

**XENIA TOWNSHIP BOARD OF ZONING APPEALS**  
**PUBLIC HEARING**

November 18, 2020

**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.**

**We are holding this Board of Zoning Appeals meeting under the guidelines from Governor Mike DeWine and Ohio Attorney General Dave Yost, reducing exposure to the COVID-19 virus. Board of Zoning Appeals must meet quorum but may do so by face to face or teleconferencing, or a combination thereof IF the public has opportunity to share in the meeting in the same manner. Xenia Township has complied with this teleconferencing method. This meeting is being recorded.**

Ed Jacobson, Chairman, called the meeting to order at 7:00 p.m. and welcomed the people in attendance. He asked for roll call for attendance of the members.

Board of Zoning Appeals members present: Ed Jacobson, Chair; Darren Jones and Nathan Anthony. Janis James was on teleconference. Also present were Alan Stock, Xenia Township Zoning Inspector and Anu Sharma, Assistant Greene County Prosecutor. Everyone in attendance was wearing masks, social distancing, had their temperature taken, and was asked the COVID screening questions.

Mr. Jacobson went over the rules of the meeting. The application will be read by Alan Stock, Zoning Inspector, because the Board of Zoning Appeals decisions are quasi-judicial, all testimony must be sworn when speaking. Everyone must state their name and state they are under oath. Only facts are to be given, not opinions or emotions. Minutes are being recorded. Questions are to be directed to the Board Chair only. The Board of Zoning Appeals will follow Roberts Rules of Order for procedures. The Chair reserves the right to limit public input. The Board of Zoning Appeals may approve in whole or in part, reject in whole or in part, or reschedule to another date. An applicant may also withdraw their request. The decision will become effective five days after date of decision. A decision by this Board is a final order under O.R.C. 2506.04. Aggrieved individuals may appeal the decision to Common Pleas Court. The audience joined the Board in the Pledge of Allegiance. Mr. Jacobson administered the oath to the attendees present in person and on the teleconference.

Mr. Jacobson asked Mr. Stock if the application was lawful to be heard by the Board and notices and advertisements made. Mr. Stock advised that it was lawful and that the notice had been published in the newspaper and notices had been mailed to all property owners within 500' of the property. Mr. Stock stated that a sign was placed on the applicant's property. Mr. Stock explained all the exhibits for this Public Hearing.

Mr. Jacobson asked the Board members if they had read and considered the application—all answered yes. He asked if they felt they should not be part of the proceeding due to some conflict of interest—all answered no. He asked if they intend to participate in the entire procedure including voting on the questions asked—all answered yes.

Mr. Jacobson asked Mr. Stock to present the proposal. Mr. Stock reviewed all the documents and exhibits A-G.

Exhibit A: Application for Board of Zoning Appeals

Exhibit B: Proof of Public notices (Letter to Neighbors, Newspaper Notice, Sign in Yard, Website)

Exhibit C: Procedure Check List

Exhibit D: Administrative Review

Exhibit E: Agenda

Exhibit F: Phone calls

Exhibit G: Zoning Commission and Trustee Minutes

Mr. Stock read the Zoning Regulation regarding private and public roads.

### **1030 Stevenson Road – Request for Administrative Review for a Private Gravel Road**

**Mike Klontz**, 779 S. Ballard Road, Xenia, Ohio, at the podium stated that he was under oath. Stated that the intention is to make a gravel road in accordance with set standards. He said that there is already an existing gravel drive, but it is not quite 20 feet wide, and that he will expand the drive to meet the requirements.

**Mr. Jacobson, Board of Zoning Appeals**, asked how long the proposed road will be.

**Mr. Klontz, under oath**, stated that the road would be around 1700 feet from Stevenson Road to the back of the property.

**Mr. Jacobson, Board of Zoning Appeals**, asked if this measurement was from the public road.

**Mr. Klontz, under oath**, stated that yes, it is from Stevenson Road.

**Mr. Jones, Board of Zoning Appeals**, asked if Mr. Klontz could show him on a map where the placement of the road would be.

**Mr. Klontz, under oath**, obliged. He further stated that the existing drive has been there since 1840's or possibly even before that.

**Mr. Anthony, Board of Zoning Appeals,** asked Mr. Stock if the road was approved and the property was sold, and the new owners wanted to expand the road and split the lots, would the new lots have to be approved.

**Mr. Stock, Zoning Inspector,** replied that once the road is established, each lot would be required to have 300 feet of road frontage and a minimum of five (5) acres per parcel. He further stated that only the front lot has the required road frontage from Stevenson Road.

**Ms. James, Board of Zoning Appeals,** had no questions.

**Mr. Jacobson, Board of Zoning Appeals,** called for public comments in favor of the petitioner.

**Ron Weimer,** 968 Stevenson Road, Xenia, Ohio, at the podium stated that he was under oath. Mr. Weimer asked if the land was going to be developed into a housing plat? He further stated that he was concerned about how many houses would be built on the property. He went on to say that gravel will be messy from all the dust.

**Luke Trubee,** 2809 Corlington Drive, Dayton, Ohio, at the podium stated that he was under oath. He stated that he was representing the interested party in purchasing the property. He stated that they have not ruled out paving the road at some point, after all the construction is finished. He stated that they are initially asking for gravel to get through the building process.

**Mr. Jones, Board of Zoning Appeals,** asked if there was a time frame.

**Mr. Trubee,** under oath, stated that there is not a time frame at this time, but they would like to move as quickly as possible.

**Mr. Jacobson, Board of Zoning Appeals,** stated that the lot has 68 acres, and potentially divided into six (6) lots, with each over five (5) acres.

**Mr. Trubee,** under oath, stated that the lots would be over ten (10) acres each.

**Mr. Jacobson, Board of Zoning Appeals,** asked Mr. Weimer if his question had been answered.

**Mr. Weimer,** under oath, asked how they could know that further down the line, the owners would want to build more and more houses.

**Mr. Trubee,** under oath, stated that was not possible because of Zoning Regulations. He stated that each parcel would need 300-foot road frontage and five (5) acres.

**Mr. Weimer,** under oath, stated that mathematically, there is the ability to have more parcels split.

**Mr. Trubee**, under oath, stated that the way the property is laid out, the maximum number of lots possible with the required acreage and road frontage would be seven (7) parcels.

**Mr. Klontz**, under oath, stated that the neighbors should not be concerned with a subdivision, because that is not what is being proposed. He further stated that mathematically, there can only be seven (7) lots on the property.

**Rick Bull**, 1241 Stevenson Road, Xenia, Ohio, at the podium stated he was under oath. Mr. Bull stated that the dimensions of the property do not support a subdivision.

**Mr. Trubee**, under oath, stated that he does not want a subdivision because he is planning to live there also.

**Mr. Anthony, Board of Zoning Appeals**, asked about maintenance of the road.

**Mr. Trubee**, under oath, stated that they plan to maintain the road to whatever standards are set for them. He further stated that they planned to pave the road once all construction is completed.

**Patricia Matney**, 1014 Stevenson Road, Xenia, Ohio, at the podium stated she was under oath. Mrs. Matney stated that her property line is at the driveway. She asked if the road will be extended North. She further stated that her home is very close to the driveway.

**Mr. Bull**, under oath, stated that the road will be extended to the North.

**Mrs. Matney**, under oath, asked if water lines would be brought in.

**Mr. Jacobson, Board of Zoning Appeals**, stated that that was an assumption that they could be.

**Mrs. Matney**, under oath, stated that her cistern was located by the driveway. She asked if that would be disturbed.

**Mr. Stock, Zoning inspector**, stated that he could not speak to intent, but to acquire Xenia City Water hookup, the properties would have to be annexed into the City of Xenia. They would then be required to pay income tax, property tax and pay a hook up fee.

**Mrs. Matney**, under oath, asked if she would still be able to have her water delivered because the trucks use the driveway for delivery.

**Mr. Bull**, under oath, stated that he would not have a problem with that.

**Mr. Trubee**, under oath, also stated that he did not have a problem with that.

**Mr. Jacobson, Board of Zoning Appeals**, called for anyone to speak for the opposition.

**Danielle Caudill**, 912 Stevenson Road, Xenia, Ohio, at the podium stated she was under oath. Mrs. Caudill asked who would be maintaining the road to make sure rescue vehicles do not get stuck? She also asked if they would have to move the existing power lines to widen the road and how that would affect the neighbors.

**Mr. Trubee**, under oath, stated that he intends to remove the power poles and do underground power lines. He also stated that the maintenance of the road will be the responsibility of all the home owners.

**Mrs. Caudill**, under oath, stated that she moved to her home because of the country setting.

**Mr. Trubee**, under oath, stated that he also wants the country setting.

**Carl Matney**, 1014 Stevenson Road, Xenia, Ohio, at the podium stated that he was under oath. Mr. Matney asked if he would still be a resident of Xenia Township, or if he would become a resident of Xenia City.

**Mr. Stock, Zoning Inspector**, stated that a private road will not change township boundaries. He further stated that Xenia City cannot annex properties unless the homeowner is in favor of the annexation.

**Mr. Matney**, under oath, asked why they were there, other than wanting to change farm land into homes.

**Mr. Jacobson, Board of Zoning Appeals**, stated that the reason we are here is to potentially approve a private gravel road. He further stated that the current Zoning Resolution refers to Green County Regulations that require a paved private road. That the question before the Board of Zoning Appeals is if a gravel private road is okay in the Agricultural District and the current Zoning Resolution does not answer that question.

**Mr. Matney**, under oath, stated that it all comes down to money, because gravel is cheaper than asphalt. He further stated that they want to change the rules because it will be cheaper.

**Mr. Jacobson, Board of Zoning Appeals**, stated that they are not trying to change the rules, that the current rules do not answer the question.

**Mr. Stock, Zoning Inspector**, stated that the protentional buyers had said that their intent is to pave the road in the future. He further stated that this was about timing and not money.

**Mr. Jones, Board of Zoning Appeals**, asked Mr. Stock if there is a set standard for plowing snow within the Township, such as a time limit on plowing snow.

**Mr. Stock, Zoning Inspector**, stated that homeowners with long driveways must have a plan for emergency equipment. He stated that a fire truck will need to be able to go down the road and

turn around without needing to back up. He further stated that all emergency vehicles have a list of homes that have 700 foot and over drives. He also stated that a private road is 100% the responsibility of the homeowners to maintain, and that they can choose who has access to the road. They are responsible for potholes, maintaining snow and mowing the right of way.

**Mr. Jones, Board of Zoning Appeals,** asked if there was a foot of snow that had not been plowed, and the Fire Fighters could not get access, what would happen.

**Mr. Stock, Zoning Inspector,** stated that if the Fire Fighters could not get the emergency vehicles safely down the road, they would walk down if needed. He stated that the Fire Fighters will do the best they can in every circumstance.

**Mr. Jacobson, Board of Zoning Appeals,** asked if there was any other comments or questions. Mr. Jacobson closed the meeting to the public comments.

**Mr. Jones, Board of Zoning Appeals,** asked Mr. Stock if the Board of Zoning Appeals could set conditions.

**Mr. Stock, Zoning Inspector,** stated that they could set conditions. He further stated that the standards of the proposed road are 15 inches deep, and 20 feet wide, with a 50 foot right of way. He stated that the gravel would not cause water runoff because it is a pervious material. He also stated that when the road changes to asphalt, there will be standards so the neighbors do not flood.

**Mr. Jacobson, Board of Zoning Appeals,** called for a motion.

Motion for approval of the gravel private road was made by Mr. Jones and seconded by Mr. Anthony.

**Mr. Jacobson, Board of Zoning Appeals,** called for a vote

- Mr. Jones                    AYE
- Mr. Anthony                AYE
- Ms. James                  AYE
- Mr. Jacobson                AYE

Gravel Private Road GRANTED

There being no further business, the Board adjourned.  
Meeting Adjourned 7:55 P.M.

ATTEST:

A handwritten signature in black ink, appearing to read "Alan D. Stock", is written over a horizontal line.

Alan D. Stock, Zoning Inspector

