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THE VILLAGE OF HEBRON
BOARD OF PLANNING AND ZONING

PUBLIC HEARING

- - -

Monday Evening Session

June 5, 2023, 6:30 p.m.

Municipal Complex

934 Main Street

Hebron, Ohio 43025

- - -

Board of Planning and Zoning:

Rick Stoner, Chairman
Scott Jacobs, Secretary
Jim Layton, Mayor

Bonnie Miller, Community Development Coordinator
Deborah Morgan, Fiscal Officer

- - -

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

- - -

Monday Evening Session

June 5, 2023

- - -

MR. STONER: Please stand for the
pledge.

(PLEDGE OF ALLEGIANCE)

MR. STONER: We'll call the roll.
Dr. Mockus is absent. Mr. McFarland is absent.

MAYOR LAYTON: Both excused?

MR. STONER: Both excused. They both
called in.

Mr. Jacobs?

MR. JACOBS: Yes.

MR. STONER: Mr. Layton?

MAYOR LAYTON: Yes.

MR. STONER: Mr. Stoner is a yes.
Mr. Stoner needs to find something that writes.
The board acknowledges that the minutes are
recorded and transcribed.

New business, items requiring action,
the first item is Dr. Valerie Mockus has applied
for a home occupation permit. The applicant is
requesting a permit for her home-owned business,
Apple Pie Consulting, a higher education computer
consulting business. Dr. Mockus's residence is

1 located at 502 East Main Street is situated in a
2 R-2 district and home occupations are permitted --
3 are a permitted use in R-2 district, Planning and
4 Zoning Code Section 1151 and Section 1125.02.

5 Dr. Mockus had planned to be here
6 tonight but had a family emergency, so her and her
7 husband are both not here, but do I have a motion?

8 MAYOR LAYTON: So moved.

9 MR. JACOBS: I'll second it.

10 MAYOR LAYTON: No parking issues, no
11 nothing? I mean, basically it's an in-house
12 business that they -- she goes to the job site
13 mostly.

14 MR. STONER: Motion to approve by
15 Layton, and seconded by Scott Jacobs. We'll call
16 the vote. Dr. Mockus abstains. Mr. McFarland is
17 absent.

18 Mr. Jacobs?

19 MR. JACOBS: Yes.

20 MR. STONER: Mr. Layton?

21 MAYOR LAYTON: Yes.

22 MR. STONER: Mr. Stoner is a yes.

23 (MOTION APPROVED.)

24 MR. STONER: The next item of business
25 is Gary Mockus has applied for a home occupation

1 permit. The applicant is requesting a permit for
2 his home-based business Cooperrider/Mockus
3 Community Properties, LLC, a real estate rental
4 business. Gary Mockus's residence is located at
5 502 East Main Street is situated in R-2 district.
6 Home occupations are a permitted use in an R-2
7 district, Planning and Zoning Code Section 1151 and
8 Section 1125.02. Do I have a motion on this one?

9 MR. JACOBS: Motion to approve.

10 MR. STONER: Motion to approve by
11 Mr. Jacobs.

12 MAYOR LAYTON: I'll second.

13 MR. STONER: Seconded by Mr. Layton.
14 Dr. Mockus, abstains. Mr. McFarland is absent.

15 Mr. Jacobs?

16 MR. JACOBS: Yes.

17 MR. STONER: Mr. Layton?

18 MAYOR LAYTON: Yes.

19 MR. STONER: Mr. Stoner is a yes.

20 (MOTION APPROVED.)

21 MR. STONER: So the item -- both items
22 passed. Next we have the community development
23 report. Bonnie is here. If we have any questions,
24 we can feel free to ask. Does anybody have any
25 questions? I want to say right off of the bat, I

1 love the pictures. Pictures are great.

2 MS. MILLER: It was Brigitte that did
3 those. I can't take credit for that.

4 MR. STONER: Tell Brigitte we said --

5 MAYOR LAYTON: I noticed that guy on
6 Main Street is starting to make a little progress,
7 isn't he?

8 MS. MILLER: Yes. Not enough for my
9 opinion but he is making progress.

10 MS. MORGAN: It's much better than it
11 was.

12 MS. MILLER: Yes.

13 MAYOR LAYTON: He could never use all
14 of that stuff he's got laying out there, could he?

15 MS. MILLER: I doubt it.

16 MS. CHAPMAN: You don't have it listed
17 here but is our neighbor still on there?

18 MS. MILLER: Beside the (inaudible) or
19 are you talking about --

20 MS. CHAPMAN: The two trailers with the
21 big pile of wood, the garage and the trailers.

22 MS. MILLER: Yes.

23 MS. CHAPMAN: All of that.

24 MS. MILLER: They are written up. I
25 believe they are on their final, and Brigitte stays

1 up on that. She makes sure they are where they
2 need to be and sends out those letters.

3 MS. CHAPMAN: Because that has been
4 there at least a year.

5 MS. MILLER: In order to -- David
6 Moser, in order to -- he said in order to
7 proceed -- because if it goes to prosecution, which
8 that's his plan, we needed to kind of start over,
9 at least go back and take pictures to the final to
10 make sure that everything is where it needs to be
11 because it's being prosecuted.

12 MAYOR LAYTON: I talked to Dale
13 Saturday night and he owns the property but he
14 doesn't own the trailers.

15 MS. MILLER: Right.

16 MS. CHAPMAN: That pile of wood is --
17 it doesn't go to either one. It's just in the
18 middle. It's on the property.

19 MS. MILLER: Yeah. They removed it
20 before several times, have they not?

21 MS. CHAPMAN: The that one pile
22 (inaudible). He moved the old shed and the wood
23 under it, but that big pile of wood there has never
24 been moved.

25 MS. MILLER: Okay. I'll note that.

1 MAYOR LAYTON: Basically, we want the
2 trailers out of there, right?

3 MS. MILLER: Yeah. And David Moser is
4 working on that. That definitely has to be --

5 MAYOR LAYTON: And our zoning says they
6 can't be grand fathered in.

7 MS. MILLER: Right.

8 MAYOR LAYTON: The problem is somebody
9 moved out and they moved back in, right?

10 MR. STONER: New occupant.

11 MS. MILLER: Yeah. A new occupant,
12 yes.

13 MAYOR LAYTON: They are saying those
14 things have been there for 30 or 40 years.

15 MS. CHAPMAN: That was the reason I
16 came is to have an update on that. David said they
17 would have an update on that. Where are we at on
18 any of that?

19 MS. MILLER: He's working on that.
20 He's getting -- he has not sent out the letters
21 yet, nasty grams, if you will, to maybe light a
22 fire. And then if that doesn't work, then it will
23 go -- he will prosecute and it will go to court. I
24 will be in court with him. But I don't believe --
25 I know he has not sent those letters out yet

1 because I would have gotten a call and I have not.

2 MAYOR LAYTON: They have a time period
3 that they can appeal and adjust and find out what,
4 right?

5 MS. MILLER: Yes.

6 MAYOR LAYTON: What's that, 30 days
7 or --

8 MS. MILLER: Well, they get 30 days per
9 notice and then they get -- depending on the
10 severity of it -- whatever the violation is, they
11 can get 10 to 30 more and then final notice and
12 they're way passed their final notice.

13 MS. MORGAN: And once it enters into
14 the prosecutor's hands, it's out of our hands.

15 MS. MILLER: Yeah.

16 MAYOR LAYTON: Basically, from start to
17 finish, you got about 70 days for them to figure
18 out what to do, either fix it or get rid of it.

19 MR. STONER: Any other concerns from
20 anyone? Bonnie, anything problematic we need to
21 know about?

22 MS. MILLER: Nothing problematic.
23 Angela Baumgardner (phonetic) owns it but she
24 called me and wanted to know how she can request an
25 extension. I told her she could either email me --

1 she could email me what she needed. I told her
2 what she needed to have and that -- or she could
3 send me an attachment or she can write the letter,
4 but it's very important that you be there at the
5 meeting to let people know or let the Planning and
6 Zoning Board know why you're seeking that
7 extension. So I let her know that. I never
8 received a response and, obviously, she's not here
9 tonight so -- but they have made a lot --

10 MAYOR LAYTON: A lot of progress.

11 MS. MILLER: Yeah, they really have.

12 MAYOR LAYTON: You realize they have
13 two employees down there?

14 MS. MILLER: Yeah. I think it's very
15 limited employees but, I mean --

16 MR. STONER: What was their -- when was
17 their date that they were supposed --

18 MS. MILLER: (Inaudible).

19 MR. STONER: Okay.

20 MS. MILLER: Yeah, they surpassed it.

21 MS. MORGAN: But they are making
22 progress.

23 MAYOR LAYTON: As long as they are
24 making progress and they continue to make progress,
25 we leave them alone and let them finish it.

1 MS. MILLER: I've got to pick my
2 battles.

3 MR. STONER: I gotcha. I gotcha.
4 Yeah, I mean, as long as it doesn't stretch out for
5 a long period of time.

6 MS. MILLER: Right. Okay.

7 MR. STONER: Any other questions or
8 concerns?

9 Jim?

10 Scott?

11 MR. JACOBS: No.

12 MR. STONER: All right. The zoning
13 attorney report -- I believe the zoning attorney is
14 excused this evening.

15 MS. MILLER: Yes. He had a prior
16 engagement.

17 MR. STONER: Okay.

18 MAYOR LAYTON: Who is on the galaxy
19 phone?

20 MR. STONER: Whoever is on Zoom with
21 us, did you have any questions or concerns about
22 anything that you wanted to bring up? This is our
23 community talking point that I don't have on the
24 agenda but we have one at the end of the meeting
25 usually.

1 MAYOR LAYTON: I guess not.

2 MR. STONER: Do you guys have any other
3 questions or concerns you want to raise?

4 MR. CARRUTHERS: I do with the project
5 we're in.

6 MR. STONER: Which project? We are in
7 lots of projects.

8 MAYOR LAYTON: Why don't you come to
9 the podium.

10 MR. CARRUTHERS: The only one still
11 being developed at this time.

12 MR. STONER: If you would step up and
13 state your name.

14 MAYOR LAYTON: State your name and
15 address for the record.

16 MR. STONER: We know who you are but --

17 MR. CARRUTHERS: It's on the record
18 back there.

19 MAYOR LAYTON: Well, we wanted to --

20 MR. CARRUTHERS: Wayne Carruthers, 2229
21 Forest Ridge, Hebron, Ohio. The subdivision there
22 that Pulte's got, the south detention pond has no
23 access, no public access. It's not been mowed in a
24 year since they have done all of the work. The
25 weeds are getting, you know, getting up there. And

1 it has no grass. I mean, it's got weeds, but no
2 grass. So the dirt and the rain just is washing
3 straight into the detention pond which is not
4 supposed to happen, if I'm not mistaken -- from
5 what I remember Linda always talking about -- and
6 it's supposed to have a fountain in it and there is
7 no fountain in it, which Linda always says when you
8 have a detention pond or retention pond, you are
9 supposed to have a water fountain to keep
10 mosquitoes down and stuff like that.

11 MR. STONER: Okay. Oxygen in the
12 water.

13 MR. CARRUTHERS: So I just was
14 wondering if anything was going to be done about
15 it.

16 MS. MILLER: I'm sorry. I wanted to
17 ask Deb. Do you know anything about that? I know
18 CJ was working on that with Pulte.

19 MS. MORGAN: All of our utilities are
20 working with Pulte for a punch list of items and I
21 haven't seen the punch list, but I know that
22 there --

23 MR. CARRUTHERS: Well, there is one
24 hydrant over off of -- I guess, that's Hickory --
25 that's red. (Inaudible) I just thought I'd bring

1 that up. And some of the sidewalks they put in,
2 they have patched over and some of that is coming
3 up now.

4 MS. MORGAN: Well, there is a list. So
5 there is more than just a couple things you
6 mentioned and the -- I know the fire hydrant
7 because I saw a new email with that added to it.
8 And so I'll have to look but I know that they are
9 working on the punch list items. And I'll check on
10 the pond of where that plays in with the village
11 and your HOA.

12 MS. MILLER: I was part of that walk
13 through with CJ Ward. He's our public works -- and
14 then we had --

15 MAYOR LAYTON: Yep.

16 MS. MILLER: And then we had our
17 engineers -- two of our engineers there as well.
18 And they pointed out and wrote down quite a bit.

19 MR. CARRUTHERS: Like I said, the
20 access to that pond is definitely not there. And
21 it needs to be to get a mower in there. Because
22 the second they turn that all over to our HOA or
23 whoever or whoever ends up with it -- you have to
24 have access to get in there to mow it and you don't
25 have it.

1 MS. MORGAN: I'll make sure I mention
2 it.

3 MR. CARRUTHERS: Okay.

4 MAYOR LAYTON: And the HOA doesn't --
5 they are not in place yet, right?

6 MR. CARRUTHERS: No. That's still
7 owned by Pulte, all of that land over there.

8 MAYOR LAYTON: Okay.

9 MR. CARRUTHERS: And I know they are
10 just going to dump it on us and then it will be our
11 responsibility.

12 MAYOR LAYTON: We're going to make them
13 meet all of the standards that we have before they
14 give it to us. They are going to give us the
15 streets. And we are going to make sure everything
16 is the way it's supposed to be before they get out
17 of there. And we've got a bond on it still that we
18 haven't paid off. So there is an opportunity
19 there.

20 MR. CARRUTHERS: Okay. I just wanted
21 to make sure this was on record so that if
22 something doesn't happen --

23 MAYOR LAYTON: Send an email to her,
24 then there's a written record.

25 MR. CARRUTHERS: Yeah. Okay.

1 MS. MILLER: Do you need my email
2 address? I can give it to you right now.

3 MR. CARRUTHERS: I can see it online.

4 MS. MILLER: Okay.

5 MR. CARRUTHERS: That's the other
6 thing. There wasn't any agenda online, so I didn't
7 know if you were having a meeting or not.

8 MS. MORGAN: You have to get the agenda
9 to Chris to post it.

10 MS. MILLER: It was. She was on that
11 email with the agenda.

12 MR. STONER: Thank you for raising that
13 concern, Mr. Carruthers.

14 MR. CARRUTHERS: Thank you for
15 listening.

16 MR. STONER: Andrea, do you got
17 anything for us?

18 MS. CHAPMAN: No. I just wanted an
19 update on what was going on with the trailers. But
20 one thing I have in my notes I was just reading
21 over. I know you had talked to Mr. Ours. Is there
22 a letter -- I mean, not an official being wrote
23 up --

24 MAYOR LAYTON: At this point, I talked
25 to him Saturday night, and it was totally

1 unofficial, but at this point, I don't think we
2 have a real name of the owner yet.

3 MS. CHAPMAN: Of the whole property?
4 We have the name of the property --

5 MAYOR LAYTON: Ours.

6 MS. CHAPMAN: Owns the property.

7 MAYOR LAYTON: Dale owns the property.

8 MS. CHAPMAN: That's --

9 MAYOR LAYTON: The trailers are owned
10 by someone else.

11 MS. CHAPMAN: I'm not talking about the
12 trailers. I'm talking about the whole thing.

13 MAYOR LAYTON: You just said it was
14 about the trailers, right?

15 MS. CHAPMAN: Well, I had asked about
16 what was going on with the trailers.

17 MAYOR LAYTON: But you're talking about
18 cleaning it up?

19 MS. CHAPMAN: The whole strip. Is
20 there -- you know, not a nasty gram but a nice gram
21 that we can send to Mr. Ours that all of the
22 neighbors are concerned about that whole strip of
23 property?

24 MS. MILLER: Well, it's already in the
25 prosecutor's hands so.

1 MS. CHAPMAN: The whole strip?

2 MS. MILLER: Yeah.

3 MS. CHAPMAN: The whole (inaudible).

4 MS. MILLER: Yes.

5 MS. CHAPMAN: The whole strip?

6 MS. MILLER: Yeah.

7 MAYOR LAYTON: Somewhere along the
8 line, we got to find out who owns the trailers.
9 That will be up to Dale to figure that out.

10 MS. CHAPMAN: Well, he should know,
11 because he's paying rent.

12 MAYOR LAYTON: I assume he pays him
13 every month on the north side.

14 MS. CHAPMAN: One is Neil something. I
15 know his first name is Neil.

16 MS. MILLER: Do you agree with that
17 that one of them looks empty?

18 MS. CHAPMAN: The middle one is empty.

19 MS. MILLER: Okay.

20 MS. CHAPMAN: He's been there working
21 on it a little bit. A lady just moved in the front
22 one.

23 MS. MILLER: Okay.

24 MS. CHAPMAN: And she let the grass
25 grow quite a bit. Now that -- she is now mowing,

1 but, yes, one is still empty. And there is the
2 garage apartment and then the front.

3 MAYOR LAYTON: I told you about the
4 garage and apartment. If you have concerns with
5 that, call the police and develop a record of
6 issues.

7 MS. CHAPMAN: Of issues.

8 MAYOR LAYTON: Because they will go
9 down and address it every time.

10 And if -- we had a lady up here
11 complaining about the noise and stuff the other day
12 and went to the police, he said yeah, one time
13 asking them to quit, they quit until the next day.

14 MS. MILLER: I wish I would have known
15 that somebody had just -- was getting ready to move
16 in that trailer because I remember Linda Nicodemus
17 telling me that when it becomes empty, that's the
18 time to have the prosecutor --

19 MS. CHAPMAN: Well, it was empty for a
20 year back. It was empty forever. She --

21 MS. MILLER: If there's a way, David
22 Moser will find it.

23 MS. CHAPMAN: He's been there about a
24 month. But, yeah, the front property, too. I know
25 the police has stopped him. He was riding his

1 motorcycle up and down the sidewalk and the police
2 did stop him, I believe, but I'm concerned about
3 the whole strip, not just the trailers.

4 MS. MILLER: The whole property is
5 written up.

6 MAYOR LAYTON: All we can do is keep
7 chipping away and follow the process.

8 MS. CHAPMAN: Yep.

9 MAYOR LAYTON: And if we have to mow it
10 and put it on their taxes and hope to God they pay
11 their taxes.

12 MS. MILLER: Actually, we are already
13 having that mowed. So you said you saw her mowing
14 it or you know -- it just looks mowed? Because we
15 hired somebody to mow that.

16 MS. CHAPMAN: Well, you are talking
17 about the whole strip?

18 MS. MILLER: Right.

19 MS. CHAPMAN: Because each whole person
20 owns their own little strip.

21 MS. MILLER: Well, I thought -- you can
22 verify this. Doesn't the guy -- is it Dale Ours,
23 he owns the whole --

24 MS. CHAPMAN: He owns the whole strip
25 and yeah, whoever is mowing around town mowed the

1 front. My husband saw him mow a couple different
2 properties.

3 MAYOR LAYTON: That's our guy.

4 MS. MORGAN: I've seen him mow. That's
5 been mowed as well.

6 MS. CHAPMAN: But the lady in the very
7 last trailer mowed her little front yard.

8 MS. MILLER: Okay.

9 MS. CHAPMAN: But each tenant in each
10 of those what, four or five units there, mow their
11 own yard.

12 MS. MILLER: I know there is four. I
13 know there is somebody in the garage as well,
14 right?

15 MS. CHAPMAN: Above the garage and two
16 people at the front.

17 MS. MILLER: But we hired a guy to go
18 do all of that whole strip.

19 MR. STONER: All right. Anything else
20 before we adjourn?

21 MAYOR LAYTON: Deb, you don't have
22 anything?

23 MS. MORGAN: No.

24 MAYOR LAYTON: Motion to adjourn.

25 MR. STONER: Let me -- the next

1 regularly scheduled meeting is July 3 at 6:30. I
2 will warn you in advance, July 3 is the start of
3 the State's new fiscal year and --

4 MAYOR LAYTON: (Inaudible) reschedule
5 it.

6 MR. STONER: It's notoriously my
7 busiest day of the year.

8 MAYOR LAYTON: Let's reschedule.

9 MR. JACOBS: I'll be absent. I'll tell
10 you that.

11 MR. STONER: Okay. Well, let's
12 reschedule it then.

13 MAYOR LAYTON: We can move it to the
14 next Monday, can't we?

15 MS. MILLER: I don't see why not. We
16 have rescheduled it in the past.

17 MR. STONER: Let me look real quick
18 here. Yeah, next month, the following Monday will
19 be great for me.

20 MS. MILLER: What is that date?

21 MR. STONER: That's the 10th. Do I
22 have a motion to reschedule the meeting to July 10
23 at 6:30?

24 MR. JACOBS: So moved.

25 MAYOR LAYTON: Cancel the July 3

1 meeting and move it to July 10.

2 MR. STONER: I'm sorry. Motion to
3 cancel the July 3 meeting at 6:30, and move it to
4 July 10 at 6:30.

5 MR. JACOBS: So moved.

6 MR. STONER: I will second. Call the
7 roll. Dr. Mockus is absent. Mr. McFarland is
8 absent.

9 Mr. Jacobs?

10 MR. JACOBS: Yes.

11 MR. STONER: Mr. Layton?

12 MAYOR LAYTON: Yes.

13 MR. STONER: Mr. Stoner is a yes.

14 (MOTION APPROVED.)

15 MAYOR LAYTON: Can somebody forward a
16 email to the rest of the board members on that?

17 MR. STONER: Can you do that, Bonnie?
18 Thank you.

19 Do I have a motion to adjourn?

20 MAYOR LAYTON: I did once, you yelled
21 at me.

22 MR. STONER: I'm going to make it say
23 that you did it.

24 MR. JACOBS: I'll second.

25 MR. STONER: All right. I got to call

1 the roll again. Dr. Mockus is absent.

2 Mr. McFarland is absent.

3 Mr. Jacobs?

4 MR. JACOBS: Yes.

5 MR. STONER: Mr. Layton?

6 MAYOR LAYTON: Yes.

7 MR. STONER: Mr. Stoner is a yes. We
8 are adjourning at 6:50.

9 - - -

10 (Motion approve and thereupon, the proceedings

11 adjourned at 6:50 p.m.)

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CERTIFICATE

I, Rebecca A. Gause, Court Reporter,
do hereby Certify that the foregoing is, to the
best of my knowledge and ability, a true and
accurate transcription of the audio recording.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my seal of office at Newark,
Ohio on this 5th day of July, 2023 .

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

My commission expires May 21, 2024.

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1	Andrea [1] 15/16 Angela [1] 8/23 any [8] 4/23 4/24 7/18 8/19 10/7 10/21 11/2 15/6 anybody [1] 4/24 anyone [1] 8/20	came [1] 7/16 can [13] 4/24 8/3 8/11 8/24 9/3 15/2 15/3 16/21 19/6 19/21 21/13 22/15 22/17 can't [3] 5/3 7/6 21/14 cancel [2] 21/25 22/3 Carruthers [2] 11/20 15/13 CERTIFICATE [1] 24/2 Certify [1] 24/4 Chairman [1] 1/13 check [1] 13/9 chipping [1] 19/7 Chris [1] 15/9 CJ [2] 12/18 13/13 cleaning [1] 16/18 Code [2] 3/4 4/7 come [1] 11/8 coming [1] 13/2 commission [1] 24/13 community [4] 1/16 4/3 4/22 10/23 complaining [1] 18/11 Complex [1] 1/7 computer [1] 2/24 concern [1] 15/13 concerned [2] 16/22 19/2 concerns [5] 8/19 10/8 10/21 11/3 18/4 consulting [2] 2/24 2/25 continue [1] 9/24 Cooperrider [1] 4/2 Cooperrider/Mockus [1] 4/2 Coordinator [1] 1/16 could [5] 5/13 5/14 8/25 9/1 9/2 couple [2] 13/5 20/1 court [4] 1/23 7/23 7/24 24/3 credit [1] 5/3
2	anything [7] 8/20 10/22 12/14 12/17 15/17 20/19 20/22 apartment [2] 18/2 18/4 appeal [1] 8/3 Apple [1] 2/24 applicant [2] 2/22 4/1 applied [2] 2/21 3/25 approve [4] 3/14 4/9 4/10 23/10 APPROVED [3] 3/23 4/20 22/14 are [29]	
3	around [1] 19/25 as [7] 9/23 9/23 10/4 10/4 13/17 20/5 20/13 ask [2] 4/24 12/17 asked [1] 16/15 asking [1] 18/13 assume [1] 17/12 attachment [1] 9/3 attorney [2] 10/13 10/13 audio [1] 24/6 away [1] 19/7	
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