



## Board of Zoning Appeals

June 18, 2019 6:15 PM

### Agenda

1. Call to Order
2. Roll call
3. Approval of prior minutes of May 21, 2019
4. New Business:
  - BZA Case V19-02: Variance Request – 72 West Franklin Street**
    - Staff Summary
    - Property Owner
    - Public Input
    - Board Discussion/Decision
  - PRC Case 19-01: Request for Prosecution – 2088 Dane Lane**
    - Staff Summary
    - Property Owner
    - Public Input
    - Board Discussion/Decision
5. Old Business:
6. Open Discussion
7. Adjournment





June 13, 2019

**Memorandum for the Board of Zoning Appeals / Property Review Commission**

**Subject: Public Hearing on June 18, 2019**

City of Bellbrook  
15 East Franklin Street  
Bellbrook, Ohio 45305

T (937) 848-4666  
F (937) 848-5190

[www.cityofbellbrook.org](http://www.cityofbellbrook.org)

This is to confirm that the Board of Zoning Appeals and Property Review Commission will conduct a public hearing on **June 18, 2019 at 6:15PM** to discuss an appeal of fines, re-evaluate an old property review maintenance case and review two new property maintenance cases and do discuss a recommendation for new firewood code language. Please find enclosed an agenda for the meeting, the minutes to approve from May 21, 2019 and case materials.

**Variance Case #19-02: 72 W Franklin St (Seiler)**

The applicant Michael Seiler (on behalf of the owner, Bellbrook Presbyterian Church) located at 72 W Franklin St is requesting a variance to allow for an internally illuminated LED sign. The property is zoned B-4 Central Business District and is a part of the Old Village. Per section 18.20.B(4)(a)(7) of the Bellbrook Zoning Code, no sign in the Old Village District can be internally illuminated.

**PRC Case #19-01: 2088 Dane Lane (Elias)**

This case involves multiple violations. The violations pertain to vegetation, accessory structure, rodent harborage, exterior walls, roof and drainage, outside storage, brush piles, protective treatment, decks and porches, windows. The property has had numerous complaints and has been left vacant since 2012.

Please let me know if you have any questions on this material.

Sincerely,

Jeff Green  
Planning and Zoning



**BELLBROOK BOARD OF ZONING APPEALS**  
**PUBLIC HEARING MINUTES**  
**MAY 21, 2019**

**PRESENT:** Mr. Aaron Burke  
Ms. Schroder  
Mr. Philip Ogrod  
Mr. Robert Middlestetter  
Chairperson Brinegar

**CALL TO ORDER:**

Chairman Brinegar called the meeting of the Board of Zoning Appeals to order at 6:00 PM. The Clerk called the roll. Mr. Burke, yes; Mr. Middlestetter, yes; Mr. Ogrod, yes; Ms. Schroder, yes; Mrs. Brinegar, yes.

Mr. Middlestetter made a motion to name Mrs. Brinegar as the chairperson and Mr. Ogrod as Vice-Chair for 2019. Ms. Schroder seconded the motion. The roll was called. Mr. Middlestetter, yes; Ms. Schroder, yes; Mr. Burke, yes; Mr. Ogrod, yes; Ms. Brinegar, yes. The motion passed 5-0.

Mr. Middlestetter moved to approve the prior minutes of October 16, 2018. Ms. Schroder seconded the motion. Roll was called. Mr. Burke, abstain; Ms. Schroder, abstain; Mr. Ogrod, yes; Mr. Middlestetter, yes; Mrs. Brinegar, yes. The motion carried 4-0.

It is noted for the record that Mr. Jeff Green, Planning and Zoning Assistant was in attendance.

**NEW BUSINESS:**

• **BZA CASE #19-01 2310 Portage Path Variance Request.**

Mr. Green reported that the property owner \_\_\_ Rudolph is asking for a variance to build a shed on his property that is 4 feet from the edge of his property than the zoning code requires 8 feet. From R1B. It is an odd shaped lot which is the reason for the variance request. The case documentation includes a diagram, pictures, and an aerial view of the lot and proposed location of the shed. The proposed location is the best placement on the lot. Staff recommends approval.

Mr. Phillip Rudolph came forward to explain the reason for his request. The odd shape makes placement of the structure more difficult. This position is the least intrusive of the only two options. He spoke with his neighbors who have no objection. He hopes that he can have double doors on the side of the shed.

Is it parallel with the fence? Mr. Rudolph explained that it will be parallel with one of the property line. The lot corner is a 45 degree angle.

Chair Brinegar and Mr. Ogrod have looked at the property. Mrs. Brinegar added that she believes the owner is being true to the intent of the law if not the letter of the law. The Board agrees that it is the best placement.

Mr. Middlestetter made a motion to approve the variance request for BZA case #19-01 2310 Portage Path. Mr. Ogrod seconded the motion. The motion passed 5-0.

### **OLD BUSINESS:**

- **PRC Case #18-06 2130 Clearview Drive**

Mr. Green explained that a request had been made in 2007 to have siding put on the house. This was not done for 8 years. A complaint was received by the City which then sent the owner formal notice of the violation. There was no response from the owner so fines were assessed. The BZA had given the owner a time frame to complete the maintenance issues. The BZA tried giving the owner an incentive to complete the work without fines. Mr. Green reports that the siding has been put up.

Mrs. Schroeder asked when the work was completed since the Board had tried incentivizing the owner to complete the work by offering to repeal the fines.

Mr. Ogrod said he drove by before Christmas and the siding looks good.

Mrs. Brinegar would like the letters that are sent out to be certified and asked if there needs to be a change to the policy. Mr. Green said he sends both regular mail and certified letters plus posts a notice on the property. The zoning code and property maintenance code both define the process.

- **BZA Case #18-05 2088 Dane Lane**

Mr. Green reported that there have been new complaints about the grass. The first grass and structure complaints was in 2012. The owner replaced one window and demolished a shed. Mr. Green has sent an email, a letter, a certified letter, and posted on the property. The owner has \$1,000 in unpaid fines. The City mowed the grass this week. The neighbors are very interested to see work being done. They have even offered to buy the property. The owner wants \$190,000-\$200,000. Mr. Green looked at the property with the service department and saw the animal paths leading up to the house and significant deterioration to the overhang above the hot tub. The next step will be prosecution.

Mr. Ogrod said that the fireplace is also deteriorated. He thinks the property has been vacant for years. Mr. Green stated that the property is owned by James Elias but appears to be managed by his sister.

Mrs. Brinegar asked how prosecution is handled when the owner lives outside of Ohio. Mr. Green reported that he looked into this and that it is not an issue. We notify the owner and it is up to them to respond or law enforcement will get involved.

Mrs. Schroeder asked if the Board even needs to meet again on this subject since nothing has changed since the last meeting. Mr. Green explained that the Board does need to meet again if they want to take the case to prosecution. The City staff has the authority to issue fines.

Mr. Middlestetter asked if the owner has legal assistance here. Mr. Green said that there was an attorney previously. Mr. Middlestetter also asked how much the City charges to mow grass. Mr. Green explained that for the first offense the City charges \$100.00 plus \$75.00 per hour for man-hours. The City is checking the property every week. He reported receiving an email from the sister who said that the contractor they had hired to mow the grass was threatened by neighbors. Mr. Green reached out to the contractor who denied this.

Mrs. Brinegar opined that keeping up with the grass is important, but she is more concerned with the structural situation. Mr. Green explained that he is reviewing the history of these concerns and has spoken with the previous Code Enforcement Officer. This could go on in court as long as they are willing to fight it. He said he thought the yearly property taxes totaled close to \$4,000.00 and have been paid.

Mr. Green explained that this will be on the agenda for the June 18 meeting at which time the Board could send the case to prosecution. This will give the owner a chance to respond.

Mr. Ogrod asked that the pertinent codes be sent to the Board. Mr. Green agreed to email those to the Board members.

#### **OPEN DISCUSSION:**

#### **ADJOURNMENT:**

There being no further business to discuss, Mrs. Brinegar made a motion to adjourn. With unanimous consent, the meeting adjourned at 6:51 PM.

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Meredith Brinegar, Chairman

Date

---

Pamela Timmons, Secretary

Date







To: Board of Zoning Appeals  
From: Jeff Green, Planning and Zoning Assistant  
Date: June 13, 2019  
Subject: Staff Report for BZA Case 19-02 – 72 W Franklin St

### Summary of the Request

The property owner at 72 W Franklin St. is requesting a variance to replace the existing ground sign with a comparably sized internally illuminated sign. Per article 18.20B(4)(a)(7), no sign in the Old Village can be internally illuminated. The Board of Zoning Appeals is being asked if the proposed shed can be approved to be built in the required side and rear yard setback.

### Applicant Information

Owner: Presbyterian Church  
72 W Franklin St  
Bellbrook, Ohio 45305

Applicant: Michael Seiler  
3897 Conference Rd  
Bellbrook, OH 45305

### Current Zoning District

B-4, Central Business District

### Parcel Identification

Parcel ID # L35000100020007300

### Relevant Code - 18.20B(4)(a)(7)

**Lighting:** No sign shall be lighted internally nor shall there be rotating beams, beacons, or flashing illumination. All signs shall be lighted by separate light source set so as to not constitute a hazard to pedestrian or vehicular traffic. No back lighting shall be allowed.

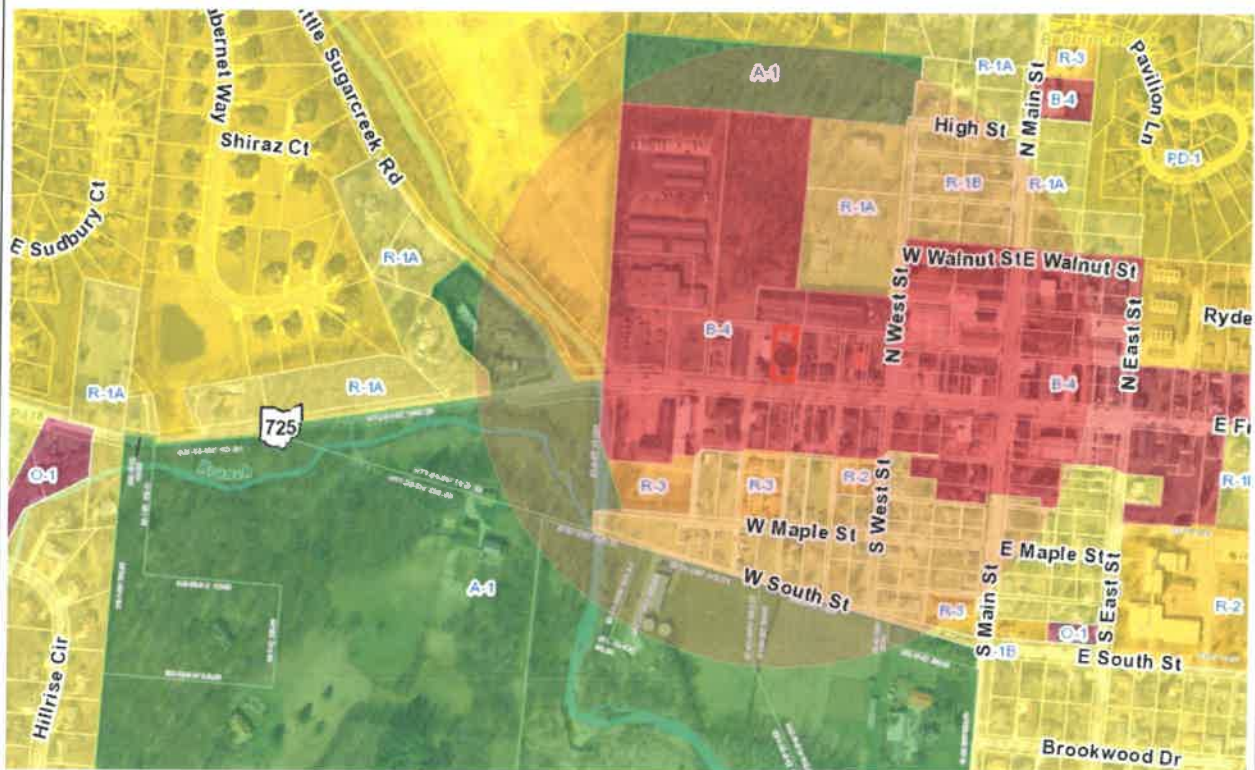
### Applicant's Reason for the Request

Per the application submitted, the church allows various organizations such as the Boy Scouts and Library to use their space and promote their events. As such, the applicant claims there is an average of 20 activities/meetings a week which need to be advertised via the sign making it very time consuming.

The applicant believes that the variance would not be considered substantial and would not negatively impact adjoining properties as two LED internally illuminated signs (Dot's and Road Dogs) have previously been approved in the Old Village.

### Surrounding Land Use within 1,000 Feet

The land surrounding the subject property is along W Franklin st (in the Old Village) is zoned as B-4 Central Business District. Off of W Franklin, the land predominantly becomes single or multifamily residential.



### Previous Related Variances

August 12, 2010: 34 W Franklin St (Road Dog's), request LED sign, **approved 4-0;**

July 21, 2008: 118 W Franklin Street (Dots market), request LED sign, **approved 4-0.**

### Flood Plain Information

The property is not within the flood plain

### Comments from City and County Agencies

**Bellbrook Village Review Board** – The Village Review Board is recommending the sign be approved as submitted.

### Supporting Maps & Graphics





6'

4'

7' 6"

3' 6"

6' 8"

**BELLBROOK**  
 PRESBYTERIAN CHURCH

THIS SIGN IS  
 CAPABLE OF  
 1 TO 5  
 ROWS  
 4.4" TO 25.2" TEXT

**TekStar Color**  
 16mm 40x100  
 CABINET SIZE: 4' x 6'  
 CAPABILITIES  
 1 TO 5 ROWS  
 4.4" TO 25.2" CHARACTERS

Header Vinyl: Royal Blue Text Color: White Covering Text Vinyl:	Paint Color: White Draft: White SIGN DESIGN #	Approved as shown Date _____ Approved with listed changes Date _____
<b>GRAPHICS DISCLAIMER:</b> This custom artwork is not intended to provide an exact match between ink, vinyl, paint, or LED color. Brickwork, masonry and landscaping is not included in the proposal. Measurements shown are approximations; dimensions of final product may vary. LED images shown are simulated to replicate optimum viewing distance. Sign is designed to be illuminated at all times. Sketches are based off of this proposal.		

**Stewart signs**  
Resident's Premier Sign Company

5/8"=1'  
 Sk: 906963.1  
 Cust: 1093426  
 10/19/2017  
 L/mHelman  
 PROPOSAL

ORIGINAL DESIGN. DO NOT DUPLICATE  
 PH. 1-800-237-3328 - FAX 1-800-485-4280



### Staff Recommendation

Staff recommends the variance request be denied. While staff understands that LED signs have been previously approved in the Old Village and the VRB has recommended approval, staff is concerned that any further LED signs approved for the Old Village would further remove "water down" the Old Village design guidelines. Should this occur, staff would recommend the code be amended to allow internally illuminated signs for the Old Village area.





## CITY OF BELLBROOK

### APPLICATION FOR ZONING VARIANCE

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305  
(937) 848-4666 [WWW.CITYOFBELLBROOK.ORG](http://WWW.CITYOFBELLBROOK.ORG)

#### APPLICANT INFORMATION

DATE RECEIVED 5 / 14 / 19 APPLICATION # V19-02  
PROPERTY OWNER The Bellbrook Presbyterian Church PHONE NUMBER (937) 848-2378  
OWNER ADDRESS 72 W. Franklin St, Bellbrook, OH 45305  
APPLICANT NAME Michael Seiler, Trustee For TBPC PHONE NUMBER (937) 604-1426  
APPLICANT ADDRESS 3897 Conferance Rd, Bellbrook, OH 45305

#### REQUEST INFORMATION

PROPERTY ADDRESS 72 W. Franklin St, Bellbrook, OH 45305 ZONING DISTRICT B-4  
SUBDIVISION \_\_\_\_\_ LOT NUMBER 95 PARCEL ID L35-0001-0002-0-0073-00  
DESCRIBE THE GENERAL NATURE OF THE VARIANCE The Bellbrook Presbyterian Church desires to replace the existing manually changed Church sign with a new Electronic LED display. The new sign surface will be 72" Wide and 48" High, Overall 6'8" X 7'6". The existing sign surface is 61" Wide X 42" High, Overall 5'7" X 6'6".

**SEE THE REVERSE OF THIS PAGE FOR ADDITIONAL INFORMATION TO BE INCLUDED WITH AN APPLICATION FOR ZONING VARIANCE.**

I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL FOR ANY ADMINISTRATIVE REVIEW, CONDITIONAL USE PERMIT, VARIANCE, OR EXCEPTION FROM ANY OTHER CITY REGULATIONS WHICH ARE NOT SPECIFICALLY THE SUBJECT OF THIS APPLICATION. I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL OF A BUILDING OCCUPANCY PERMIT. I UNDERSTAND FURTHER THAT I REMAIN RESPONSIBLE FOR SATISFYING REQUIREMENTS OF ANY PRIVATE RESTRICTIONS OR COVENANTS APPURTENANT TO THE PROPERTY.

I CERTIFY THAT I AM THE APPLICANT AND THAT THE INFORMATION SUBMITTED WITH THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT THE CITY IS NOT RESPONSIBLE FOR INACCURACIES IN INFORMATION PRESENTED, AND THAT INACCURACIES MAY RESULT IN THE REVOCATION OF THIS ZONING CERTIFICATE AS DETERMINED BY THE CITY. I FURTHER CERTIFY THAT I AM THE OWNER OR PURCHASER (OR OPTION HOLDER) OF THE PROPERTY INVOLVED IN THIS APPLICATION, OR THE LESSEE OR AGENT FULLY AUTHORIZED BY THE OWNER TO MAKE THIS SUBMISSION.

I CERTIFY THAT STATEMENTS MADE TO ME ABOUT THE TIME IT TAKES TO REVIEW AND PROCESS THIS APPLICATION ARE GENERAL. I AM AWARE THAT THE CITY HAS ATTEMPTED TO REQUEST EVERYTHING NECESSARY FOR AN ACCURATE AND COMPLETE REVIEW OF MY PROPOSAL; HOWEVER, AFTER MY APPLICATION HAS BEEN SUBMITTED AND REVIEWED BY CITY STAFF, I UNDERSTAND IT MAY BE NECESSARY FOR THE CITY TO REQUEST ADDITIONAL INFORMATION AND CLARIFICATION.

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT ALL THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

APPLICANT SIGNATURE [Signature] Trustee for TBPC DATE 05/14/2019

OFFICE USE ONLY		
APPLICATION FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ 100.00	CASH <input type="checkbox"/> CHECK <input checked="" type="checkbox"/> #	ADMINISTRATIVE, BOARD OF ZONING APPEALS
BOARD OF ZONING APPEALS	MEETING DATE <u>6 / 18 / 19</u>	APPROVED <input checked="" type="checkbox"/> DENIED <input type="checkbox"/> CONDITIONS <input type="checkbox"/>

d) VARIANCES FROM THE TERMS OF THE ZONING ORDINANCE SHALL BE GRANTED ONLY WHERE THE PROPERTY OWNER SHOWS THAT THE APPLICATION OF A ZONING REQUIREMENT TO THE PROPERTY IS INEQUITABLE CAUSING THE PROPERTY OWNER PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY. FACTORS TO CONSIDER INCLUDE, BUT ARE NOT LIMITED TO:

- 1) WHETHER THE PROPERTY IN QUESTION WILL YIELD A REASONABLE RETURN OR WHETHER THERE CAN BE ANY BENEFICIAL USE OF THE PROPERTY WITHOUT THE VARIANCE;

The new sign will help to identify and promote services using church space such as ongoing Winters Library Youth Programs, Boy Scout Troop 75 weekly meetings, Senior Citizens weekly lunch bunch and the Bellbrook Historical Association monthly meetings. Our plan is to highlight these events as well as our Church services and activities. Offered to the community.

- 2) WHETHER THE VARIANCE IS SUBSTANTIAL;

We do not believe the Variance is substantial given two other properties already have LED signs in the Old Village District.

- 3) WHETHER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD WOULD BE SUBSTANTIALLY ALTERED OR WHETHER ADJOINING PROPERTIES WOULD SUFFER A SUBSTANTIAL DETRIMENT AS A RESULT OF THE VARIANCE;

We do not believe the neighborhood will be substantially altered since properties on the East and West, North and South are all Commercial or multifamily.

- 4) WHETHER THE VARIANCE WOULD ADVERSELY AFFECT THE DELIVERY OF GOVERNMENTAL SERVICES SUCH AS WATER, SANITARY SEWER OR GARBAGE REMOVAL;

This variance will not affect any of these services.

- 5) ~~WHETHER THE PROPERTY OWNER PURCHASED THE PROPERTY WITH KNOWLEDGE OF THE ZONING RESTRICTION;~~

In 1890 it was not an issue. 😊

- 6) WHETHER THE PROPERTY OWNER'S PREDICAMENT FEASIBLY CAN BE OBIATED THROUGH SOME METHOD OTHER THAN A VARIANCE;

The current sign must be manually changed, requiring staff time estimated at 20 minutes per change. With an average of 20 activities/meetings/community events per week presently, manually changing the sign for each independent activity would require nearly seven hours of staff time each week. The frequency of sign change to note every activity would not only be cost prohibitive but would not allow display of information long enough for community members to note the posted opportunities, thus rendering the manual changes futile. This church is growing. The activity level of the congregation has increased



significantly over the last two years, with notable increases in activities and opportunities for the church and the entire community. We plan for additional and significant growth, which will continue to increase the level of activity, compounding the problems of the current sign. The current sign simply does not have the capacity to support the ministry of this congregation.

- 7) WHETHER THE SPIRIT AND INTENT BEHIND THE ZONING REQUIREMENT WOULD BE OBSERVED AND SUBSTANTIAL JUSTICE DONE BY GRANTING THE VARIANCE.

Yes, the intent of the zoning requirement will be observed, and substantial justice done by granting this variance to The Bellbrook Presbyterian Church as has previously been granted to Dot's Market and the Road Dog gas station.

## Greene County, Ohio

5/13/2019 9:41:36 AM

Parcel ID: L35-0001-0002-0-0073-00

Tax Year: 2018

Card: 1 of 0

Owner: PRESBYTERIAN CHURCH

Mailing Name/Address:

PRESBYTERIAN CHURCH

72 W FRANKLIN ST

BELLBROOK OH 45305-1903

Tax District: L35 - BELLBROOK CITY

Description: 1-2-95 BELLBROOK 66 FT  
LOT 95

Property Address: 72 FRANKLIN ST

Class: E - CHURCHES ETC PUBLIC WORSHIP PRIVE

Map/Routing: 0002.00 039.00

Neighborhood: 00348.000

Parcel Tieback:



L35000100020007300 04/20/2018

LAND DATA	Effective	Square			
Desc	Frontage	Footage	Acres	Value	
Primary	SQUARE FOOT	10890		\$27,230.00	

## SALES DATA

Sale Date	Type	Amount	Source
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## DWELLING DATA

Style	Total Rooms	Masonry Trim Area	
Story Hgt	Bedrooms	Unfin Area	
Construct	Family Rms	Rec Room Area	
Year Blt	Full Baths	Fin Bsmt Area	
SFLA	Half Baths	WBFP Stacks	Open
GFLA	Add'l Fixt	Bsmt Garage # Cars	
Basement	Total Fixt	Misc Desc	
Heating	Bath Remod	Misc Desc	
Heat Fuel	Kitch Remod	Condo Level	
Attic		Condo Type	
Int vs Ext			

VALUES	Land Value	Bldg Value	Total Value	Value Date
Appraised	\$27,230.00	\$375,850.00	\$403,080.00	11/20/2017
Assessed (35%)	\$9,530.00	\$131,550.00	\$141,080.00	

TAXES	Delinquent	1st Half	2nd Half	Total
Real:	\$0.00			
Special	\$0.00			
Total:	\$0.00			
Total Tax:				\$0.00
Amount Due:				\$0.00

## PROPERTY FACTORS

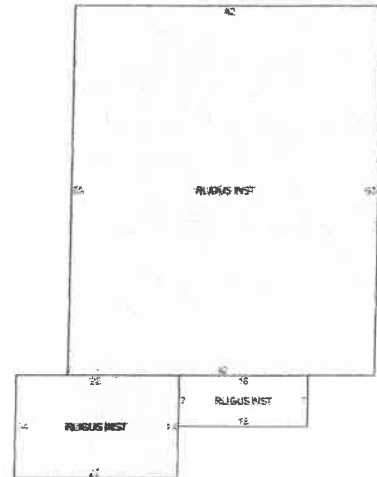
Topography	Utilities	Street/Road	Traffic
LEVEL	ALL PUBLIC	PAVED	HEAVY

## ADDITION DATA

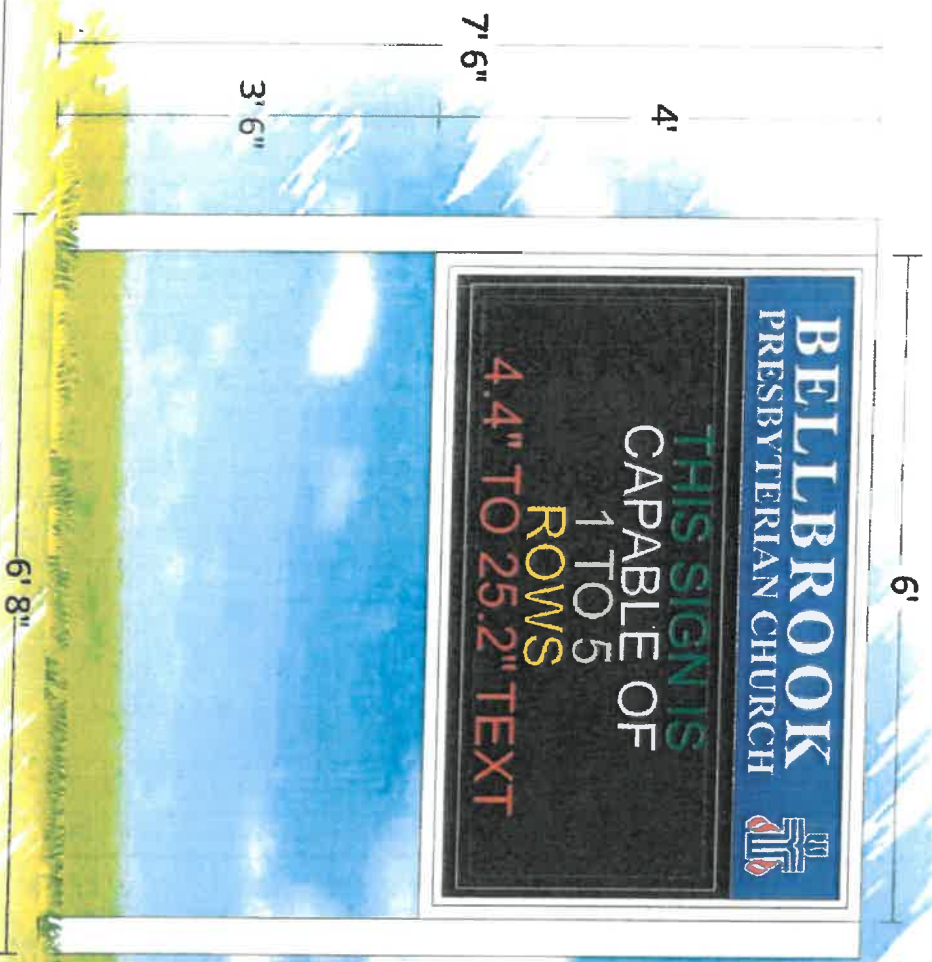
#	Lower	First	Second	Third	Area
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## OTHER BUILDING &amp; YARD ITEMS

Description	Yr Blt	Area	Rate	Units	Value
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David Graham, Greene County Auditor



**TekStar Color**  
16mm 40x100  
CABINET SIZE: 4' x 6'

**CAPABILITIES**  
1 TO 5 ROWS  
4.4" TO 25.2" CHARACTERS

Header Vinyl: Royal Blue Text Color: White Cowling Text Vinyl:	Paint Color: White Draft: White SIGN DESIGN #
Approved as shown Date _____ Approved with listed changes Date _____ _____ _____ _____	

**GRAPHICS DISCLAIMER:** This custom artwork is not intended to provide an exact match between ink, vinyl, paint, or LED color. Brickwork, masonry approximations, dimensions of final product may vary. LED images shown are simulated to replicate optimum viewing distance. Sign is designed to be illuminated at all times. Sketches are based off of this premise.



**stewart signs**  
America's Premier Sign Company

5/8"=1'

Sic: 906863-1

Cust: 1093426

10/19/2017

L/mhlman

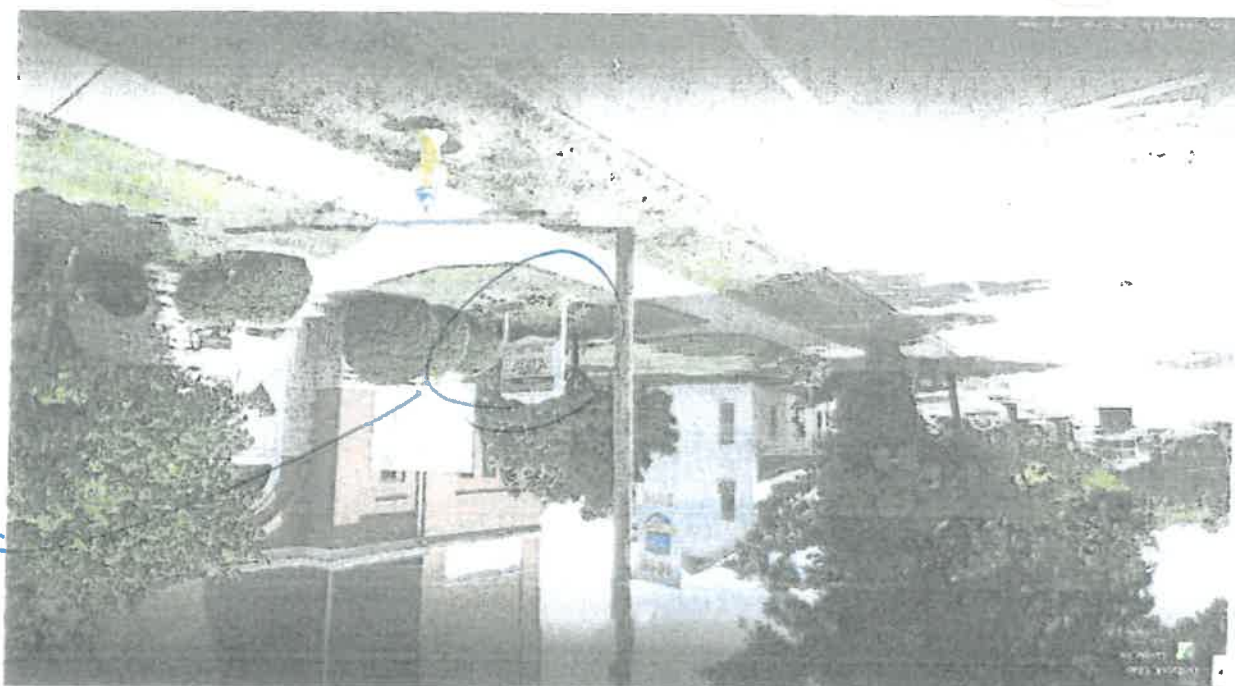
PROPOSAL

ORIGINAL DESIGN DO NOT DUPLICATE

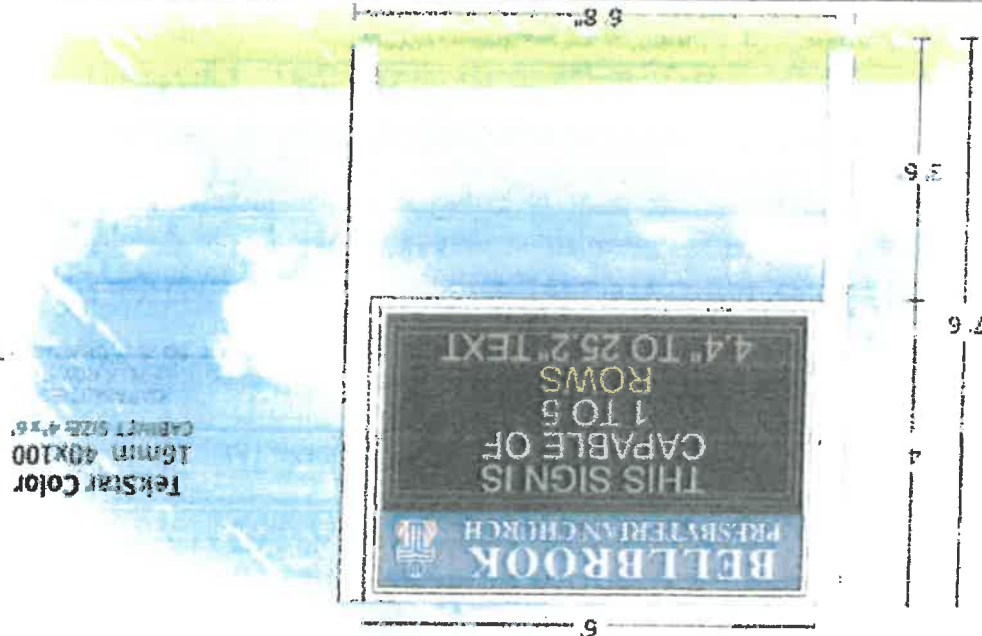
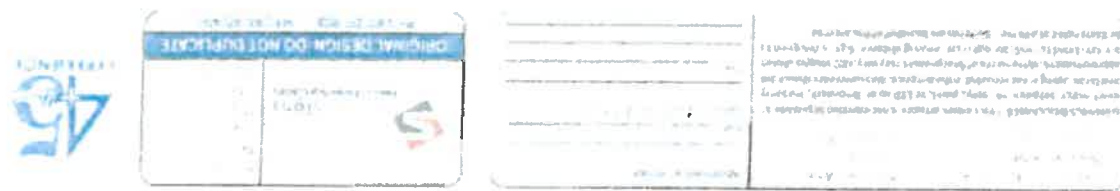
PH. 1-800-237-3928 - FAX 1-800-485-4280



PDF



Sign to be replaced



The City of Bellbrook  
Bellbrook Village Review Board and Board of Zoning Appeals  
15 East Franklin Street  
Bellbrook, OH 45305

June 3, 2019

Dear Village Review Board:

I am writing this letter to express my support for the Bellbrook Presbyterian Church.

The Winters-Bellbrook Community Library, as you may know, has no meeting room. So that we can provide programs for kids and adults that exceed what we can handle in our small space, the Bellbrook Presbyterian Church has graciously allowed us to use their recreation room. We simply would not be able to provide the number and variety of larger programs without their support in this way.

I understand the church is requesting a variance of the zoning code to replace their current sign with an electronic sign in order to increase their visibility. If the sign they propose can help build and sustain their viability in this community, then I would be in support of it. The church is an important part of the Bellbrook downtown area and I feel it is important that they remain a strong presence here.

Please note this is my personal opinion, and in this, I am not representing the opinion of the Winters Library or the Greene County Public Library.

Sincerely,



Joellen Fannin

JOELLEN FANNIN

Head Librarian, Winters-Bellbrook Community Library



# 2088 Dane Lane (Elais)

## PRC Case # 19-01 (extension of case 18-05)

### Summary:

The property has been vacant since 2012. The property has had numerous violations in the past several years. The violation(s) have not been permanently corrected and /or maintained causing them to re-occur with further deterioration of the property occurring.

The PRC had met in regard to 2088 Dane Ln on May 22, 2018 and June 5, 2018 regarding the property maintenance violations on the property. The Board gave the property owner to 30 days to hire a contractor and begin abatement of the 4 violations to the structure, while also removing outside storage and trimming the vegetation on the property. To date, a contract was submitted July 10, 2018 but no work has been on the property. I have been to the property numerous times, and spoken with some neighbors. No work looks to have been completed (nor has the owner showed up since last year). Aside from communication with Sia (on behalf of Mr. Elias) for the cutting of grass, Sia has not responded to any other form of communication (email or letter) regarding the fines and this meeting.

### Timeline:

#### 2012

05-08 Mailed out letter for Code Violation(s) pertaining to vegetation

08-13 property maintenance complaint received

08-27 DB spoke with Sia about the property. Sia explained that she is taking care of James who is physically unable to live by himself and their mother. He is with Sia in Austin - left Bellbrook in July to seek treatment for a stroke. Sia hopes to return with James in September.

08-29 DB explained to Sia that a letter would be issued out of normal procedure. Sia gave permission to remove branches, trim bushes and remove garbage in driveway. DB said that we would try to get volunteers to help since James is disabled. DB explained that the holes in the buildings and animals getting into the house and shed would have to be treated by an



exterminator and Sia understood that would be a cost. 08-29 email from Sia giving the city permission to clean up property

09-29 DB organized Volunteer Bellbrook to assist in cleaning up property

10-02 Sia in Bellbrook to address the raccoon problem

## **2013**

07-01 property maintenance complaint received

07-13 letter mailed out for tall grass

07-23 email correspondence stating Sia is hiring contractors

09-06 Sia met with DB in the office. Sia is in Ohio for several weeks taking care of several family issues. She will be contacting a contractor about repairing the holes in the wall of the house and remove the vegetation.

09-20 DB inspected. No progress.

09-25 Sia called DB. She will trim bushes and clear gutters. Pest Control Company has set traps for 2 weeks. Contract will patch holes in walls.

09-26 Sia called to say she is working on brush and asked if city could help on picking up brush.

09-27 DB told Sia to put brush in piles or bags at end of driveway. Either volunteers or the city would remove the brush.

10-01 Sia called DB. Brush at end of driveway.

10-04 Sia called DB. Sia stated animal control done - no animals in house. Holes boarded by contractor. Leaving for TX on 10/5

10-09 DB inspected. Brush piles along road. Overgrown vegetation has been corrected. Holes in wall have been covered. Close case. Contact volunteers to remove brush.

## **2014**

06-20 letter mailed out for tall grass

6-27 Sia called DB. Will be in are in the next week or two.

07-03 DB called and emailed Sia. MS approved mowing grass and removing admin fee as an option for Sia.

07-05 Sia emailed DB. She will be in Ohio at the end of this week. She declined the offer to mow the grass



7-07 property maintenance complaint received

07-14 Sia and Jim stopped in the office to see DB. DB discussed the current condition of property with Sia. Sia agreed to have the city cut the grass and remove a large tree limb from the property. DB contacted Service to perform the work

8-11 Service department inspected and found tall grass

8-14 DB called and spoke to Sia. She hopes to be here by the end of August to work on the house.

9-26 DB inspected and found tall grass. Sent email to Sia.

10-17 Sia and James visited office. Sia said they would mow.

## **2015**

04-22 Complaint received

04-24 DB inspected. Grass cut, branched in piles, appears that there has been some activity. Hot tub needs new cover. Wall along chimney is further deteriorating. Need to contact Sia (sister) about current status of property.

05-15 DB inspected. Grass cut. Emailed Sia.

5-29 letter mailed out

8-26 email mailed out regarding tall grass

09-17 Sia and Jim visited the office and spoke with DB. They have been dealing with several police agencies and courts over property and probate issues. They hope to return in October to begin restoration of the house with the goal of selling the property in Dec/Jan. DB asked them to trim the bushes in the front of the house.

09-18 DB inspected. Bushes in front of house are overgrown. Grass ok.

11-13 DB inspected. No change.

12-20 received email mail from Sia. Plan to sell the house in 2016.

## **2016**

01-16 DB inspected. No change.

## **2017**

05-01 letter mailed out for tall grass

05-03 email correspondence stating property is getting worse

05-12 mailed out letter for code violation(s) pertaining to rodent harborage, accessory structure, exterior walls, roofs and drainage

05-15 Sia visited and spoke with Don B.

10-23 tall Grass, Service Department mowed

12-12 visited with Sia and James, Sia stated all work will be completed by 04-30-18

## **2018**

02-23 mailed out letter and email sent for rodent harborage, accessory structure, exterior walls, roofs and drainage, exterior walls and vegetation

03-22 mailed out letter and sent email with a list of action needed for rodent harborage, accessory structure, exterior walls, roofs and drainage, exterior walls, doors and windows and vegetation

05-22 property went before the BPRC

05-23 mailed out motion letter (**see attached**)

05-31 received correspondence from James Elias and Sia's lawyer (**see attached**)

06/09/17 DB inspected. Vegetation not trimmed and holes in the house walls, soffits, shed remain. Gutters not repaired. DB emailed Sia.

06/30/17 Sia, James and Sia's husband came to office. They have been working on the property for several weeks.

07/06/17 DB spoke with Sia. She has made repairs to the holes in the shed and walls of the house. Vegetation has been removed. Sia and family members in car accident last week. She has to return to Texas for medical treatment. She plans to return at the end of July.

08/25/17 Tall grass on property. DB emailed Sia that the grass needs to be cut by 9/1.

10/23/17 (see case #23) Service inspected Tall Grass, mowed

2017-12-12 - Don and I went to visit Dane Ln. Sia and her husband were just leaving for Texas. Stated they were here to drop off materials to property. Sia stated they have a contractor that will be working on home in the Spring of 2018. Yard waste was still present in driveway. Don will talk with MS regarding removal of waste.

2018-02-16 checked on property, it has now got to the point where neighbors are seeing raccoons come from house and shed. They are also seeing skunk living in shed. Will mail out another letter giving them a final date of 04/30/2018 or they will go in front of the PRCH. Rodents need to be properly removed asap. The shed has access holes for animals and looks as if it is in disrepair.

2018-02-23 mailed out letter giving final action date of 04/30/2018 or going to PRC, original action date was 06/02/2017.

2018-03-21 called and spoke with Sia regarding property. I asked her what she has done to properly get rid of rodents. She stated she has done nothing, she thought she had until the end of April. I told her per our previous conversation that the rodent issue needed to be addressed as soon as possible. I told her that she even requested Greene County Animal Controls number to see about ways or companies that could assist her. I sent her an email on 03-21-2018 with this information. Sia stated she never rcvd the email but did confirm that the email address was correct. I told her I will resend the email. She also asked to put in the email a detailed list of all items that need to be complied with by 4/30/2018. I told her I will give her a detailed list and mail it in case. Sia did state she will contact us on Friday 03/23/2018 if she did not get the email sent out today.

2018-03-22 rcvd vm from Sia that she rcvd the original email I resent her. I mailed out action list and emailed.

2018-03-26 rcvd a vm from Sia on Friday March 23, 2018 that the email was rcvd with the action list of what needed done.

2018-04-30 went to property and inspected. Property is still vacant. Property has a large amount of vegetation that is overgrown. The neighbor stopped by and said that he still sees raccoons coming and going from the main structure and shed. I do see several access places on the structure where rodents have gained access. This property will be going before the PRC on May 22, 2018. Will send out grass letter under new complaint and give some time due to being out of state. Will due grass database.

-According to PRC owner will be assessed fines for outside storage and vegetation if not corrected. Will be assessed fines if contracts are not provided by July 31st for the rest of the violations.

-Fines are assessed for vegetation of 50.00

2018-07-10 Contract was brought into office for remaining violations will give 90 days from contract date of 07/05/2018

2018-07-23 Drove by property to see if construction has begun. There is no change at this time. The flowers in the pot are dying. Will monitor to make sure they are removed.

2018-08-06 No change in status besides plants are still decaying.

2018-08-16 Called contractor to verify contract and why work has not been progressing on property. She stated that Sia put the work on hold due to her house being broke into down in Texas. I called Sia and left a message stating that this is not a reason for the work to be put on

hold. I also stated that the rain contingency will not apply anymore as the weather has been fine. Phone number I left the message on was 512-459-5848.

2018-08-20 Rcvd letter from Sia, scanned into file. Called Sia back and left message at 512-459-5848. This does not give a valid reason to why the outside cannot be completed or started. I stated to Sia she needs to call to discuss this matter in further detail as this letter is not acceptable. Spoke with Db he will start fines if progression is not shown.

## **2019**

2019-05-07 Received a complaint regarding high grass/weeds and general condition of house.

2019-05-08 Inspection showed house in general disrepair and tall grass, sent letter to property owner regarding grass.

2019-05-16 Received email from Sia stating lawn they need a new lawn care provider

2019-05-16 Sia advised they have a lawn care provider and would cut the grass before the end of the week.

2019-05-20 Email received from Sia stating that neighbors may have chased grass contractor away. Spoke to the contractor who stated grass was a bit too high for his equipment and never felt that the neighbors were trying to stop him from mowing if he chose to accept the job. Sent Sia a reply stating that if the grass was not mowed, the city would do it and have an invoice sent for the cost. 1-2 hours later, received a call asking to come down to the property. The Bellbrook Service Dept. and the contractor were present with a conversation happening on who would mow. I advised that the contractor is more than welcome to mow, so long as it gets mowed today. The contractor decided that he did not want to do the property and the Service Dept. mowed the lot.

2019-05-24 Emailed Sia that the Bellbrook Property Review Commission will be meeting on June 18<sup>th</sup>, 2019 to discuss the violations on the property.

2019-05-29 Emailed Sia a follow up giving her and Mr. Elias 30 days to pay (in full) the fines placed on the property in addition to the public notification for the Property Review Commission case. (See attached Emails) for the June 18<sup>th</sup> meeting. Also mailed out notifications to all property owners within 300 feet.

2019-06-12 Inspection of the property showed grass needs to be mowed again and no work appears to have been done at the house since reported on in 2018. Have not has any correspondence with Sia since the May 20th, 2019.

### **Staff Recommendation:**

Staff recommends moving the case forward for prosecution.

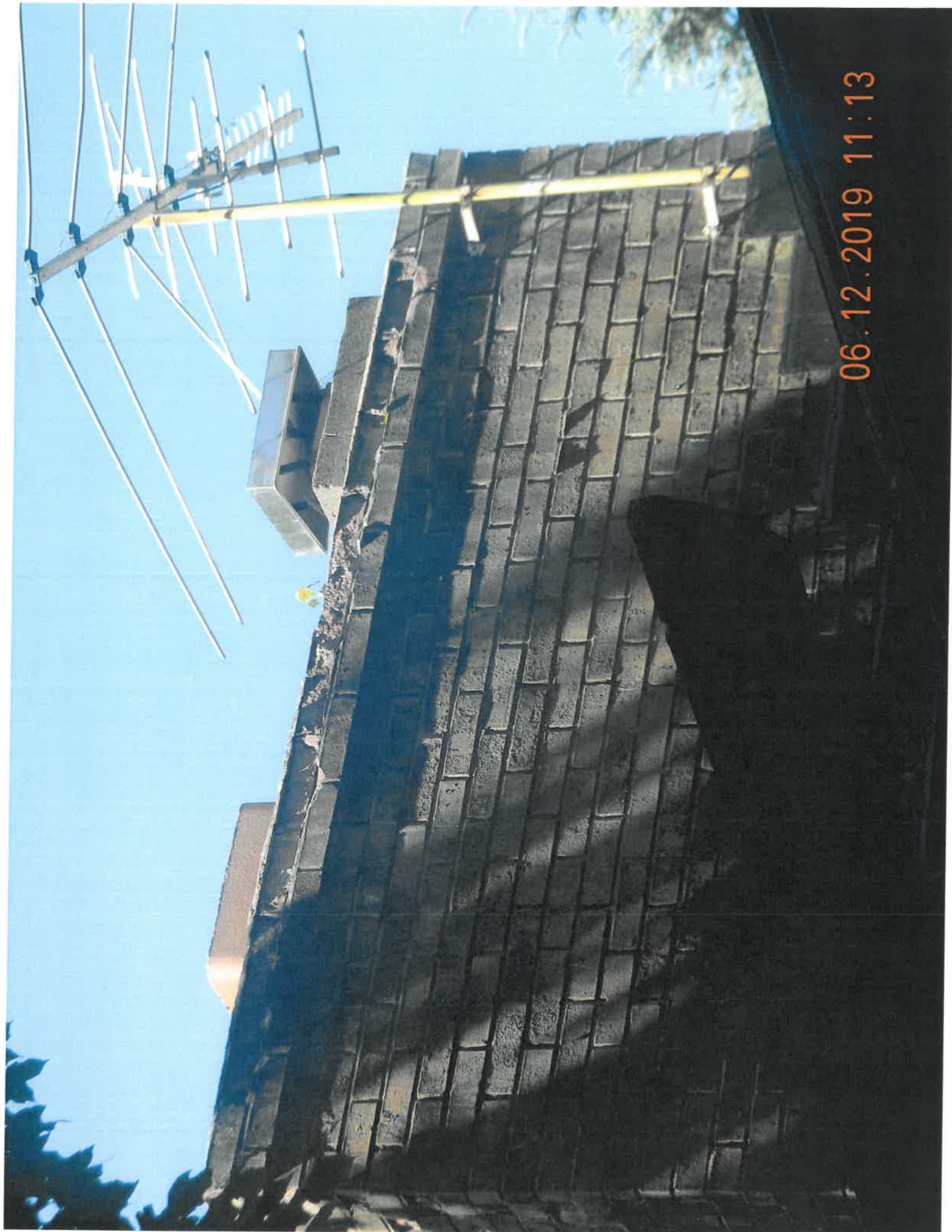


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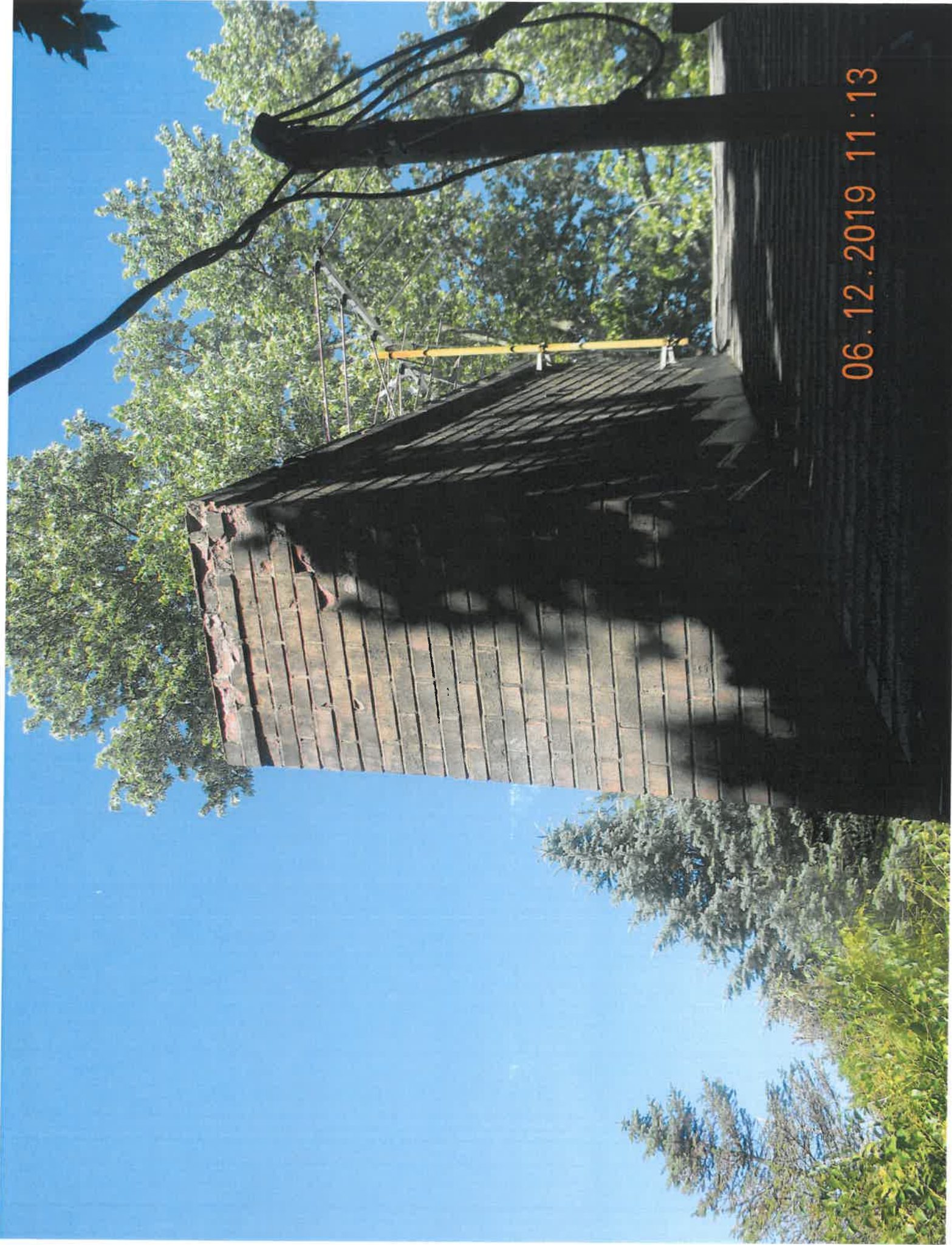




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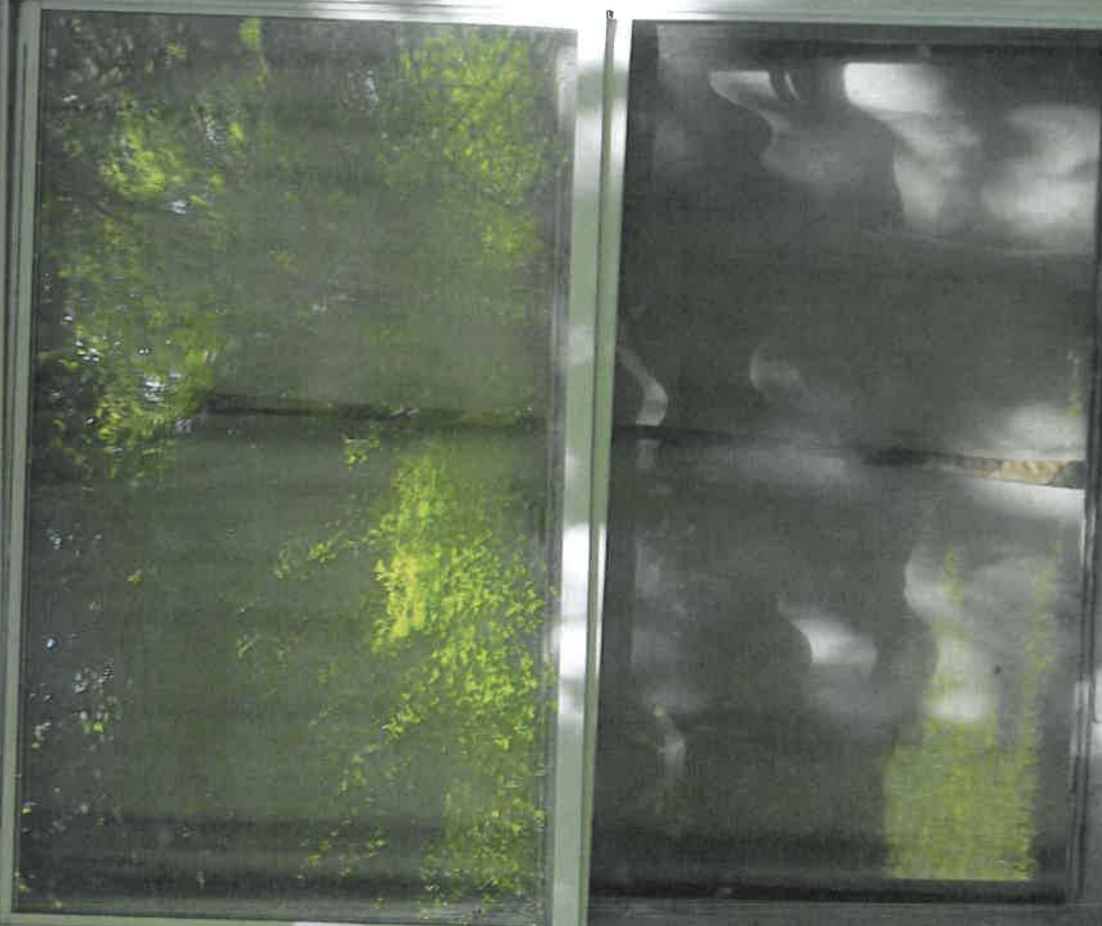


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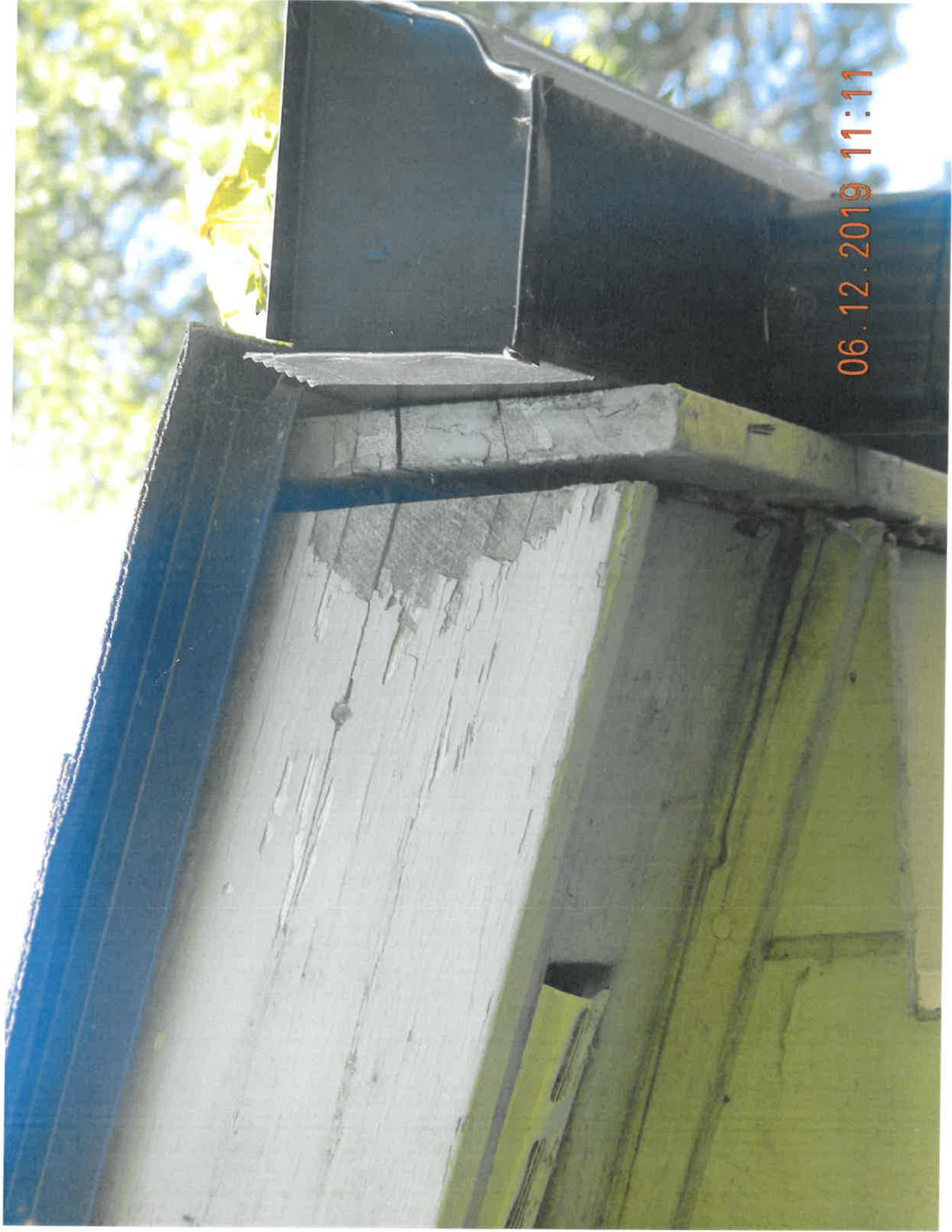
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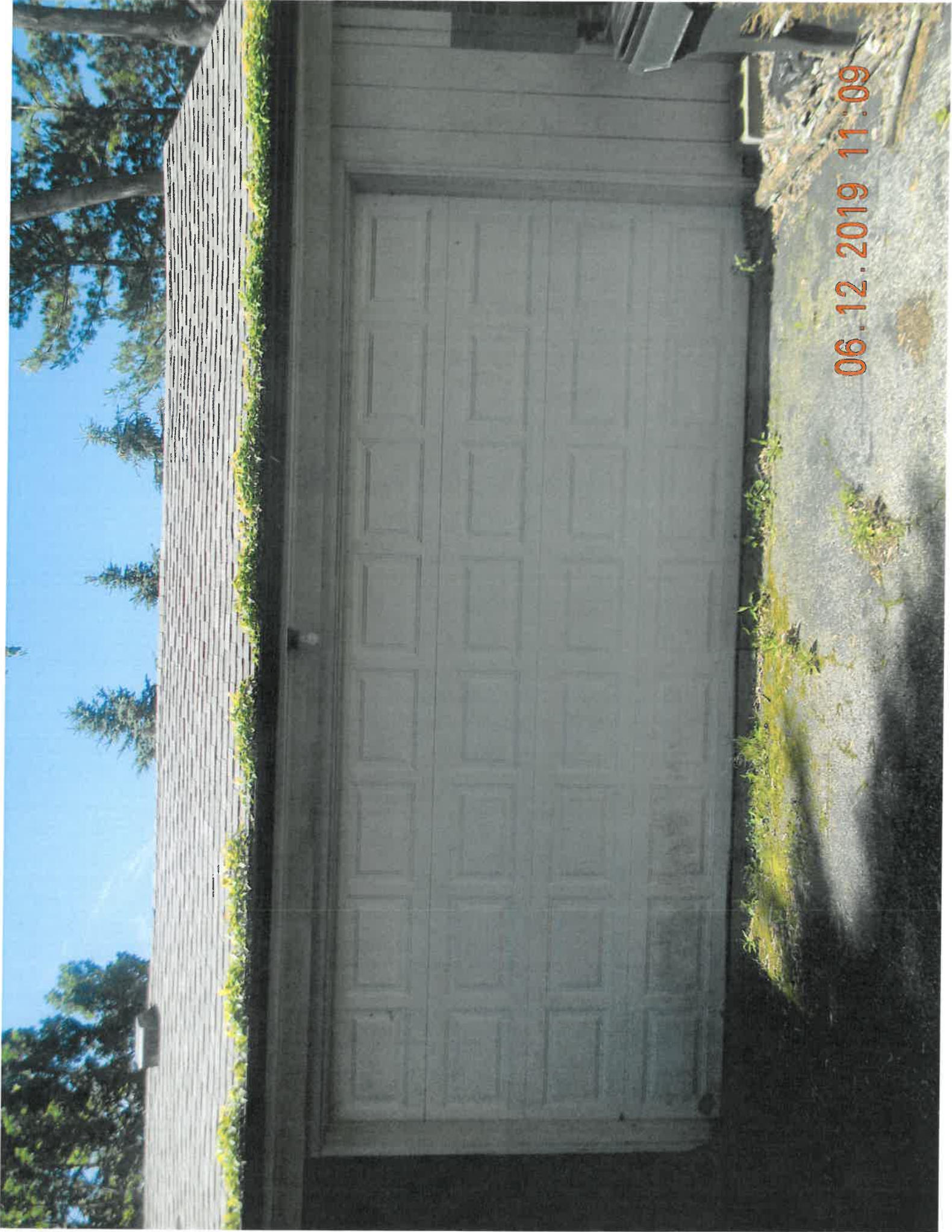




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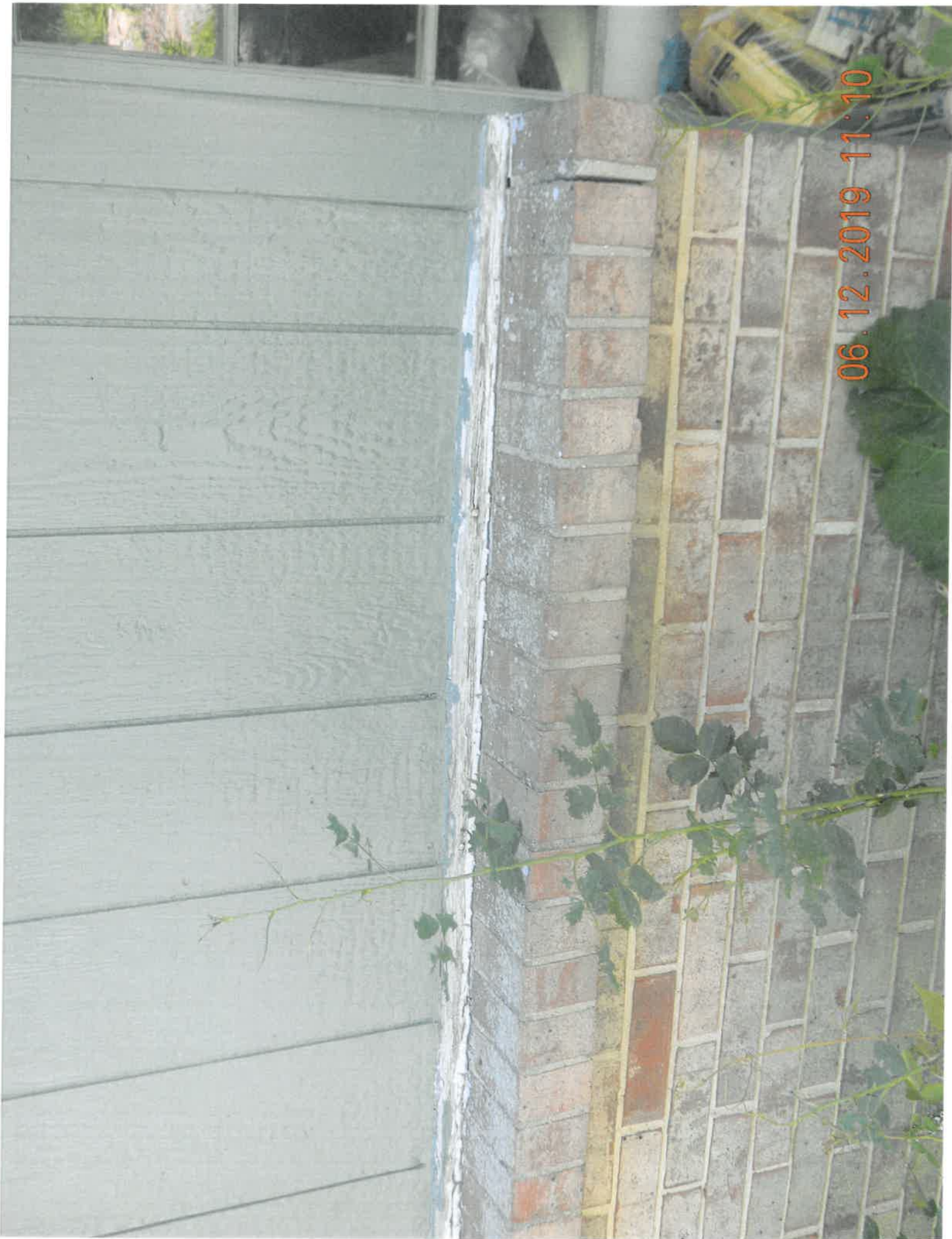


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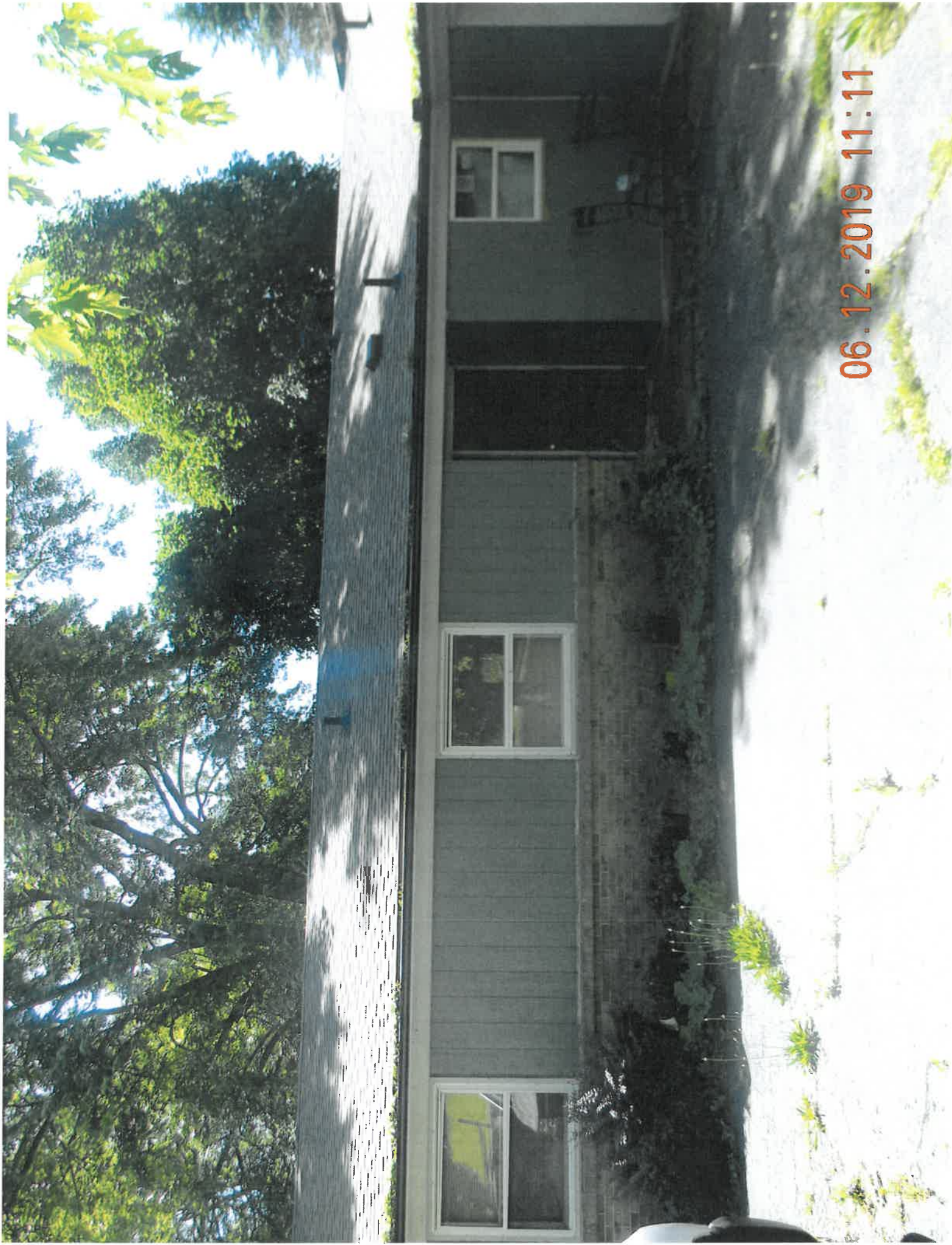


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or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Code.

(c) Vacant Structures and Land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

#### 1450.31 EXTERIOR PROPERTY AREAS.

(a) Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(b) Grading and Drainage. Excluding approved retention and reservoirs, all premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. No stormwater (including sump pump discharge) shall be discharged so as to accumulate and create an unsafe condition on any abutting property. No stormwater shall be discharged in a manner that creates a public nuisance.

(c) Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(d) Vegetation. All premises and exterior property shall be maintained free from weeds or plant growth in accordance with Chapter 678 of the Bellbrook Municipal Code.

- (1) All plant materials, including trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material, shall be removed or appropriately treated, and dead trees and shrubs and "high risk" trees that pose an imminent danger to subject property or adjacent properties shall be removed. All sound plant materials, including trees and shrubs, shall be properly maintained and have no evident signs of neglect.
- (2) All lawns, hedges, bushes, trees and other vegetation shall be kept trimmed and shall not be permitted to become overgrown and unsightly where exposed to public view or where such vegetation may constitute a blighting influence on adjoining property.

(e) Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

(f) Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(g) Accessory Structures. All accessory structures, including but not limited to detached garages, sheds, permanent outdoor play equipment, lighting fixtures, fences and walls shall be



maintained structurally sound and in good repair at all times.

- (1) Swimming Pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

(h) Motor Vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(i) Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

(j) Outside Storage. In residential zones, all outdoor storage shall be effectively screened from view and storage of miscellaneous items must be within enclosed structures or screened as required in the Zoning Code. No person shall accumulate, cause to be accumulated, or allow to be accumulated junk upon any property located within the City.

(k) Storage of Firewood. Firewood must be stacked and piled in a reasonably compact and orderly fashion.

(l) Brush Piles. Brush piles are not permitted in a front yard and are limited to one per property.

(m) Construction Equipment. Unless construction equipment is actively being used for construction purposes on the property upon which the equipment is located, all construction equipment must not remain outside more than fifteen days.

(n) Remedy Vacant or Unattended Properties. Whenever the Code Official becomes aware of the existence of a vacant or unattended property which has not been maintained in a clean, safe and sanitary manner, the Code Official shall give or cause to be given as provided in this Code, to the owner of the property, written notice of such violation and requiring the unclean, unsafe or unsanitary conditions to be removed. If an owner fails to remove the unclean, unsafe or unsanitary conditions within the time specified on the notice and order, the Code Official may remove or cause to be removed the unclean, unsafe, unsanitary conditions and may employ the necessary labor to perform such work or cause it to be done by the appropriate City Department.

(o) Drainage Ways. Owners are obligated to maintain drainage ways in the same manner as the rest of their property. These tasks include all normal and routine maintenance such as mowing grass and weeding, removing brush and other vegetation, removing obstructions such as fallen trees and limbs and policing their yards for litter and other debris.

Drainage ways shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon.

- (1) Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time shall anyone plant shrubs and/or trees in, or discharge, empty or place any material, fill or waste into, any swale so as to divert or impede drainage flow.

(p) Garbage and Rubbish Containers. The owner and operator of every establishment producing garbage, vegetable wastes or other putrescible materials shall provide, and at all times cause to be used, leakproof approved containers provided with closely fitting covers for the storage of such materials until removed from the premises for disposal. Properly constructed compost piles shall be exempted.

Trash containers shall be removed from the public right of way not later than twenty-four hours after trash pick-up. The containers shall be returned to the public right-of-way area not earlier than twenty-four hours before the next trash pick-up.

#### 1450.32 EXTERIOR STRUCTURE.

(a) In General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the health, safety or welfare.

(b) Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(c) Street Numbers. Each structure to which a street number has been assigned shall have such a number displayed in a position easily observed and readable from the public way.

(d) Structural Members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(e) Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(f) Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(g) **Roofs and Drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(h) **Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(i) **Overhang Extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(j) **Stairways, Decks, Porches and Balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(k) **Chimneys and Towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(l) **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(m) **Window, Skylight and Door Frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

1. **Openable Windows.** Every window, other than a fixed window, shall be capable of being easily opened.
2. **Glazing.** All glazing materials shall be maintained free from cracks and holes.

(n) **Insect Screens.** During the period from April 1 to December 1, every door and window or other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than sixteen mesh per inch and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(o) **Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Every door available as an exit shall be capable of being opened from the outside.

## Jeff Green

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**From:** Jeff Green  
**Sent:** Wednesday, May 29, 2019 4:34 PM  
**To:** 'trahanatzisstudio@gmail.com'  
**Subject:** Public Notice and Fines notification  
**Attachments:** Final Fines Notice.pdf; PRC 19-01, 2088 Dane Lane.pdf

Sia,

This email is a follow up to the one sent on May 24, 2019. As previously stated the Bellbrook Property Review Commission will be holding a public hearing regarding the violations located on 2088 Dane Lane, Bellbrook OH 45305 on **June 18<sup>th</sup>, 2019 at 6:15 PM**. Please find the attached public notification. The notification was sent out via mail today so I would expect you (and Mr. Elias) to be getting it in the coming days.

In addition, the city fined Mr. Elias \$1000 per invoice #0000095 on 10/25/2018. Please find the attached "Final Fines Notification" which will include a letter of explanation, the original invoice, and the motion made by the Bellbrook Property Review Commission. This fine must be paid in full no later than **June 29<sup>th</sup>, 2019**.

Sincerely,

Jeff Green  
Planning and Zoning  
City of Bellbrook  
P: (937) 848-4666  
F: (937) 848-5190





May 29, 2019

JAMES ELIAS  
5801 CARY DR  
AUSTIN, TEXAS 78757

City of Bellbrook  
15 E. Franklin Street  
Bellbrook, Ohio 45305

T (937) 848-4666  
F (937) 848-5190

[www.cityofbellbrook.org](http://www.cityofbellbrook.org)

**Property Maintenance Violation – Fines Final Notice**

This letter is being sent in regards to invoice # 0000095 dated 10/25/2018. The invoice came as a result of 4 property maintenance violations at the property located 2088 Dane Lane, Bellbrook OH, 45305 and being fined \$250 per violation (totaling \$1000). For your convenience, I have attached the relevant invoice in addition to the letter explaining the Bellbrook Property Review Commission's motion to have the property fixed up and the corrective actions needed.

The 4 property maintenance issues were as follows:

- 1450.32(J) Stairways, decks, porches and balconies
- 1450.32(f) Exterior Walls
- 1450.32(m) Window, skylight and door frames
- 1450.32(b) Protective Treatment

Per the invoice, payment was due no later than 11/25/2018. To date, no payment has been received on this invoice. Please be advised that you will have 30 days from the date of this letter to pay the invoice in full. **The full sum of the invoice is due no later than June 29<sup>th</sup>, 2019.** If the invoice is not paid in full, the city has the right to file a lien on the property.

If you would have any questions or concerns, please feel free contact me to discuss this issue. I can be reached at 937-848-4666 or by email for [J.green@cityofbellbrook.org](mailto:J.green@cityofbellbrook.org).

Thank you for your assistance on this matter,

Jeff Green  
Planning and Zoning  
City of Bellbrook



DATE	INVOICE NO
10/25/2018	0000095

BILL TO
JAMES ELIAS 5801 CARY DRIVE AUSTIN, TX 78757

DUE DATE
11/25/2018

DESCRIPTION	QUANTITY	EFFECTIVE RATE	AMOUNT	DISCOUNT	CREDIT	BALANCE
PREVIOUS OUTSTANDING BALANCE						0.00
4 Maintenance Violations at 2088 Dane Lane Bellbrook, OH 45305:						
Civil Penalties First Offense - Section 1450.32 (j)	10.00	25.00	250.00	0.00	0.00	250.00
Civil Penalties First Offense - Section 1450.32 (f)	10.00	25.00	250.00	0.00	0.00	250.00
Civil Penalties First Offense - Section 1450.32 (m)	10.00	25.00	250.00	0.00	0.00	250.00
Civil Penalties First Offense - Section 1450.32 (b)	10.00	25.00	250.00	0.00	0.00	250.00
INVOICE TOTAL:			1,000.00	0.00	0.00	1,000.00

PLEASE DETACH BOTTOM PORTION & REMIT WITH YOUR PAYMENT

For questions please contact us at

Customer Name: JAMES ELIAS  
Customer No: 008280  
Account No: 0000033

DUE DATE	INVOICE NO
11/25/2018	0000095

Please remit payment by the due date to:

City of Bellbrook  
15 E Franklin Street  
Bellbrook, OH 45305

Invoice Total:	1,000.00
Discounts:	0.00
Credit Applied:	0.00
Ending Balance:	1,000.00

INVOICE BALANCE: \$1,000.00  
AMOUNT PAID: \_\_\_\_\_



June 6, 2018

James Elias  
5801 Carry Drive  
Austin, TX 78757

City of Bellbrook  
15 East Franklin Street  
Bellbrook, Ohio 45305

T (937) 848-4666  
F (937) 848-5190

Re: PRC Case #18-05

[www.cityofbellbrook.org](http://www.cityofbellbrook.org)

Dear Mr. Elias,

This is to notify you that BPRC Case # 18-05, regarding the property located at 2088 Dane Lane, Bellbrook, has been reviewed by the Bellbrook Property Review Commission at a public hearing which was held on June 5th, 2018. After public and board discussion of the case, the board directed the property owner to address **six total maintenance code violations** related to sections 1450.31 (Exterior Property areas) and 1450.32 (Exterior Structure Exterior Property areas) of the City of Bellbrook Property Maintenance Code.

The board directed that the following **two** violations have the fine process start on June 6<sup>th</sup>, 2018:

- (j) Outside storage – remove garbage bags, skids, and all miscellaneous items under side porch and in front of shed.
- (d) Vegetation – cut and maintain grass and/or weeds. Trim and maintain bushes and trees around all areas of the property.

The board directed that the owner provide contract(s) from licensed contractors on the following **four violations**.

- (b) Protective treatment – scrape all peeling paint on structure and repaint to prevent further decay.
- (f) Exterior walls - Properly repair all holes on structure including but not limited to where brick meets the siding, siding, soffits, trim and wholes around outlets. The exterior brick walls of the chimney need fixed including filling in all masonry joints.
- (j) Stairways, deck, porches and balconies – repair back deck and take precautions to prevent further decay.
- (m) Window, skylight and door frames – All windows should be in good repair.

The contract(s) should be submitted to the city within 30 days of the June 5th, 2018 hearing date. Failure to provide contract(s) within the 30 days will result in fines being assessed starting on **July 6th, 2018** on the remaining four violation(s).

Each penalty assessed will be a 1st offense rate of twenty-five (\$25.00) per day, per offense, or two hundred fifty dollars (\$250) per offense total.

Please contact me with any questions regarding this notification. If the violation is resolved at any time during the penalty period please contact me immediately to conduct an inspection of the property. If civil penalties are assessed, you will receive an invoice from the city.

If civil penalties are not paid in full the city has a right to file a lien on said property (Sec. 1450.11(7)).

Thank You,

Melissa Jones  
Code Enforcement Officer



**Jeff Green**

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**From:** Dan ORourke <dorourke37@yahoo.com>  
**Sent:** Tuesday, June 18, 2019 10:02 AM  
**To:** Jeff Green  
**Subject:** 2088 Dane Ln.

Hello,

I want to address the 5 year eyesore and disgrace that is 2088 Dane Ln.. I have been disgusted by the appearance of this house for years and am very disappointed in the city of Bellbrook for not taking care of this issue long before this. I will be putting my house up for sale this summer and this issue will be likely costing me money or at least making my street much less desirable than it would be if this house was taken care of. The lack of action is costing the entire neighborhood money and the inaction was ultimately bad for the owner of this tenement who would have at least made some money if she had been forced to sell. It should have NEVER come to this. Please take immediate legal action and finally do the right thing.

**Dan O'Rourke**  
**2115 Dane Lane**  
**Bellbrook, Ohio 45305**  
**513-505-1488**