

Village Views

Volume 15, Issue 8

Terrace Park, Ohio

August, 1983

Overway Candidate For Mayor

Les Overway, 4 Circus Place will be a candidate for mayor at the November elections, seeking to succeed Mayor Charles S. Rockel who announced that he would not seek another term.

The senior member of council in length of service, Overway is midway in his current councilmanic term. His election as mayor would leave a vacancy on council to be filled by appointment after council reorganizes next January 1.

With two seats to be filled on council in November, Councilman Bob Payne will seek re-election, but as *Village Views* went to press no other candidates had come forward. The other vacancy developed when Councilman Rodger Miller announced he would not run for another term.

Nominating petitions must be filed with the Hamilton County Board of Elections by August 25.

Judith Elliott will seek election to a full term as village clerk, an office to which she was appointed after Don Franke resigned.

Other members of council, with two years remaining in their term, are Ken Bassett, Rich Gilchrist and Bill Konold.



How It's Done

Terrace Park police will have a booth on the village green on Labor Day to provide personal identification fingerprint records especially for children. Police Chief Ron Pottorf and one of his youngsters show how easy it is.

All's Ready For Labor Day

Terrace Park will hold its annual Labor Day celebration on September 5, with a day of fun on the village green following the annual bike and pet parade starting at the school at 10 a.m.

The event is the major fund-raiser for the village Recreation Committee, which provides activities for some 300 children.

Nearly half of the money is raised each year through the annual raffle. Neighbors will deliver raffle tickets to each home beginning August 22, with all ticket stubs and donations to be picked up by the volunteers before Labor Day.

Prizes will be \$500 for first, \$200 for second, and \$75 for third. Tickets are \$1 each or six for \$5. Three sets of six each will be delivered to each home in the hope that residents will purchase the total packet for \$15 or sell them to friends outside the community.

Ray and Patti Normile are in charge of the raffle; Lee and Vic Cooper are directing the parade; Sissy and Allen Smith-Peterson organizing games and concessions; Dave and Cyndie Park the bingo, Gayle Taylor the bake sale, Jim and Ann Gilchrist and Pete and Edna Stites the garage sale, and Nonie Ward, Sandy Ader and Sandy Koehler the food booth.

Another Lindell Foils Terrace Park Burglary

Put down the Lindells as a hazard to burglars trying to operate in Terrace Park.

Information supplied by Anne Lindell enabled village police officers to capture within hours three burglars who rifled the home of Mr. and Mrs. James Cobb, 111 Michigan Avenue, on July 14th. All the loot was recovered.

Two years ago, a tip from her son, Ross, enabled police to solve a burglary at his grandmother's home. It all demonstrates, commented Police Chief Ron Pottorf, the value of citizen and police cooperation.

The Cobb home was broken into via a rear door about 10 a.m. on July 14. A neighbor was able to give police a brief description of a car seen parked in the driveway, and Mrs. Lindell reported that a youth with a juvenile record she had known as a schoolteacher had stopped at her home shortly before that time.

Adding the probabilities,

police later the same day nabbed the three persons involved in Fairfax as, they said, they were on their way to "fence" the more valuable items taken.

The three were Harold Russell, a former Sycamore Street resident who turned 18 soon after his arrest; Kenneth Hughes, 21, with a long record, and Lisa Huff, 20. All are of Cincinnati and the two males were on parole. They since have been charged by Norwood police with a burglary there the day before.

Players Prepare For New Season

Terrace Park Players will hold its annual meeting at the Community House at 2 p.m. Sunday, September 25.

There will be a review of the past year, nomination of new board members, and a projection for this year's season. Any member of productions of the past or previous years is eligible to vote.

The Players have the wherewithal for putting together four productions, including the Memorial Day band concert and a reprise of this year's successful Nostalgia Night. What they need now is the participation of community residents.

Squads Call For Recruits

Volunteers are needed for the village life squad and fire department.

Nonie Ward said she hoped that six recruits would come forward, noting that "if we can get one new person every other month we can cover attrition in the ranks without the crises that we've had in the past."

Dennis Elliott, training officer for the volunteer fire department, also is seeking six new recruits to maintain the department at full strength.

Nonie can be reached at 831-5252, and Dennis at 831-7248.

Dr. Pschesang Told To Close His Office, Protest Move Begun

Dr. Paul Pschesang has been ordered by the village to close the dental offices he has maintained on Western Avenue for the past 23 years, but the order may be subject to a vote at the November elections.

As *Village Views* went to press, Nonie Ward, 825 Myrtle Ave., president of the PTA, said petitions were being prepared to put on the ballot in such form as to permit Dr. Pschesang to continue in practice, but without allowing the expansion of the building which he had sought. The petitions need 103 valid signatures to put the issue on the ballot.

Dr. Pschesang said he was still conferring with legal counsel on what to do. At this stage of his career, he commented there was a question as to whether the expenses of relocation could be justified.

(The order to Dr. Pschesang to vacate his offices within 45 days was dated July 15, the day after *Village Views* went to press. There was no intimation at the July 12 council meeting that any action was contemplated, and *Village Views* was unaware of the order until informed of it by Dr. Pschesang after the paper was distributed on July 18.)

Mrs. Ward voiced a protest at the August council meeting. Citing the activity of Dr. Pschesang and his wife in the fire department, life squad, Recreation Committee, and PTA, she called the situation "a great injustice."

Mrs. Ward said she spoke for a large number of village residents in calling the zoning code "inconsistent, nebulous and outdated," criticizing litigation expenses as "misuse of public funds" and charging council with taking a rigid position without holding public hearings to determine village feeling.

A letter from Nancy Baesel of Cornell Avenue supported Dr. Pschesang's dental office but opposed his proposed expansion.

Council's reaction referred chiefly to a formal statement by Mayor Chuck Rockel distributed at the meeting and printed elsewhere in this issue.

But Councilman Les Overway called it "a terrible misconception" that council was hounding Dr. Pschesang in any way. Councilman Bob Payne noted that Dr. Pschesang initiated the action and commented that "we have to enforce the law." Overway added that "the issue transcends Paul Pschesang" and that if the village relaxed its zoning laws "we'd have business on every block."

At issue is the provision in the village zoning code that grants an exception to a "resident physician" in a Residence A zone (single family) which applies to Western Avenue.

The building at 406 Western was formerly the office of Dr. Bassinger, before and after he moved to Elm Avenue. Dr. Pschesang contends that he bought and occupied it as a residence and dental offices in 1959, with oral agreement by village council, and was given written assurance that he could continue practice there when he moved his residence to Floral Avenue in 1966.

He went to court when he was refused permission to build an addition in 1979. Hamilton County Common Pleas Court ruled that the zoning ordinance was unconstitutional as applied and ordered issuance of the permit, the village won an appeal, and the Supreme Court ruled, 6 to 1, that "appellant's use was illegal under the zoning ordinance in existence when he purchased the property and began using it as a dentist's office."

The decision commented in a footnote that "although 'resident physician' is not defined in the Terrace Park ordinance, appellant did not argue that his dentist's office qualifies as a physician's office. Because he did not assert that a physician's and a dentist's office are similar for zoning purposes, and his complaint did not allege that the ordinance was unconstitutional on its face, this issue was not considered."

Nevertheless, the court ruling said that "the zoning ordinance in effect when appellant purchased the property did not permit a dentist's office in the Residence A district Because the zoning allowed for the office of a resident physician, appellant's use as a dentist's office was in violation of the zoning ordinance."

(Continued on Page 2)

Mayor Rockel's Statement —

On Monday, May 18, 1983, the Supreme Court of Ohio ruled in favor of Terrace Park on a 1979 zoning case filed by Dr. Paul Pschesang.

Dr. Pschesang brought the suit to contest a Terrace Park Zoning Board ruling, upheld by the Terrace Park Zoning Board of Appeals, which denied his request to build an addition to his Western Avenue office.

Both the Zoning Board and the Appeals Board found that because Dr. Pschesang's office was located in a residential neighborhood, enlarging the office would violate Terrace Park's zoning laws.

You should know that five Terrace Park citizens serve on the Zoning Board and another five Terrace Park citizens serve on the Zoning Board of Appeals.

The ruling of both boards was unanimous.

Dr. Pschesang went to court in an attempt to force the village to permit the office addition.

In the ruling, the Supreme Court denied Dr. Pschesang the right to the addition. Equally important, the court went on to rule that Dr. Pschesang's use of the property for a dental office was actually illegal under Terrace Park and State of Ohio zoning laws because the property was zoned only for residential use.

Since the Supreme Court ruling, Council and I have explored every available option with both the village solicitor and outside legal counsel.

Legal counsel tells us that, unfortunately, the results of

the suit filed by Dr. Pschesang have left us with no option. Dr. Pschesang's use of this residential property for a dental office has been found to be illegal by the highest court in Ohio.

Moreover, to allow Dr. Pschesang to continue to practice at the present location not only breaks the zoning law, but sets a precedent for any business to operate in any residential location within Terrace Park.

Accordingly and consistent with our obligation to enforce the law, Dr. Pschesang has been asked to cease practicing dentistry at the Western Avenue location.

Dr. Pschesang's practice is an asset to our village and we hope he will continue to practice in a properly zoned, Terrace Park location.

Dr. Pschesang's Statement —

Here is a brief summary of my 23 years in Terrace Park.

I was given verbal assurance in 1960 that "resident physician" as stated in the zoning laws was also meant to include dentists. (Two former dentists had practiced dentistry as resident dentists in Terrace Park.) In 1966, I requested permission from council to maintain legal status if I moved from the building. This was granted provided that I remained a resident of Terrace Park.

In the 1970s, I requested an addition to the building. This was not granted on the ground that it was a non-conforming use. This classification was used by Mayor Cadwallader and former solicitor Robert Lemming.

In 1979, I again applied for a mere 10-foot addition. This was not granted, as the present solicitor, John Getgey, also called the use non-conforming and not permissible.

This decision seemed unreasonable, so the case was taken to Common Pleas Court. The court said a reasonable addition to a non-conforming use was legal and should be granted.

The village appealed and the Appeals Court reversed the decision of the Common Pleas Court, holding that the zoning laws read "resident physician" and not dentist. A major irregularity occurred in the appeals court in that a change of evidence was allowed. For this reason a Supreme Court decision was requested.

The Supreme Court of Ohio has requests for over 2,000 cases annually, and only 150 cases are accepted. This case was elected to be heard. I personally was present at the hearing. Every question asked by the seven judges was pointed in my favor. We were elated that the struggle and hassle was finally finished. My attorney hoped for an

immediate bench decision as a clear-cut victory seemed evident. Two months later the decision came down in favor of the village.

I'm presently under legal counsel as to what alternatives are now available. It is a difficult decision as the cost of relocation is not justifiable with the amount of time left in my dental career. The logical option would be that the ordinances be changed to make it a legal dentist's office with limitations to protect the neighborhood. I am told that this could be done legally without jeopardizing anyone or setting a precedent. The office here had a medical use for over 40 years, and every present resident of Western Avenue was aware of its existence at the time they moved on the street.

The present council, however, sees it in the best interest of the village to have my office closed.

To the Editor:

It was with a great deal of distress that I learned of Council's action in closing the office of Dr. Paul Pschesang, a man who has given a real service to the village of Terrace Park and its environs for the past twenty-three years. Council says he is illegal. Yet he never made a move without the approval of the village fathers.

The building is zoned for a resident physician. Before he opened his dental practice there he cleared the "physician" classification with Mayor Allison. At the time of his marriage he again cleared it with Mayor Lindell, who wrote him a letter reaffirming that as long as he was a resident of Terrace Park everything was in order. The physician (medical versus oral) who had preceded him at the same location also had resided at a different address than the location of his office. There were also two other resident dentists practicing in the Park prior to Dr. Pschesang's locating here. So it would appear that Dr. Pschesang's only "violation" was in asking for a building permit to add ten feet at the rear of his building.

Had the permission been

asked by any other resident of the street, I am sure I would have been granted. His office still looks like a residence, and the addition to the rear of the building would not have changed the general appearance of the building while at the same time making a more adequate office work area for the receptionist.

Inasmuch as council has evicted Dr. Pschesang, I now fully expect council to deal equally with the other "law-breakers" in town. I expect to see all the illegal fences come down and all the other businesses that are operating out of homes in the village be given their walking papers too. After all, what is good for Paul is good for Peter.

And while Council is dealing with all of these misdemeanors, why don't they clean up their own act first? I understand that the Community Building is in violation of the Fire Code.

Never have I heard of a village the size of ours which is constantly in court over legal matters. It would seem to me there could be a more understanding way of dealing with problems.

It might help if the left hand would tell the right hand what

it is doing. I am referring to the fact that a council member had to ask Defendant Pschesang where his case stood at a particular time. I always thought that council kept its members informed, but apparently that is not so. I also found it interesting that when Dr. Pschesang won the first battle no mention of that ever appeared in the *Village Views*. However, when Council won a round, it always managed to find its way into the paper. How about it, Council? Why not give us all the news and not just a one-sided version? Also, why besmirch the names of former council members and mayors whom the present council is inferring did not act according to law by allowing the practice of medicine and dentistry within the confines of the village.

Council is asking for a levy to pay increased operating costs. I hereby announce that my vote will be "no." If council were not spending so much money on legal fees (and I understand that there is yet another case in the courts) there would be no need for this additional levy. My vote is "Yea" for Dr. Pschesang and "Nay" for Council.

Marilyn F. Bullock

Charlie Beech Leaving Village

Terrace Park loses one of its most active residents with the departure of Charles Beech, 717 Franklin Ave., to become president of the Maybelline Sales Corp., a division of the Schering-Plough Corp. in Memphis, Tenn.

In the community, Beech was president of the Swim Club for three years, a member of the vestry of St. Thomas Church, a teacher in its Sunday School, for three years director of the church's Every Member Canvass, and was a member of the village Boy Scout troop committee. Father afield, he was chairman of the board of the Catherine Booth Home, on

the boards of the Marjorie P. Lee Home and the Salvation Army, a member of the state finance committee of the Republican party, and on the party's Hamilton County policy and executive committees.

His wife, Pat, until recently was business manager for *Village Views*. A teacher in area schools, she received only last month a master's degree from Xavier University.

Beech had been with Procter & Gamble for 17 years, in recent years as manager of sales and marketing for health and personal products.

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Peaceful — But Is It Safe?

By Police Sgt. Jeff C. Harlan

Working the late night shift is really a treat in our village. The serenity of the residential streets seems to bring peace to all that is about.

I see many of our residents taking advantage of this scene by walking or jogging through the streets at all hours of the night. It seems that all takes a rest to be ready for the following day.

But in this serenity lies a false sense of security. Perhaps because your Police Department has gained your trust and respect, or perhaps because the incidence of serious crime within our town has been low, we seem to have fallen into a habit of creating the opportunity for a crime to occur.

If I were a burglar and could somehow escape the detection of the police and the Neighborhood Watch Group, I could retire on the easy pickings that Terrace Park has to offer.

Anyone driving or walking through the village after midnight would be amazed at the number of garage doors left open; bicycles left at the school, at the swim club, and near the street in front yards; cars left unlocked; and, even a house or two left open.

Burglars are business people just like the rest of us. If they are going to take a chance with their money, or their lives, they want that to be a relatively safe risk. It is, perhaps, the record of the Terrace Park Police Department (an 80% to 85% arrest rate) that keeps burglars away from these 'easy pickings.' But how long will it be before someone tries to beat the system again? Will your house be the target?

We all like to think that our homes are safe from crime. We would like to believe that crime only happens to the other guy. The thing we all seem to forget is that to your neighbor down the street, you are the other guy.

It takes nothing from our neighborhoods if we close our garage doors, lock our cars and put our belongings away. It adds little to our lifestyle to say that we can leave our doors unlocked. In fact, the consequences of doing that and becoming 'the other guy' are a lot greater than any reasonable person would want to take.

Do you have a minute? How about saving a life? Lock your doors!

Bird Missing?

Is anyone missing a gray cockatiel? Bob Speery, 904 Stanton, has found such a bird, obviously somebody's pet. Contact him at 831-3090.

NOTICE

A group is being gathered to study the book, "IN SEARCH OF THE MIRACULOUS" by P. D. Ouspensky. If interested, call 831-8102 or 831-0608.

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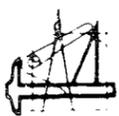
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Opening Of Bridge Due Soon

Terrace Park Village Council held a short session August 9, with three councilmen absent. Councilman Les Overway reported that the Elm Avenue bridge work was progressing well and should be completed soon.

He said several mothers have contacted him with concerns about small children slipping through the railings. He is planning to have a fence erected and is looking into possible barriers between the roadway and sidewalk.

Council passed a resolution to submit a request to the Ohio Department of Highways for a reduction of the speed limit to 35 miles per hour on Wooster Pike between Wrenwood and the corporation line. A study of the number of adults and children crossing the Pike in this area for recreational purposes accompanies the request. This zone was originally 35 mph but was successfully challenged a few years ago on the ground that there were no nearby dwellings.

In response to questions about the current handling of finances, Village Clerk Judith Elliott said all monies and checks sent to the clerk are held at the postoffice, delivered to Treasurer Diana Greer by a patrolman and a log is kept. Three copies of all pay-in orders are made, and purchase orders are filed numerically and appropriations made when the orders come in.

Councilman Bill Konold, safety chairman, announced that Halloween Trick or Treat night will be on Monday, October 31, between the hours of 6 and 8 p.m.

Council also passed resolutions approving a budget amendment and a new mutual assistance fire-fighting contract with Hamilton County described as having provision more favorable to the village.

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