

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

March 24, 2021

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, ZOOM, 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 and ZOOM method. This meeting is being recorded.

Ed Jacobson, Chairman, called the meeting to order at 8:24 PM 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; Nathan Anthony, Darren Jones, Janis James and Assistant Prosecuting Attorney, Steven Haller on ZOOM. Also present was Alan Stock, Xenia Township Zoning Inspector.

Mr. Jacobson went over the rules of the meeting; he asked all phone attendees to suppress any background noise in their location as it would be heard by all. 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 taken and recorded. Questions are to be directed to the Board 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 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 conference attendees.

Mr. Jacobson asked Mr. Stock if the application was lawful to be heard by the Board. Mr. Stock advised 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 applicants' 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; and he asked if they felt they should not be part of the proceeding due to some

conflict of interest—all answered no; and 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: Staff Findings

Exhibit E: Neighbor Phone Calls

Exhibit F: Agenda

Exhibit G: Pictures from Applicant

235 Ann Drive – Request for Variance to Section 400.7 Percentage to Lot Coverage

Susan Sharp, Applicant, 235 Ann Drive, Xenia, Ohio, under oath, offered Exhibit G into evidence showing her proposed plans for the front porch and sunroom. She stated that the front porch will come off from the house and replace the existing stoop and cover the existing sidewalk. She stated that she would replace the gutters for drainage, and that the gutters would only be placed eight (8) feet further than they are now. She also stated that the Maple Trees would absorb most of the runoff. Ms. Sharp stated that the sunroom in the back yard would replace an existing covered concrete patio and that it would only be one (1) foot wider and five (5) feet longer than existing patio.

Mr. Jones, BZA, asked if the structures would be made from wood.

Ms. Sharp, Applicant, answered that the structures would be constructed with wood, and that the front would have the existing roof and the back will also have siding, windows, and two (2) doors.

Mr. Jacobson, BZA, asked where the water from the front drains to now.

Ms. Sharp, Applicant, replied that the downspouts are on each side of the driveway and the water drains into a ditch.

Mr. Jacobson BZA, asked if the back sunroom would be covering existing grass areas.

Ms. Sharp, Applicant, answered Yes.

Mr. Jacobson, BZA, stated that the Board's concern is whether the existing lot can handle the drainage.

Ms. Sharp, Applicant, replied that her garden is five (5) feet away and that in the three (3) years she has lived there, she has not had any problems with water. She further stated that her property is pretty level except for one corner.

Mr. Jacobson, BZA, stated that the concern of the Board was whether or not this could cause flooding to the neighbors.

Mr. Jacobson, BZA, asked for questions from the Board.

Mr. Jones, BZA, asked Mr. Stock, Zoning Inspector, about water run-off and what the options were to rectify that and also asked if the property had sewage.

Mr. Stock, Zoning Inspector, replied that the home was purchased with it already being 2% over the maximum coverage. He also stated that the property had the City sewer system, not a raw sewage system. Mr. Stock stated that Ms. Sharp's contention is that the water drainage will not change in the back yard because she would be covering existing impervious materials with little square footage added and the front yard would drain to the Maple trees.

Ms. Sharp, Applicant, stated that she would also have gutters and downspouts, just placed a little further out than they are now.

Mr. Jones, BZA, asked if a wood deck would be added into the coverage calculations.

Mr. Stock, Zoning Inspector, stated that the wood deck would be added because it would be enclosed.

Mr. Anthony, BZA, stated that the back would cover a little more than the existing concrete patio, but that the front would cover more grass.

Ms. Sharp, Applicant, stated that the front would cover the existing sidewalk and flower bed.

Mr. Jones, BZA, asked if the front deck would be included in the calculations since it was wood.

Mr. Stock, Zoning Inspector, said that it would be included in the calculations because it would be attached to the home.

Mr. Jacobson, BZA, confirmed that the property was already over the 15% allowed.

Mr. Stock Zoning Inspector, answered that the property is at 17% now.

Mr. Anthony, BZA, asked what a water retention plan would look like. He also asked the process of adding a condition to a variance.

Mr. Stock, Zoning Inspector, answered that a Civil Engineer would calculate what there is now and what it would be after the additions. He further stated that based on the soil, the Engineer could recommend a dry well, retention/detention pond, or a barrel to catch the water.

Mr. Jacobson, BZA, stated that a Civil Engineer could also say that the existing drainage is adequate and Mr. Stock, Zoning Inspector, confirmed.

Ms. James, BZA, asked if when the Zoning Commission requests the percentage to be changed to 20%, if this hearing would have been a moot point.

Mr. Stock, Zoning Inspector, answered that the Zoning Commission would like to include all impervious materials including sidewalks and pools.

Ms. James, BZA, stated that Ms. Sharp would be at 20% with additions and then would be over the 20% when all impervious materials are added.

Mr. Jacobson, BZA, asked if there were any comments for or against the variance.

Jeremy Van Dyne, 1020 Whitestone Road, Xenia, Ohio, stated he was under oath. Mr. Van Dyne stated that Ms. Sharp had done a miraculous job with her property. He further stated that Ms. Sharp's neighbor is a nuisance and that Ms. Sharp is simply trying to improve her property. He stated that the water drainage goes to the West side of Whitestone, and that the area has not flooded since he moved there in 1988.

There being no further comments for or against the variance and there being no further questions from the board.

Mr. Jacobson, BZA, closed the meeting to public discussions.

Mr. Jacobson, BZA, asked for questions from the Board.

Mr. Anthony, BZA, asked Mr. Stock, Zoning Inspector, how the Board could add a condition for water retention if they chose to do so.

Mr. Stock, Zoning Inspector, explained that the Board can approve with a condition, and that the condition has to be specific and have a time frame.

Ms. Sharp, Applicant, stated that she is only covering the sidewalk in the front and just a little more in the back.

Mr. Jacobson, BZA, explained that the Board needs reasonable assurance that runoff will not affect the neighbors.

Mr. Jones, BZA, stated that an Engineer could state that there is already too much runoff.

Mr. Jacobson, BZA, stated that if there is already too much runoff then the Board should not approve without approval from an Engineer that the variance will not result in water run-off problems to adjacent properties.

Ms. James, BZA, stated that the resolution should state approval with calculations from Engineer.

The Board discussed conditions that could be added and how to add them to the resolution.

Mr. Jacobson, BZA, called for a motion.

Mr. Anthony, BZA, approved the variance with the condition that a certified person either approves the drainage as is or proposed another plan within the next six (6) months.

Mr. Jones, BZA, seconded the motion.

Mr. Jacobson, BZA, called for a vote

Ms. James AYE

Mr. Jones AYE

Mr. Anthony AYE

Mr. Jacobson AYE

Variance to Percentage of Lot Coverage with conditions GRANTED

There being no further business, the Board adjourned.

Meeting Adjourned 9:05 P.M.

ATTEST:

Alan D. Stock, Zoning Inspector