

BELLBROOK BOARD OF ZONING APPEALS
PUBLIC HEARING MINUTES
JUNE 5, 2018

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

ABSENT: Ms. Schroder

GUESTS: Mr. and Mrs. Baker
Mr. and Mrs. Davis
Mr. James Elias
Mr. Robert Ross, Attorney
Ms. Sia Trahanatzis

CALL TO ORDER:

Chairman Brinegar called the meeting of the Board of Zoning Appeals to order at 6:15 PM.

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

OLD BUSINESS:

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

PRC CASE #18-04, 4071 Woodedge Dr. (Harnish)

Ms. Jones went out to inspect the property today. There were four violations that Ms. Jones was checking on before fines start tomorrow.

- Brush piles-Ms. Harnish still needs to condense the three brush piles into one.
- Outside storage was mostly cleaned up. The gutters were still on the ground.
- Garbage/Rubbish containers-Trash bags were still laying on the ground. Ms. Harnish was pulling them around in a wagon when Ms. Jones arrived.
- Roofs/Drainage-the downspout still needs to be put up.

Ms. Jones will go back out to inspect tomorrow, June 6 to inspect the property for the above four violations. If they are not in compliance, fines will be assessed at that point. There is another due date of July 15, 2018 for the remaining four violations.

Chairman Brinegar asked if anyone would be speaking tonight to stand and be sworn in at this time.

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

Ms. Jones said this case involves eleven violations. Four violations were requested by the Board to be complied with by June 5, 2018. Those violations pertain to outside storage, accessory structures, vegetation and brush piles. The Board requested the owner provide a detailed timeline on the remaining seven violations pertaining to rodent harborage, protective treatment, exterior walls, roof and drainage, decks, windows and doors and insect screens. Ms. Jones said included in the timeline should be deadline dates including contingent dates in case of inclement weather. She also stated that the property has been vacant since 2012. The property has had numerous violations in the past several years. The violations have not been permanently corrected and or maintained causing them to re-occur.

Ms. Jones inspected the property today and found the following:

- Accessory structure has been removed. Violation resolved
- Outside storage-there are still garbage cans full of vegetation and containers filled with water.
- Vegetation-Ms. Jones said there is still some vegetation that needs to be trimmed.
- Brush piles were removed. Violation resolved.

Ms. Jones also inspected other violations that are due at a later date.

- Rodent harborage-The accessory structure was removed and the holes were covered to prevent access to structure -Violation resolved
- Protective treatment-House still needs scraped and painted.
- Exterior walls-Masonry work needs done on brick and joints.
- Drainage issue- Violation resolved
- Deck needs repaired and stained. The porch is not attached securely to the structure or ground.
- Windows All windows should be in good repair.
- Insect screens-Violation resolved.

Mr. Robert Ross, Attorney for Mr. Elias, came before the Board to speak. Mr. Ross said the owners have complied with all of the violations that were due today with the exception of the vegetation. Mr. Ross said the owner's did not understand the extent of the vegetation that needed cleaned up. Mr. Ross said they are working on getting the home sealed and should have that complete in thirty days. The other violations to complete are painting the house and repair to the deck. Therefore, Mr. Ross said he would request ninety days to complete the violations with milestone updates along the way.

Mr. Guy said ninety days is not acceptable to complete these violations.

Mr. Middlestetter said there are probably issues getting contractors right now. It is the busy season. Mr. Ross said they are having problems getting contractors to show up or even return calls.

Chairman Brinegar said she was disappointed in the detail maintenance report and timeline that was submitted to the Board. The Board requested a detailed plan with timelines to complete the remainder of the violations.

Mr. Ograd agreed and said the Board did ask for a detailed plan. Mr. Ograd said only two of the four violations due today were complied with and three of the seven violations that were due latter were complete. The Board requested a detailed plan with a timeline for those remaining four violations. Mr. Ross said they had every intention to compile a detailed plan with timeline but the contractors fell through. Mr. Ross said that is why they are requesting an additional ninety days to complete the remaining violations.

Mr. Middlestetter said he understands the problems they are having with getting contractors to respond. He said the Board still wishes to have a detailed plan that the owners can be held accountable to. Mr. Middlestetter said the Board can't continue to give an additional thirty or ninety days. He did say however, he is encouraged with the progress so far.

Mr. Ross said he does understand this has been an ongoing issue. He said he does think the owners are making a good faith effort to get the violations completed. He said it does take time for all of this to get done and that is why they are requesting additional time tonight. Mr. Ross said they are open to what the Board wishes to do.

Chairman Brinegar asked if there was anyone in attendance tonight that wishes to speak regarding this case. She ask them to come to the podium and state their name and address.

James Loeb 2089 Firebird- Mr. Loeb said he lives right behind 2089 Dane Lane. He said he pays high taxes to live in Bellbrook. Mr. Loeb said at certain times of the year, there is some effort to clean up the property. He likes his yard to look nice and he likes people around him. He has a game trail on his property were all of the rodents travel into his yard from the Dane Lane property. Mr. Loeb said he would like to see the property sold and have people live in the house. He likes the neighborhood and does not want to see nasty looking vacant properties behind him.

Vanessa Davis 2122 Dane Lane-Mrs. Davis said she has been watching this property for years. They have lived in their home since 1997. She said the same paint has been on the house for years. She said they need something done now and not in ninety days. Mrs. Davis said she normally does not speak up but she has had enough.

Ms. Jones also shared with the Board that the garbage bags that were at the front of the property were removed by Rumpke in error. She said they still do not have trash service at the property. She also said that a contractor called into the city and said they will not perform any more work on the property. Ms. Jones also said the contractor stated that other debris was thrown into the dumpster that was intended for roofing materials only. Ms. Jones said that these comments do concern her as a Code Enforcement Officer.

Ms. Dodd also wanted to comment on the trash bags that were removed by Rumpke. Since the property does not have trash service, they were not charged for having the trash bags hauled away.

Ms. Sia Trahanatzis, 2088 Dane Lane- She requested clarification from Ms. Jones on the violation for vegetation. Ms. Jones shared pictures with her and discussed the vegetation. Ms. Jones also stated that she offered to come out to the property to go over the violations and never heard back from Ms. Trahanatzis. Ms. Jones would be available sometime next week to meet with Ms. Trahanatzis regarding the violations.

Ms. Trahanatzis said she appreciates Mr. Guy's comments but until the siding is repaired, they are not able to paint. She reiterated, that is why they are requesting ninety days.

Mr. Middlestetter said he is not comfortable asking for ninety days to get this finished. He said he thinks you can find contractors to get this done in less than ninety days. He also said he understands this is a hardship for the family but it is also a hardship for the neighbors and community. He wants to see a motion that is going forward and not backwards. Mr. Middlestetter said if let's get it fixed does not say enough, then maybe pressure should be added with the fines.

Chairman Brinegar said this is challenging because some of these violations have been going on for years but the case was just brought before the Board at the last meeting in May. She said the owners were present at the last meeting and were making some good faith efforts so the Board was willing to work with them.

Chairman Brinegar said her disappointment is twofold. The four violations that the Board asked to have finished by today were not completed. Only two of the four were completed. She said the remaining violations seem to be quick fixes. Chairman Brinegar said since the four violations were not completed, fines could start being assessed. She also reiterated that she was disappointed in the detailed maintenance plan that was submitted by the owners. She said she is less willing to be as lenient going forward. Chairman Brinegar suggested that we start accessing fines for the remaining two violations that were not completed today.

Ms. Jones said she will go out and inspect the property tomorrow, June 6 and see if the remaining two violations are in compliance. If they are not in compliance, fines will start being assessed. She has requested that the owners call her when the other violations are complete.

Mr. Middlestetter said a big project is getting the house repaired. He said he would be willing to have evidence of a contract with a contractor. He said that is moving in the right direction.

Mr. Middlestetter made a motion to request evidence of a contract with a licensed contractor(s) within thirty days detailing the completion of all other violations. The contract needs to include a timeline of completion for all remaining violations. If no evidence of a contract is submitted, fines will start being assessed. 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.

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

Ms. Jones said this case involves one violation pertaining to exterior walls. The permit for this addition was pulled in 2007. Mr. Baker was supposed to have all work finished within a year of obtaining the permit. This property has had several complaints regarding the unfinished addition.

Ms. Jones stated at the last PRC meeting, a motion was made that Mr. Baker needed to show progress that the addition was being worked on. She went to inspect the property and said little progress was made.

Mike Baker, 2135 Clearview Dr. - Mr. Baker said he has rewrapped the addition. He also has applied a soap stone to the bottom of the addition. The trim and Hardie Board has also been painted and is ready to be installed. Mr. Baker said he thinks he will have the addition done by July 10, 2018.

No further motion is required for this case. The original motion stated that progress needed to be made by June 5, 2018 (the board agreed progress had been made) and the addition needs to be completed by July 31, 2018. Mr. Baker said the addition should be completed before the July 31 deadline.

NEW BUSINESS:

OPEN DISCUSSION: Chairman Brinegar said the next meeting is scheduled for June 19, 2018. She asked if there were cases on board for that meeting.

Ms. Dodd said she would like to have some discussion on the Property Maintenance Code. The Code states the Property Review Commission needs to hear any cases where there is prosecution. She said with the incorporation of fines and how the Code reads, it seems that the Board may not need to meet for every single violation. She would like to discuss the Property Maintenance Code and the ordinances associated with the fines so everyone is on the same page.

Mr. Buczek said in the past, the Property Review Commission was the only tool to come to a resolution. He said with the institution of the penalties, it changes the approach. He said it will be good to have some discussion on that.

Ms. Dodd said the staff can get information out to the Board so everyone can look it over prior to the next meeting.

ADJOURNMENT:

There being no further business to discuss, Mr. Guy made a motion to adjourn the meeting at 7:24 PM.

Meredith Brinegar, Chairman

Date

Jami Kinion, Secretary

Date