

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
October 17, 2023

CALL THE MEETING TO ORDER:

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

ROLL CALL:

PRESENT

Mr. Boehmer

Mr. Burke

Mr. Ograd

Mrs. Schroder

Mrs. Brinegar

ALSO PRESENT:

Jason Foster, Community Development Administrator

APPROVAL OF MINUTES:

Mr. Burke asked if anyone had comments or corrections to the minutes of the May16, 2023, meeting. Hearing none, the minutes were declared to be approved.

OLD BUSINESS:

None

NEW BUSINESS:

BZA23-01: Kelly Andary of 129 West Franklin Street Bellbrook Ohio 45305 (Blueberry Café) requesting a Variance of Section 18.20B(2)(A) to allow an additional roof sign.

Mr. Foster provided details on the additional roof sign variance requested at 129 West Franklin Street.

Mr. Burke asked for a Motion for Variance 18.20B(2)(A) for an additional roof sign at 129 West Franklin Street.

Motion made by Mrs. Brinegar, Seconded by Mrs. Schroder.

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

Motion Carries

PRC23-02: 85 South Main Street Bellbrook Ohio, 45305 in violation of Property Maintenance Code 1450.31(D2) vegetation & Property Maintenance Code 1450.31(J) outdoor storage.

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Mr. Foster summarized the violation at 85 South Main Street. The first violation was on July 21, 2023, and this being a repeat offence of the same type. Throughout the letter process Mr. Davoust has trimming of the overgrowth and it is compliant per code. From the last meeting on this property, items have been removed from the front and the back of the yard. However, items have now begun to accumulate, and the property has been placed in violation.

Mr. Foster provided pictures and letters to the commission. A warning notice, a notice of violation, and a 24-hour notice for both the outdoor storage and the overgrowth. Misc items remaining in the driveway, yard, lawn furniture, and the front porch.

Mr. Foster spoke of the letter included from the Bellbrook Fire Chief. Concerns about accessibility in case of an emergency. Felt couldn't enter with equipment needed for medical assistance.

Staff recommends the abatement of the remaining items that aren't approved through the outdoor storage code. Also, staff recommends the board give approval to seek a court order to complete the work, this adding protecting the city and presiding jurisdiction the Greene County Court to review the case for maintenance code violation for access for emergency services.

Mr. Foster stated he would be happy to answer any questions. Mentioned the homeowner is present.

Mr. Richard Davoust of 85 South Main Street spoke on his property and the notices coming after the violation has expired. Mentioned the photos showing items in violation. Claimed he doesn't know what items are in violations on the property. Stated Mr. Foster doesn't come out as he used to, so he is aware of the specific items in violation. Mr. Davoust stated as far as he is aware there is nothing in the way of getting a gurney on the porch. However, accessing the inside of the home would be an issue.

Mr. Foster stated the concern is that of the safety of the residents and the blighting influence on the neighborhood and the city. The board agreed that if items that were brought back to the property, they would be kept in the truck. If the board wishes Mr. Foster stated he will go to the property to specify specific items that need to be removed from the property.

Mr. Foster mentioned The Prosecutor reviewing the case.

Mr. Foster, The Board, and Mr. Davoust went through items on the property that need to be removed. Reading the maintenance code to the resident.

Mr. Davoust stated he has cleaned up the property. Mentioned his property will be used how he wishes.

Mr. Foster is concerned this will occur each year.

Mr. Foster read (Code 1060.07) Mentioned after the last meeting with the city manager, Mr. Schommer decided if the item came a day or two and leave this would be okay in the city. Mr. Schommer decided to revoke this decision. If anyone is caught, it can be a ticketed offense.

Mr. Foster stated he has been with the city for two years, and we have been here twice. Ugly is not a

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violation. The excess items do need to be removed and cannot be returned.

The Fire Chief is concerned about the safety of the firefighters, paramedics, and the residents.

Mr. Foster states the city's goal is to not take items or be a hassle for residents, it's to help residents be compliant to the code.

Mr. Foster provided the letter process. First a warning notice (seven days), notice violation (ten days), 24-hour notice (three days).

Mr. Foster asked for the approval today to have the case reviewed. Suggested no extension.

Mr. Foster asked the board for approval of the abatement. Working with the prosecutor will take time. Agreed to meet with Mr. Davoust to provide specific items that need removed.

Mrs. Brinegar asked for a Motion to approve the abatement of 85 South Main Street for violation of Section 1450.31(D2) & 1450.31(J) of the Bellbrook property maintenance code and to allow the city staff to seek legal guidance and a court order for the abatement process.

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

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

Motion Carries

OPEN DISCUSSION:

Mrs. Brinegar mentioned the property at Dane Lane selling.

ADJOURNMENT:

Hearing no further business coming before the Board, Mr. Burke declared the meeting adjourned at 7:20 pm

Philip Ograd, Vice Chair Person

Robert Schommer, Clerk of Council