

BELLBROOK BOARD OF ZONING APPEALS
PUBLIC HEARING MINUTES
MAY 22, 2018

PRESENT: Mr. Robert Guy
Mr. Robert Middlestetter-arrived at 6:27
Mr. Philip Ograd
Ms. Schroder-arrived at 6:19
Chairman Brinegar

GUESTS: Mr. and Mrs. Baker
Mr. and Mrs. Davis
Mr. James Elias
Ms. Tia Harnish
Mr. and Mrs. Longo
Mr. Alan O'Meara
Mr. and Mrs. Porter
Mr. Robert Ross, Attorney
Ms. Sia Trahanatzis

CALL TO ORDER:

Chairman Brinegar called the meeting of the Board of Zoning Appeals to order at 6:17 PM and requested questions regarding the prior minutes; hearing none, Mr. Guy moved to approve the prior minutes of March 20, 2018. Mr. Ograd seconded the motion. Roll was called. Mr. Guy, yes; Mr. Ograd, yes; Chairman Brinegar, yes. The motion carried 3-0.

It is noted for the record that Ms. Melissa Dodd, City Manager and Ms. Kinion, City Board Secretary and Code Enforcement Officer, Ms. Jones were also present at this public hearing.

OLD BUSINESS:

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

PRC Case #18-4: 4171 Woodedge Dr., (Harnish)

Ms. Jones said there were a total of ten violations on this property, two violations have been resolved. The accessory structure has been removed and the storage of firewood has been resolved. Ms. Jones said the violations that still exist include:

Outside storage- There has been some improvement in the outside storage but violations still exist.

Brush piles- Ms. Harnish said the multiple brush piles will be combined into one, which is allowed.

Garbage/rubbish containers- Plastic bags still exist that are full of leaves, dirt and sticks. Ms. Harnish did state that these will be removed as soon as possible.

Protective Treatment- Cracks and holes still exist in the masonry joints. Also, Ms. Harnish said she might need to install a new door because the old door is not aligning correctly.

Roofs and drainage- A down spout is missing.

Overhang extensions Ms. Harnish said she will put up a soffit and metal fascia over the trim to repair the holes.

Back porch- Ms. Jones said Ms. Harnish is bringing in a contractor to repair or replace the back porch.

Window replacement- There exist a window with plywood on it. Ms. Harnish does have the window but there is an issue with the frame.

Chairman Brinegar said there is progress but there is still a lot of work to be done. She also stated that Ms. Harnish had a dead line of May 1, 2018. Chairman Brinegar asked Ms. Jones if she believed Ms. Harnish was solid about completing the other violations. Ms. Jones said that Ms. Harnish mentioned that money was an issue to complete these violations.

Mr. Guy said she did have a dead line of May 1, 2018 and Ms. Harnish did not comply. Chairman Brinegar agreed but said there has been some progress. Ms. Jones suggested since Ms. Harnish is working on the property to comply with some of the violations, maybe an extension should be given. If the work is not completed by then, fines could be assessed. Mr. Guy said she was already given an extension but she has not complied. He said we could just go on and on and continue to give extensions without results. Chairman Brinegar reiterated that there has been some progress. She also said that if an extension is given and the violations are not complete, we could assess fines at that time.

Ms. Dodd wanted to mention that the first complaint on this property was received on November 30, 2017. This was over the winter and we had a really wet spring. The weather is now just getting to the point that the home owner can get out and start doing the work.

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.

Tia Harnish, 4171 Woodedge Dr.-Ms. Harnish said she does have a contract for the porch; work will begin on June 25, 2018. The concrete porch might be replaced with a wood deck. Ms. Harnish asked if she would need a permit to complete that. Ms. Jones replied yes. Ms. Harnish also stated that the contractor will repair the window in between other odd jobs. Ms. Harnish also said the plastic trash bags will go out to the trash on Friday. A trailer full of brush will be hauled away too.

Mr. Ogrod asked about the gutters located on the ground. He asked when it will get put back on the house. Ms. Harnish said that the gutter will be hauled away. Ms. Harnish also said she does have the down spout to put up.

Chairman Brinegar said our goal is to get the property up to standard. She said we have seen some progress but not as much as we hoped to see. She also said assessing fines could possibly limit

financial resources to complete these violations. She said she would be inclined to set a date for completion and to not have further discussion. When Ms. Jones inspects the property at that time and there are still violations, fines would be assessed.

Ms. Schroder suggested that we have some interim milestone for some of the other violations that could be completed sooner.

Mr. Ograd said he was thinking to get the violations completed 50% and then 20% and then get everything complied with.

Mr. Ograd made a motion to extend the dead line until June 5, 2018 for PRC Case 18-04, 4171 Woodedge Drive for the following violations: brush piles, outside storage, garbage/rubbish containers and roofs/ drainage. If these violations are not completed, fines will be assessed for the first offense. The motion includes an additional deadline of July 15, 2018 for the remaining four violations. If they are not completed by that date, fines will be assessed for those items as well. Mr. Middlestetter seconded the motion. Roll was called. Mr. Ograd, yes; Mr. Middlestetter, yes; Mr. Guy, no; Ms. Schroeder, yes; Chairman Brinegar, yes. The motion carried 4-1.

NEW BUSINESS:

BZA CASE #18-02, 79 West Franklin Street (Highland RE Group LTD)

Ms. Dodd said this case will not come before the Board this evening.

BZA CASE #18-05: 2088 Dane Lane (Elias)

Ms. Jones said this case involves multiple violations. The violations pertain to vegetation, accessory structure, rodent harborage, exterior walls, roofs and drainage, outside storage, brush piles, protective treatment, decks, porches and windows. The property has had numerous complaints and has been left vacant since 2012. Ms. Jones said that in 2012 Mr. Buczek arranged for a group of 20 volunteers to go to this property to assist and clean up the property. The volunteers used their own resources and gave of their time to assist the property owners. Ms. Jones said the property was not maintained after the volunteers cleaned up the property. Ms. Jones said that a new roof was put on the house which was not part of the violations. She also said there was some movement today on the property. Ms. Jones said that included in the packet are copies of letters that were sent to the property owner, Mr. James Elias and Sia Trahanatzis, Mr. Elias's sister and his power of attorney. Mr. Elias had a stroke so his sister is his care taker. The city has tried to work with them to bring this property into compliance. Mr. Elias and Ms. Trahanatzis live in Texas.

Ms. Dodd asked Ms. Jones for the total number of violations for this property. Ms. Jones said there are five violations pertaining to the exterior property areas and six violations pertaining to exterior structure.

Mr. Ograd asked if all eleven violations still exist today. Ms. Jones replied yes, all eleven violations exist today.

Chairman Brinegar asked if there was anyone present at the meeting to speak regarding this property.

Mr. Robert Ross, Attorney for Mr. Elias, came before the board to speak. Mr. Ross said Mr. Elias is here tonight but his communication is limited due to his stroke. Mr. Elias's sister, Ms. Sia Trahanatzis is also present tonight. Mr. Ross said there are a number of violations that exist on this property. He said they are working on getting the violations taken care of. Mr. Ross said the violations are in various stages of completion. He said there was a new roof put on the house and vegetation and brush was cleaned up today. Mr. Ross said they do have various contracts to perform other work but some jobs have been delayed due to the weather and just simply trying to get parties out to complete the work. Mr. Ross said that A-1 Able Pest Doctors was out and reviewed the issue with rodents. Mr. Ross said they found no indication of rodents at that time. He said that issue was either taken care of or it was not a problem. The roofer is scheduled to come out to do gutter work. A shed on the property is scheduled to be torn down but the contractor has not made it out to the property. Also Mr. Ross said they have a gentleman who is under contract to cut and maintain the yard and vegetation. The brush piles are also scheduled to be removed.

Mr. Guy said these violations have existed since April 2017 which is more than a year. Mr. Ross said that is correct but there have been some serious health concerns. Mr. Ross said they are attempting to complete the work.

Mr. Ograd asked if there are any concrete dates for completing the violations. Mr. Ross said he does not have hard dates. He did say he thinks they could get the work done in ninety days. Mr. Ross also said he would not be opposed to having a step plan similar to the previous case.

Ms. Schroder asked what the long term plan is for the property. Mr. Ross said the long term goal for this property is to sale the property without significant losses on the property.

Ms. Jones said she was out to the property with Mr. Buczek, Assistant to the City Manager, in November. It was stated by Ms. Trahanatzis that the property would be in compliance by April 30, 2018 which was the deadline given to them. Ms. Jones sent emails after that to Ms. Trahanatzis and there has been no communication from Ms. Trahanatzis.

Ms. Jones also asked about the rodent issue. She stated neighbors have seen rodents coming and going from the property. Mr. Ross provided a copy of the invoice from A 1 Able Pest Control Doctors to Ms. Jones. She asked how long the property was monitored for rodents. Mr. Ross said the property was monitored for two weeks. Mr. Ross stated that they were not charged for the rodent service because no rodents were found on the property.

Ms. Schroder asked Mr. Ross about the vegetation management. Mr. Ross said there is someone under contract to mow the lawn and take care of the vegetation. He stated that some of that has been taken care of over the last couple of days.

Chairman Brinegar said she does not know if they will go with a stepped process to resolve these violations but she asked Mr. Ross if some items could be done sooner rather than later. Mr. Ross said some of the issues have to do with debris piles and he thinks that could be taken care of quickly. The other items are largely dependent on when the contractors can come out to do the jobs. Those might require more time.

Ms. Sia Trahanatzis, 2088 Dane Lane- She is the sister of Mr. Elias and also his Power of Attorney. She stated that Mr. Brian Hinders is contracted to maintain the yard and vegetation. He is under contract to mow the lawn once every two weeks. She also stated that on May 3rd a contract was signed to take down the shed. The contents of the shed have been removed and will be discarded when the shed is torn down. New gutters will be replaced along with new down spouts. She also stated that new soffit vents have been purchased and will be installed. Ms. Trahanatzis also said that they are getting estimates on painting the house. They were told there is a two month wait period before the painters could complete the job. She also said new doors will be installed along with new windows. She said they basically are doing a complete remodel on the house so they are able to sell the property. Ms. Trahanatzis did state the weather has held up a lot of this work which is out of her control.

Ms. Trahanatzis said the brush pile on the driveway was to be picked up by the Bellbrook Service Department. Ms. Jones said she had a conversation with her regarding the city picking up the brush pile in the driveway back in March. The Service Department was not going to be able to pick up the brush pile this year.

Rick Davis, 2122 Dane Lane-Mr. Davis told Mr. Elias he was sorry about his stroke, he said it is a terrible thing to happen. Mr. Davis said this has been going on since 2012. The grass at times has been very high. Another neighbor, Mr. Porter has cut the grass before. Mr. Davis said it is bringing all of their property values down. He said the property looks like a dump. Mr. Davis said he does not live right next door so he has not seen any animals on the property but he has been told what other neighbors have seen. He said there are about a dozen trash bags in front of the property. He said if you don't pay for trash service, the bags will not be picked up. Mr. Davis said he understands that they have had hardships but he stated that every one of us has had hardships. He said there is really no good excuse for this to have gone on since 2012. He would like to see no more extensions given.

Matt Porter, 2076 Dane Lane-Mr. Porter lives next door to 2088 Dane Lane. Mr. Porter said Mr. Elias was a good neighbor. Mr. Porter said when Mr. Elias had his stroke; he had compassion for him so he took care of the lawn. Mr. Elias moved to Texas and Mr. Porter did not know anything. Mr. Porter said he had his Youth Group go out and clean up the property. The following year, another Youth Group went out and cleaned up the property. Mr. Porter wants to see this property cleaned up so they can put the house up for sale. He wants neighbors that will take care of the property. He

stated that a construction dumpster should be on the property to get rid of everything that needs to be discarded.

Gail Longo, 3930 Dane Court- Mrs. Longo stated she also has compassion for Mr. Elias but this started way before 2012. She has pictures of all the vegetation that is encroaching onto their property. She said the grass is being mowed but it is not being trimmed around the property. She also stated that the property at 2088 Dane Lane does not have gutters and down spouts. As a result of this, they have lost trees because of the run off coming from that property. They are frustrated and would like to see new neighbors that will take care of the property.

Chairman Brinegar stated that these violations have been going on for six years and asked if this was the first time this case has been brought before this board. Ms. Jones said yes, this is the first hearing. Ms. Jones stated that Mr. Buczek had compassion too and tried to find resources to help clean this property up. Mr. Buczek and Ms. Jones decided that they were going to give the property owners a dead line of April 30, 2018. Ms. Jones said she has been out to the property several times to see if anything has been done. She said the only thing she has seen that has been done is the roof. She said she does not have proof that the rodent problem has been resolved. Ms. Jones stated that while visiting the property, she heard something in the shed. Chairman Brinegar stated that she is concerned with the rodents also. There are holes that the rodents could access the house.

Gail Longo, 3930 Dane Court-Mrs. Longo said she has seen rodents on the property. She is a pet owner and is concerned that they might have rabies. She said every evening at dark they come out.

Mr. Middlestetter said he lives in the same neighborhood as Mrs. Longo. He knows there are raccoons in the area. He said this problem is all throughout Bellbrook.

Ms. Jones said she knows there are rodents throughout Bellbrook but she is still concerned with all of the holes in the property. There are many areas that the raccoons could enter the house.

Sia Trahanatzis, 2088 Dane Lane,-Ms. Trahanatzis said A 1 Able Pest Doctors put up a temporary barrier to see if there was any activity coming and going. She said since they have done that nothing has changed. They come out on Tuesday's and Thursday's to inspect the property for activity. Ms. Jones asked if they observed the shed too. Ms. Trahanatzis said they did find feces in the shed. She did say that she thinks the shed is the problem for the raccoons. She reiterated that the shed is going to be torn down but she has not heard back from the contractor.

Chairman Brinegar said we don't have to prove there are rodents in the home, there are holes in the home which is the violation. The rodents do have the potential to be in the home due to the holes.

Ms. Schroder asked Ms. Trahanatzis if they live in the home when they are up from Texas. She replied no because there is no electricity or water.

Mr. Middlestetter said he has been on this board for many years and he has also served as a Council member. He stated that this is a very complex issue. Mr. Middlestetter said he would like to see this resolved for the property owner and also the neighbors. Mr. Middlestetter said if extensions could get this issue resolved then he is all for extensions.

Chairman Brinegar said this case should have come before the board in a more official capacity sooner. She said there is an urgency that the board needs to act but it is regrettable that this case was not brought before the board sooner.

Ms. Dodd said the city does have a Code Enforcement Officer now; we do have things in place where we are trying to get situations such as this resolved with formal complaints that come in. We are able from this point on to take in complaints and to resolve them in a timely manner.

Ms. Schroder said we can all sympathize with the owner and also the neighbors who are dealing with this. The biggest concern she has is that no one is living at the property now. She said with all we have heard today that we have just heard a hap hazard plan to get the violations resolved. Ms. Schroder said she does not believe there is a clear structure around this.

Mr. Ograd agreed with Ms. Schroder's assessment. He said there needs to be a plan made for all of this to be done. Mr. Ross said they do have contracts in place. He agreed that something could be formalized here.

Ms. Trahanatzis 2088 Dane Lane-said they want to get these violations resolved. She said because the contractors have not showed up to complete the work, can the city step in and help. The reply was no, the city is not in a position to do that.

Mr. Matt Porter, 2076 Dane Lane-Mr. Porter asked if the neighbors can get a copy of any deadlines that are set. The board replied yes, they would be able to get a copy of the deadlines.

Mr. Middlestetter asked if it would make sense for Ms. Jones to work with the owner of this property to come up with a detailed plan. Ms. Dodd suggested that a detailed plan come before the board during the next meeting. The board can approve or deny the plan, then put a final deadline on it. Mr. Middlestetter said there should be someone from the city engaged in that plan development. Ms. Dodd said it is not the city's job to work with them on a plan to repair their property. Ms. Dodd said an appropriate position of the city staff is to go out and monitor the progress until the next meeting.

Mr. Guy made a motion to have the following violations completed by June 5, 2018; removal of shed, removal of outside storage and pallets, maintain vegetation that includes the borders of the property. If those violations are not in compliance , fines will be assessed for the first offense. The motion also includes that a detailed plan with all other noted violations, including a timetable, be presented to the Board of Zoning appeals on June 5, 2018 for their review. Mr. Ograd seconded the motion. Roll was called. Mr. Guy, yes; Mr. Ograd, yes; Mr. Middlestetter, yes; Ms. Schroder, yes; Chairman Brinegar, yes. The motion carried 5-0.

BZA CASE #18-06: 2135 Clear View Drive (Baker)

Ms. Jones said this case involves a violation regarding an unfinished addition. The permit for this addition was pulled in 2007. This property has had several complaints regarding the unfinished addition. Ms. Jones gave a date of April 30, 2018 to complete the addition.

Mr. Baker said the weather has been a factor for him. He also said his wife has had health issues. Mr. Baker said he has been sealing and water proofing the bottom of the addition. He is going to apply a soap stone ledge around the bottom. Over the winter months, he painted the Hardie Board siding. Mr. Baker said it is ready to be put up and it would have been done but the weather has been bad. Mr. Baker said that the addition should be completed by the end of July.

Ms. Brinegar suggested that when the board convenes on June 5, 2018 the board will verify that progress has been made on the addition.

Mr. Guy made a motion to verify that progress has been made by June 5, 2018 on the addition, if no progress has been made by that time; fines will be assessed for the first offense. The motion also includes that the addition will be fully completed by July 31, 2018. Mr. Ograd seconded the motion. Roll was called. Mr. Guy, yes; Mr. Ograd, yes; Mr. Middlestetter, yes; Ms. Schroder, yes; Chairman Brinegar, yes. The motion carried 5-0.

OPEN DISCUSSION: Chairman Brinegar asked if the discussion of the storage of firewood could be moved to the next meeting. Ms. Jones suggested that the discussion be tabled for now. Ms. Jones said since we have a new City Manager, the Zoning Code will be reviewed and perhaps there will be other recommended changes to bring before the board. The board members agreed. The discussion for a change of language to the Exterior property areas, Section 1450.31 (k)-Storage of firewood, has been tabled.

Ms. Dodd suggested that we establish a process of the flow of the meeting that includes time limits.

The Board will meet next on June 5th to review **PRC Case #18-04, PRC Case # 18-05 and PRC Case #18-06.**

ADJOURNMENT:

There being no further business to discuss, Mr. Guy made a motion to adjourn the meeting at 8:22 PM.

Meredith Brinegar, Chairman

Date

Jami Kinion, Secretary

Date