

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

GRAPHIC VILLAGE - CINCINNATI, OH

Form 6101

Held

19 December 2022

MINUTES

SPECIAL MEETING OF COUNCIL

19 DECEMBER 2022

Called to Order:

Vice President Linda Hall called the Village of West Jefferson Council Meeting to Order and asked for a Roll Call at 7:40 P.M.

Roll Call:

Council Members: Linda Hall, Richard King, Jeff Patterson, Howard Wade, and Jennifer Warner.

Quorum Declare: 5 present, 2 absent.

Also attending were: Rebecca Arnott-Shiple, Director of Finance; Josh Beasley, Attorney-at-Law; Tom Hale, Director of Development; Ray Martin, Mayor; and John Mitchell, Public Service Director.

Motion to Excuse Mr. Conway and Ms. Cahill moved by Ms. Warner and seconded by Mr. Wade. (Note: neither could be present due to a conflict of interest.)

VOTE YEA: L. Hall, King, Patterson, Wade, and Warner.
VOTE NAY: None.
ABSTAIN: None.

Motion Carries 5/0/0

The Agenda:

Motion to Adopt the Agenda moved by Ms. Warner and seconded by Mr. King.

VOICED VOTE AFFIRMED

Motion Carries 5/0/0.

Old Business: None.

New Business:

A. PUBLIC HEARING CONCERNING APPEAL: CONWAY VS. 300 DARBYVIEW DRIVE.

- i. Swearing in witnesses: Do you swear that the evidence you shall give to the Council of West Jefferson Ohio in this matter shall be the truth, the whole truth, and nothing but the truth so help you God?
ii. Presentations

1. Petitioner Ms. Janine Conway.

After swearing in as a witness, Ms. Conway explained: I would like to appeal the decision of the Planning Commission that was made on October 5th, 2022, to grant a zoning variance for the property on 300 Darbyview Drive. I have learned that this variance was granted to allow the daily parking of a commercial semi-truck cab in the driveway of this property. I am appealing this decision for the following reasons:

- 1. Almost all municipalities have ordinances prohibiting commercial vehicles in residential areas for a variety of reasons (noise, parking issues, size, etc.). There are many people in West Jefferson, who drive commercial vehicles. If this variance stands, they are also well within their rights to ask, and be granted, a variance. What would the impact be of other semi-truck cabs, bucket trucks, moving vans, etc., parked in driveways throughout the village?
2. The Village has enforced this ordinance at other addresses in the village, requiring the property owner to either remove the commercial vehicles or house them in some type of structure/garage.

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3. The Village has enforced this same ordinance at another address on Darbyview Drive in the recent past after one resident filed a complaint with the Zoning Department about a boat parked in another resident's driveway. I believe that there was discussion about this issue by a council member. The homeowners had to remove their boat from the driveway.
4. I have personal experience with this ordinance. A number of years ago when my house was on the market, the potential buyer had to back out after finding out a semi-truck cab couldn't be parked on the driveway - weekends only.
5. People in our neighborhood are considerate of each other and keep up their property. A semi-truck cab sitting in a driveway is unsightly and detracts from the neighborhood, even property values.
6. At the October 5th meeting, before the decision to grant the variance, a letter was presented with signatures in support of the request. I do not know of everyone that signed the letter. But it is important for Village Council to know that at least several people were immediate family or related by marriage to the property owner (300 Darbyview Dr.), They all live on Darbyview Drive. I think the variance should be reversed on this fact alone.
7. In the past when property owners wanted to file for a variance (building size, pool, chickens) they have been courteous enough to ask almost all neighbors their feelings on the issue. I think that parking a semi-truck cab is a big issue. There are other residents in the neighborhood, who hold this same opinion.

In Conclusion, I am asking the Village Council to grant my appeal to this variance so we can maintain standards in our neighborhood throughout West Jefferson.

2. Respondent Mr. Robert Murry.

After swearing in as a witness, Mr. Murry responded: It is true that my employer requires me to have control of my truck. This was the terms of my employment. If I have to take my truck to a secure lot, then I have to pay for it. I went to the people I thought were pertinent to the situation and my neighbors. They had no problem with the variance. Although we have ordinances, we also have procedures like this forum. This messes with a person's livelihood. The weight of the truck was mentioned as a concern but it weighs less than a garbage truck. It's not ruining the streets. Its park only on my property, all the way back. In the summer the truck cannot be seen from Ms. Conway's house.

Vice President L. Hall asked how long has the truck been used by Mr. Murry?

Mr. Murry responded for six months.

Mr. Wade asked if Mr. Murry's employer is aware of these ongoing issues?

Mr. Murry responded they are aware of these issues.

Mr. Wade asked if the company would pay for off-site storage of the truck?

Mr. Murry responded at this time he has no answer to the question.

iii. Public Comments.

After swearing in as a witness, Ms. Rebecca Headington responded: Although there is some relationship to Mr. Murry, Ms. Headington is present as a resident, tax paying property owner. As Ms. Conway was talking, I thought about our neighborhood. Are streets are wider and drive ways are longer. Also, the supposition of "if we do A for one person, then we have to do B for another" is false. One size does not always fit everybody. Regarding this issue, it's my opinion that some basic ethics have been violated, to be precise, a letter sent out and signed by the Council President asking for feedback. Not everybody received this letter. Mr. Murry passes by my house every time he leaves. His semi is very quiet, and doesn't produce an abundance of smoke. Also, he turns the lights out while backing in the drive way to be courteous to the neighbors. One direct neighbor stated he drives safely and wonders why other would have a problem with his situation. This is Mr. Murry's livelihood. Some of the kids get excited when he drives down the street. The variance should be upheld. The semi-truck never goes by Ms. Conway's home. So, please uphold the decision, respect another person's livelihood, and neighbors positively coming together.

After swearing in as a witness, Mr. Gene White responded: have there been any other variances granted of this sort?

Mr. Hale responded in his tenor, there has not been any commercial vehicle variances granted.

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ABSTAIN: None.

Motion Carries 5/0/0

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Mayor Martin responded there is a person in town who has licensed his truck as a camper.

Mr. White responded that vehicle is not a camper. This situation is unfortunate. However, if we had 30 garbage men, we would not allow 39 trucks in their driveways. Consider when you grant variance how far reaching this will go.

Mr. J. Hall added things keep being suggested that are not true. If we do it for this person, then we have to do it for another. According to our Codified Ordinances variance are not transferable and restricted to that person. If this is upheld, it does not mean everybody automatically gets the same. In the first place, the process begins with the Planning and Zoning Commission and then can be appealed to a higher judicator.

Mr. Mark Pelphrey stated once a variance is given, it strengthens the argument for another. It's not guaranteed but hard to turn down in the future. At present, there is an ongoing variance issue for some 5 years. This other ongoing variance issue has yet to solve the problem concerning what is and what is not commercial. What happens if this variance for Mr. Murry begins to develop into an issue like the other variance with parking on the street or somewhere else. My neighbor and I have discussed this, namely, other variances for recreation vehicles have been turned down. But this variance is a step-up from recreation to commercial and will affect other areas in West Jefferson. My property value is affected by what is going on near me. This will affect the property value on Darbyview Drive. I do support Ms. Conway and her petition.

iv. Closing Arguments.

1. Petitioner Ms. Janine Conway.

Ms. Conway wanted to clarify. *Mr. Murry* stated that we have commercial vehicles in our driveway. A commercial vehicle has to be more than 2 tons. The trucks we have are pick-up trucks with business decals. These are not the same things. Also, *Ms. Headington* mentioned this issue was addressed by my family at another meeting. But my husband and I keep things separate regarding Council and other business. My husband has been very careful. I feel very bad about *Mr. Murry's* situation but this issue is different. I don't want any harm caused and there is another solution. Thank you.

2. Respondent Mr. Robert Murry.

Mr. Murry responded this is part of my livelihood. There might be another solution but it will likely be me not working for Martin Trucking. There are rules and regulations but that's why we have this forum. I am at your mercy. Thank you.

v. Deliberations.

vi. Discission.

- 1. Shall the variance granted concerning Codified Ordinance 1135.03 to Mr. Robert Murray be affirmed? (A majority vote shall decide.)

VOTE YEA: L. Hall, King, Patterson, Wade, and Warner.

VOTE NAY: None.

ABSTAIN: None.

Motion Carries 5/0/0

Adjourn:

Motion to Adjourn at 8:40 P.M. moved by Ms. Warner and seconded by Mr. Patterson.

VOICED VOTE AFFIRMED

Motion Carries 5/0/0.

Long John

11/5/23

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Jimmy John Hall
Clerk of Council

Linda Hall
Vice President of Council