

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

August 25, 2014

THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE PUBLIC HEARING AND ARE NOT A WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.

Board of Zoning Appeals members present: Ed Jacobson, Charles Bingamon and Don Harner. Also present was Stephanie Hayden, Greene County Assistant Prosecutor and Alan Stock, Xenia Township Zoning Inspector/Clerk. Absent: Joe Mullikin and Kenneth Penewit.

Ed Jacobson, Chairman, called the meeting to order at 7:00 p.m. He presided at the Hearing and welcomed the people in attendance. He went over the rules of the meeting. All cell phones must be turned off. Everyone must sign in. The application will be read by Alan Stock, Zoning Inspector/Clerk. Because BZA decisions are quasi-judicial, all testimony has to be sworn. Everyone must come to the podium, state your name and address and that you are under oath. Only facts are to be given, not opinions or emotions. Minutes are being taken manually and electronically. Direct questions to the Board only. We will follow Roberts Rules of Order for procedure. Chair reserves the right to limit public input. The BZA may deliberate in private, and announce decision at a later date. BZA may approve in whole or in part, reject in whole or in part, or reschedule to another date. Applicant may also withdraw. The decision will become effective five days after date of decision. A decision by this Board is a final order. Under ORC 2506.04, aggrieved individuals may appeal the decision to Common Pleas Court. The audience joined the Board in the Pledge of Allegiance. Mr. Jacobson swore in the audience. Mr. Jacobson asked Alan Stock, Zoning Inspector/Clerk, if the applications are lawful to be heard by the Board and if the notice had been published in the newspaper and notices mailed to all property owners within 500' of the property. Mr. Stock said this had been done and a sign was placed on the property. Members of the Board of Zoning Appeals introduced themselves.

Mr. Jacobson asked the Board members if they had read and considered the application and if they intended to participate in the hearing. The Board members indicated they intended to participate.

Cordelia Hill and Neelia Jackson, 1189 Wilberforce-Clifton Rd, Xenia, Ohio 45385 Parcel M36000200270008400, M360002002700093001, M36000200270008200 – Request for Area Variance, R-1, One Family Residential District, under 150' Road Frontage.

Alan Stock read the application from Cordelia Hill and Neelia Jackson, 1189 Wilberforce-Clifton Rd, Xenia, Ohio 45385 Parcels M36000200270008400, M36000200270009300, M36000200270008200, Xenia Township, Greene County, OH. Applicant requests an Area Variance in an R-1 District to have less than 150' Road Frontage. Cordelia Hill and Neelia Jackson applied to combine three parcels into two parcels in order to build a house on the second parcel. Mr. Stock read an email into the record that Neelia Jackson gave permission to Cordelia Hill to speak on her behalf. Mr. Jacobson asked Mr. Stock if we had gotten any responses and he said we had one phone call about what was happening, no positive or negative attitude toward the issue. Cordelia Hill said that one reason leading up to the request for the concerned property has not had a survey in over a hundred years. She was told by her surveyor that she could see if it

would be possible to get two buildable lots out of the three parcels. Cordelia Hill said that there would not be any major changes to the landscape or area of the properties; she said that the land would look exactly the same just two buildable lots. She said that her daughter, Ms. Jackson, has no plans to move back to Ohio anytime soon but if the lot was buildable, she may make plans to build a new house on the second lot. Mr. Jacobson asked that according to her responses to the Duncan Criteria, there would not be any beneficial use for that property without that variance. Cordelia Hill explained the frontage on her lot and what would be the frontage of the second lot if there was a house present. Mr. Jacobson asked Mr. Stock to articulate what he found. Regarding road frontages of Mr. Stock said that he looked at only one side of the road; he said that the 113' would be larger than some of the other properties; however it would not be the largest one in the area. Mr. Jacobson asked if there were any questions for or against the variance. A member of the audience asked why, if something were to happen to the building present at the address now, the current lot would not be buildable. Mr. Stock responded that in the event of a catastrophe of the present home, if the owner were to rebuild within two years with the same footprint she could, however she could not rebuild on any other non-buildable lots. Mr. Jacobson asked for any other questions. There were none.

Mr. Bingamon made a motion to approve the request for an area variance to Ms. Hill and Ms. Jackson. Mr. Harner seconded the motion. All voted aye. Area Variance was granted with unanimous vote.

Mr. Harner made a motion to adjourn the Public Hearing. Mr. Bingamon seconded. Meeting adjourned at 7:21 p.m.

ATTTEST:

Alan D. Stock, Zoning Clerk