

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

October 14,2020

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, Janis James. Also present were Alan Stock, Xenia Township Zoning Inspector and Anu Sharma, Assistant Greene County Prosecutor.

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 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 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, no one on teleconference.

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 Car Port

Exhibit B: Application for Board of Zoning Appeals

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

Exhibit D: Procedure Check List

Exhibit E: Staff Findings

Exhibit F: Agenda

Exhibit G: Phone Calls (987 Old Springfield Pike, Against)

971 Old Springfield Pike – Request for Area Variance of Section 504.1 Accessory Building Setback

Christopher Stout, 971 Old Springfield Pike, Xenia, Ohio stated that he was under oath. Mr. Stout stated that he is new to the area and Ohio. He stated that the idea for a car port was an idea that just came to him. He stated that he does own a lot of vehicles, but he is surprised by the neighbor's phone call to Xenia Township because he feels that he does not have an excessive number of cars. He stated that he is a car enthusiast, and owns classic and antique cars that are show quality not a junk yard. He further stated that he has a two-car garage that his wife parks in and that a classic car is also parked in it. His son's car and his daily driver along with an antique car are parked in the driveway. He stated that the bump out in the driveway fits three cars. He stated that there is a large tree that hangs over the bump out and while watching a storm, the idea of a car port came to him. Mr. Stout said that he takes pride in his home and that it will not be a metal car port, it will be constructed and painted the same as his home. There will be no sides on the car port, just a roof to protect from the branches and snow. He stated that the contractor stated the car port will be constructed within the Building Regulations to withstand harsh weather and will have hurricane straps.

Mr. Jacobson asked if there were any questions from the Zoning Board.

Mr. Jones asked how far the bump out is from the property line.

Mr. Stout stated that the property has not been surveyed, but he and the neighbor think the line is with the tree line, so it would be 10-12 feet from the property line.

Mr. Jones asked Mr. Stock what the requirements for side set back are.

Mr. Stock replied 8 feet.

Mr. Jones then asked Mr. Stock what the setback requirement for front yards is.

Mr. Stock replied 70 feet.

Mr. Jones asked Mr. Stout how far the bump out was from the street.

Mr. Stout replied that he did not know. He had not measured it.

Mr. Jacobson asked if the home was 70 feet the street.

Mr. Stout responded that the bump out is closer to the house than the street.

Mr. Jones asked if it would be a framed in car port with a roof, and not a standard one.

Mr. Stout replied that the roof shingles will match the house shingles.

Mr. Jones asked if the car port would cover the entire pad.

Mr. Stout answered yes it would. He further stated that the drive way is narrow until it gets to the bump out and then it gets wider the closer you get to the house. He said that the car port will have 2-foot overhang for the posts.

Mr. Jacobson stated that the Zoning Resolution is set up to keep front yards vacant 70 feet from the road to provide open space from the road to the home. He went on to say that the Zoning Resolution states that no front or side yard structures may be erected. He asked for a compelling reason why Mr. Stout's situation makes such to allow a structure in the front yard. He further asked if Mr. Stout had considered moving the cars by the garage.

Mr. Stout said that he had considered that option. He stated that when he was first looking at homes in Ohio, he wanted a 3-car garage. He stated that he took a job in the area and decided to move to Xenia Township because of work and family in the area. He stated that they could not find a home with a 3-car garage, and liked the home they are in now. He stated that his long-term plans are to add on to the garage either on the side or in the back. He stated the cost for that is too much right now.

Mr. Jacobson asked if an addition is an option.

Mr. Stout stated that he can add on to the garage and still be within the setback requirements, but adding a paved area beside or behind the garage is too much right now.

Mr. Jacobson stated that he was struggling with cars parked in the front and now wanted to put them under roof.

Mr. Stout replied that the cars are parked in the driveway not in the front yard.

Mr. Jones asked if Mr. Stout owns the tree.

Mr. Stout said that he was not sure and that he thinks it is owned by himself and the neighbor.

Mr. Jones asked if he was able to remove the tree.

Mr. Stout replied that he could, but it is a nice tree and provided shade. He further stated that he did have the tree trimmed.

Mr. Jacobson asked if there was anyone to speak in opposition, there was none.

Mr. Jacobson asked if there was anyone to speak in favor.

Variance to Setback GRANTED

There being no further business, the Board adjourned.
Meeting Adjourned 7:34 P.M.

ATTEST:

Alan D. Stock, Zoning Inspector