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THE VILLAGE OF HEBRON
BOARD OF PLANNING AND ZONING

PUBLIC HEARING

- - -

Monday Evening Session

February 7, 2022, 6:30 p.m.

Municipal Complex

934 Main Street

Hebron, Ohio 43025

- - -

Board of Planning and Zoning:

- Brandon Daubenmire, Chairman
- Rick Stoner, Vice-Chairman
- Scott Jacobs, Secretary
- Jim Layton, Mayor
- Annelle Porter, Council Member

- Linda Nicodemus, Community Development Coordinator
- David Moser, Esq., via Zoom

- - -

REBECCA A. GAUSE
COURT REPORTER
(740) 403-3959

- - -

Monday Evening Session

February 7, 2022

- - -

MR. DAUBENMIRE: All right. It's 6:30.
Let's go ahead and call the meeting to order.
Would you please rise and join me in the Pledge of
Allegiance.

(PLEDGE OF ALLEGIANCE.)

MR. DAUBENMIRE: I'll call the roll.

Ms. Porter?

MS. PORTER: Yes.

MR. DAUBENMIRE: Mr. Daubenmire, yes.

Mr. Jacobs?

MR. JACOBS: Yes.

MR. DAUBENMIRE: Mr. Layton?

MAYOR LAYTON: Yes.

MR. DAUBENMIRE: Mr. Stoner?

MR. STONER: Yes.

MR. DAUBENMIRE: The Board acknowledges
that the minutes are recorded and transcribed.

Is there a motion to approve the
December 6, 2021 regular meeting minutes?

MR. STONER: So moved.

MR. JACOBS: I'll second.

MR. DAUBENMIRE: Motion by Mr. Stoner,

1 seconded by Mr. Jacobs. Is there discussion on the
2 minutes of the previous meeting? I'll call the
3 roll.

4 Ms. Porter?

5 MS. PORTER: Abstain.

6 MR. DAUBENMIRE: Mr. Daubenmire, yes.

7 Mr. Jacobs?

8 MR. JACOBS: Yes.

9 MR. DAUBENMIRE: Mr. Layton?

10 MAYOR LAYTON: Yes.

11 MR. DAUBENMIRE: Mr. Stoner?

12 MR. STONER: Yes.

13 (MOTION APPROVED.)

14 MR. DAUBENMIRE: We have a little bit
15 of procedural business to take care of this evening
16 before we get to the Zoning Board matters at hand.
17 We have to elect our officers yearly. I'm looking
18 for nominations for the chairperson.

19 MR. STONER: I would like to nominate
20 Brandon Daubenmire.

21 MR. JACOBS: I'll second.

22 MR. DAUBENMIRE: Motion made by
23 Mr. Stoner, seconded by Mr. Jacobs. Are there any
24 other nominations?

25 MAYOR LAYTON: I move the nomination to

1 be closed.

2 MR. DAUBENMIRE: Motion to close
3 nomination made by Mr. Layton.

4 MR. STONER: Second.

5 MR. DAUBENMIRE: Seconded by
6 Mr. Stoner. I'll call the roll.

7 Ms. Porter?

8 MS. PORTER: Yes.

9 MR. DAUBENMIRE: Mr. Daubenmire,
10 abstain.

11 Mr. Jacobs?

12 MR. JACOBS: Yes.

13 MR. DAUBENMIRE: Mr. Layton?

14 MAYOR LAYTON: Yes.

15 MR. DAUBENMIRE: Mr. Stoner?

16 MR. STONER: Yes.

17 (MOTION APPROVED.)

18 MR. DAUBENMIRE: Is there a motion to
19 nominate Rick Stoner as the vice-chair?

20 MAYOR LAYTON: So moved.

21 MR. DAUBENMIRE: Is there a second?

22 MR. JACOBS: I'll second.

23 MAYOR LAYTON: I'll move the nomination
24 to be closed.

25 MR. DAUBENMIRE: Is there a second to

1 that?

2 MR. JACOBS: I'll second.

3 MR. DAUBENMIRE: On the motion to
4 approve Mr. Stoner, I'll call the roll.

5 Ms. Porter?

6 MS. PORTER: Yes.

7 MR. DAUBENMIRE: Mr. Daubenmire is yes.

8 Mr. Jacobs?

9 MR. JACOBS: Yes.

10 MR. DAUBENMIRE: Mr. Layton?

11 MAYOR LAYTON: Yes.

12 MR. DAUBENMIRE: Mr. Stoner?

13 MR. STONER: Abstain.

14 (MOTION APPROVED.)

15 MR. DAUBENMIRE: And a motion to
16 nominate the secretary. Do you want to nominate
17 Mr. Jacobs?

18 MAYOR LAYTON: So moved.

19 MR. DAUBENMIRE: Is there a second?

20 MR. STONER: I second.

21 MR. DAUBENMIRE: Second by Mr. Stoner.

22 Any other nominations? Is there a motion to close
23 the nominations?

24 MAYOR LAYTON: So moved.

25 MR. DAUBENMIRE: Motion to close by

1 Mr. Layton. Is there a second?

2 MR. STONER: I'll second.

3 MR. DAUBENMIRE: Motion to approve
4 Mr. Jacobs for secretary, Ms. Porter?

5 MS. PORTER: Why does the secretary
6 always go to a woman? What is it?

7 MR. DAUBENMIRE: No, you're not --
8 we're asking for your vote. Mr. Jacobs has been
9 nominated.

10 MS. PORTER: Nevertheless, what I said
11 is still true.

12 MR. DAUBENMIRE: Okay. We did not
13 nominate you for secretary. I'm just asking for
14 your vote.

15 MS. PORTER: It's a good thing.

16 MR. DAUBENMIRE: Ms. Porter?

17 MAYOR LAYTON: Your vote.

18 MS. PORTER: Yes.

19 MR. DAUBENMIRE: Mr. Daubenmire is yes.
20 Mr. Jacobs?

21 MR. JACOBS: Abstain.

22 MR. DAUBENMIRE: Mr. Layton?

23 MAYOR LAYTON: Yes.

24 MR. DAUBENMIRE: Mr. Stoner?

25 MR. STONER: Yes.

1 (MOTION APPROVED.)

2 MR. STONER: We'll nominate you next
3 year, Annelle. We wanted to let you get your feet
4 wet.

5 MS. PORTER: Thank you. It was very
6 accommodating.

7 MR. DAUBENMIRE: And Community
8 Reinvestment Housing Council, Planning and Zoning
9 Board representative. Is that you?

10 MS. NICODEMUS: No, it's one of you.

11 MR. DAUBENMIRE: It's been you, right?

12 MR. STONER: Uh-huh.

13 MR. DAUBENMIRE: I make a motion to
14 nominate Rick Stoner.

15 MR. JACOBS: I'll second.

16 MAYOR LAYTON: I move nominations to be
17 closed.

18 MR. DAUBENMIRE: Is there a second to
19 close the nominations?

20 MR. JACOBS: I'll second.

21 MR. DAUBENMIRE: All in favor of
22 Mr. Stoner being the Zoning Board representative
23 for the Community Reinvestment Housing Council --

24 Ms. Porter?

25 MS. PORTER: Yes.

1 MR. DAUBENMIRE: Mr. Daubenmire is yes.
2 Mr. Jacobs?

3 MR. JACOBS: Yes.

4 MR. DAUBENMIRE: Mr. Layton?

5 MAYOR LAYTON: Yes.

6 MR. DAUBENMIRE: And Mr. Stoner?

7 MR. STONER: Abstain.

8 (MOTION APPROVED.)

9 MS. NICODEMUS: That was fast.

10 MR. DAUBENMIRE: That brings us to our
11 public hearing portion. No decision will be made
12 at this public hearing. It will be made at either
13 during the regular meeting or within 35 days from
14 the date of the public hearing.

15 Oath to witnesses, anyone wishing to
16 comment during a public hearing must take the
17 witness oath or their comments cannot be
18 considered. It is suggested that you stand and
19 participate in the group witness oath to assure
20 your comments will be considered as part of the
21 official record.

22 MR. DAUBENMIRE: Are you from BCC,
23 Limited?

24 MR. BAUS: I am.

25 MR. DAUBENMIRE: IF anyone else going

1 to speak on this matter this evening, raise your
2 right hand.

3 (WITNESSES SWORN IN BY MR. DAUBENMIRE.)

4 - - -

5 LUKE BAUS

6 being first duly sworn, as provided by law, was
7 examined and testified as follows:

8 MR. DAUBENMIRE: Do you want to come
9 forward to the podium. And please state your name
10 and address for the record.

11 MR. BAUS: Luke Baus, 149 East Main
12 Street.

13 MR. DAUBENMIRE: Thank you, Luke. This
14 public hearing is to consider the following, BCC
15 Limited, LLC at 149 East Main Street, zoned general
16 commercial. Variances from 1153.05, permanent
17 signs. Non-residential districts: Permanent signs
18 in non-residential districts shall conform to the
19 following standards and all other applicable
20 standards of the Codified Ordinances.

21 Subsection 1, the number, freestanding signs: No
22 more than one freestanding sign shall be permitted
23 per parcel. Subsection 2, maximum area, height and
24 location, freestanding signs, the total area shall
25 not exceed 20 square feet when located 10 feet from

1 the street right-of-way line. For each additional
2 one-foot setback from the street right-of-way line,
3 an additional 10 square feet of display area may be
4 permitted up to a maximum of 120 square feet. All
5 sides of the freestanding sign will be considered
6 when calculating the allowable square footage.

7 So if we understand correctly, the one
8 sign you have out front is, like, a boulder with
9 something engraved on the front, correct?

10 MR. BAUS: That's correct. It's a slab
11 of granite that actually has the original company's
12 name from when we moved into the location on it
13 currently.

14 MR. DAUBENMIRE: Correct. And once you
15 build the new sign, what are you going to do with
16 the old boulder?

17 MR. BAUS: Do you want it?

18 MR. DAUBENMIRE: No. The reason I'm
19 asking you is that if it's going to remain there,
20 this would probably be, like -- we would be
21 discussing whether or not you would have two signs
22 on your property. So if it's like --

23 MR. BAUS: Correct. So the idea -- and
24 I think that was one of the variance requests is to
25 have two signs because I would like to not have to

1 figure out how to try to remove it or do something
2 with it. Unfortunately, it's got the old name and
3 to redo it and re-engrave it is a little bit of a
4 process, as well as it's not really in a good
5 location for anybody.

6 MR. DAUBENMIRE: Right.

7 MR. BAUS: Coming down Main Street
8 either direction it doesn't do a lot of good. So
9 my intention would be to have it remain
10 essentially, and we are requesting a variance to
11 have two on-site signs.

12 MR. DAUBENMIRE: What if you just
13 tipped it over so that the flat side was down and
14 it was like a bolder in your flower bed?

15 MR. BAUS: We could look at rotating
16 it. We'd have to get a piece of equipment or
17 something in to strap it and get it to roll over.
18 My concern is it's built up on a mound, so if we
19 try to push it, we're just going to roll it back
20 down the mound and I think it's going to look
21 junkie.

22 MR. DAUBENMIRE: Right.

23 MR. BAUS: So the only good way would
24 be to get something in there, strap it, lift it and
25 rotate it.

1 MS. PORTER: Or bury it.

2 MR. DAUBENMIRE: I'm just trying to
3 look for a work around so we don't set a precedent
4 of allowing two signs. Right. So I'm just trying
5 to look at a work around.

6 MAYOR LAYTON: How many parcels are
7 there?

8 MS. NICODEMUS: Three.

9 MAYOR LAYTON: And it's one sign per
10 parcel, correct? That's what the zoning says.

11 MS. NICODEMUS: David, do you want
12 to weigh in?

13 MR. MOSER: I'm sorry. What was the
14 question?

15 MAYOR LAYTON: The property is on three
16 parcels, and our thing says one sign per parcel,
17 right?

18 MR. MOSER: Yeah. Yeah. Correct. And
19 there is distinction in the Code, the Sign Code
20 specifically between residential and
21 non-residential with respect to signs, each with a
22 little bit different requirements.

23 MAYOR LAYTON: Well, it is a
24 non-residential business. But my question is if
25 you've got three parcels there, can he have three

1 separate signs?

2 MR. MOSER: That's a good question,
3 Mayor.

4 MAYOR LAYTON: I can see what he wants
5 to do. He wants to get on Main Street where the
6 retail business is.

7 MR. DAUBENMIRE: The only reason I was
8 questioning him about flipping the thing over or
9 tipping it is to avoid -- to not have to put
10 anything on the record or have any kind of a
11 thing -- I didn't realized it was that big that you
12 couldn't take a Bobcat and -- you know.

13 MAYOR LAYTON: Yeah, if he can do one
14 per parcel, then we don't have an issue. He can do
15 one anyway.

16 MR. MOSER: I will say, Brandon -- I'll
17 get back to the Mayor's question in a second, but I
18 will say I had similar questions too, and I know --
19 it's very good the Chairman is mentioning, you
20 know, setting a precedent.

21 A variance is unique to the unique
22 attributes of the specific property situation. And
23 I will say having discussed the background of this
24 application a little bit with Linda this afternoon,
25 it does seem like a pretty unique situation in

1 terms of the existing boulder sign and the, you
2 know, cost and potential effort it would take to
3 move it and that sort of thing. So that's my
4 preliminary thoughts for the Board. And remember
5 that with respect to any decision on a variance,
6 you will -- through Linda -- be sending written
7 findings of fact. And so depending on what the
8 outcome is and the Board's decision, the more
9 specific we are with that decision, the more
10 compliant we are with the Code and the more -- you
11 know, setting a record that explains our reasoning
12 and our decision that doesn't just say, yeah, sure
13 come to the Board and we'll grant you two signs if
14 you ask for it. There is specific reasoning that's
15 going to be involved in there if that makes sense.

16 MS. NICODEMUS: You can specify those.

17 MR. STONER: I have another question.

18 MR. MOSER: Sure.

19 MR. STONER: So hypothetically, if you
20 had somebody that owned multiple parcels like this,
21 and there were multiple businesses operating on it,
22 the multiple businesses would be able to each have
23 a sign, correct?

24 MR. MOSER: Correct. Presumably, yes.

25 MR. STONER: That alleviates my issue.

1 MAYOR LAYTON: What I said was if he
2 has three parcels down there, according to what
3 we're seeing in here -- what I'm reading in here is
4 he can have three signs.

5 MR. DAUBENMIRE: Yep. I read our
6 counsel loud and clear too.

7 MR. MOSER: So the answer to your
8 question, Brandon, is it is per parcel. So the
9 number, if I'm understanding us correctly -- if the
10 quote/unquote second sign is on a different parcel
11 than the boulder sign, then there is actually no
12 issue.

13 There is still the setback issue that a
14 variance is required but it's per parcel. Other
15 requirements of the Sign Code specify -- depending
16 on wall signs, which aren't really at issue here.
17 We talked about per business -- so that language is
18 in there. But for this specific requirement it's
19 per parcel. So if it's on a different parcel,
20 which I wasn't aware of, then we should be in the
21 clear.

22 MS. PORTER: Is it a different parcel?

23 MS. NICODEMUS: Yes.

24 MR. DAUBENMIRE: It is. It sure is.

25 MAYOR LAYTON: So the discussion about

1 the setback?

2 MS. NICODEMUS: Now we have to have the
3 discussion about the setback.

4 MR. DAUBENMIRE: Okay. So we've
5 eliminated the number of signs issue. That's not
6 even an issue anymore. Do we need to do anything
7 on the record for that or does that go away, Dave?

8 MR. MOSER: I think you can put it on
9 the record when you get to the action item. We
10 still have the same variance requirement with
11 respect to the setback, so you can just put on the
12 record that -- you know, you can have the applicant
13 withdraw it since it's no longer needed.

14 MR. DAUBENMIRE: Okay. Roger that.

15 MR. MOSER: And then move on to the
16 setback variance.

17 MR. DAUBENMIRE: Any other questions
18 for Luke?

19 MS. NICODEMUS: Do you have questions
20 about the setback?

21 MR. DAUBENMIRE: I don't think I do.

22 MR. BAUS: If I could, I'll briefly
23 explain why.

24 MR. DAUBENMIRE: All right. Go ahead.

25 MR. BAUS: So essentially, the

1 requirement is 10 foot from the property line. So
2 the front of the mill actually sits right on the
3 property line. So I went out there and I stepped
4 it off the other day before we submitted, and 10
5 foot -- because of heading eastbound, you know,
6 west to east, essentially, you can get past the
7 sign before you really even notice it. So I want
8 to make sure -- because we get a lot of people.
9 It's easy to explain the building and they can find
10 it. But a lot of people don't see any signage. So
11 we're trying to get signage out that is better. So
12 essentially, I want to get it close enough that
13 they can see it when they come past the building,
14 but keep it back far enough that as we are pulling
15 out onto Main Street, it doesn't inhibit us from
16 seeing cars coming.

17 So essentially, I stepped off 5 foot.
18 5 foot seemed to be appropriate that I can pull up,
19 pull out and still see both ways. And when you're
20 coming eastbound on 40, you can see the sign
21 without completely passing it. So that was the
22 intention of the 5 foot.

23 MS. NICODEMUS: And the fact that US 40
24 has an 8-foot road right-of-way. If you go out and
25 measure from the north side of the sidewalk, it's

1 almost 7 foot of road right-of-way on the north
2 side. So even if he put it 5 foot, it would still
3 be -- yeah, it would still be like 12 foot from the
4 sidewalk even.

5 MAYOR LAYTON: I think the right-of-way
6 is not too far from some front steps down that way.

7 MS. NICODEMUS: Right. His building is
8 right on the --

9 MR. BAUS: The main building is a bump
10 out. Where the old front entry is, is actually
11 over the property line.

12 MAYOR LAYTON: That was put up how many
13 hundreds of years ago?

14 MR. BAUS: A little before me.

15 MR. STONER: If the mill is right on
16 the property line, you got a bigger problem. We
17 got to get you to move the mill back.

18 MR. DAUBENMIRE: That's funny. Any
19 other questions for Luke?

20 MS. PORTER: Are you sure if you are
21 going to put up another granite installation --
22 shall we say -- do you have the naming proper this
23 time?

24 MR. BAUS: So actually, the signage
25 that you were sent a picture of, it will be stone

1 on the base. It will be brick around it and it
2 will have the signage on it. That signage can be
3 interchanged, so it can be changed.

4 MS. PORTER: And that way you can take
5 a client's name off or on. It's removable. It's
6 more adaptable.

7 MR. BAUS: It's more adaptable. It's
8 more modern, yeah. It makes a lot more sense. The
9 other one was kind of like a tombstone.

10 MS. PORTER: Yeah. It's pretty
11 permanent.

12 MR. BAUS: Any other questions?

13 MR. DAUBENMIRE: I have none.

14 Mr. Jacobs?

15 MR. JACOBS: I don't.

16 MR. DAUBENMIRE: Ms. Porter?

17 MS. PORTER: No. I have no other
18 questions.

19 MR. DAUBENMIRE: Mr. Layton?

20 MAYOR LAYTON: I'll make a motion that
21 we accept --

22 MR. DAUBENMIRE: No. No, this is just
23 do you have any questions. Do you have any
24 questions, Mr. Mayor?

25 MAYOR LAYTON: I'm sorry. No, I don't

1 have any.

2 MR. DAUBENMIRE: Do you have any
3 questions, yes or no?

4 MAYOR LAYTON: No, I don't have any.

5 MR. DAUBENMIRE: Is there a motion to
6 adjourn from the public hearing and reconvene into
7 the regular meeting?

8 MAYOR LAYTON: So moved.

9 MR. JACOBS: I'll second.

10 MR. MOSER: And then, Board,
11 procedurally with respect to -- you've got two
12 action items on here, just to clarify. I know I
13 said this before, but assuming our applicant, Luke,
14 is okay with it, which I assume he is based on our
15 conversation during the public hearing, the first
16 motion would be to remove that variance for
17 1153.05(B), the number of signs from the agenda and
18 then the rest of the action items on the agenda are
19 the same for the setback.

20 MR. DAUBENMIRE: Okay. Thank you.
21 6:48 we adjourned from the public hearing. Before
22 we move on further, I did forget at the very
23 beginning of the meeting to welcome Ms. Porter to
24 the Planning and Zoning Board. She's just been
25 nominated from City Council. She's a City Council

1 representative. I neglected to welcome her
2 properly at the beginning of the meeting. Thank
3 you.

4 MS. PORTER: Thank you.

5 MR. DAUBENMIRE: Thank you, Ms. Porter.
6 Back to the line item number 6. Items requiring
7 action, BBC Limited, LLC 149 East Main Street,
8 zoned general commercial, number of monument signs.
9 Would the applicant like to remove the request for
10 the variance?

11 MR. BAUS: Yes.

12 MS. NICODEMUS: Do you have a motion to
13 remove it?

14 MR. DAUBENMIRE: Is there a motion to
15 remove the variance?

16 MR. JACOBS: I'll make the motion.

17 MR. STONER: I'll second.

18 MR. DAUBENMIRE: Motion to remove made
19 by Mr. Jacobs, seconded by Mr. Stoner. I'll call
20 the roll.

21 Ms. Porter?

22 MS. PORTER: Yes.

23 MR. DAUBENMIRE: Mr. Daubenmire is yes.

24 Mr. Jacobs?

25 MR. JACOBS: Yes.

1 MR. DAUBENMIRE: Mr. Layton?

2 MAYOR LAYTON: Yes.

3 MR. DAUBENMIRE: Mr. Stoner?

4 MR. STONER: Yes.

5 (MOTION APPROVED.)

6 MR. DAUBENMIRE: Okay. The second
7 variance, Planning and Zoning Code Section
8 1153.05(2)(B) from the 10-foot setback requirement.
9 Is there a motion to approve the 5-foot setback
10 variance request?

11 MAYOR LAYTON: So moved.

12 MR. DAUBENMIRE: Is there a second?

13 MR. STONER: Second.

14 MR. DAUBENMIRE: Motion to approve made
15 by Mr. Layton, seconded by Mr. Stoner. I'll call
16 the roll.

17 Ms. Porter?

18 MS. PORTER: Yes.

19 MR. DAUBENMIRE: Mr. Daubenmire is yes.

20 Mr. Jacobs?

21 MR. JACOBS: Yes.

22 MR. DAUBENMIRE: Mr. Layton?

23 MAYOR LAYTON: Yes.

24 MR. DAUBENMIRE: Mr. Stoner?

25 MR. STONER: Yes.

1 (MOTION APPROVED.)

2 MR. DAUBENMIRE: Awesome. Thank you.

3 MR. BAUS: Thank you. Have a good
4 evening.

5 MR. DAUBENMIRE: You too.

6 MS. NICODEMUS: I'll have everything
7 ready and call you when it's done.

8 MR. BAUS: Awesome. Thanks.

9 MR. DAUBENMIRE: The next item, Bob
10 Jude, 602 West North Street, a new home on a
11 non-conforming lot. An application to construct a
12 new home at 602 West North Street on a
13 non-conforming lot. The property is zoned
14 residential R-2 with a side setback of 10 feet.
15 The lot is non-conforming with a 50-foot lot width
16 instead of 80. His building plans meet all the
17 other requirements except the side setbacks.

18 MS. NICODEMUS: So it's only one of the
19 side setbacks that it will not meet. It's a
20 10-foot setback on each side. And as he has put on
21 his application, he is going to have 8 foot on one
22 side -- so it's going to be a narrow house -- and
23 16 on the other. So it will be further away from
24 the road, closer to the other property line, but
25 it's only -- it's still an 8-foot setback instead

1 of the 10. It's only 2 foot.

2 MS. PORTER: But it will be 16 between
3 the house itself --

4 MS. NICODEMUS: And the roadway.

5 MAYOR LAYTON: Or any other houses.

6 MS. NICODEMUS: Yes.

7 MAYOR LAYTON: I make a motion that we
8 approve it. We got to realize most of the lots in
9 town were 50 foot to start with.

10 MR. DAUBENMIRE: Almost every lot in
11 Hebron is non-conforming.

12 MAYOR LAYTON: I'll make a motion we
13 approve it.

14 MR. DAUBENMIRE: A motion to approve
15 was made by Mr. Layton.

16 MR. JACOBS: I'll second.

17 MR. DAUBENMIRE: Seconded by
18 Mr. Jacobs. I'll call the roll.

19 Ms. Porter?

20 MS. PORTER: Yes.

21 MR. DAUBENMIRE: Mr. Daubenmire is yes.

22 Mr. Jacobs?

23 MR. JACOBS: Yes.

24 MR. DAUBENMIRE: Mr. Layton?

25 MAYOR LAYTON: Yes.

1 MR. DAUBENMIRE: Mr. Stoner?

2 MR. STONER: Yes.

3 (MOTION APPROVED.)

4 MAYOR LAYTON: That's where my dad's
5 old house used to be.

6 MR. DAUBENMIRE: Next item on the
7 agenda is Joyce Erlandson Trust, 108 Warden Street,
8 lot split application. Planning and Zoning Code
9 Section 1173.02, lot split. A lot split, otherwise
10 known as a minor subdivision, may be approved by
11 the Community Development Coordinator if the
12 proposed lot split complies with all the following
13 requirements: The proposed lot split is located
14 along an existing dedicated public right of way and
15 does not involve the opening, widening, or
16 extension of any street, road, or easement, and
17 does not involve the creation or extension of
18 public utilities. No more than three lots,
19 including the remainder, are created from the
20 original property. And the proposed lot split
21 complies with all applicable Subdivision and Zoning
22 Regulations.

23 An application was received for a lot
24 split. The applicant wants to split one 6.384-acre
25 lot into two lots; one, 2.384 and the other

1 4 acres. The property is zoned R-2, medium density
2 residential.

3 MS. NICODEMUS: And I want to tell you
4 that it does state that I can approve this lot
5 split. It does meet that criteria. But our normal
6 habit is that it comes before the Planning and
7 Zoning Board for a lot split, and not just --

8 MR. STONER: Doesn't it have to go
9 before Council after we --

10 MS. NICODEMUS: No.

11 MR. STONER: It doesn't?

12 MS. NICODEMUS: No. It's not a major
13 subdivision. It's just a lot split. It's two
14 lots.

15 MAYOR LAYTON: It's got access off of
16 Pence.

17 MS. NICODEMUS: It's got access off of
18 Pence. It's got water and sewer.

19 MAYOR LAYTON: Yeah, ray didn't want
20 any neighbors.

21 MR. STONER: Oh, I know. I know Ray.

22 MS. NICODEMUS: And the Erlandsons are
23 here.

24 MAYOR LAYTON: I figured that's what
25 would happen. That's a big lot down there for one

1 house.

2 MR. STONER: Is the intention of the
3 lot split to sell the property?

4 MS. ERLANDSON: No. Just the four.

5 MR. STONER: Just the 4,000 acres?

6 MS. ERLANDSON: 4 acres.

7 MR. STONER: Or 4 acres, sorry.

8 MS. ERLANDSON: Yes.

9 MR. STONER: You probably don't know
10 this but a lot of the dirt that's on your property
11 is my dirt.

12 MS. ERLANDSON: Glad you had somewhere
13 to put it.

14 MR. STONER: When I built the addition,
15 Ray let me put the dirt there. It saved me a lot
16 of money on dump trucks.

17 MR. DAUBENMIRE: Should we have them
18 state their name and address for the record?
19 Somebody come to the podium please.

20 MS. ERLANDSON: That's all right.

21 MR. DAUBENMIRE: Name and address,
22 please.

23 MS. ERLANDSON: Joyce Erlandson, 108
24 Warden Street.

25 MR. DAUBENMIRE: Does anybody have any

1 other questions for them?

2 MAYOR LAYTON: Nope.

3 MR. DAUBENMIRE: Is there a motion to
4 approve the lot split?

5 MAYOR LAYTON: So moved.

6 MR. DAUBENMIRE: Is there a second?

7 MR. STONER: I'll second.

8 MR. DAUBENMIRE: Motion to approve was
9 made by Mr. Layton, seconded by Mr. Stoner. I'll
10 call the roll.

11 Ms. Porter?

12 MS. PORTER: Yes.

13 MR. DAUBENMIRE: Mr. Daubenmire is yes.

14 Mr. Jacobs?

15 MR. JACOBS: Yes.

16 MR. DAUBENMIRE: Mr. Layton?

17 MAYOR LAYTON: Yes.

18 MR. DAUBENMIRE: Mr. Stoner?

19 MR. STONER: Yes.

20 (MOTION APPROVED.)

21 MR. DAUBENMIRE: All right. Thank you.

22 MS. NICODEMUS: I'll have your stuff
23 ready and then I'll call you as soon as it's ready.

24 MS. ERLANDSON: Can I say thank you for
25 all of your work clearing of the creek.

1 MS. NICODEMUS: You're very welcome.

2 MS. ERLANDSON: We have a beautiful
3 view now.

4 MS. NICODEMUS: Our public works
5 department has been doing a great job.

6 MS. ERLANDSON: Yeah, it's opened up a
7 lot, but thank you.

8 MS. NICODEMUS: You're very welcome.

9 MAYOR LAYTON: We're making an attempt
10 to do that through town so we can eliminate some of
11 the water problems.

12 MR. DAUBENMIRE: That moves us to the
13 next item, RHDK Investments, LLC, multiple
14 properties on Hebron Road, West O'Neill and Maple
15 Drive area, amendment application. Planning and
16 Zoning Code Section 1123, low density residential
17 R2 to manufacturing M1.

18 An application was received for eight
19 lots, seven vacant lots with one vacant building.
20 The owner wants the zoning to match their larger
21 lot that the four are contiguous to. These
22 properties are zoned low density residential. Is
23 there a motion to set a public hearing?

24 Does it have to be within 35 days?
25 Correct, David?

1 MR. MOSER: Actually 60 days of when
2 the application was received. Because remember
3 this is OB zoning. It's technically an amendment.
4 So after you -- your action as a Board is just
5 making a recommendation, and the final say is going
6 to be made by Council.

7 MS. NICODEMUS: I received the
8 application on December 28. So March 7 was the
9 soonest that I told them that we could have a
10 public hearing.

11 MR. DAUBENMIRE: At our next meeting,
12 right?

13 MR. MOSER: Yeah, it definitely needs
14 to be by your next meeting.

15 MS. PORTER: By the first meeting or at
16 the next meeting?

17 MR. DAUBENMIRE: At the next meeting.

18 MAYOR LAYTON: When did you receive it?

19 MS. NICODEMUS: December 28.

20 MR. DAUBENMIRE: The 7th would be okay.
21 Is there a motion to set the public hearing for
22 March 7?

23 MR. JACOBS: So moved.

24 MAYOR LAYTON: Second. And that meets
25 the 60-day requirement?

1 MR. MOSER: You're good. Yeah, because
2 you're just scheduling it at some point from within
3 days of having received it. So yeah, definitely
4 March 7 is compliant.

5 MR. DAUBENMIRE: Okay. There is a
6 motion to set the public hearing March 7 by
7 Mr. Jacobs. Is there a second?

8 MAYOR LAYTON: I seconded.

9 MS. PORTER: I second.

10 MR. DAUBENMIRE: Ms. Porter. I'll call
11 the roll.

12 Ms. Porter?

13 MS. PORTER: Yes.

14 MR. DAUBENMIRE: Mr. Daubenmire is yes.
15 Mr. Jacobs?

16 MR. JACOBS: Yes.

17 MR. DAUBENMIRE: Mr. Layton?

18 MAYOR LAYTON: Yes.

19 MR. DAUBENMIRE: Mr. Stoner?

20 MR. STONER: Yes.

21 (MOTION APPROVED.)

22 MS. PORTER: I have a question of our
23 attorney. If a piece of property is changed from
24 one designation to another, is there a requirement
25 when that becomes effective? In other words, a

1 piece of property can be rezoned and then stay that
2 way for 10 years? Is there any obligation on the
3 part of the person who is asking for the change and
4 ultimately receives it -- and then and nothing
5 happens?

6 MR. MOSER: So the way that a zoning
7 amendment or rezone takes affect is really in
8 practice after it goes through your Board. And
9 when it finally goes through Council, your Village
10 Zoning Map is actually amended and changed. So
11 that property where ever it was -- and speaking
12 practically -- changes colors from whatever color
13 district it was in before to its new zoning
14 designation. So it becomes official from that
15 point on.

16 The property owner, their obligations
17 are to comply with the use requirements and all the
18 technical requirements that accompany that new
19 district. But at the point Council passes their
20 legislation and it becomes effective, the map is
21 changed and that's when the rezone really takes
22 affect.

23 Does that answer your question? I'm
24 not sure it did.

25 MS. PORTER: Well, you're on your way.

1 My concern is I have seen over the years where a
2 piece of property has been changed and sometimes
3 it's increased the value of the property but
4 nothing happens to that property. So it looks like
5 it's an investment on the part of the owner to make
6 it more desirable. And so what happens is that the
7 new designation just languishes. It stays there
8 forever and ever and ever without really a plan to
9 use the property.

10 And for -- I just think that there
11 ought to be -- you know, within X number of years
12 something ought to happen on that property because
13 it was rezoned to meet the desire of the property
14 owner.

15 MAYOR LAYTON: Annelle, one of the
16 issues is we made a commitment -- and we did it
17 with Mr. White. He came in and wanted to rezone it
18 to try and make it more sellable, and we told him
19 no. If he comes back with a plan -- you got a
20 designated plan of what you're going to do on the
21 property, then we'll rezone it.

22 MS. PORTER: Well, I'm talking about --

23 MR. DAUBENMIRE: I think I understand
24 what Ms. Porter is trying to ask. I think the
25 answer to her question is no.

1 Ms. Porter, once we approve this and it
2 went from R1 to M1, in order to change it back,
3 somebody else would have to come in before this
4 same Board and go through the same process again to
5 reverse it.

6 I do not believe we can say, yes, we'll
7 grant you this, but it expires in 10 years. We
8 can't do that. Once it's done, it's done.

9 Am I correct, David?

10 MR. MOSER: Yeah, you're correct,
11 Brandon.

12 So I think, Ms. Porter, you're asking
13 about, you know, the property is rezoned -- in
14 answer to your question, no, the rezoning stays
15 effective permanently until it gets changed again.
16 So the development of the property, like you said,
17 languishing, and they're not really doing anything
18 with it, they're not developing it into what really
19 the proposed intended use for the new district
20 rezoning is, you can't really control that once the
21 rezoning has occurred.

22 So the practical tip, which I think the
23 Mayor mentioned with a recent application -- you
24 know, my recommendation is, it really doesn't make
25 sense to rezone a property -- and there are

1 exceptions, but it really doesn't make sense to
2 grant a rezoning without an actual development plan
3 or proposal.

4 In 90 percent of the cases where you're
5 rezoning say from, you know, an agricultural
6 undeveloped land to a multifamily residential, like
7 apartments or something, it doesn't make sense to
8 approve that type of request until you know what's
9 going to go in there because you, as a planning
10 board, have no power or authority otherwise to plan
11 and control what goes there -- if that makes sense.

12 So, yeah, the example you provided is
13 probably long before my time and from a few years
14 ago. But, yeah, once the rezoning occurs, you
15 can't reverse it. And therefore, I say when those
16 come up before the Board, make is sure -- it's okay
17 to say we want to have a solid plan and know what's
18 happening with the property in the future.

19 MS. NICODEMUS: And that can definitely
20 happen when you have your public hearing. But
21 they're requesting this -- I had spoken to them and
22 said that normally you come up with a plan and you
23 will be asked.

24 MR. DAUBENMIRE: What's your plan?

25 MS. NICODEMUS: By the Planning and

1 Zoning Board and by Council what your plan is with
2 those properties. So they're prepared.

3 Apparently, they just didn't send anything to me.
4 And if they come without it, note that I did tell
5 them that they needed to bring a plan if they
6 thought that they were going to get it approved.

7 MR. STONER: I have one quick question.
8 On your diagram you got nine properties.

9 MS. NICODEMUS: Wait a minute. That's
10 their diagram.

11 MR. STONER: There are nine properties
12 highlighted, and on your thing it says eight
13 properties.

14 MS. NICODEMUS: Because I have a
15 problem with one of them.

16 MR. DAUBENMIRE: The brick house.

17 MR. STONER: I mean, it does say one
18 has a vacant building on it.

19 MS. NICODEMUS: They say eight vacant
20 lots, one with a vacant home on there.

21 MR. DAUBENMIRE: Is that the brick
22 house -- is the vacant home?

23 MS. NICODEMUS: Yeah. But one of them
24 that they have listed is the detention basin for
25 Coshocton Grain and the roadway. So we can't get

1 rid of a detention basin. They can't build on that
2 detention basin. That detention basin probably
3 should -- the back two lots on that diagram, where
4 the roadway is and that detention basin that runs
5 north, those should have been rezoned Manufacturing
6 because they go with Coshocton Grain. They go with
7 the manufacturing business but they weren't at the
8 time. And I don't know how to deal with them
9 because they are not giving us a plan and that's a
10 detention basin for stormwater.

11 MR. DAUBENMIRE: I think we're getting
12 ahead of ourselves. Let's wait until the public
13 hearing to talk about --

14 MS. NICODEMUS: Right.

15 MR. DAUBENMIRE: We're speculating
16 right now.

17 MS. NICODEMUS: Yeah. And I have no
18 idea what their plan is, but they put eight.

19 MR. DAUBENMIRE: Does that clear it up
20 a little bit, Annelle?

21 MAYOR LAYTON: It's vitally important
22 that we contact them and say, hey, this is a
23 detention basin and, oh, by the way, Council is
24 probably not going to act on it unless you tell us
25 what you are going to do there.

1 MR. DAUBENMIRE: We won't either like
2 we didn't the last time.

3 MAYOR LAYTON: And you understand with
4 this new thing up there with the chip factory,
5 every piece of property around here has gone up in
6 price. I mean, there is people coming in here left
7 and right that want to do stuff in Licking County
8 because that's there.

9 MR. DAUBENMIRE: Okay. Moving on. We
10 have one, two --

11 MS. NICODEMUS: Okay. These are the
12 notices.

13 MR. DAUBENMIRE: We have five of them.
14 We have five home owners with exterior property
15 maintenance repairs who are requesting for time
16 extensions. These are written requests from the
17 homeowners asking for extra time to complete the
18 required repairs. Have we granted extensions
19 already?

20 MS. NICODEMUS: We have at the last
21 meeting in December. We wanted to note that every
22 time this happens, Bonnie and I -- that somebody is
23 going past or thinks they are going to go
24 further -- then it comes before the Board and the
25 Board makes the decision and not us.

1 Two as you see -- one is at a final
2 notice, so 1044 Kelly Drive. That note is from her
3 daughter who is now stepping in and applying and
4 helping her mom apply for home maintenance and
5 repairs.

6 The second one that you see is on a
7 second notice. They aren't on a final notice this
8 year. They have had property maintenance issues
9 every year for --

10 MR. DAUBENMIRE: She described her
11 whole medical history in here.

12 MS. NICODEMUS: Yes.

13 MR. DAUBENMIRE: Holy moly.

14 MS. NICODEMUS: And the third one --
15 the last three were all on first notices and have
16 worked on their property to bring their property
17 into compliance, and the only thing left is some
18 structural thing, like, painting or -- and they
19 just needed some extra time. So they didn't go to
20 second or third notices. They started working on
21 their property and then kind of ran out of time
22 when winter hit. But I wanted to bring those to
23 your attention and have your decision on those.

24 MS. PORTER: On the one at 1044 Kelly,
25 it says, "I'm asking that you please give us six

1 months to apply for home repair assistance."

2 MAYOR LAYTON: She is going to try to
3 get money from -- there is an opportunity to apply
4 for money to come in and make the repairs.

5 MS. PORTER: I understand that, but
6 she's just asking for application time, not the --
7 not the repair. That's two different things
8 because she's then going to ask for another six
9 months to do the repairs.

10 MS. NICODEMUS: The issue there was she
11 is an elderly woman, who, when we walked to her
12 door -- I took someone to apply to -- someone from
13 Licking County that would help her apply for grants
14 to do the home repair. And when we came to the
15 door, she asked us to leave. She said she was so
16 afraid of COVID that we needed to leave. We left
17 the information with her, and her daughter did not
18 know that that was left there.

19 So when her daughter got a copy of the
20 final notice, she didn't know she had notice one,
21 notice two. And the daughter has now taken over,
22 and the daughter is who is asking for the extension
23 because her mother was hiding these things from
24 her, and she doesn't live there with her mom.

25 MS. PORTER: Well, I'm still concerned

1 about the six months that she's asking for because
2 if this is granted, we are going to be talking June
3 and July, and then golly, now it's going to freeze
4 and I have to have another six months. I can see
5 this being --

6 MS. NICODEMUS: So your notice of
7 decision can specify. You can make conditions and
8 say that the work begins within that six-month
9 period of time. They have to apply for a zoning
10 permit. Once they get their zoning permit, they've
11 got six months from that zoning permit -- no matter
12 who it is that gets a zoning permit -- and then
13 they've got 18 months to complete it.

14 MR. DAUBENMIRE: David, quick question
15 for you.

16 MR. MOSER: Uh-huh.

17 MR. DAUBENMIRE: Somebody that's on
18 their final notice and say we do not do this, then
19 what's the next step? This poor old lady gets a
20 whole bunch of legal bills and legal notices and
21 has to go to court and all of that? Is that the
22 next step in this?

23 MR. MOSER: That is the next step,
24 prosecution.

25 MR. DAUBENMIRE: I mean, I don't

1 think -- I think that is a rather harsh move to
2 make on a senior citizen resident during these
3 harsh times in which we live.

4 MS. PORTER: I'm not disputing --

5 MR. DAUBENMIRE: I know.

6 MS. PORTER: I'm disputing -- and I
7 don't think I'm even doing that.

8 MR. DAUBENMIRE: No, no.

9 MS. PORTER: I'm asking for
10 clarification between applying and receiving and
11 doing.

12 MR. DAUBENMIRE: Well, we can
13 stipulate -- maybe we say that it needs to be
14 completed within six months, not six months to make
15 the application.

16 MAYOR LAYTON: We have to follow our
17 zoning requirements, right?

18 Is that what you said, Linda?

19 MR. DAUBENMIRE: No, no, it's not a
20 zoning issue. It's an exterior maintenance code
21 issue.

22 MS. MILLER: Can I speak at the podium?

23 MR. DAUBENMIRE: Please. Please come
24 up and --

25 MAYOR LAYTON: What was the discussion

1 about the --

2 MR. DAUBENMIRE: State your -- please
3 state your name and stuff for the record, please.

4 MS. MILLER: My name is Bonnie Miller.
5 I spoke with the daughter. A little bit of back
6 story. Her mom is elderly. Her mom is afraid of
7 COVID. She rarely goes out. She lost her son. He
8 passed away, and it's taken a toll on her and she's
9 basically become a recluse.

10 So her daughter did not know what was
11 going on and when she found out, she -- I knew she
12 was telling the truth. She said, I am going to get
13 this taken care of. So I honestly don't think that
14 she would try to go beyond six months.

15 MR. STONER: Can you give us some
16 background on what the problem actually is that
17 needs to get taken care of?

18 MR. DAUBENMIRE: There is too many to
19 list. It's probably been on the bottom of this
20 paper for the last year because we skip over it,
21 right?

22 MS. MILLER: Yeah. The siding is wood.
23 It's deteriorating. I mean, it's falling apart.
24 There is soffit missing and fascia missing and the
25 back deck looks like its falling apart, and, I

1 mean, there is too many to mention.

2 MS. NICODEMUS: It's right on the
3 corner -- if you go down Lakewood Drive and you
4 turn right, it's the house on the corner between
5 Westview and Kelly. So it sits on that triangular
6 spot.

7 MR. STONER: The one that sits right at
8 the end of the street?

9 MS. NICODEMUS: Yes, right at that
10 point.

11 MR. STONER: Okay.

12 MS. PORTER: If the application is made
13 for home repair assistance, how long does it take
14 to process that application?

15 MS. NICODEMUS: Licking County has
16 \$300,000 of grant money they are trying diligently
17 all last year to use in Hebron to help with home
18 repair, and she is ideal. That's why Adrian came
19 out. She is who they are looking for.

20 MS. PORTER: But how long is my
21 question?

22 MR. DAUBENMIRE: None of us are
23 specialist. I would say probably you could
24 reasonably speculate three months. Just government
25 bureaucratic red tape, three months. And then you

1 can probably expect them to completed it in six.
2 Can we stipulate that we'll extend to her six
3 months? We're not going to give six months plus
4 six months like you're saying. I agree with you,
5 but --

6 MR. STONER: Linda is saying if you
7 give them -- once they start, they have so much
8 time after they start.

9 MS. NICODEMUS: If they go through this
10 process and she is approved, Licking County hires a
11 contractor. They watch the contractors work. They
12 schedule it. They do the inspections. They make
13 sure everything happens.

14 Once I give them that permit and the
15 work starts within that six months, they have that
16 time just like any other zoning certificate that I
17 give out. That gives them six months from when
18 they get the zoning certificate.

19 MR. STONER: So I think we need to word
20 that differently. I think we need to word it that
21 we are going to give them six months to start the
22 project, not six months to complete it. Six months
23 to start it because you can't tell --

24 MAYOR LAYTON: Or six months to apply.

25 MR. STONER: But if they don't start

1 construction in six months --

2 MS. PORTER: Then it goes to Licking
3 County for enforcement; is that right?

4 MS. NICODEMUS: Correct.

5 MR. DAUBENMIRE: Okay. So in regards
6 to the 1044 Kelly Drive request for extension, is
7 there a motion to approve the extension with six
8 months to apply and start the project with the
9 repairs?

10 MR. STONER: Do we actually have to say
11 apply? Do we care about that part?

12 MR. DAUBENMIRE: Strike that from the
13 record, please.

14 MR. STONER: A six-month extension to
15 begin construction.

16 MR. DAUBENMIRE: Is there a motion to
17 approve the six-month extension for them to start
18 the repairs?

19 MR. STONER: Motion made.

20 MR. DAUBENMIRE: Made by Mr. Stoner.

21 MR. JACOBS: I'll second.

22 MR. DAUBENMIRE: Seconded by
23 Mr. Jacobs. I'll call the roll.

24 Ms. Porter?

25 MS. PORTER: Yes.

1 MR. DAUBENMIRE: Mr. Daubenmire is yes.
2 Mr. Jacobs?

3 MR. JACOBS: Yes.

4 MR. DAUBENMIRE: Mr. Layton?

5 MAYOR LAYTON: Yes.

6 MR. DAUBENMIRE: Mr. Stoner?

7 MR. STONER: Yes.

8 (MOTION APPROVED.)

9 MR. DAUBENMIRE: Are we going to go
10 through each one of these? We probably should --
11 or at least the next one. The next one, the second
12 notice from Natalie. We don't have to read it on
13 the record I don't think because her medical
14 history is on here. People get to go to the third
15 notice so I mean, we've got to give her a little
16 bit more time until she gets to her third notice,
17 right?

18 MR. STONER: Is the third notice the
19 final?

20 MS. NICODEMUS: The third notice would
21 be a final, but she's asking for an extension at a
22 second notice. So this would grant her it now.
23 Then if she would get a final notice if she doesn't
24 do it and go to court.

25 MR. DAUBENMIRE: Can we bring Bonnie up

1 to the podium again. I'm sorry.

2 Go ahead, Annelle.

3 MS. PORTER: This whole thing revolves
4 around the gravel that's been on the sidewalk for a
5 number of years.

6 MR. DAUBENMIRE: Okay. We never
7 discussed these in this detail before at the Zoning
8 Board meeting. You are the one that is there on
9 site all of the time, right? So can we line item
10 some things -- do you mind -- real quick? The
11 twigs and stuff -- is that taken care of -- and the
12 dried leaves that she's referring in the first
13 paragraph?

14 MS. MILLER: Yes. I can tell you what
15 is left.

16 MR. DAUBENMIRE: Let's do it that way.
17 Perfect.

18 MS. MILLER: She has a huge pile -- I
19 mean, she's whittling down this pile of gravel, but
20 this gravel has been there for quite some time and
21 she has told Linda that she's not able to
22 physically do it, like, go out there one day and
23 one hour and get it done. She needs time because
24 of her health. That's why I think she put all of
25 that in there.

1 MR. DAUBENMIRE: Okay.

2 MR. STONER: So is she moving this
3 gravel to another part of her property or spreading
4 it out or what?

5 MS. MILLER: She said she would like to
6 put it in the flower beds to keep the weeds from
7 coming up.

8 MS. NICODEMUS: She has these brick
9 flower beds along her house that thistles grow in,
10 so she gets wrote up for that.

11 MR. DAUBENMIRE: How does it get dumped
12 on the sidewalk to begin with? Do we know that?

13 MS. MILLER: I can answer that. So
14 she's had violations in the past. And she's wanted
15 to tear out her sidewalk and she doesn't want
16 children or anybody, really, going down the
17 sidewalk, so she put that gravel there.

18 MS. NICODEMUS: She had it dumped
19 there.

20 MR. STONER: I don't think that's her
21 call.

22 MR. DAUBENMIRE: Can we have the
23 Village do it and then bill her? I mean, that
24 should be something that --

25 MS. NICODEMUS: We could if we got to

1 final notice. But we aren't at final notice, and
2 she's asking for an extension. So that's why we
3 brought that to you.

4 MR. DAUBENMIRE: Roger that.

5 MS. NICODEMUS: If it gets to a final
6 notice --

7 MR. DAUBENMIRE: Does it have to?

8 MS. NICODEMUS: -- we will have it
9 removed.

10 MR. DAUBENMIRE: Does it have to get to
11 the final notice before --

12 MS. NICODEMUS: Yes. I have to get to
13 a final notice, right David, before I can abate it?

14 MR. MOSER: Yes.

15 MS. PORTER: The gravel that has been
16 removed is in the right of way between the sidewalk
17 and the pavement.

18 MR. DAUBENMIRE: Well, it seems the
19 resolution of this problem is to let it go to the
20 third notice, and then do like you do with the lawn
21 mowing, just have the guy come with a bulldozer and
22 scoop it up in one scoop and drive away and send it
23 to her taxes.

24 MS. NICODEMUS: All you need to do is
25 make a motion to deal with this request.

1 MAYOR LAYTON: I make a motion that we
2 table the request until the third -- third
3 whatever.

4 MR. STONER: Well, the third notice
5 would be in a month, right.

6 MR. DAUBENMIRE: We want the third
7 notice to come, like, now. It's either we approve
8 this or it's the third notice, right?

9 MAYOR LAYTON: Well, hang on a minute.
10 You said we were at the second notice, correct?

11 MS. MILLER: But she has been at that
12 second notice for quite some time.

13 MS. NICODEMUS: If you say no -- if you
14 deny her request for an extension, we can send the
15 final notice.

16 MR. DAUBENMIRE: That's what we want to
17 do.

18 MS. NICODEMUS: We need a motion to
19 deny if that's what you would like to do.

20 MR. DAUBENMIRE: Yep, that's what we're
21 trying to get to.

22 MS. PORTER: So if we do do that, then
23 the Village can move that? It's not going to be a
24 very big job.

25 MAYOR LAYTON: We put it on her taxes.

1 MS. NICODEMUS: We will have it removed
2 and bill her at 20 percent. And she has paid us
3 every time we have had her property cleaned.

4 MAYOR LAYTON: I make a motion that we
5 deny the request.

6 MR. JACOBS: I'll second.

7 MR. DAUBENMIRE: Motion to deny made by
8 Mr. Layton, seconded by Mr. Jacobs. I'll call the
9 roll.

10 Ms. Porter?

11 MS. PORTER: Yes.

12 MR. DAUBENMIRE: Mr. Daubenmire is yes.

13 Mr. Jacobs?

14 MR. JACOBS: Yes.

15 MR. DAUBENMIRE: Mr. Layton?

16 MAYOR LAYTON: Yes.

17 MR. DAUBENMIRE: Mr. Stoner?

18 MR. STONER: Yes.

19 (MOTION TO DENY REQUEST WAS APPROVED.)

20 MR. DAUBENMIRE: And these next three,
21 the first notices that we have already reported on
22 that they went above and beyond getting their
23 things fixed. I don't think we need to act on them
24 as of right now, do you? We would like to give
25 them the extension.

1 MS. NICODEMUS: Yeah.

2 MAYOR LAYTON: Obviously, you can't
3 paint this time of year anyway.

4 MR. DAUBENMIRE: Correct.

5 MAYOR LAYTON: That's part of one of
6 them.

7 MR. DAUBENMIRE: Do we need to go over
8 them individually or can we do it all at one time?

9 MS. NICODEMUS: You can do it one time
10 and just list the addresses.

11 Right, David?

12 MR. MOSER: Yes.

13 MR. DAUBENMIRE: Okay.

14 MS. PORTER: Wait a minute. I missed
15 this.

16 MR. DAUBENMIRE: There are three more
17 of these notices.

18 MS. PORTER: Yes.

19 MR. DAUBENMIRE: They are all first
20 notices. They are all complying. They have all
21 been doing stuff. The stuff that is left is, like,
22 painting. They are working on their stuff, the
23 next three.

24 MS. PORTER: So you're suggesting we
25 take them with one --

1 MR. DAUBENMIRE: We're just going to
2 make one broad motion to approve an extension.

3 MS. PORTER: For each of them?

4 MR. DAUBENMIRE: Until springtime so
5 they can finish their painting.

6 MS. NICODEMUS: For six months.

7 MR. DAUBENMIRE: For six months.

8 MS. NICODEMUS: For 507 East Main, 115
9 Broadway, and 522 East Main.

10 MR. DAUBENMIRE: Okay. Is there a
11 motion to approve the six-month extension for 522
12 East Main Street, 115 Broadway, and 507 East Main
13 Street, to grant the six-month extension? Is there
14 a motion to approve?

15 MR. STONER: So moved.

16 MR. DAUBENMIRE: Motion to approve by
17 Mr. Stoner.

18 MAYOR LAYTON: Second.

19 MR. DAUBENMIRE: Second by Mr. Layton.
20 I'll call the roll.

21 Ms. Porter?

22 MS. PORTER: Yes.

23 MR. DAUBENMIRE: Mr. Daubenmire is yes.

24 Mr. Jacobs?

25 MR. JACOBS: Yes.

1 MR. DAUBENMIRE: Mr. Layton?

2 MAYOR LAYTON: Yes.

3 MR. DAUBENMIRE: Mr. Stoner?

4 MR. STONER: Yes.

5 (MOTION APPROVED.)

6 MS. NICODEMUS: I just want to
7 reiterate, the reason why when these people are
8 requesting an extension, they are requesting it at
9 a specific time. These with -- not waiting until
10 the final notice, those should come before you and
11 make that determination. If not, then we are
12 required to send that second and third and final
13 notice and start the citation process right away.

14 MR. DAUBENMIRE: I've got you. It
15 makes sense.

16 MAYOR LAYTON: We have to be realistic.
17 Nobody is going to paint their house this time of
18 year.

19 MR. DAUBENMIRE: No, no, we're not
20 questioning that at all.

21 MAYOR LAYTON: If they had time, they
22 could before the weather came, right?

23 MR. DAUBENMIRE: So did we do that
24 okay?

25 MS. NICODEMUS: Yes, those will be

1 notices of decision. I'll have those -- I'll have
2 to type those up along with your notice of decision
3 for 602. So those ones -- but the other two you
4 can sign and date here.

5 MR. DAUBENMIRE: Roger that. Next item
6 on the agenda is the community development monthly
7 report. We had a meeting last month so we have a
8 couple months worth of it here. We don't have to
9 line item anything. But does anybody want to
10 discuss anything in particular that's on these two
11 reports?

12 MS. NICODEMUS: I did want to tell you
13 I don't know if you had noticed but you have your
14 December report and then you have a yearly report.
15 So one is just for the whole year, and if you look
16 and turn over -- in 2020 we had 176 -- 146 permits
17 issued. In 2021 we had 264 permits issued. That's
18 over -- that's double, over twice as many.

19 MS. PORTER: I'm sorry what did you say
20 2021 was?

21 MS. NICODEMUS: 2021, 264 zoning
22 permits issued.

23 MS. PORTER: Oh, geez.

24 MS. NICODEMUS: And then the year
25 before it was 146.

1 MS. PORTER: And that would have been
2 in --

3 MS. NICODEMUS: In 2020.

4 MS. PORTER: In 2020.

5 MS. NICODEMUS: And 2020 was a record
6 year for zoning permits. So now 2021 is.

7 MS. PORTER: And 2020 was, again,
8 please, tell me?

9 MS. NICODEMUS: 264.

10 MAYOR LAYTON: No. 2020.

11 MS. NICODEMUS: 2020 was 146.

12 MS. PORTER: Okay. That's what I was
13 looking for. Thank you.

14 MAYOR LAYTON: It's all Pulte Homes,
15 isn't it?

16 MS. NICODEMUS: No.

17 MAYOR LAYTON: Most of it is.

18 MS. NICODEMUS: We've got a lot of new
19 homes other than just that one, too. But, a lot of
20 people during COVID built fences, wanted decks.
21 They were staying home more so they started working
22 on their houses.

23 MS. PORTER: I noticed a lot of fences.

24 MS. NICODEMUS: So swimming pools,
25 several different items. So a lot of people ended

1 up investing more in their properties.

2 MR. DAUBENMIRE: Okay. I'm so glad we
3 rewrote our book, Dave. Again, thank you for all
4 of your help when it came to that, all of those
5 years of banging our heads off of the wall.

6 MR. MOSER: It's been my pleasure.
7 Linda has done a bang-up job as well.

8 MR. DAUBENMIRE: Linda, just like the
9 stormwater, the Xtreme Solutions LLC, have they
10 addressed anymore of that?

11 MS. NICODEMUS: Yes. Well, they
12 emptied that tank and they are not going to fill it
13 until it has a containment unit on it that I will
14 inspect once that becomes available. They changed
15 the position of their door. I don't know if you
16 realized that. So the opening is now facing the
17 street and not facing the storm ditch. And that's
18 their salt storage building and it's in a flood
19 zone. So they had to go the opposite direction.

20 MR. DAUBENMIRE: Okay. What about the
21 stormwater inspection at Lake Forest?

22 MS. NICODEMUS: Yes. I am doing a --
23 going Wednesday with CJ, our new public works
24 superintendent and walking a final walk-through of
25 the Section 4.2 stormwater that was just put in to

1 make sure of how that is draining. By then I will
2 be able to see more of the drain.

3 And Section 3.2 and is complete, so we
4 are doing a final walk through to see if we're
5 ready to release those bond and accept a warranty
6 bond for Hickory and Oakhurst. That's where we are
7 at.

8 I have a lot of people asking me for
9 permits for that. And I cannot issue Section 4.2
10 permits until they passed their water and their
11 sewer and their storm drain inspections, which they
12 were doing a lot of water inspections today, which
13 caused the water to have -- because they were
14 flushing hydrants to get a certain pressure test
15 done for water that they have to have.

16 MAYOR LAYTON: They have been having
17 trouble sealing it up.

18 MS. NICODEMUS: Yes. So until that is
19 done, I won't issue any building permits.

20 MR. STONER: Jim, did you get
21 clarification on the whole question that was
22 brought forward about the storm drains and the
23 water in Lake Forest?

24 MS. NICODEMUS: What about it?

25 MR. STONER: The whole issue about he

1 was going to follow up, I think, with the engineer
2 or whatever, to make sure that the drainage plan
3 was going to be --

4 MAYOR LAYTON: They all met the EPA
5 drainage --

6 MR. DAUBENMIRE: I think he's referring
7 to Mr. Crothers was upset about the drains to the
8 sidewalk, the hole versus through the yard.

9 MAYOR LAYTON: I think -- and I got to
10 go back and double check because it's been a while,
11 but the engineer sent me -- yes, everything has met
12 the requirements of the EPA. In our Village any
13 time somebody builds something new like that,
14 that's the requirement that they meet. And our
15 engineers make sure that they meet that. They have
16 met that down there. And running down the street
17 to go to a drain on the side of the street is
18 absolutely legit.

19 MS. NICODEMUS: So when you guys --

20 MR. STONER: I'm not saying it's not
21 good. I was just worried about another storm.

22 MAYOR LAYTON: They are meeting the
23 standards, yes.

24 MR. DAUBENMIRE: One at a time please.
25 She can only get one of us.

1 MS. NICODEMUS: So when it comes to you
2 at the Planning and Zoning Board for the site
3 development, when you review those site plans, the
4 engineers had already signed off and told you that
5 they met the stormwater requirements. That
6 included the 100-year floodplain and adding on to
7 the stormwater from the previous.

8 So Mr. Crothers did not realize that,
9 which he should have -- he had been on Planning and
10 Zoning before -- that you guys went through that
11 review. You don't pass anything on this Board that
12 has not passed the engineering standards.

13 MAYOR LAYTON: I believe he was on the
14 Board when we approved that the first time, wasn't
15 he?

16 MR. DAUBENMIRE: Yeah. The property
17 beside the Hair Works on South High Street, I know
18 we granted a variance for the house being little on
19 the little lot, they dug the hole. And the hole
20 has been -- well it's a swimming pool. It's a
21 skating rink now. Is that about ready to run out,
22 the building permit?

23 MS. NICODEMUS: You had granted them an
24 extension. I called her like two months ago and
25 asked her what was going on. At that time, her

1 brother who is building the house, was in the
2 hospital with COVID. He has since passed away.

3 MR. DAUBENMIRE: Oh, geez.

4 MS. NICODEMUS: And she said she would
5 get back to me as soon as she found out if she
6 could get someone else to finish.

7 MAYOR LAYTON: There was somebody over
8 there looking around the other day. I don't know
9 if they were doing anything.

10 MS. NICODEMUS: She is trying to
11 contact other contractors to come in and finish
12 what her brother had started.

13 MR. STONER: The problem is getting the
14 contractor.

15 MS. NICODEMUS: And that is what she
16 said she has run into.

17 MR. DAUBENMIRE: Okay.

18 MS. NICODEMUS: But she was very up
19 front.

20 MAYOR LAYTON: The other problem is it
21 seems to be below the water table at this point.
22 It's had water in it ever since he dug the hole.

23 MS. NICODEMUS: Four foot, don't dig
24 past four foot in Hebron.

25 MR. DAUBENMIRE: Okay. Anybody have

1 anything else they want to go off of those? CDC
2 reports.

3 MR. STONER: So, Linda, I know you're
4 doing a great job cleaning out the ditch as the
5 family that was here earlier said. So is that done
6 now, all of the way down through there?

7 MS. NICODEMUS: I haven't -- I'm going
8 to go out with CJ, like I said, on Wednesday.
9 Those are some of the sections we are looking at.
10 They had all of the trees -- I do believe -- pulled
11 out. There were four down in there and they were
12 working on taking everything that was in -- bushes,
13 everything. Just like we were doing on that one
14 end. And then moving to the next side.

15 MR. STONER: That was my next question
16 if you were going to keep going all the way back?

17 MS. NICODEMUS: All the way through
18 Hebron. We are not stopping. That is exactly what
19 we have promised to do. We said that if Council
20 got behind us -- and Council is behind us cleaning
21 the storm ditches out and clearing them.

22 MAYOR LAYTON: We come in and spray
23 them. It's supposed to kill all of the broad leaf
24 and stuff and leave the grass. It did a reasonable
25 job but they are going to spray it again this year.

1 MS. NICODEMUS: And we're going to keep
2 clearing those areas. The other things that they
3 are spraying is like big water lines, between,
4 O'Neill and Milliken that was so overgrown there
5 was no finding anything. So water and sewer lines
6 that just hadn't been maintained in a long time.
7 We are working -- the public works department is
8 working very hard. I say we -- I just go out and
9 walk. They are doing the hard work.

10 MR. STONER: And then the other
11 question that I ask you about at every meeting, any
12 new business developments in Hebron as far as
13 restaurants or anything on the horizon?

14 MS. NICODEMUS: Just conversations.

15 MR. STONER: Yeah. I've heard there
16 are some conversations going on.

17 MAYOR LAYTON: Throw two of them
18 against the wall and two of them stick.

19 MR. DAUBENMIRE: Let's not start any
20 rumors at the Zoning Board.

21 MS. NICODEMUS: We are not the rumor
22 mill.

23 MR. DAUBENMIRE: Okay. Is there
24 anything else that anybody has?

25 MS. PORTER: I have a clarification

1 question, and that concerns the gravel.

2 MR. DAUBENMIRE: Go ahead.

3 MS. PORTER: With what has -- with the
4 action that was taken this evening means it goes
5 directly into final notice?

6 MS. NICODEMUS: Bonnie will send that
7 final notice out tomorrow by certified mail. We'll
8 follow our procedure.

9 MS. PORTER: And when would action be
10 taken on behalf of the Village -- and when would
11 that occur?

12 MS. NICODEMUS: Once she signs for that
13 certified mail and we get the green card back, it's
14 ten days from that signature. Ten days after she
15 signs that she received that notice, then we hire
16 someone to clear it out and then we invoice her.
17 And it doesn't go to her house. It goes away. We
18 explained that to her. When someone has to move
19 that gravel, they are not putting it in your flower
20 beds for you. They are hauling it away.

21 MAYOR LAYTON: Is that something we
22 would do, just have CJ go down and do it?

23 MS. NICODEMUS: No.

24 MR. DAUBENMIRE: To answer your
25 question then, Ms. Porter, it would be real quick.

1 She'll get the notice within the week, and as soon
2 as she signs it, then ten days after that, it will
3 be done.

4 MAYOR LAYTON: We can't do it and
5 invoice her?

6 MS. NICODEMUS: The Village of Hebron
7 won't go on her property. We hire a contractor to
8 go out and do that.

9 MS. PORTER: It's on the sidewalk. So
10 it's not really.

11 MS. NICODEMUS: That's true.

12 MR. DAUBENMIRE: But it will be done by
13 the end of this month probably. It will be gone.

14 MS. NICODEMUS: Once she signs for that
15 certificate of mailing and --

16 MS. PORTER: What if she doesn't sign
17 it?

18 MS. NICODEMUS: If she doesn't sign, I
19 hand deliver it, put it on her door. If she won't
20 answer her door, take a picture of it, and Wes says
21 that counts. All right. David is shaking his head
22 saying that counts.

23 MS. PORTER: Well, I just wanted to be
24 clear because --

25 MS. NICODEMUS: Yes. Because it's been

1 there a long time.

2 MS. PORTER: Well, that's not the only
3 reason but it is a reason.

4 MR. DAUBENMIRE: Does anybody have
5 anything else? Okay. I want to thank everybody,
6 Mr. Stoner, Mr. Jacobs, Mr. Layton, Ms. Porter,
7 Ms. Nicodemus, Bonnie and Rebecca and Rick for
8 sitting in this boring meeting all night. Thank
9 you all for volunteering your time. I appreciate
10 it. The Village appreciates it. Thanks for being
11 the Council representative for the Zoning Board.
12 Welcome aboard. Our next meeting is on March 7,
13 2022, at 6:30.

14 And I forgot to thank David as well.
15 Thank you, David, for all of your help. Is there a
16 motion to adjourn?

17 MS. PORTER: Yes.

18 MAYOR LAYTON: Second. You're just so
19 happy because you're chairman again, right?

20 MR. DAUBENMIRE: Thanks. Do we really
21 have to vote on adjourning?

22 MS. PORTER: Yes.

23 MAYOR LAYTON: Yes.

24 MR. MOSER: Yes.

25 MR. DAUBENMIRE: Vote to adjourn,

1 Ms. Porter?

2 MS. PORTER: Yes.

3 MR. DAUBENMIRE: Mr. Daubenmire is yes.

4 Mr. Jacobs?

5 MR. JACOBS: Yes.

6 MR. DAUBENMIRE: Mr. Layton?

7 MAYOR LAYTON: Yes.

8 MR. DAUBENMIRE: Mr. Stoner?

9 MR. STONER: Yes.

10 (MOTION APPROVED.)

11 MS. PORTER: Have you ever had that --

12 MR. DAUBENMIRE: Adjourned.

13 - - -

14 (Thereupon, the hearing adjourned at

15 7:37 p.m.)

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CERTIFICATE

- - -

I, Rebecca A. Gause, certify that the foregoing is a true and correct transcript of the Hebron Village Public Hearing and Regular Hearing taken by me on Monday, February 7, 2022, and later transcribed on a computer from my stenographic notes.

Date this Transcript certified

Rebecca A. Gause,
Notary Public in and
for the State of Ohio.

My Commission expires May 21, 2024.

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\$300,000 [1] 44/16	90 [1] 35/4	already [3] 38/19 52/21 61/4
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28 [2] 30/8 30/19	addition [1] 27/14	application [14] 13/24 23/11 23/21 25/8 25/23 29/15 29/18
3	additional [2] 10/1 10/3	30/2 30/8 34/23 40/6 42/15 44/12 44/14
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6:30 [3] 1/6 2/4 67/13	53/19 53/20 53/20 55/20 57/14	64/9 64/16 64/21 65/19 65/20
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