MINUTES FROM
THE PERRY TOWNSHIP BOARD OF TRUSTEES
NUISANCE ABATEMENT HEARING
January 17, 2020  AT 10:00 am

CALL TO ORDER BY: Kate Christian @ 10:02am

ROLL CALL: MEARS  WYNNE  HARTSHORN

VISITORS: Timothy Settle, Dale Seim

CASE # 2020-01: Read by Kate Christian – Perry Township Zoning Administrator

Property Owner: Timothy Mitchel Settle
Address of Violation: 11803 Wolf Creek Pike, Brookville, OH 45309
Parcel ID: L55 02702 0098  Acreage: 4.902  Zoning Classification: RA
Legal Notice published: No

OPENING ADDRESS:

THE PURPOSE OF THIS PUBLIC HEARING: To determine if a nuisance violation exist on this property, as defined in O.R.C. Section 505.87 and, as adopted in Perry Township Resolution #11-72.

Nuisance Definition: A nuisance condition may be determined to exist if vegetation, garbage, refuse or other debris is kept in such a manner that causes damage, annoyance, inconvenience, blight, and/or affects the health, safety and welfare of adjacent residents or properties.

Finding of Facts:

October 24, 2019 Verbal complaint received regarding the junk & debris at 11803 Wolf Creek Pike, Brookville OH.

October 24, 2019 Property pictures taken from the road, by the Perry Township Zoning Administrator. The property is in violation of Perry Township resolution 11-72.

October 25, 2019 Courtesy Notice sent by regular mail to the property owner along with a copy of Perry Township resolution 11-72, giving the property owner until November 4, 2019 to take care of the problem.

October 31, 2019 The property owner Timothy Settle, came into the Perry Township Offices stating that he received the courtesy notification and asked for an extension to take care of cleaning up the property. The reasons for the extension was asked for is because 1) The property owner works 3 jobs 2) The property owner is still cleaning up from the tornado 3) Daylight Savings Time.
The Property Owner and the Zoning Administrator agreed to an extension until December 31, 2019.

November 12, 2019 The Zoning Administrator reported in the monthly Trustee meeting that an extension until December 31, 2019 to clean up the property was given. After the meeting a Perry Township resident advised the Zoning Administrator that he would be willing to haul the huge pile of scrap metal for the property owner.

November 14, 2019 A letter was sent to the property owner at 11803 Wolf Creek Pike, Brookville, OH via regular mail advising that a Perry Township resident is willing to haul the huge pile of scrap metal and to contact the Perry Township Zoning Administrator if willing to accept the help.

December 10, 2019 The property owner has not contacted the Zoning Administrator to accept the help.

December 30, 2019 The property owner came to the Township Offices requesting another extension stating that there is not enough daylight and that he has cleaned up the property some. The Zoning Administrator denied the request and advised the property owner of the nuisance abatement process.

January 15, 2020 Pictures taken of the progress

Notice of Nuisance Abatement hearing scheduled for January 17, 2020 mailed regular and certified mail to the property owner on January 3, 2020 along with pictures taken on October 24, 2019

The Zoning Administrator presented the pictures taken to the Trustees.

OPEN FOR DISCUSSION AND REVIEW

Mr Settle stated he’s been cleaning up storm damage from Beavercreek to Brookville. He works by himself. He’s cleaned up the scrap metal. Still debris around that he intends to clean up. Full intentions of cleaning it up. Mr. Settle asked that the board work with him. Mr. Settle is in the process of putting up a barrier that blew down in the tornado so his stuff cannot be seen. He stated he was told if you can’t see it it’s not a problem. Trustee Mears stated she drove by the property and saw Mr. Settle cleaning up the property. Trustee Hartshorn asked Mr. Settle if he was granted an extension how much time would take to get to a desired state? Trustee Mears stated that would be hard to determine based on the weather. Mr. Settle stated he will work as he can to clean it up and show a little progress. He plans to get the driveway in order, the boat shouldn’t be a problem getting it out of there. The two vehicles one is going to the junk yard and the other one is going to be his daily driver once it’s repaired. Mr. Settle stated if he gets a decent day when he’s not working he can straighten up. Mr. Settle stated that the last time he was in here he asked for a couple months extension. He stated he didn’t know if that was reasonable or not.

REQUEST FOR PUBLIC’S OPINION
Trustee Mears asked if there were any comments from the public. No comments were made.

MOTION TO CLOSE PUBLIC PORTION OF THE HEARING
MOTION: Trustee Mears    Second: Trustee Hartshorn
ROLL CALL       Trustee Mears Yes     Trustee Hartshorn Yes     Mindi Wynne
DECISION OF THE BOARD OF TRUSTEES:
Trustee Mears stated she thinks we should give him an extension because he is making progress. Trustee Hartshorn agreed Mr. Settle is making progress. Trustee Hartshorn stated there is nothing that anyone can help Mr. Settle with to clean up. The two vehicles are being repaired, the boat has to be stored somewhere. Trustee Hartshorn asked if the semi is persistant? Mr Settle stated that he wants to get rid of the semi. Trustee Mears asked Mr. Settle what he was thinking for an extension. Mr. Settle stated he would like some wiggle room. Trustee Mears asked Mr. Settle if two months the end of March would be okay. Trustee Mears also stated that if we did not see any progress during that time, Mr. Settle would be getting another letter. Mr. Settle agreed. Trustee Hartshorn stated that he would come out and help Mr. Settle with cleaning up his driveway. Trustee Hartshorn also advised Mr. Settle there are things we could do to help him out. If you are having issues let us know.

MOTION Made by: Trustee Hartshorn to grant an extension until March 31, 2020 for Mr. Settle to continue cleaning up the property. Second by: Trustee Mears

ROLL CALL

Jason Hartshorn Yes  Missy Mears Yes  Mindi Wynne

MOTION TO ADJOURN: Trustee Mears  Second: Trustee Hartshorn

Time: 10:16am

Respectfully submitted,

Kate Christian – Perry Township Zoning Administrator

[Signature]

President, Trustee Mears