

PROPERTY MAINTENANCE REVIEW BOARD

**Meeting
City of Huber Heights**

September 14, 2023

- I. Mr. Winkler called the meeting to order at 6:30 p.m.
- II. Present at the meeting: Ms. Ballard, Ms. Cromer, Ms. Hess, Mr. Roberts, Mr. Vaughn, and Mr. Winkler.

Members Absent: Ms. Gray

Staff Present: Don Millard, Code Enforcement Administrator, and Geri Hoskins, Administrative Assistant

III. Approval of the Agenda

Mr. Roberts moved to approve the Agenda and seconded by Ms. Hess.

IV. Swearing of Witnesses

Mr. Winkler administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All person's present responded in the affirmative.

V. Pending Business

Mr. Millard offered congratulations to Chair Richard Winkler for being the 2023 Volunteer of the year.

- A. Mr. Millard gave an update on PMRB Case 23-19, now compliant after an extension was given.

B. PMRB Case 23-30

The property owner, JEREMY SPARKS, is in violation of Section 1313.04H1 of the Property Maintenance Code at property located at 7901 Berchman Drive.

Mr. Millard stated that the residential property at 7901 Berchman Dr. is in violation of the property maintenance code section 1313.04h1 as the result of a fire caused by arson. Due to the arson findings and subsequent foreclosure the bank will not authorize repairs to be done by the property maintenance vendor Cyprex Services LLC. The email stream from my office to Cyprex is attached.

Section 1313.04h1 states: "The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. The owner shall keep the exterior of all premises and every structure thereon, including but not limited to, walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, windows, doors, awnings, and marquees, in good repair. All surfaces thereof shall be kept painted or protected by other approved coating or material where necessary for the preservation of the property and avoiding blighting or influence of adjoining properties. All exterior surfaces shall be maintained free of graffiti, broken glass, loose shingles, crumbling stone or brick, peeling paint or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved safely, fire hazards eliminated and adjoining properties and neighborhoods protected from blighting influence. (Ord. 95-O-1824, Passed 9-11-95; Ord. 2011-O-1899, Passed 8-8-11; Ord. No. [2019-O-2375](#), § 1, 6-10-19)

Inspection verifies the property does not meet the standards set forth in the Code, therefore the property is in violation.

Your attached case review illustrates the violation process and non-compliance of the property.

City Zoning letters mailed to the owner of record have been returned. There has been no communication from the owner to the Code Enforcement office.

The tax record shows property taxes are typically paid. Any work this board orders will be invoiced to the property in the owner's name.

Motion made by Ms. Cromer to declare the property a nuisance. Seconded by Mr. Roberts. Roll call showed: YEAS: Ms. Ballard, Ms. Cromer, Ms. Hess, Mr. Roberts, Mr. Vaughn, and Mr. Winkler. NAYS: None. Motion to abate the property carries 6-0.

VI. New Business

A. PMRB Case 23-32

The property owner, PRINCELA CARTER, is in violation of Section 521.07A of the Property Maintenance Code at property located at 5919 Timbergate Trail.

Mr. Roberts recused himself from this case.

Mr. Millard stated that the residential property at 5919 Timbergate Trail is in violation of section 521.07A due to low hanging trees over the public sidewalk.

Section 521.07A of the Health, Safety, and Sanitation code reads as follows:
"(a) No person in possession or control of any real property shall allow any plant or tree on such property to overhang any public sidewalk by less than

eight feet in height. (b) Whoever violates this section is guilty of maintaining obnoxious plants, a minor misdemeanor. (Ord. 81-O-27, Passed 10-19-81)”

This house has been vacant for at least a dozen years, despite changes in ownership. Property tax records from the sale in March of 2023 have not been updated on Montgomery County’s website, however the deed (attached in your packet) gives the true ownership info. which is where the City has been mailing letters.

Inspection verifies the property does not meet the standards set forth in the Code, therefore the property is in violation.

Your attached case review illustrates the violation process and non-compliance of the property.

City Zoning letters mailed to the owner of record have not been returned. There has been no communication from the owner to the Code Enforcement office. The tax record shows property taxes are typically paid. Any work this board orders will be invoiced to the property in the owner’s name

Motion made by Ms. Hess to declare the property a nuisance. Seconded by Ms. Ballard. Roll call showed: YEAS: Ms. Ballard, Ms. Cromer, Ms. Hess, Mr. Vaughn, and Mr. Winkler. NAYS: None. Motion to abate the property carries 5-0.

B. PMRB Case 23-33

The property owner, KENNETH WHITSON, in is violation of Section 1313.04H4 of the Property Maintenance Code at property located at 6088 Shull Road.

Mr. Millard stated that the residential property at 6088 Shull Rd. is in violation of section 1313.04H4 of the Property Maintenance Code. There is tree debris and vegetative overgrowth in the backyard that needs to be removed.

Section 1313.04h4 states – “Landscaping. All land shall be properly maintained with lawns, hedges, bushes, trees and other vegetation to be trimmed and kept from becoming overgrown and unsightly where exposed to public view or such vegetation may constitute a blighting influence on adjoining property. (Ord. 95-O-1824, Passed 9-11-95; Ord. 2011-O-1899, Passed 8-8-11; Ord. No. [2019-O-2375](#), § 1, 6-10-19)”

Inspection verifies the property does not meet the standards set forth in the Code, therefore the property is in violation.

Your attached case review illustrates the violation process and non-compliance of the property.

City Zoning letters mailed to the owner of record have not been returned. There has been no communication from the owner to the Code Enforcement office. The tax record shows property taxes are typically paid. Any work this board orders will be invoiced to the property in the owner's name.

Motion made by Mr. Roberts to declare the property a nuisance. Seconded by Ms. Cromer. Roll call showed: YEAS: Ms. Ballard, Ms. Cromer, Ms. Hess, Mr. Roberts, Mr. Vaughn, and Mr. Winkler. NAYS: None. Motion to abate the property carries 6-0.

C. PMRB Case 23-34

The property owner, CHRISTOPHER LAINHART, in is violation of Section 1313.04H6 of the Property Maintenance Code at property located at 5686 Botkins Road.

Mr. Millard stated that the residential property at 5686 Botkins Rd. is in violation of section 1313.04H6 of the Property Maintenance Code. There are items strewn throughout the yard of this vacant property that are not intended nor suited for outdoor storage or use.

Section 1313.04h6 regarding outdoor storage and use states – “A. Any items used or stored outside of an enclosed building or structure shall be limited to items manufactured for, intended for, or customarily used in an outdoor environment. No items manufactured for, intended for, or customarily stored or used indoors may be placed or stored outside. B. All permissible items stored outside must be in good condition and usable as intended by the manufacturer. No such items that are broken, dilapidated, or discarded shall be stored outside. (Ord. 95-O-1824, Passed 9-11-95; Ord. 2011-O-1899, Passed 8-8-11; Ord. No. [2019-O-2375](#), § 1, 6-10-19)”

Inspection verifies the property does not meet the standards set forth in the Code, therefore the property is in violation.

Your attached case review illustrates the violation process and non-compliance of the property.

City Zoning letters mailed to the owner of record have not been returned. There has been no communication from the owner to the Code Enforcement office. The tax record shows property taxes are typically paid. Any work this board orders will be invoiced to the property in the owner's name.

Motion made by Ms. Ballard to declare the property a nuisance. Seconded by Ms. Hess. Roll call showed: YEAS: Ms. Ballard, Ms. Cromer, Ms. Hess, Mr. Roberts, Mr. Vaughn, and Mr. Winkler. NAYS: None. Motion to abate the property carries 6-0.

D. PMRB Case 23-35

The property owner, SHANE TRENT, in is violation of Section 1313.04 of the Property Maintenance Code at property located at 4856 Trailside Court.

Mr. Millard stated that the residential property at 4856 Trailside Ct. is in violation of the City's Trees and Scrubbs code.

As you will see in the photo the rear of the house is extremely overgrown and being neglected by the owner. This is clearly viewable by adjacent properties. Section 1313.04(H)(4) states "All land shall be properly maintained with lawns, hedges, bushes, trees and other vegetation to be trimmed and kept from becoming overgrown and unsightly where exposed to public view or such vegetation **may constitute a blighting influence on adjoining property.**" (Ord. 95-O-1824, Passed 9-11-95; Ord. 2011-O-1899, Passed 8-8-11; Ord. No. [2019-O-2375](#), § 1, 6-10-19)"

Inspection verifies the property does not meet the standards set forth in the Code, therefore the property is in violation.

Your attached case review illustrates the violation process and non-compliance of the property.

City Zoning letters mailed to the owner of record have not been returned. There has been no communication from the owner to the Code Enforcement office.

The tax record shows property taxes are typically paid. Any work this board orders will be invoiced to the property in the owner's name

Motion made by Ms. Hess to declare the property a nuisance. Seconded by Ms. Cromer. Roll call showed: YEAS: Ms. Ballard, Ms. Cromer, Ms. Hess, Mr. Roberts, Mr. Vaughn, and Mr. Winkler. NAYS: None. Motion to abate the property carries 6-0.

E. PMRB Case 23-36

The property owner, BLANCHARD GRINDING SERVICE, in is violation of Section 1313.05(C) of the Property Maintenance Code at property located at 7753 Shalamar Drive.

Mr. Millard stated that the residential property at 7753 Shalamar Dr. is in violation of the City's Debris Removal code.

As you will see in the photo the rear yard of the property and the driveway has the remnants of tree removal. This is clearly viewable by adjacent properties.

Section 1313.05(c) states " All yards, courts or lots shall be kept free of unsightly materials not appropriate to the area and debris which may cause a fire hazard or may act as a breeding place for vermin or insects. All premises shall be reasonably free from waste paper and other trash and debris." (Ord. 95-O-1824, Passed 9-11-95; Ord. 2011-O-1899, Passed 8-8-11; Ord. No. [2019-O-2375](#), § 1, 6-10-19)"

Inspection verifies the property does not meet the standards set forth in the Code, therefore the property is in violation.

Your attached case review illustrates the violation process and non-compliance of the property.

City Zoning letters mailed to the owner of record have not been returned. There has been communication from the owner to the Code Enforcement office. Two 30-day extensions were granted upon the assurance of the owner that the debris would be removed since she claims to own a "tree grinding service". She also stated the property is in probate.

The tax record shows property taxes are typically paid. Any work this board orders will be invoiced to the property in the owner's name.

Motion made by Ms. Cromer to declare the property a nuisance. Seconded by Mr. Roberts. Roll call showed: YEAS: Ms. Ballard, Ms. Cromer, Ms. Hess, Mr. Roberts, Mr. Vaughn, and Mr. Winkler. NAYS: None. Motion to abate the property carries 6-0.

F. PMRB Case 23-38

The property owner, CIERA BURNETT, in is violation of Section 1313.04h6 of the Property Maintenance Code at property located at 7670 Stancrest Drive.

Mr. Millard stated that the residential property at 7670 Stancrest Dr is in violation of the City's code regarding the deteriorated condition of a swimming pool* and a dilapidated fence**.

Section 1313.04(H)(6) states: " * All permissible items stored outside must be in good condition and usable as intended by the manufacturer. No such items that are broken, dilapidated, or discarded shall be stored outside." (Ord. 95-O-1824, Passed 9-11-95; Ord. 2011-O-1899, Passed 8-8-11; Ord. No. [2019-O-2375](#), § 1, 6-10-19)

Section 1313.05(B) states: " ** All fences, retaining walls or similar structures shall be anchored firmly in the ground and shall be constructed in a workmanlike manner and maintained in that same manner so that such fences, retaining walls or similar structures shall always be in a state of good structural repair or, in the alternative, such structures shall be removed or replaced." (Ord. 95-O-824, Passed 9-11-95)

Inspection verifies the property does not meet the standards set forth in the Code, therefore the property is in violation.

Your attached case review illustrates the violation process and non-compliance of the property.

City Zoning letters mailed to the owner of record have not been returned. An extension was granted for the violations at the request of the resident but compliance has not been achieved. I personally spoke to the resident at the

property to no avail. There has been no additional communication from the owner to the Code Enforcement office.

The tax record shows property taxes are due in the amount of \$2480.24 for the current year only. Any work this board orders will be invoiced to the property in the owner's name.

Motion made by Ms. Hess to declare the property a nuisance. Seconded by Ms. Cromer. Roll call showed: YEAS: Ms. Ballard, Ms. Cromer, Ms. Hess, Mr. Roberts, Mr. Vaughn, and Mr. Winkler. NAYS: None. Motion to abate the property carries 6-0.

G. PMRB Case 23-39

The property owner, LIAM HAYES, in is violation of Section 521.08D of the Property Maintenance Code at property located at 6533 Highbury Road.

Mr. Millard stated that the residential property at 6533 Highbury is in violation of City code for proper storage of a trash receptacle. Repeated attempts to obtain this very simply compliance have been futile.

The debris viewed in the photo is now contained within the trash receptacle. Section 521.08D Placement of receptacles states, "When not at the curb for pickup, all garbage receptacles and recycle bins shall be in an enclosed building or in the rear or side yard placed upright against the principal building or an accessory building... (Ord. 89-O-369, Passed 8-21-89; Ord. 90-O-392A, Passed 2-5-90; Ord. 98-O-1042, Passed 5-11-98; Ord. 2013-O-2026, Passed 3-14-13; Ord. No. [2019-O-2376](#), § 1, 6-10-19)

Inspection verifies the property does not meet the standards set forth in the Code, therefore the property is in violation.

Your attached case review illustrates the violation process and non-compliance of the property.

City Zoning letters mailed to the owner of record have not been returned. Door knocks and voicemails go unanswered.

The tax record shows property taxes are typically paid. Any work this board orders will be invoiced to the property in the owner's name.

Motion made by Ms. Cromer to declare the property a nuisance. Seconded by Ms. Ballard. Roll call showed: YEAS: Ms. Ballard, Ms. Cromer, Ms. Hess, Mr. Roberts, Mr. Vaughn, and Mr. Winkler. NAYS: None. Motion to abate the property carries 6-0.

H. PMRB Case 23-41

The property owner, JEAN MORRIS-MCFARLAND, in is violation of Section 1313.04h6 of the Property Maintenance Code at property located at 7517 Stancrest Drive.

Mr. Millard stated that the residential property at 7670 Stancrest Dr is in violation of the City's code regarding the outdoor storage of discarded items. Section 1313.04(H)(6) states: " All permissible items stored outside must be in good condition and usable as intended by the manufacturer. No such items that are broken, dilapidated, or discarded shall be stored outside." (Ord. 95-O-1824, Passed 9-11-95; Ord. 2011-O-1899, Passed 8-8-11; Ord. No. [2019-O-2375](#), § 1, 6-10-19)

Inspection verifies the property does not meet the standards set forth in the Code, therefore the property is in violation.

Your attached case review illustrates the violation process and non-compliance of the property.

City Zoning letters mailed to the owner of record have not been returned. An extension was granted for compliance to be reached, at the request of the resident who is confined to a motorized chair, however the violation continues. There has been no additional communication from the owner to the Code Enforcement office and the phone number listed "is not accepting calls". The tax record shows property taxes are typically paid. Any work this board orders will be invoiced to the property in the owner's name.

Motion made by Ms. Cromer to declare the property a nuisance. Seconded by Ms. Hess. Roll call showed: YEAS: Ms. Ballard, Ms. Cromer, Ms. Hess, Mr. Roberts, Mr. Vaughn, and Mr. Winkler. NAYS: None. Motion to abate the property carries 6-0.

I. PMRB Case 23-37

The property owner, STEVEN T PERKINS, in is violation of Section 1313.04H1 of the Property Maintenance Code at property located at 5708 Waynegate Road.

The residential property at 5708 Waynegate Rd. is in violation of the City's Maintenance Standard code.

As you will see in the photos substantial damage exists to the spouting and facia on the east side of the house and there is significant missing siding on the west side of the house.

Section 1313.04(H)(1) states " *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 public health, safety or welfare. The owner shall keep the exterior of all premises and every structure thereon,...in good repair. All surfaces thereof shall be kept painted or protected by other approved coating or material where necessary for the preservation of the property and avoiding of blighting or influence of adjoining properties. All exterior surfaces shall be maintained free of...conditions reflective of deterioration or inadequate maintenance..." (Ord. 95-O-1824, Passed 9-11-95; Ord. 2011-O-1899, Passed 8-8-11; Ord. No. [2019-O-2375](#), § 1, 6-10-19)

Inspection verifies the property does not meet the standards set forth in the Code, therefore the property is in violation.

Your attached case review illustrates the violation process and non-compliance of the property.

City Zoning letters mailed to the owner of record have not been returned. There has been communication from the owner to the Code Enforcement office. The owner states the damage is a result of high winds. The owner also says the availability of replacement siding has delayed repairs. Extensions were granted on August 2, 2023, upon the assurance by the owner that repairs were imminent. As of this report those repairs have not begun.

The tax record shows property taxes are typically paid. Any work this board orders will be invoiced to the property in the owner's name.

Steven Perkins explained what happened to the property.

Motion made by Mr. Roberts to table until the 10/12/2023 PMRB meeting. Seconded by Mr. Vaughn. Roll call showed: YEAS: Ms. Ballard, Ms. Cromer, Ms. Hess, Mr. Roberts, Mr. Vaughn, and Mr. Winkler. NAYS: None. Motion to table carries 6-0.

VII. Additional Business

A. None.

VIII. Approval of Minutes

Without objection, the minutes of the August 24, 2023, PMRB meeting are approved.

IX. Upcoming Meetings

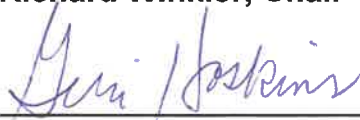
September 28, 2023
October 12, 2023

X. Adjournment

There being no further business to come before the Board, the meeting was adjourned at approximately 7:25 p.m.


Richard Winkler, Chair

10/12/23
Date


Geri Hoskins, Administrative Assistant

10/12/23
Date