

Bob Mollette

3rd Ward Councilman

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Portsmouth, Ohio 45662

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Correspondence#: 06-041

May 17, 2006

Jim Kalb, Mayor
728 Second Street
Portsmouth, Ohio 45662

Re: Enforcement of City Ordinances at 2102 and 2112 West Timlin Road

As requested by your constituents living in the 3rd Ward I have enclosed a copy of correspondence hand delivered to me dated May 10, 2006. It was requested to be forwarded for your review and appropriate actions. Residents have expressed great anxiety with the conflict which exists in our community by the lack of action or communication from your office to resolve the issues expressed. I documented and reported the concerns after a site visit in a letter (#06-028) dated April 7, 2006. The letter is published on www.mollette.info in the event you are unable to find your copy. I also hand delivered a subsequent letter (#06-040) to your office on May 16, 2006 to document the issues had not been resolved.

The enclosed correspondence speaks for itself. I sense and feel the persistent frustration expressed by your constituents living in the 3rd Ward. Communication is *key* to understanding and solving our community problems. I recommend all complaints receive a written response providing information to justify actions or inactions taken. This would provide accountability and avoid misinterpretations. The continued lack of action places the City at risk and compels the public to take action. Instead of the City protecting the public; the public (taxpayers) is forced to hold the City accountable through litigation to compel the City to enforce the laws.

I am requesting you engage the appropriate departments to inform and resolve these issues properly. I am requesting the reverence of a written response on actions or inactions taken including justifications. As always, I welcome your thoughts on these and any matters discussed here. Contact me should you have any comments or questions.

Respectfully,



Bob Mollette, 3rd Ward Council

rwm

cc: w/enclosure

Constituents of the 3rd Ward
David Kuhn, Solicitor
Council (4)
Jo Ann Aeh, Clerk (Record)

Susan E. Shaw
2113 E. Timlin Road
Portsmouth, Ohio 45662

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May 10, 2006

Councilman Robert Mollette
1705 Franklin Boulevard
Portsmouth, Ohio 45662

RE: City Ordinances

Dear Mr. Mollette:

I write to thank you for attempting to have the ordinances that have been adopted by the City with respect to building and zoning codes enforced. Your efforts are greatly appreciated by the residents of this neighborhood. We sincerely believe that if we, who are blessed to live in one of the most beautiful areas of town, do not ask that the City enforce the ordinances that have been adopted to protect property owners that we will be subject to untold violations because we remained silent.

As far as 2102 West Timlin Road, the pontoon boat was removed on April 29th, and although the mayor's office telephoned a neighbor on the street on May 3, 2006, and told her that no violations existed on the Horsely property, the Horselys obviously respect the concerns of the neighbors and have spent days cleaning up the yard which is now mulched, mowed and overall cleaned up nicely. The old automobiles are still parked in the driveway and unfortunately, the RV also remains. We assume that this vehicle will stay regardless of how inappropriate it is to have an RV parked in their front yard.

The Pierron property is another issue. They moved the Kubota to one of the empty garages on April 9, 2006, but have done virtually nothing else to clean up the rubble or remove the shed. Comments have been made that City officials should be insulted and frankly ticked off that a property owner who is an architect and obviously aware of the meaning and implications of owning a "**through lot**" would confidently flaunt his arrogance in the face of the mayor, city council and the city engineer's office by placing a shed in one of the front yards. Rosemary Pierron planted shrubs and flowers around the shed yesterday which obviously indicates that she has no doubt that the shed will remain. In addition, she still refuses to mow a 25 foot section of her yard which is in front of my kitchen window between her home and our retaining wall. The grass is 32 inches tall in spots and full of bees. I must spray before I plant or weed the 30 inches we own beyond the wall and I am afraid to mow the area because I have planted the area with ferns, phlox and dogwoods and the width of my mower to clear the area of weeds extends beyond our 2 ½ feet. If I mow the section myself, I believe that she will call the police as she has done before now that she has posted no trespassing signs.

Our issue is not with any neighbor. Our concerns revolve around our request to have city council and the mayor enforce the ordinances that have been adopted. We feel that council and the mayor must simply review the ordinances and determine the following:

1. Is 2112 Timlin Road considered a “**through lot**” as defined in the city ordinances?
2. If the answer is yes, then does this property have essentially two front yards?
3. If the answer is yes, must this property conform with front yard requirements as defined in the ordinances?
4. If the answer is yes, then do the city ordinances that have been adopted allow a property owner to have a shed in a front yard?
5. If the answer is no, then the shed should be permanently removed from the property.

We have heard nothing from the mayor’s office regarding our May 3, 2006, request for a meeting this coming Friday, May 12, 2006. None of us feel the need to meet with the property owners of 2112 Timlin or 2102 Timlin. Aside from the RV we are extremely satisfied with the clean up of the Horsleys’ property. We have also determined that a meeting with the Pierrons would only turn into a free for all and none of us want to be a party of any meeting that has the potential for such hostility. There already exists hard feelings and a combined meeting would only add to the sad state of affairs between neighbors. The mayor’s staff person even told me that he wants the police to be in the room if we all attend a meeting together. We feel that perhaps a more positive way to handle this situation would be if the mayor and council met with the parties involved in this matter separately.

However, should the City determine that 2112 Timlin Road is a “**through lot**” and decide that they have a duty to enforce the ordinances related to the same, we feel that the most important issue affecting the entire neighborhood is moot for the shed will be removed and no meeting will be necessary at this time. Please feel free to copy this communication to the mayor and other council members.

Should you have any questions or wish to discuss this matter further, please telephone me at your convenience.

Very truly yours,



Susan E. Shaw

Hand delivered
iMac/SusanC