

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

September 30, 2013

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, Don Harner, and Ken Penewit. Also present was Stephanie Hayden, Greene County Assistant Prosecutor and Alan Stock, Xenia Township Zoning Inspector/Clerk.

Ed Jacobson, Chairman, called the meeting to order at 6:30 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. He asked that everyone in the audience who wished to participate, to raise their hand and swear to tell the whole truth and nothing but the truth so help you God. 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. Alan said this had been done and a sign was placed on the Fleming 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.

Eric Fleming, 2291 SR 235, Xenia, Ohio 45385 – Request for Area Variance to build an addition to the front of his house.

Alan Stock read the application from Eric Fleming, 2291 SR 235, Parcel ID #M36000100060006300, Xenia Township, Greene County, OH. Applicant requests an Area Variance in an Agricultural District to build a 14' addition to the front of his house. The Flemings lived in an M-3 District and went through the process to rezone to Agricultural. The setback is 70' in an Agricultural District'. Their home sits 70' from the right-of-way so the addition would extend 14' into the setback. The Flemings were given the Duncan Area Variance questionnaire. Mr. Stock read this into record—attached to these minutes. Eric Fleming presented his project to the Board of Zoning Appeals. They have a two bedroom home now and have two children. His wife is expecting another child in December so the extra

bedrooms will be very helpful. He said his neighbor across from his property to the south has a house that is about 50' from the right-of-way. There are many other homes along SR 235 that sit closer than 70' from the road. Mr. Jacobson asked about the purpose of the setbacks. Mr. Stock explained that road setbacks are measured from centerline (rule of thumb is 30') where you can have utilities, such as gas, telephone, cable, or fiber, and you can allow for road improvements. Mr. Jacobson asked if this would create any hazards to bring him 14' closer. Mr. Stock said the houses closer to the road were there before zoning. He said Mr. Fleming's property was zoned mining. In a Mining District you cannot expand the footprint on the property—you can only maintain what is there, so Mr. Fleming went through the rezoning process and his property was rezoned to Agricultural District. Originally, Mr. Fleming had asked for a different zoning which had smaller setbacks and he would not have needed to come to the Board of Zoning Appeals. The Zoning Commission and the Board of Trustees would not allow that because they did not want spot zoning. Mr. Bingamon asked if this might be a problem in the future with others who build along the same road. Mr. Stock answered he would still be following the Zoning Resolution and they would have to follow it unless they wanted to go through the same process of going to the Board of Zoning Appeals for a variance. Ms. Hayden said the Board of Zoning Appeals cases deal with property owners on a case by case basis; whereas, the Zoning Commission deals with the big picture decisions. Mr. Jacobson said their driveway seems to have good visibility. Mr. Harner asked if Mr. Fleming if he had considered putting the addition on the back of the house. Mr. Fleming said a well, septic and air conditioner in the back would have to be moved. Also the inside layout of the house would not be conducive to the addition on the back. There is a barn and a shed behind the house. Mr. Penewit pointed out the house nearby that sits much nearer the road than the Fleming addition.

Mr. Harner made a motion to approve the request for an area variance to Mr. Fleming. Mr. Penewit seconded the motion. All voted aye. Area Variance was granted with unanimous vote.

Meeting adjourned at _____ made a motion to adjourn the Public Hearing. _____ seconded.
p.m.

ATTTEST:

Alan D. Stock, Zoning Clerk