

**CITY OF WEST CARROLLTON
BOARD OF ZONING APPEALS**

June 9, 2022

Members Present

Jim Folker
Janet Myers
Misty Potts
Charles Gau

Staff

Greg Gaines, Director of Planning and Community Development
Carl Enterman, Chief Code Enforcement Officer
Erin Doherty, Secretary

Members Absent

Charles Bates

City Council Liaisons

None

The meeting was called to order by Mr. Folker at 6:30 p.m. Following the Pledge of Allegiance, the roll call was taken noting four members present and one member absent. A motion to excuse Mr. Bates was made by Ms. Myers with a second by Mr. Gau to excuse Mr. Bates; the motion was unanimously approved.

APPROVAL OF AGENDA

There was a motion by Ms. Potts and second by Ms. Myers to approve the agenda as submitted; the motion was unanimously approved.

APPROVAL OF MINUTES

There was a motion by Ms. Myers and second by Ms. Potts to approve the minutes of the September 10, 2020 meeting as submitted. The motion was unanimously approved, with Mr. Gau abstaining.

PUBLIC HEARINGS

There were no public hearings.

DECISION ITEMS

PM-22-1, 215 W. Circle Drive (Demolition Authorization)

Mr. Folker asked if Board members had any potential conflicts of interest which might jeopardize their ability to render an unbiased decision on this case. Board members disclosed no conflicts.

Mr. Folker asked if Board members had any ex parte communications to disclose, including letters, phone calls, e-mails, site visits, and conversations, which might influence their decision on this case. Board members disclosed no ex parte communications.

Mr. Folker asked staff to present an overview of the staff report dated June 3, 2022 (copies of the staff report and PowerPoint presentation are attached). Mr. Enterman presented an overview of the staff report, which in summary is a request seeking the Board's authorization to demolish a nuisance structure at 215 W. Circle Drive pursuant to Chapter 160: Public Nuisances. Mr. Enterman noted that although Chapter 160 does not require the Board to approve demolitions, it has been the City's practice as being in the best interests of the community to have the Board review and approve pending demolitions.

After Mr. Enterman concluded his overview of the staff report, he noted that the houses in this neighborhood

were built in the early 1950's and are Sears & Roebuck pre-fab houses. This means they were already built in sections off-site and brought to the property and erected. He said these houses are not built using the traditional lumber used today; rather the exterior walls are 2'x3', spaced 24 inches apart instead of 16 inches, and the interior walls are 1-1/2'x1-1/2' lumber. He explained that is one reason the house is deteriorating, in that structurally it can't hold itself up anymore. He concluded his presentation and asked if the Board had any questions.

Mr. Gau asked if the land itself would go back to the City, or what happens to the land. Mr. Enterman replied that the land would remain under Mr. Justice's name unless someone wishes to purchase it. He also noted this land is in the floodplain, which means to rebuild on the property would be very expensive because FEMA floodplain requirements for building in a floodplain would have to be met.

Mr. Gaines added that the cost of demolition would be covered by grant funding from the Montgomery County Land Bank, but the cost of demolition will be assessed to the property meaning anyone who wishes to purchase the property would need to repay that assessment plus any taxes and other costs attached to the property.

Mr. Gau asked if the City would maintain the property until it is sold. Mr. Enterman said it would, and Mr. Gaines added that the City had already been maintaining it.

Ms. Myers asked for a general estimate of how much money the City has already spent in maintaining the property. Mr. Enterman estimated between \$5,000 to \$10,000. Mr. Folker asked if that cost is assessed to the property, and Mr. Enterman said that all of it is assessed. Ms. Myers noted the chances of the owner keeping it are nil, and Mr. Enterman replied the chances are not good. The hope would be that one of the neighboring property owners might be interested in buying it to enlarge their lot.

Mr. Gau asked about the possibility of creating a neighborhood park. Mr. Enterman replied that Friend Park is immediately adjacent. Ms. Myers asked if Friend Park could be enlarged. Mr. Enterman explained that the City would need to apply to the county for judicial tax foreclosure to acquire the property, but the last such application submitted to the county was three years ago and it is still pending.

Ms. Potts asked how long would anyone have to wait for the property to go up for sale. Mr. Enterman indicated that the property is not actively for sale, but a private entity could file an application to the county for a private judicial tax foreclosure to secure the property, but he thought that would be unlikely. Ms. Potts stated that essentially the property becomes the City's responsibility, and Mr. Enterman replied yes.

Susan Marinelli at 221 W. Circle Drive, which is immediately adjacent to 215 W. Circle Drive, stated that she had contacted the county about applying for tax foreclosure but was informed that it did not guarantee they would acquire the property. She asked if that is accurate. Mr. Enterman replied that is correct. Ms. Marinelli said they would like to acquire it. She also informed the board that the window that was boarded up had been open for 17 years, with racoons entering it, and the house is not worth saving.

Mr. Gau inquired why Ms. Marinelli would not acquire the property if she submitted an application. Mr. Enterman said that the property would go to a sheriff's auction and the highest bidder would acquire the property.

Mr. Gaines informed Ms. Marinelli that she could also contact the Montgomery County Land Bank, which has a process through which private citizens can initiate a tax foreclosure on tax-delinquent property.

Ms. Potts asked about the possibility of Ms. Marinelli maintaining the property. Mr. Gaines explained there is a legal principle called a "prescriptive easement" in which a citizen who maintains property over a period of time could acquire ownership of that property, but she would need to consult with an attorney about that.

Mr. Folker asked how long it would take for the demolition to begin. Mr. Gaines said he had spoken with the Land Bank and he believed they were commencing with the abatement process and environmental assessment this summer, but there is no timeline yet for requesting bids for demolition. Mr. Enterman thought demolition would occur sometime this year.

Mr. Gau asked what kind of environmental issues are possible with this demolition. Mr. Enterman said the City demolished two other houses in this neighborhood, and the worst material encountered was asbestos. He also explained that these houses were not constructed with drywall, but rather a type of fiber board.

The Board had no additional questions.

Mr. Folker asked for a motion to approve, approve with conditions, deny or table Resolution PM-22-1. Ms. Potts made a motion to approve Resolution PM-22-1 authorizing the demolition of a nuisance structure located at 215 W. Circle Drive. Mr. Gau seconded the motion. The motion was unanimously approved.

Election of Officers

Mr. Folker said that the next item on the agenda was the election of officers. He referred to Mr. Gaines' memo explaining options to elect officers. He asked for the Board's preference. Mr. Gau indicated he did not wish to become Secretary under the rotational option. Ms. Myers suggested that since the Board meets so seldom, that the current slate of officers be continued. Ms. Potts made a motion to retain the current slate of officers, with a second by Ms. Myers. The motion was unanimously approved.

2022 Schedule of Meetings

Mr. Folker said the next item on the agenda was approval of the 2022 Schedule of Meetings. Mr. Folker asked if the Board wished to make any changes to the schedule; there were none. Ms. Myers made a motion, with a second by Ms. Potts, to approve the 2022 Schedule of Meetings. The motion was unanimously approved.

DISCUSSION ITEMS

Report by Director

Mr. Gaines introduced the department's new Secretary Erin Doherty.

Mr. Gaines handed out a concept plan showing the planned development near Exit 47 which was recently announced. Mr. Gau expressed concern about the apartments or condos that are proposed. Mr. Gaines stated that is planned to be the last phase of the project, but that element of the project is not definite and the City informed the developer that multi-family would not be the first preference. Mr. Gaines noted that the developer builds high-end projects, and it is planned to write into the agreement that any multi-family be maintained as high-end. What is definite at the moment is a medical facility as well as retail and restaurants. The City and developer have signed a contract, and the developer is doing due diligence for the next nine months. The expectation is a 5-7 year buildout.

Mr. Gaines talked about the other complementary project which was announced, being the whitewater rafting course. The City is working with a consulting firm from Colorado. He noted that Economic Development Director Mike Lucking had secured grant funding from the county and had put in a funding request with Congressman Turner's office. Mr. Gaines explained the whitewater course is intended to be the magnet to draw people to the development.

Mr. Gau asked if the senior housing project off of S. Alex Road was still moving forward. Mr. Gaines replied that the developer applied for state funding which is very competitive, and was not selected in this round but plans to re-apply in the next round.

Mr. Gaines informed the Board about the following projects:

- The City is working with Dillin Events, which is planning a series of public events to draw people to the city.
- A consultant has been hired to help staff prepare a plan to create a recreational district around the excavated lakes on Farmersville-West Carrollton Road.
- A consultant is assisting staff in preparing a plan for the I-75/Alex-Bell Road underpass to improve both safety and aesthetics.
- The Carrollton Centre streetscaping project on N. Elm Street is almost complete.
- The pre-K/1st grade building is nearly complete. The District offices were moved there two weeks ago, teachers' belongings were moved last week, and demolition of the Walter Shade building is slated to begin this week.

Briefing by City Council Representatives

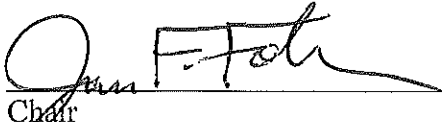
There were no City Council representatives present.

Unscheduled Business

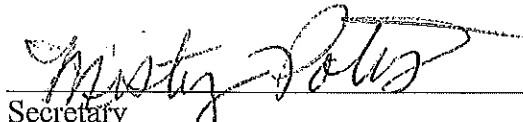
There was no unscheduled business. Mr. Folker noted that the next meeting is scheduled for July 14, 2022.

ADJOURNMENT

There being no further business, there was a motion by Mr. Gau and second by Ms. Potts to adjourn the meeting. The motion was unanimously approved and the meeting was adjourned at 7:30 p.m.



Chair



Secretary

Date: 11/09/2023

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