

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
August 16, 2022

CALL THE MEETING ORDER:

Mr. Burke called the meeting of the Bellbrook Board of Zoning Appeals & Property Review Commission to order at 6:30pm

ROLL CALL:

Mr. Kyle Boehmer
Mrs. Meredith Brinegar
Mr. Aaron Burke
Mr. Philip Ogrod
Mrs. Sharon Schroder

ALSO PRESENT:

Jason Foster, Community Development Administrator
Rob Schommer, City Manager

APPROVAL OF MINUTES:

Minutes were not prepared at the time of the meeting due to technical sound issues.

OLD BUSINESS:

None

NEW BUSINESS:

PRC 22- 03: 85 South Main St. Outdoor Storage Violation. First placed in violation on March 28, 2022, for junk and outdoor storage.

Mr. Foster states the property owner did make progress on the cleanup however, extensions were granted. Once the property maintenance code was changed, other items that aren't fit for outdoor storage reaccumulated on the property.

Mr. Foster states the violation was restarted on June 28, 2022. Significant progress was made on the driveway and front porch. Staff recommends the removal of anything that is not approved to be outdoor storage.

Mrs. Brinegar asks about the vegetation being in violation. Mr. Foster states this was only for outdoor storage; however the overgrowth is a separate violation under current work.

Richard Davoust the property owner of 85 South Main St asked what is specifically in violation and what is considered outdoor storage. He stated if he didn't know what specifically was a violation, how would he correct them.

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Mr. Foster read the definition and expand on it (1450.31 J Outdoor Storage)

Richard Davoust asked how long it is considered storage if an item is left outside. Mr. Foster stated his opinion on storage is if it is on the property outside for more than 1 day it is considered stored. Things come and go on a weekly basis, so it is not compliant.

Mr. Schommer stated the issue is about the items not in an enclosed structure and the property is being used for outdoor storage. The specific items and timeframe for when it is determined to be stored is not in the code.

Mrs. Brinegar asked about the nature of why these items show up and are stored outside. Mr. Davoust stated they started picking up items in Bellbrook that are thrown out and in good shape. Items are then transported to different locations for other people in need, for example Goodwill and scrap metal to scrap yards to keep items out of the landfill.

Mr. Foster states Mr. Davoust has off site storage and the items could be taken to the storage units until distributed, this would solve the violation.

Mr. Schommer states Mr. Davoust is operating almost like a commercial recycling operation and business within your residential and home property, using his property as a storage and transfer station of scrap and discarded items. Mr. Davoust stated he realizes he needs to stop bringing the items to his home.

Mrs. Carmela Carol the property owner of 17 East South took the podium and spoke about her concerns of the sanitation and safety of the property noting the issue has been on going for over 25 years.

Mr. Burke stated the scope on this case is difficult as there is a lot at play for outdoor storage or junk..

Mrs. Brinegar feels this property has been in a chronic state of junkiness for many years and is in full support of abatement.

Mr. Ograd spoke on his concerns about the number of items coming and going on the property.

Mrs. Schroder spoke on the resolution for proper outdoor storage by installation of a barn or shed on property for items.

Mr. Schommer noted the recommendation for abatement approval is based on the health and safety concerns on the property, and currently Mr. Davoust is making progress, and this process will make sure it is continued.

Mr. Foster noted the concerns brought up in addition to the listed violations for abatement and asked Mr. Davoust permission to view the backyard. Mr. Davoust agreed on record to have his backyard inspected and work with the City to continue removing the violations.

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Mr. Boehmer stated a concern about operating as a recycling business in a residential area and wanted to make sure Mr. Davoust was clear on what was in violation.

Mr. Ogrod asked who would be conducting the abatement of the property, and Mr. foster stated it would be a hired contractor if Mr. Davoust does not continue cleaning the property up.

Mr. Schommer states it would be hard to put a timeline on this, that hopeful the property owner continues to clean up. He suggested using a reasonable timeframe as they are working on clean up currently.

A Motion to approve abatement of 85 South Main St. for violation of the property maintenance code contingent on successful progress and a reasonable timeframe for the property owner to resolve the violations.

Motion made by Mrs. Brinegar, Seconded by Mr. Ogrod

Voting Yea: Mr. Boehmer, Mrs. Brinegar, Mr. Burke, Mr. Ogrod, Mrs. Schroder

Motion Carries

Mrs. Brinegar states this will be high on the list to be followed up on.

OPEN DISCUSSION:

Mrs. Brinegar understands that the homeowner doesn't want items to go to the landfills. She noted details on the website to help get rid of items unwanted or in violation on the property.

AJOURNMENT:

With no further business coming before the Board, Mr. Burke declared the meeting adjourned at 7:40 pm.

Aaron Burke, Chair Person

Rob Schommer, Clerk of Council