



Village of Harveysburg

Planning Commission

79 West Main Street, Harveysburg, Ohio 45032-9998

March 26, 2024

Planning Minutes

Present:

- Mark Wilkie – Commission member
- Phil Trovillo – Commission member
- Tim Hill – Commission member / President
- Randy Carruthers – Commission member

Visitors / Guests:

- Mark Tipton – Village Resident
- Kevin Brewer – Village resident & entrepreneur
- Jim Nelson – Resident & council president
- Carol Nelson - Resident

This is a summary of the meeting of the Harveysburg Planning Commission held March 26, 2024 at 7:00 PM. Upon request, a recording of the meeting is available for review.

- I. Call to order at 7:04.
- II. Roll Call: Carruthers, Wilkie, Trovillo, Hill; Funk is out of town training. Carruthers motions to excuse Mr. Funk, Wilkie seconds, all in favor, ayes have it. **Motion passed – Funk excused.**
- III. Approval of previous Minutes. Hill reads the minutes. Carruthers motions to approved with small typo correction; Wilkie seconds, all in favor, aye. **Motion passed – minutes approved.**
- IV. Opening Remarks by the Chair & Commissioners:
 - A. A potential buyer inquired about building on a small lot on South & Stewart, mentioning a possible manufactured home. I explained that although allowed by zoning, setbacks make the lot unbuildable. I suggested a 100x100 lot next door, but it seemed too costly.
 - B. R-1 setbacks are 35’ front & rear & 10’ each side (ttl 20’). This helps maintain order and a character in the village, benefiting property values. Many houses on Main Street located on the property line & are "grandfathered" in. If a house needs to be replaced, it typically follows the original footprint to maintain consistency in the downtown neighborhood. The general rule in most places is to match neighboring setbacks.
 - C. Hard to fix old issues. The house next to HL park is manufactured which is allowed, but I don't believe it's "suitably landscaped" per 425.C.4. The reason is because this is a high profile property for the village. Many families gather in Hatton Lukens from all around each soccer season & this house sticks out. To make it worse, the shed looks very long like a barn. Also, septic is on that side. Some ornamental grass could screen the septic.
- V. Old Business

- A. Planning Commission to sign mylar for Josh Allen/ DG lot split – (not yet received).
- B. The Hatfield plan review shows that the proposed building encroaches onto the neighbor's property, causing water drainage issues. To mitigate this, it is suggested that the wall be moved 3 feet away from the property line to create a swale for water drainage. Water drainage between properties requires careful consideration.
- C. Kevin Martin needs to go to BZA for setback variance. Hill checked with Chase on the social media advertising option brought up in previous meeting by citizens. The ORC wording confirmed the local newspaper requirement.
- D. *Also, Hill checked with Cincinnati on whether they have any processes for variance without hearing per Charlie Camp's question in the previous meeting - 'en camera' is 1 & 'de minimus' is the other that is available in Cincinnati. En Camera is where all neighbors sign off as well as community alliances & hearing examiner makes a judgement without a hearing for open space setbacks on side or rear. De minimus involves very small dimension (6" or less) where hearing examiner can make a judgement without a hearing.*

VI. New Business

- A. Kevin Martin application to BZA discussed. More to follow next meeting.
- B. Demolition memorandum & ordinance 2020-12 authored by Rivera to Funk & Council submitted for review by planning. Rivera believes Harveysburg needs more rigid demolition requirements. The memo clarifies many things including that underground foundations must be removed completely. Much discussion follows about 'all concrete' & if sewers are involved. Hill motions to recommend ordinance the memo to council with caveat adding these words "within reason considering existing conditions." Randy 2nd, all in favor. **Motion Passed – ordinance & memo recommendation passed.**
- C. Due process documented presented for review, conversation about red tags followed. Randy suggests a potential yellow tag or orange tag for less serious situations. This may help community relations if it were available as a tool to the official when a message 'GIVE US A CALL' in lieu of 'STOP WORK' may be more appropriate. Hill motions to accept, Randy 2nd, all in favor. **Motion Passed – recommended words added.**

VII. Citizen Comments

VIII. Upcoming Meetings – Next meeting will be April 23rd after council meets on the 22nd.

IX. Adjournment – 8:57 pm

X. Attachments – Suggested changes to Rivera demo memo, ordinance 2020-12 & Due process.

Attest: Tim Hill _____ Randy Carruthers _____

Phil Trovillo _____ Mark Wilkie _____

Demo memo with recommended change to wording:

safety.

8. Method of Demolition: The method of demolition shall be selected based on factors such as the size and type of structure, site constraints, and environmental considerations. Common methods may include mechanical demolition, implosion, or manual dismantling.
9. Safety Measures: Adequate safety measures shall be implemented throughout the demolition process to protect workers, bystanders, and the surrounding environment. This may include the use of personal protective equipment, dust control measures, noise mitigation, and perimeter fencing.
10. Waste Management: Proper waste management practices shall be followed to ensure the safe and environmentally responsible disposal of demolition debris. This may include recycling, reuse, or disposal at authorized facilities in accordance with applicable regulations. Additionally, it is mandated that all concrete foundation debris be removed from the site to facilitate site cleanup and prevent potential hazards or obstructions to future development or land use.
Within reason considering existing conditions
The removal of concrete foundation debris is essential to mitigate risks associated with potential structural instability, environmental contamination, and obstruction of future construction activities. Therefore, it is imperative that all demolition contractors adhere strictly to this requirement.
Failure to remove concrete foundation debris from the site may result in enforcement actions, including fines and penalties, as well as the requirement for additional remediation measures to ensure compliance with this policy and applicable regulations. *
3/26/24
11. Post-Demolition Inspection: Following demolition, a post-demolition inspection shall be conducted to verify compliance with permit requirements, ensure site cleanup and restoration, and address any outstanding issues.
12. Enforcement: Non-compliance with this policy may result in enforcement actions, including but not limited to fines, stop-work orders, or legal proceedings.
13. Review and Revision: This policy shall be reviewed periodically and revised as necessary to reflect changes in regulations, best practices, and lessons learned from past demolition activities.

Mayor's Office P (513)897-3998
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Stop work process with recommended change to wording noted:

Village of Harveysburg - Zoning Ordinance - 2009

Building/Zoning Administrator shall attempt to obtain the permission of the owner or occupant to inspect the premises. If such permission is denied or cannot be obtained, the Building/Zoning Administrator shall issue a stop work order, and then request the assistance of the Village Solicitor in securing a valid search warrant prior to entry.

1.113 Stop Work Order

Subsequent to his determination that work is being done contrary to this Ordinance, the Building/Zoning Administrator shall:

Administrator shall:

1. Have the option to issue a yellow tag on the premises w/ request to
2. Write a stop work order and post it on the premises involved.
3. Clearly indicate the specific work that is required to cease, when the work must cease and the conditions under which the cited work will be permitted to resume. The order to stop work shall be given to the owner of the property involved, to the owner's representative and the person doing the work.

request for more info - if contact is not made, the official may proceed to stop it? Contact the building & give more info. If contact is not initiated.

Removal of a stop work order, except by the order of the Building/Zoning Administrator, shall constitute a punishable violation of this Ordinance.

Failure to cease work after receipt of an order to stop work is hereby declared a public nuisance.

**Additional wording suggested by Planning March 26, 2024*

1.114 Building/Zoning Permit Revocation

The Building/Zoning Administrator may revoke a permit or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.

1.115 Notice of Violation

Whenever the Building/Zoning Administrator or his agent determines that there is a violation of any provision of the Ordinance, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

1. Be in writing;
2. Identify the violation;
3. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated;
4. State the time by which the violation shall be corrected.
5. Include notice of the procedure for appeal and right to bring if requested within thirty days of the mailing of the order. The order shall also indicate that, at the hearing, the owner may be represented by counsel, present arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against the owner.

The person receiving an order shall exercise their right to appeal within 30 days of the mailing of the order, comply with the order, or otherwise be released from the order by the Building/Zoning Administrator.

Service of notice of violation shall be as follows: