

**Clermont County
Airport Zoning Board of Appeals
Flood Damage Prevention Variance Board
Water Management and Sediment Control Regulations Variance Appeals
Board**

Agenda

Thursday, January 10, 2018 – 3:00 p.m.
Permit Central, 2275 Bauer Road, Batavia, Ohio 45103

WMSC Appeal relative to 2 separate complaints:
5112 Stonelick Williams Corner Road, Case # 17512
5114 Stonelick Williams Corner Road, Case # 17587

- A. Call to order/roll call
- B. Election of Chairman and Vice Chair
- C. Introduction of Appeal request and swearing in of those giving testimony
- D. WMSC Appeal request, Case #17512 (Chairman)
 - a. Case presented by applicant
 - b. Discussion
 - c. Motion
- E. WMSC Appeal request. Case #17587 (Chairman)
 - a. Case presented by applicant
 - b. Discussion
 - c. Motion
- F. Other items deemed necessary by the board
- G. Brief adjournment for preparation of minutes
- H. Reconvene
- I. Approval of minutes
 - a. Motion
- J. Adjournment
 - a. Motion



December 19, 2018

In Re: Appeal of Notice of Violation
Parcel #302908J023.

WMSC Variance Board Members:

The property owner of 5110 Stonelick Williams Corner, Mr. Donald Legg, is appealing the Notice of Violation sent by the Clermont County Building Department on November 9, 2018. The property owner blocked a drainageway which is causing water to backup onto the complainants property, Ms. Blanka Lee. Mr. Legg filed a complaint against Ms. Blanka Lee and the Clermont County Engineer's Office on November 15, 2018. He is also appealing the Building Department's opinion on his complaint. Below is a summary of the complaints.

- 1) Building Department received complaint from Blanka Lee, property owner of 5114 Stonelick Williams Corner on October 29, 2018. See complaint form.
- 2) Site visit and phone call to Mr. Donald Legg by Clermont County Building Department on October 29, 2018. See Case Inspection Detail.
- 3) Letter from Mr. Donald Legg received November 2, 2018 stating his refusal to accept the ditch maintenance work performed by the County Engineer's Office in 2016.
- 4) Notice of Violation sent to Mr. Donald Legg on November 9, 2018. See Notice of Violation.
- 5) Building Department received Appeal of Notice of Violation November 15, 2018 from Mr. Donald Legg. See Appeal of Notice of Violation.
- 6) Building Department received Notice of Nuisance Complaint from Mr. Donald Legg on November 15, 2018 claiming a nuisance has been created by Ms. Blank Lee and County Engineer's Office. See Notice of Nuisance Complaint.
- 7) Building Department sends response to Mr. Legg stating that there is not a WMSC violation created by the ditch maintenance performed by County Engineer's Office. See letter dated December 10, 2018.
- 8) Building Department receives Appeal of Complaint from Mr. Donald Legg on December 20, 2018. See Appeal of Complaint 17587 Closing.
- 9) Included is a Contour Map of the properties showing the existing contours prior to the ditch maintenance performed by the County Engineer's Office in 2016.
- 10) Map showing the ditch maintenance performed by the County Engineer's Office in 2016. The map also shows the location of the blockage constructed by Mr. Donald Legg in October 2018.

Sincerely,

Heath Wilson, P.E.



RECEIVED

OCT 29 2018

CLERMONT COUNTY PERMIT CENTRAL

COMPLAINT FORM

Complaint Number

17512

Complainant Name: Blanka Lee
(Your Name and Address)

Cell Phone: 513 519-8476

Mailing Address: 5112 Stonelick Williams Corner, Batavia, OH 45103

Fax: _____ E-mail: Steel mailbox usa @ gmail . com

taken over phone Blanka Lee 10/26/18
(Signature of Complainant) (Print or type name here) (Date)

Briefly Describe Complaint about the Property Causing the Problem:

Bull dozers working & caused block
of water which is causing water
to accumulate on complainants property
also driving around / near water pipes

Is this rental property? no Manager's Name: _____ Manager's Phone: _____

Were you aware of this problem when you moved in? _____ How long has this problem existed? _____

Have you discussed this problem with the owner? _____

What was the property owner's reaction? _____

Address of Property Causing the Problem:

5112 Stonelick Williams Corner Rd Batavia, OH 45103
(Street No.) (Street Name) (Zip Code)

Driving Directions: _____

Village: _____ Township: Stonelick Twp

Property Owner: Same Phone: 519-8476

Address: 5114 Stonelick Williams Corner

Fax: _____ E-mail: Steel mail usa @ ghail . com

Report Date 12/20/2018 08:57 AM

Submitted By

Page 1

Inspection # 1062497 A/P # 17512 Insp Type CBWMSCMR COMPLAINT SUMMARY INSPECT # 1

Property Information

Address 5112 STONELICK WILLIAMS C RD
 Location ST TWP

Application Information

Type COMPL COMPLAINTS Priority A/P Name WMSC
 Desc of Case Bulldozer working has blocked water from flowing, which is causing water to accumulate on complainants property.

Initial Inspection

Call Date/Time System Generated Assigned To WILSH
 Schedule Date/Time 10/29/2018 09:40 Order/Group 0 Preference
 Waived
 Location

Inspection Results

Inspected By WILSH Same Trip as Insp # 0 Actual Time 0.00
 Start Date/Time 10/29/2018 09:40 Odometer Start 0 Partial Inspection
 Completed Date/Time 10/29/2018 09:40 Odometer Stop 0 Status No Action

Comments

10/29/18 Visited 5110 Stonelick Williams Corner Rd. The owner has built a crossing across the natural drainageway blocking the natural flow of water. Water is standing in the upstream part of the drainageway. Will contact owner of 5110 to remove blockage./HW
 10/29/18 Left message with Donald Legg. Called complainant to inform her that I tried calling Mr Legg. I explained to her that I will ask him to remove the blockage once he calls back./HW

History

Inspection # 1059044 Inspection Type CBWMSC WMSC COMPLAINT INSPECTION # 1 Status No Action Waived
 Inspected By WILSH Order/Group 0 Scheduled 10/29/2018 09:17 Started 10/29/2018 14:26 Completed

Location
Comments
 10/29/18 Visited 5110 Stonelick Williams Corner. The owner has built a crossing across the natural drainageway block the natural flow of water. Water is standing in the upstream part of the drainageway. Will contact owner of 5110 to remove blockage./HW
 10/29/18 Left message with Donald Legg. Called complainant to inform her that I tried calling Mr Legg. I explained to her that I will ask him to remove the blockage once he calls back./HW
 11/14/18 Mtg at Permit Central with Donald Legg; asked him to remove the new dirt installed in the drainage swale, He said he would not until the County Engineer agreed to resolve the overall drainage problems with the three sites are resolved. His decisions leave the Building Department with no option but to proceed with the legal Notice of Violations. CWL.

Inspection # 1062497 Inspection Type CBWMSCMR COMPLAINT SUMMARY INSPECT # 1 Status No Action Waived
 Inspected By WILSH Order/Group 0 Scheduled 10/29/2018 09:40 Started 10/29/2018 09:40 Completed 10/29/2018 09:40

Location
Comments
 10/29/18 Visited 5110 Stonelick Williams Corner Rd. The owner has built a crossing across the natural drainageway blocking the natural flow of water. Water is standing in the upstream part of the drainageway. Will contact owner of 5110 to remove blockage./HW
 10/29/18 Left message with Donald Legg. Called complainant to inform her that I tried calling Mr Legg. I explained to her that I will ask him to remove the blockage once he calls back./HW

Inspection Details

No Inspection Details

Received #3 11/2/2018

October 29, 2018

Clermont County Board of Commissioners
Edwin H. Humphrey, President
David L. Painter, Vice President
David H. Uible, Past President
101 East Main Street
Batavia, Ohio 45103

and

Clermont County Engineers Office
Patrick J. Manger, P.E., P.S. County Engineer
2381 Clermont Center Drive
Batavia, Ohio 45103

RE: Refusal to Accept Single Line Ditch on Private Property at
5110 Stonelick Williams Corner Road

Gentlemen,

You are already aware (due to my May 10, 2016 and June 14, 2016 complaints) that during March through April of 2016 the Clermont County Engineer's Office (CCEO) dispatched a road crew to 5112-5114 Stonelick-Williams Corner Road (SWCR). It was done to perform private property excavation work, with public funds, for a one Ms. Blanka Misconi Lee that resides at that address. You did this in response to her numerous complaints about her off "right of way" "swampy" (her words) low lying private property, which was developed under permission granted from Clermont Counties' Permit Process. Her property is in a natural drainage floodplain area prone to flooding (attested to by CCEO interoffice correspondence and FEMA mapping). Clermont County further aggravated the situation recently by installation of a water main along the west side of SWCR (which incidentally, the county removed two concrete pipe on my property while installing the water main that were never replaced, and also must be corrected), as reported by Lee in her correspondence to the county. Upon my complaint to the county, in a fabricated representation to me, it was done under the disguise of emergency work to protect the roadway under title 55 section 5543.12 ORC.

The CCEO crew was complicit and did with premeditation haphazardly divert the natural water course flow from SWCR and adjacent properties north of the Lee track onto my property. The county did this without adjacent owner notification, consent, planning, engineering, appropriation or reimbursement to me for property value loss and damages, as required by law. Furthermore, when I challenged the Clermont County Board of Commissioners (CCBC) and the CCEO in regards to this matter it was referred to the Clermont County Prosecuting Attorney's Office (CCPAO) whom again colluded with and was complicit in furthering their disregard and refusal to rectify the matter.

Title 1 Chapter 163, Title 55 Chapter 5543 and Title 61 Chapter 6131 of the Ohio Revised Code makes it clear as to proper protocol and the responsibilities of the county in such matters. Clermont County has clearly and flagrantly usurped its powers and responsibilities in an attempt to stonewall and badger me into its acceptance.

Therefore let it be confirmed from this day forward in perpetuity, as the property owner that was injured by these illicit actions brought about by CCBC, CCEO and CCPAO, and knowing my silence will be viewed as acceptance of these actions, I hereby formally notify all agencies relevant to these actions in Clermont County, State of Ohio they are rejected and I have reclaimed my property subsequent to your unauthorized actions. All cost and legal expense whatsoever incurred by myself to reclaim and defend the reclamation will be recovered from Clermont County.

Respectfully,

Donald P. Legg

Donald P. Legg

5110 Stonelick Williams Corner Road

Batavia, Ohio 45103

C/O 3965 Sandtrap Circle

Mason, Ohio 45040

513-616-3373

C/c: Heath Wilson, Flood Plain Administrator



BOARD OF COUNTY COMMISSIONERS
EDWIN H. HUMPHREY • DAVID H. UIBLE • DAVID L. PAINTER
Permit Central/Building Inspection Department

NOTICE OF VIOLATION

November 9, 2018

Donald P. Legg
3965 Sandtrap Circle
Mason, Ohio 45040

Re: 5110 Stonelick Williams Corner Road
PIN 302908J023.


Mr. Legg,

The proposed grading work at 5110 Stonelick Williams Corner has created a nuisance to the adjoining property owner per Section 340.1 of the Clermont County WMSC Regulations. The existing drainage feature has been blocked on your property creating water to back up onto the adjoining property.

The blockage must be removed from the existing drainage feature within 30 days of this letter or December 9th, 2018. Failure to comply with this violation letter will result in this matter being referred to the Clermont County Prosecutor for appropriate legal action.

You have the right to appeal this Notice of Violation. The notice of appeal must be in writing and received within ten (10) working days from the date of mailing of the Notice of Violation per Section 850.2 of the Clermont County WMSC Rules and Regulations.

I appreciate your cooperation with this matter. Please contact me if you have any questions or need clarification on the issue.

Sincerely,

Carl Lamping
Director, CBO

Cc: Clermont County Prosecutor's Office
File

November 15, 2018

Clermont County Board of Commissioners
Edwin H. Humphrey, President
David L. Painter, Vice President
David H. Uible, Past President
101 East Main Street
Batavia, Ohio 45103

and

Clermont County Permit Central/Building Inspection Department
Carl Lamping, Director, CBO
2275 Bauer Road
Batavia, Ohio 45103

APPEAL OF NOTICE OF VIOLATION

RE: 5110 Stonelick Williams Corner Road PIN 302908J023.

Mr. Carl Lamping,

This letter serves as legal notice to Permit Central/Building Inspection Department (CCBID) that as owner of the aforementioned property, I appeal your NOTICE OF VIOLATION dated November 9, 2018 per section 850.2 of the Clermont County WMSC Regulations (WMSC) as follows:

Where As, complainant Blanka Misconiova Lee, owner of 5112 and 5114 Stonelick Williams Corner Road (PIN 302908J058. and PIN 302908J074. respectively) and Clermont County Engineer's Office (CCEO),entity, did collectively and haphazardly go about creating a nuisance on my adjacent property, at 5110 Stonelick Williams Corner Road (PIN 302908J023.), as follows:

- By First, without approved WMSC plans in violation of section 400.1 of the WMSC Regulations;
- And without authority of an easement in violation of section 700.1 of the WMSC Regulations and without any payment of reparations whatsoever to myself;
- Proceeded with altering the existing surface drainage onto my adjacent land in violation of section 310.1-4 (B) of the WMSC Regulations;
- Resulting in increased storm water flow, erosion and sediment onto (my) adjacent land and impaired the existing drainage system in violation of section 340.1 of the WMSC Regulations;

NOV 15 2018
 10:11 AM
 CLERMONT COUNTY
 PERMIT CENTRAL

- Then continued to maintain and failed to abate the nuisance, for approximately 30 months and ignored my repeated demands to cease and desist in violation of section 340.2 of the WMSC Regulations.
- **Furthermore**, the failure of the CCBID to observe or recognize the hazardous and unsightly conditions or to recommend corrective measures does not relieve either Lee and/or CCEO from the responsibility for the condition and the resulting damage there from to my adjacent property in violation section 350.1 of the WMSC regulations.

I, Donald Legg, do hereby Require a hearing date.

Sincerely,

Donald P. Legg


Donald P. Legg
5110 Stonelick Williams Corner Road
Batavia, Ohio 45103
C/O 3965 Sandtrap Circle
Mason, Ohio 45040
513-616-3373

#6

November 13, 2018

Clermont County Board of Commissioners
Edwin H. Humphrey, President
David L. Painter, Vice President
David H. Uible, Past President
101 East Main Street
Batavia, Ohio 45103
and
Clermont County Permit Central/Building Inspection Department
Carl Lamping, Director, CBO
2275 Bauer Road
Batavia, Ohio 45103

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NOV 15 2018

CLERMONT COUNTY
PERMIT CENTRAL

*rec'd via email
on 11/14/18 / Public
records request
Completed per
CWL / RS 11/15/18*

NOTICE OF NUISANCE COMPLAINT

RE: 5112 and 5114 Stonelick Williams Corner Road
PIN 302908J058. and PIN 302908J074.

Mr. Carl Lamping,

This letter serves as a notice to Central/Building Inspection Department (CCBID) there is a nuisance of accelerated water flow towards/across my adjacent property at 5110 Stonelick Williams Corner Road PIN 302908J023. This accelerated flow of water and soil erosion from the above referenced properties are a violation of Sections 340.01, 340.2 and 350.1 of the Clermont County Water Management and Sediment Control Regulations (WMSC).

This nuisance was created by Ms. Blanka Misconiova Lee, individual, and the Clermont County Engineer's Office (CCEO), entity. Both Lee and (CCEO) conspired to trespass, excavate a ditch and increase the water flow/erosion towards and across my property and were complicit in claiming ignorance of what they created on my adjacent property. Even after numerous well documented request by myself to her and Clermont County they refused to correct the nuisance.

Therefore, I am requesting that as the director of the CCBID you perform your legal duty and issue a formal **Complaint**, followed up with a **Notice of Violation**, to Blanka Misconiova Lee and the Clermont County Engineer's Office to take corrective actions to eliminate this nuisance within 30 days of this letter or December 13, 2018.

Respectfully,

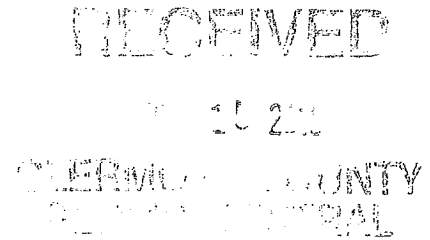
Donald P. Legg

Donald P. Legg
5110 Stonelick Williams Corner Road
Batavia, Ohio 45103
C/O 3965 Sandtrap Circle
Mason, Ohio 45040
513-616-3373

November 13, 2018

Clermont County Board of Commissioners
Edwin H. Humphrey, President
David L. Painter, Vice President
David H. Uible, Past President
101 East Main Street
Batavia, Ohio 45103
and

Clermont County Permit Central/Building Inspection Department
Carl Lamping, Director, CBO
2275 Bauer Road
Batavia, Ohio 45103



Public Records Request

Mr. Carl Lamping,

This letter is notice and request to Central/Building Inspection Department (CCBID) for a complete disclosure of all documents and correspondence whatsoever, from whomever and from whatever source they originate, to include but not necessarily limited to Blanka Misconiova Lee at 5112 and 5114 Stonelick Williams Corner Road (PIN 302908J058. and PIN 302908J074. respectively) and all Clermont County Agencies and personnel from whatever agency where they may arise, that have been or will be involved with regards to the alleged Clermont County Water Management and Sediment Control Regulations (WMSC) nuisance complaint against myself and my property at 5110 Stonelick Williams Corner Road (PIN 302908J023.)

This Public Records Request shall continue and remain into perpetuity until such time that all actions from Blanka Misconiova Lee and any Clermont County Agency or personnel ceases.

Please provide the requested information as soon as possible, but no later than November 27, 2018 and continue thereafter as new documents and correspondence are generated during this complain process.

Respectfully,

Donald P. Legg

Donald P. Legg
5110 Stonelick Williams Corner Road
Batavia, Ohio 45103
C/O 3965 Sandtrap Circle
Mason, Ohio 45040
513-616-3373

#7



BOARD OF COUNTY COMMISSIONERS
EDWIN H. HUMPHREY • DAVID H. UIBLE • DAVID L. PAINTER

Permit Central/Building Inspection Department

December 10, 2018

Donald P. Legg
3965 Sandtrap Circle
Mason, Ohio 45040

Re: 5114 Stonelick Williams Corner
Complaint No. 17587

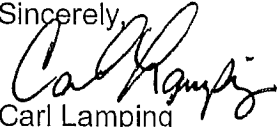
Mr. Legg,

The Clermont County Building Department received your letter on November 15, 2018 stating that a nuisance has been created by the owner of 5114 Stonelick Williams Corner and the Clermont County Engineer's Office. Your letter states the nuisance was created by the excavation of a ditch by the County Engineer's Office which has increased the water flow/erosion towards and across your property.

The site has been visited by the Building Department. It is the Department's opinion that there is no violation of the WMSC Regulations created by the roadside ditch maintenance by the County Engineer's Office. Maintenance work along the roadway is the responsibility of the County Engineer's Office, which is exempt from the Clermont County Water Mangement and Sediment Control Regulations per Section 150. Therefore the complaint filed will be closed.

You have the right to appeal. The notice of appeal must be in writing and received within ten (10) working days from the date of mailing of the Notice of Violation per Section 850.2 of the Clermont County WMSC Rules and Regulations.

I appreciate your cooperation with this matter. Please contact me if you have any questions or need clarification on the issue.

Sincerely,

Carl Lamping
Director, CBO

Cc: Clermont County Prosecutor's Office
File

December 17, 2018

Clermont County Building Inspection Department
Carl Lamping, Director, CBO
2275 Bauer Road
Batavia, Ohio 45103
and
Clermont County Board of County Commissioners
Edwin H. Humphrey, President
David L. Painter, Vice President
David H. Uible, Past President
101 East Main Street
Batavia, Ohio 45103

Certified Mail Return Receipt
Regular Mail & Email

Regular Mail & Email

APPEAL OF COMPLAINT No. 17587 CLOSING

RE: 5114 and 5112 Stonelick Williams Corner Road
Complaint No. 17587

Mr. Carl Lamping,

This letter serves as legal notice to Clermont County Building Inspection Department (CCBID) that as owner of the property 5110 Stonelick Williams Corner Road (PIN 302908J023.), I appeal your Closing of My Complaint No. 17587 as stated in your letter dated December 10, 2018.

As stated in my original complaint, Clermont County Engineer's Office (CCEO),entity, and Blanka Misconiova Lee, owner of 5112 and 5114 Stonelick Williams Corner Road (PIN 302908J058. and PIN 302908J074. respectively), did collectively by their surface altering actions cause the increased storm water flow and sediment onto and across my adjacent property at 5110 Stonelick Williams Corner Road (PIN 302908J023.) in violation of 340.1, and did maintain this private nuisance onto my property in violation of 340.2, of the Clermont County Water Management and Sediment Control Regulations (WMSC).

Furthermore, CCBID has failed their responsibility to accurately observe or recognize and assess all conditions and circumstances surrounding the January thru April 2016 actions of the CCEO and Lee as enumerated in section 350.1 of the WMSC. CCBID's interpretation and application of the exemptions contained under Section 150 of the WMSC regulations are flawed and without merit.

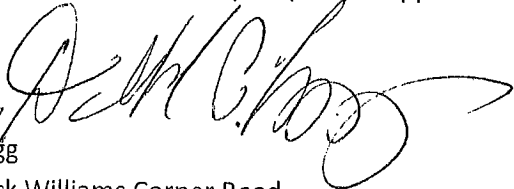
I, Donald Legg, do hereby Require an appeals hearing date.

Sincerely,

Donald P. Legg

Donald P. Legg

5110 Stonelick Williams Corner Road
Batavia, Ohio 45103
C/O 3965 Sandtrap Circle
Mason, Ohio 45040
513-616-3373



RECEIVED

DEC 20 2018

CLERMONT COUNTY
PERMIT CENTRAL

cc: Clermont County Prosecutor
Mr. Bryan R. Perkins, Esq.