



**WASHINGTON TOWNSHIP BOARD OF ZONING APPEALS MINUTES
December 9, 2013**

The Washington Township Board of Zoning Appeals met in regular session on December 9, 2013 in the Meeting Room of Washington Township Government Center. Members of the Board present were Mr. Horine, Mrs. Mulligan, Mr. Schwartz, Mr. McDaniel and Mr. Schmidt. Mr. Roberts was excused. Call to order at 7:00 p.m.

Pledge Allegiance.

Mr. Schwartz, Chairman, explained the hearing format and voting procedure.

The Oath was administered by Mr. Schwartz to all persons planning to testify.

Nuisance Abatement Appeal – Muhammad H. Khan requests waiver for cost of administrative fees and contractor fees located at 5578 Folkestone Drive

Zoning Manager, Ryan Lee, presented the case.

The appellant's property was posted for violation of the Washington Township Nuisance Abatement Resolution on 10/29/2013. The specific issues relate to the overgrowth of grasses and/or weeds exceeding 8 inches in height and yard waste on the property. The property was declared a nuisance and was ordered cut by Township contractors on 11/4/2013, which gave additional time beyond the 4 day notice required for secondary offenses to the Nuisance Abatement Resolution. There is attached to the boards packet information with the violation record as well as corresponding pictures associated with the violations for your information.

The appellant has requested that the \$131.00 fee associated with abatement services of nuisance conditions on the above-referenced property be waved. The appellant states that the tall grass was not abated due to a misunderstanding. Township staff did not receive correspondence from the Khan's until after the grace period for compliance had expired and the Township contractor had been dispatched to their property.

Mr. McDaniel asked for a breakdown of the total amount due of \$131.00. Mr. Lee advised the contractor charged a ½ hour of services which is \$11.00 and remaining \$120.00 is the administrative fee.

Mr. Schwartz mentioned the notice was for clean up of brush and grass cutting. He asked if the brush was taken care of prior to the second notice. Mr. Lee advised when talking to the contractor they did not pick up any limbs or debris across the property which indicates it was taken care of.

Mr. Horine asked for the date and reason of the first violation. Mr. Lee advised the first violation with any property of the property maintenance code is subject to nuisance abatement proceedings. He continued if the grass is 8 inches or more in height they will post or notify the property owners. The homeowners will then have seven days to comply with that posting prior to staff dispatching the contractors. When a second violation has been placed on the property there is only a four day grace period. He also noted the first violation was tall grass and there have been a total of three violations this year.

Muhammad H. Khan, 5578 Folkestone Drive, Washington Township, Ohio, I have been sworn in. I work full time and I'm on call. I have a one year old baby. We received this notice and my wife misplaced the actual notice. She only remembered one of the things highlighted which was the yard waste. I trimmed my yard for the fall season one week prior to that notice. We missed the grass cutting due to the misunderstanding. It was not my intentions not to obey the township regulations or policies it was just a misunderstanding.

Mr. Schwartz- When you are not working overtime or on call what are your normal hours?

Mr. Khan- My normal hours are 8 a.m. to 5 p.m. but most likely leave by 6-7 p.m. We have to sometimes wait for everybody to leave to finish the things we need to do. We thought that the township was asking us to move the yard waste because I had trimmed some bushes and they were lying around. The fall season has caused everyone not just me to clean up and I have done so as I get time. This time it has happened because of that misunderstanding. I don't have the notice but what my wife recalled the highlighted part it that we need to remove the brush. I did remove the brush within 4 days.

Mr. McDaniel- When did you move into your house?

Mr. Khan- We bought the home in 2010 and we didn't move in right away because it was a foreclosed property. There was a lot of work needed to be done inside and we are doing it ourselves inside and out. We are still working on it because we are on budget.

Mr. McDaniel asked if the appellant remembers the other two notices given about high grass that needed to be cut. Mr. Khan answered, yes, he did receive it and did cut the grass before the grace period.

Mr. Schwartz- Have you seen the pictures that the township has showing the grass 10-11 inches tall?

Mr. Khan- It is the nature of the yard and the whole yard does not have 12 inches of grass just along the main walk way. It's higher around the edges sometimes. The main issues I thought I needed to clean up the brush and I did before the grace period was over.

Mr. Horine advised the appellant he has been cited for tall grass before by now he should know what the township standards are for grass height. He believes it is a weak argument to say that you didn't know your grass was too high. Mr. Khan responded he tries to do his best to fulfil all the needs and requests before getting to that point where it becomes a problem for others.

Mrs. Mulligan question how the property reported for the nuisance. Mr. Lee advised the property had fallen into foreclosure before the appellant had purchased the home. He also explained when

there has been a property with problematic nuisance abatement it is kept on the watch list to continue to monitor it as they go through their zones in the township.

Mr. Khan commented when they bought the property it was as is and there were others things to take care of inside first just to be able get into the house. His intentions have always been to do his best and follow the township rules and regulations.

Mrs. Mulligan asked how long it took to move into the home after they purchased the property. Mr. Khan answered it had taken about a year to move in and he had taken care of the yard during that time period.

Mr. Khan expressed they were taking care of a sick child during that time when they received the notice. His wife missed that noticed and only thing she remembered was to clean the yard because he had trimmed the bushes before the fall season started. The lawn company came in and his wife noticed that someone was in the yard and she stopped that person from mowing. His wife called the township inspector and they told her to cut the grass also. They resolved the violation immediately by mowing the grass the next day.

Mr. Horine- At least two weeks after it should have been mowed. The property has to get pretty bad before they get around to citing a property and then it's a several day wait.

Mrs. Mulligan asked if they have thought about hiring someone to mow the grass for them since he doesn't have the time. Mr. Khan responded it does not fit within they budget to hire a lawn service.

Mr. Horine- Do you post the notice of violation on the structure as well as a letter?

Mr. Lee- It depends on the item for nuisance abatement in order to satisfy the resolution with that we have to physically post the property or send certified mailings. A lot of times our inspectors are in route with a letter that you have a copy of and post on the property and highlight the specific orders.

Mr. Lee indicated that in the pictures you can see the brick facing the garage door that the notice of violation was posted.

Mr. Schwartz mentioned that October 29th was a Tuesday and that there was there was an intervening weekend to cut the grass. Mr. Lee confirmed that the property was inspected on November 4th the following Monday and contractors abated a week to the day of the violation was noted.

No citizens voicing concerns, questions or comments

Mr. Schwartz closed the public portion of the hearing.

After Board deliberation;

Mr. McDaniel noted the appellant has previous violations and with it being highlighted he has to accept responsibility. Mr. Schwartz believes you have an obligation.

Mr. Horine advised the obligation has been pointed out to him by previous violations and by having the violation posted on the building he personally would take notice of that. He noted he doesn't see a serious effort on the appellant's part.

Mr. Schmidt commented that the appellant did get notices and corrected the issue with the property. He noted the appellant stated he personally did not see the notices and his wife relayed to him about the branches. The appellant did take care of the branches but he didn't get around to the lawn including having a sick child.

MOTION- Mr. McDaniel moved to approve Nuisance Abatement Appeal Muhammad H. Khan requests waiver for cost of administrative fees and contractor fees in the amount of \$131.00 located at 5578 Folkestone Drive. Motion was seconded by Mrs. Mulligan

VOTE- Mr. Horine, no; Mrs. Mulligan, no; Mr. Schwartz, no; Mr. McDaniel, no; Mr. Schwartz, no

Next meeting will be on January 27, 2014.

There being no further business, meeting adjourned. A tape recording of this proceeding is on file in the Township Zoning offices
