case #18-01: 274 Pinegrove Dr. (Burton) Ms. Jones said this case was assessed \$250.00 in fines and will be brought before the City's Prosecutor.

PRC Case #18-02: 191 Pinegrove Dr. (Brown) Ms. Jones said this case was assessed \$250.00 in fines. Ms. Jones stated she was able to make contact with the owner. Mr. Brown said the property will be cleaned up by next week. If not, this case will also go to the Prosecutor.

PRC Case # 18-03: 2187 Plantation Trail (Castor) Ms. Jones said the violation for over grown vegetation has been resolved. Ms. Jones said the language is still being researched for the stacking of the firewood. She has also taken pictures of firewood around the City for the research. Ms. Jones said the results of the research will be emailed to the Board Members.

NEW BUSINESS:

Chairman Brinegar 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 Brinegar opened the public hearing.

BZA CASE #18-01, 4361 Cypress Lane (Dixon)

This request for variance is to allow the relocation of a shed from the rear yard to the side yard. The proposed placement of the shed does not conform to the Zoning Code which does not allow accessory structures in side yards and the shed will be less than eight feet from the property line. The justification for moving the shed to the side yard is to allow for an in-ground pool in the rear yard and the lack of another viable location in the rear yard to place the shed

Chairman Brinegar requested those individuals who wished to speak in favor of the variance to come to the podium at this time and to present their comments to the board.

Mr. Paul Dixon-4361 Cypress Lane is the property owner of the property. Mr. Dixon said it is the only property on the street with an address; it dead ends to the Mill Pond apartment garages. The property has a side yard; from Lakeman Dr., it is the back yard. Mr. Dixon said he would not need to go further than the front line of the house.

Chairman Brinegar asked Mr. Dixon about a different placement of the shed in the back yard. Mr. Dixon replied there is slope in the yard so that would be difficult.

Mr. Middlestetter made a motion to approve the variance for BZA Case #18-01, to relocate the shed from the rear yard to the side yard. Mr. Guy seconded the motion. Roll was called. Mr. Middlestetter, yes; Mr. Guy, yes; Mr. Ograd, yes; Chairman Brinegar, yes. The motion carried 4-0.

**Board of Zoning Appeals
March 20, 2018**

PRC Case #18-04, 4171 Woodedge Dr., (Harnish)

Ms. Jones said this case involves two violations. The first violation pertains to outside storage of various items and junk. The property owner was notified about the storage of items in December, January and February. There was a previous complaint in 2014 for outside storage. The second violation is regarding the maintenance of an accessory structure (shed). The property owner was notified in January, February and March regarding this issue. Ms. Jones provided pictures of the property that were taken today. Ms. Jones stated that they have made a little progress with the property. She also stated that she finds more violations each time she visits the property. These items could be things that were missed or has just happened since the case was opened.

Mr. Guy asked what has been the progress with the first violation, which is the outside storage of various items and junk. Ms. Jones said today is the first day that she has seen any progress. She was out on Friday and there was not any progress. She visited the property today for a final inspection and did say a little progress was made. Ms. Jones said she has had several complaints about this property for the outside storage.

Chairman Brinegar asked the property owner to come forward to make any comments.

Ms. Tia Harnish-4171 Woodedge Drive is the property owner. Ms. Harnish said she did not hear about the shed until last month. She said she never received a letter about the shed. She also said she just received the letter about the hearing last week. Ms. Harnish said the weather has not been good to paint the shed. She did say the vines have been removed and mold killer was applied to the shed. Ms. Harnish said the items on the side of the house were picked up. She also said she contacted several people about the furniture on the back patio but there was no one available to do it that day.

Chairman Brinegar asked Ms. Harnish if she had a plan for removing the furniture from the back patio. Ms. Harnish replied that the furniture will be removed this weekend, weather permitting. Chairman Brinegar asked Ms. Harnish if it was clear what items that are of concern. Chairman Brinegar mentioned furniture, tires and wood. Ms. Harnish asked what wood. Ms. Jones clarified that there is a pole and trash within the pile of firewood. Ms. Jones said that a neighbor said the couch on the back patio has been there for seven months now. Ms. Jones said on one of her inspections, she did make contact with Ms. Harnish. They walked around the property and Ms. Jones pointed out what needed to be done.

Mr. Middlestetter said it sounds like she is trying to get this cleaned up. Ms. Harnish said she is but the weather and her health are not cooperating. He would like to have a target date and he would be happy to support it.

Chairman Brinegar asked if painting the shed was the issue or is it about structure. Ms. Jones said the doors are removed, there is a hole in the side, and the roof is also a problem. Ms. Harnish said she does have wood to cover the shed. Ms. Harnish asked what needed to be done to the roof. Ms. Jones said there are holes in the roof and shingles are missing. Ms. Jones stated this violation was brought before the PRC because Ms. Harnish made a comment to her that the shed was in that condition when she purchased the property and she does not plan on doing anything to the shed. Ms.

Jones said today was the first time there was any effort to clean up the property. She just wanted to bring this to the attention of the PRC.

David Duhl-4179 Woodedge Drive-He is a neighbor of 4171 Woodedge Drive. He has lived at the address since September. He said there has been yelling and screaming and the Police has been at the property. He also said there has been trash and tires along with a couch outside since he has lived here. He said he has seen them outside one day for a couple of hours to clean up the trash. Mr. Duhl stated he lived in Dayton for 15 years and has seen all of that. Mr. Duhl said one of his dogs was sprayed by a skunk that lives under Ms. Harnish's shed. He came to Bellbrook because it is a lovely town. Mr. Duhl said he would just like to see the property get cleaned up.

Jami Kinion-2168 S. Linda Drive-Ms. Kinion is a City employee but also a neighbor of Ms. Harnish. She showed the pictures and said that is what she sees from her backdoor. She said she does not live in Dayton; she lives in Bellbrook, which is a wonderful community. She does not want to see that out her back door.

Chairman Brinegar said it is clear that this has been going on for a while. She said there has been some progress made since Friday. Chairman Brinegar thanked Ms. Harnish for coming tonight and she would like to see the progress continue. Chairman Brinegar said the two items that need to be taken care of are: remove the extra junk from around the house and repair the shed. Ms. Jones said the shed needs repaired and also the couches on the patio need to be removed. Ms. Jones said that Rumpke would take them if they were wrapped and put out by the curb. Ms. Harnish said she does not have a way to get them out to the curb. Mr. Middlestetter asked if the City could help her out. Mr. Buczek said it has not been the practice of the City to move resident's property. Chairman Brinegar said there are some hardships but there has to be a workable solution.

Mr. Guy made a motion to set a dead line of May 1, 2018 for PRC Case 18-04, 4171 Woodedge Drive, to have the property in compliance with all identified violations, including the violations mentioned today. Mr. Middlestetter seconded the motion. Roll was called. Mr. Guy, yes; Mr. Middlestetter, yes; Mr. Ogrod, yes; Chairman Brinegar, yes. The motion carried 4-0. Ms. Jones will hand deliver a listing of the violations to Ms. Harnish.

OPEN DISCUSSION: Chairman Brinegar said the next tentative meeting date is April 17th. She also said there will be one combined meeting for the Board of Zoning Appeals and Property Review Commission.

Mr. Ogrod wanted to understand the math of the offenses. He referenced page 2 of the violation letter. Mr. Buczek said it appears there is an error in the letter. He explained there are three levels of fines. \$25.00 a day up to ten days or \$250.00 for the first offense, \$50.00 a day up to ten days or \$500.00 for the second offense and \$75.00 a day up to ten days or \$750.00 for the third offense.

ADJOURNMENT:

There being no further business to discuss, Mr. Guy adjourned the meeting at 7:04 PM.

Meredith Brinegar, Chairman

Date

Jami Kinion, Secretary

Date