

# Bob Mollette

## 3<sup>rd</sup> Ward Councilman

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Portsmouth, Ohio 45662

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Correspondence#: 06-042

May 23, 2006

Jim Kalb, Mayor  
728 Second Street  
Portsmouth, Ohio 45662

Re: **Enforcement of City Ordinances on Timlin Road**

I received a copy of a Memo dated May 17, 2006 from the Health Department concerning complaints at 2102, 2112, and 2113 Timlin Road. I appreciate the inspection conducted by the Health Department which included their response of *"This seems to be a dispute between the parties involved having nothing to do with code violations. If they wish to pursue action I suggest all parties resolve this in court initiated by them as it is a private nuisance and not a public nuisance."* I disagree with this summary because it did not include consideration for the requirements defined in our City Codified Ordinances 351.19 (Traffic Code), 1135.04, and 1135.06 (Planning and Zoning Code).

The question of parking a recreation vehicle (RV) in a residential district is defined in Part Three of our City Codified Ordinances Traffic Code Section 351.19 (a) (2) *"Camping vehicles, trailers and motor homes."* This section states a camping vehicle may not be parked for a period not to exceed 48 hours in front of a building line. For longer periods, such equipment shall be stored behind the building line. In a residential district where a lot will not allow storage behind the building line, a variance of this requirement may be issued by the Building Department if abutting property owners have no objections. Please provide any documentation of a variance if issued. I have enclosed a copy of this ordinance for your review and comment.

The question of the appropriateness of a temporary shed on a *"through lot"* is defined in Part Eleven of the City Codified Ordinances Planning and Zoning Code. Section 1135.06 states all building on through lots or reversed frontage shall conform to the *front yard* requirements for *each* street and Section 1135.04 states accessory buildings shall be located *only* in the rear yard. I have enclosed a copy of this ordinance for your review and comment.

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, 3<sup>rd</sup> Ward Council

rwm

cc: w/enclosure

Mr. & Mrs. Shaw @ 2113 East Timlin Road  
Mr. & Mrs. Pierron @ 2112 East Timlin Road  
Mr. & Mrs. Horsley @ 2102 West Timlin Road  
Peggy Burton, Environmental Health Director  
David Kuhn, Solicitor  
Council (4)  
Jo Ann Aeh, Clerk (Record)

**351.18 LIMITED PARKING ON MUNICIPAL PARKING LOTS AND CHILlicothe STREET.**

(EDITOR'S NOTE: Former Section 351.18 was repealed by Ordinance 2003-92, passed September 22, 2003.)

**351.19 LIMITATION OF PARKING IN RESIDENTIAL DISTRICTS.**

(a) The provision of parking space, either open or enclosed, for the parking or storage of vehicles in a residential or apartment zoning district shall be subject to the following:

- (1) Commercial vehicles. Not more than one truck limited to being a two-axle, four-tired pickup, panel or light truck and which has operating characteristics similar to those of a passenger car shall be allowed per one dwelling unit.
- (2) Camping vehicles, trailers and motor homes. A camping vehicle, trailer, (boat, horse, cargo or similar use), may be parked for a period not to exceed forty-eight hours in front of a building line. For longer periods, such equipment shall be stored behind the building line. No living quarters shall be maintained nor any business conducted in connection therewith while such vehicle is stored. In a residential district where a lot will not allow storage behind the building line, a variance of this requirement may be issued by the Building Department if the abutting property owners have no objections. (Ord. 2002-56. Passed 5-29-02.)
- (3) Junk vehicles. The parking or storage of junk vehicles shall be regulated as in Chapter 303.
- (4) Inoperable automobiles. Not more than one inoperable automobile shall be allowed per one dwelling unit. Such automobile shall be parked or stored only for a period not to exceed forty-eight hours unless such parking or storage space shall be enclosed by a structure, fence or otherwise protected so that the automobile cannot be entered upon or seen from an adjacent lot or street. This provision shall apply to all inoperable antique, collector's item or historical motor vehicles. (Ord. 2002-56. Passed 5-29-02.)
- (5) Unlicensed vehicles. Not more than two motor vehicles which display motor vehicle dealer's tags shall be allowed per one dwelling unit. (Ord. 1990-115. Passed 10-9-90.)

**351.20 TWO-HOUR LIMITED PARKING.**

(a) For any twenty-four hour period beginning at midnight and ending at the following midnight, no vehicle shall be parked for more than two hours total consecutive time in any one parking place on any of the following streets: Second St. from Chillicothe St. to Market St.; Market St. between 2nd and 3rd Streets; Chillicothe St. from 2nd to 9th Streets; Third St. from first alley west of Chillicothe St. to Third St. connector east of Chillicothe St.; 4th St. from First alley west of Chillicothe St. east to Gay St.; 5th St. from Washington St. east to Chillicothe St.; Gallia St. from Chillicothe St. east to Harvard St.; Sixth St. from Court St. east to Findlay; east side of Findlay St. from Gallia St. to 6th St. and west side of Findlay St. from 6th St. north to 7th St.; 7th St. from Court St. east to Findlay Street.

(b) Two part-time people from the City's seasonal pool will be assigned, on a full-time basis and under the direction and supervision of the Chief of Police, to enforce all parking restriction in the above designated areas. (Ord. 1998-174. Passed 12-14-98.)

**1135.04 ACCESSORY BUILDINGS AND REAR DWELLINGS.**

On a lot containing a dwelling, except an apartment or tenant house or hotel, a building for accessory use may be erected and may occupy not over fifty percent (50%) of the rear yard of such dwelling; an accessory building behind an apartment dwelling shall not cause the rear yard to be reduced below the minimum size required by this Zoning Code. No accessory building shall be erected so as to project nearer to the street line than the minimum distance allowed for any principal building. No accessory building, and no building other than the principal building, shall be erected so as to exceed one and one-half stories or sixteen feet in height. No building shall be erected, designed, intended or arranged to be used for living or dwelling purposes where such building is located, or to be located, on or within not more than forty feet from the rear lot line or within the minimum prescribed rear yard or otherwise behind the principal building, except on a corner lot fronting upon two intersecting streets where such corner lot is of sufficient size so that the lot occupancy and yard and other open area requirements are complied with. No nonconforming building in the rear of the principal building or on the same lot or in the required rear yard area of a lot shall hereafter be repaired, improved or extended except by permission of the City Planning Commission, where such building has deteriorated to an extent of more than fifty percent (50%) of its fair value or where, in the opinion of the City Planning Commission, such period of time has elapsed since its construction to allow for its amortization.

Fences and small incidental structures used for children's recreation shall not be subject to the requirements for the principal building or the accessory building, but no "spite fence" shall be erected or maintained. For the purposes of this Zoning Code, a "spite fence" is any fence of such height or character as to block access of light and air to any ground floor window or upper window or to interfere with the reasonable use of a person's property. In any case, no fence shall be erected higher than six feet.

Accessory buildings, except for a garage built into, or made a structural part of, a dwelling, shall be located only in the rear yard and within a minimum distance of two feet from the rear lot line and within a minimum distance of fifteen feet from the principal building and, unless connected with the garage of a neighboring lot by a fire wall, shall be located within a minimum distance of two feet from the side lot line, but in no case less than four feet from any other building unless provided with a fire wall.

(Ord. 1983-26. Passed 4-26-83.)

**1135.05 FENCES, HEDGES AND SHRUBBERY.**

No fence or wall serving the purpose of a fence shall be constructed of such height and in such a location (in front or side yard) as to interfere with the safety of vehicular traffic in the streets. Hedges and shrubbery on corner lots shall be subject to the same regulations as those for fences.

(Ord. 1946-47. Passed 8-7-46.)

**1135.06 THROUGH LOTS; REVERSED FRONTAGE.**

All buildings on through lots or reversed frontage shall conform to the front yard requirements for each street.

(Ord. 1946-47. Passed 8-7-46.)



DONALD WALDEN  
HEALTH COMMISSIONER

DR. GEORGE PETTIT  
MEDICAL DIRECTOR

CITY OF PORTSMOUTH  
HEALTH DEPARTMENT

605 WASHINGTON STREET  
PORTSMOUTH, OH 45662

BOARD MEMBERS  
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ATTY. RICHARD EISNAUGLE

## MEMO

**To: Honorable Mayor Kalb**  
**From: Peggy Burton, Environmental Health Director**  
**Subject: Complaints on 2102, 2112, 2113 Timlin Road**  
**Date: May 17, 2006**

Per your request, Sheila Flint, Registered Sanitarian inspected the above referenced complaints. Below describes her findings. Pictures are also attached.

- 2102 West Timlin Road- Automobiles are present in driveway however, they are tagged and in good condition. While it may be deemed by some as inappropriate, no ordinance exists which prohibits "old vehicles" in driveways (302.8 International Property Maintenance Code). As the picture indicates, the RV is parked in a driveway. Again, no ordinance prohibits this.
- 2112 Timlin Road- The alleged shed is present. It is structurally sound and in good repair. However, it is not located in the front yard. In my opinion, it is a "through lot". I could find no city ordinance or regulation of the International Property Code that prohibits sheds in any part of a yard; front, side, back or otherwise. I did not see any sign of 32 inch tall grass as indicated, only ornamental bushes well landscaped.
- 2113 East Timlin Road- I observed no containers holding water.

Summary: This seems to be a dispute between the parties involved having nothing to do with code violations. If they wish to pursue action I suggest all parties resolve this in court initiated by them as it is a "private nuisance" and not a "public nuisance".

cc: Constituents of the 3<sup>rd</sup> ward  
David Kuhn  
Council  
Jo Ann Aeh (Record)  
File