

**BOARD OF TRUSTEES
LIBERTY TOWNSHIP
DELAWARE COUNTY, OHIO**

RESOLUTION NO. 17-0717-04

**RESOLUTION AUTORIZING FURTHER ENFORCEMENT
OF THE ZONING RESOLUTION**

The Board of Trustees of Liberty Township, Delaware County, Ohio ("Board") met in regular session on July 17, 2017 with the following members present:

DR. THOMAS MITCHELL
SHYRA EICHHORN
(Melanie Leneghan - not present)

Dr. Thomas Mitchell Moved the adoption of the following Resolution:

PREAMBLE

WHEREAS, the property currently owned by Peter Min ("Property Owner") located in Liberty Township, Delaware County, Ohio at 4503 Seldom Seen Road, Powell, Ohio 43065 (PIN: 319-313-04-023-000) ("Property") contains numerous violations of the Liberty Township Zoning Resolution ("Resolution"); and,

WHEREAS, the Liberty Township Zoning Department and Delaware County Prosecuting Attorney's Office ("Prosecutor") have both sent written notice of these violations to the Property Owner; and

WHEREAS, the violations have not been corrected, remain, and continue to exist.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED:

1. The Board hereby authorizes the Prosecutor to take or bring such action on behalf of the Board and/or Liberty Township, including, but not limited to, legal action as is necessary to abate and/or effect a correction of the zoning violations which continue to exist on the Property and which have not been corrected and to bring the Property into compliance with the Resolution.

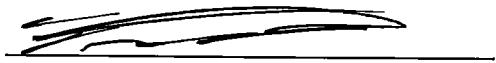
2. The Zoning Inspector shall provide a copy of this Resolution to the Prosecutor.
3. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.
4. This Resolution shall be in full force and effect immediately upon adoption.

Shyra Eichhorn seconded the motion.

Voted on and signed this July 17, 2017 in Liberty Township, Delaware County, Ohio.

**BOARD OF TRUSTEES
LIBERTY TOWNSHIP,
DELAWARE COUNTY, OHIO**

Roll Call Vote:


Tom Mitchell
Trustee

Dr. Mitchell - Yes

--not present--
Melanie Leneghan
Trustee

Mrs. Eichhorn - Yes


Shyra Eichhorn
Trustee

Mrs. Leneghan - N/P

Attest:


Nancy Denutte
Fiscal Officer

07/17/17

Peter Min
4503 Seldom Seen Road

Existing Violations

- Structure built without required zoning permit
 1. Structure does not meet minimum setbacks
 2. "Accessory" structure without a primary structure
- Inoperable vehicle - Buried car
Buried car being used to store "stuff"
- Storage of discarded building materials
- Storage and accumulation of trash
- Continues to bring in truckloads of fill dirt and wood chippings

REQUEST FOR FURTHER ENFORCEMENT

Re: Lot 7 Chippewa Park
4503 Seldom Seen Road
Powell, OH 43065

Property Owner/Current Mailing Address:

Peter Min
5179 Copper Creek Drive
Dublin, OH 43016

- 11/17/16 Email notice to the property owner regarding numerous of violations
- 11/28/16 Official Notice of Violation sent for numerous violations
- 12/01/16 Stop Work order placed on the property
Email from property owner
- 12/05/16 Onsite inspection
Email from property owner
- 12/28/16 Email authorization to enter property for periodic inspections
- 12/30/16 Second onsite inspection
Not much improvement
- 01/19/17 Follow-up email regarding lack of progress. Also sent Variance application with instructions on what needed to be done.
- 03/16/17 Requested update on progress via email
No response from property owner
- 04/03/17 Follow-up email regarding lack of progress
- 04/04/17 Email response from property owner regarding his progress
- 04/05/17 Response email from our office
- 04/27/17 Sent to Prosecutor's Office for further enforcement

05/03/17 Prosecutor's Office sent "Final Notice" with compliance date, and to avoid the possibility of legal action, of June 9, 2017

06/2017 Certified Mail card returned to Prosecutor's Office (signed by someone else)

06/21/17 Because the Certified Mail card was not signed by the property owner, it was decided to send the "Final Notice" to him via email with the request for him to contact our office no later than July 5, 2017

07/07/17 Property owner did not respond.
Will request approval (07/17/17) from the Board of Trustees to move forward with court action through the Prosecutor's Office

Liberty Township

Delaware County, Ohio
10104 Brewster Lane, Suite 125
Powell, OH 43065

Trustees
Shyra Eichhorn
Melanie Lenehan
Tom Mitchell

Administrator
Matt Huffman
740-938-2000

Fire Chief
Timothy Jensen
740-938-2022
Park Dept.
Andy Curmode
740-881-5432
Road Dept.
Randy Leib
740-938-2015
Zoning Dept.
Tracey Mullenhour
740-938-2010

Fiscal Officer
Nancy Denutte
740-938-2007

NOTICE OF VIOLATION OF THE LIBERTY TOWNSHIP ZONING RESOLUTION CERTIFIED MAIL #7006 0810 0004 1892 3313

November 28, 2016

Mr. Peter Min
5179 Copper Creek Drive
Dublin, OH 43016

Re: Lot 7 Chippewa Park
4503 Seldom Seen Road
Powell, OH 43065

Dear Mr. Min:

This is an official notice of several violations of the Liberty Township Zoning Resolution, which currently exist on the above referenced property.

Violations #1 & 2:

Liberty Township Zoning Resolution, Section 22.02 states in part the following:

No structure shall hereafter be located, constructed, reconstructed, enlarged, or structurally altered, nor shall any work be started upon same, nor shall any use of land be commenced or changed until a Zoning Permit for same has been issued by the Liberty Township Zoning Inspector, which Permit shall state that the proposed building and use conform with all the provisions of this Zoning Resolution.

The specific violation of Section 22.02 is as follows:

There are two buildings on your property that have been erected without the required zoning permits.

- Do they meet setbacks? (Section 8.07.C)
- Does the main structure meet the minimum square footage requirements? (Section 8.07.F)
- Proof of Septic System? (Section 22.03)
- Proof of Water Service? (Section 22.03)

Violation #3:

Liberty Township Zoning Resolution, Section 8.05 – Prohibited Uses states in part the following:

- Uses not specifically authorized by the express terms of this Article of the Zoning Resolution **shall be prohibited** in addition to the following:

Section 8.05.D

Storage or accumulation of: inoperable, unused, or unlicensed vehicles...

The specific violation of Section 8.05.D is as follows:

There is an inoperable vehicle that is being stored on your property.

Violations #4, 5, 6, 7

Section 8.05.E states in part the following:

The storage or accumulation of trash, debris, graffiti, unused property, or discarded materials (including, without limitation, discarded household goods, discarded commercial products, **discarded building materials**, discarded industrial by-products, **discarded brush and other vegetation**, and similar materials) **shall be deemed a nuisance to the neighborhood and general public per se, and shall be prohibited on any parcel or lot or portion thereof...**

The specific violations of Section 8.05.E are as follows:

- Storage and accumulation of trash
- Storage and accumulation of discarded brush, branches, leaves, and other vegetation
- Storage and accumulation of building materials
- Storage of discarded household goods

You may resolve the aforementioned zoning violations as follows:

- **Obtain zoning permits for the two existing buildings**

You will need to provide a plot plan of your property to show the exact location of each building, construction plans for each building, septic sewer permit, Del-Co Water service letter, and applicable zoning fees.

- **Remove inoperable vehicle**
- **ALL of the unused property, debris, brush, branches, trash, etc. must be properly removed immediately.**

In accordance with Section 25.05, you may appeal decisions by the Zoning Inspector to the Board of Zoning Appeals by filing a complete Application for Appeal. Such complete application must be filed at our offices no later than the 20th day from the date of this letter, but no later than 5:00 p.m., December 19, 2016.

ARTICLE 26 – ENFORCEMENT

Section 26.01 – Violations: No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution, or Amendment or supplement to such Zoning Resolution, adopted by the Liberty Township Board of Township Trustees pursuant to ORC Chapter 519. Each day's continuation of a violation of this section shall be deemed a separate offense irrespective of whether or not a separate Notice of Violation or Affidavit Charging a Violation has been served upon the violator for each day the offense continues.

In accordance with Section 26.02, Liberty Township may pursue enforcement of the Zoning Resolution in several ways, including court action. If this is necessary, then **Section 26.03 provides that violators may be fined up to \$500.00 per day, per violation.** It is our practice to submit unresolved zoning violations to the Delaware County Prosecutor after the mandatory 20-day appeal period, if no appeal has been filed and if the zoning violation(s) are not resolved.

Should you have any questions please give our office a call.

Sincerely,



Tracey Mullenhour
Zoning Inspector

Enclosures:

Liberty Township Zoning Resolution, Sections 22.02, 22.03, 8.05, 8.07
Application for Zoning Permit (2)
Application for Appeal

Cc: Liberty Township Trustees
Regular Mail
File

