

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

August 6, 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, Ken Penewit and Joe Mullikin,. Also present was Stephanie Hayden, Greene County Assistant Prosecutor.

Ed Jacobson, Chairman, called the meeting to order at 7:10 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 the Stephanie Hayden, Greene County Assistant Prosecutor. 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. 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. Jacobson said Alan Stock, Zoning Inspector/Clerk is at the Trustees' meeting and unable to attend this public hearing, therefore, Stephanie Hayden was here on his behalf. Stephanie read a letter from Alan Stock stating the proper procedures were followed and are lawful to be heard by the Board. Stephanie Hayden marked his letter Exhibit 1 and it will be entered into tonight's public record.

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.

Matthew Sprowl, 901 Brush Row Road, Xenia, Ohio 45385 – Request for Conditional Use:

Stephanie Hayden read the application from Matthew Sprowl, owner of 901 Brush Row Road, Xenia, OH 45385, Parcel ID #M36000200262002200, requesting a Conditional Use in the Agricultural District to operate an autistic day school. When the applicant first came to Alan Stock, Zoning Inspector, an educational facility was not listed as a conditional use in the Agricultural District. The process started with the Zoning Commission who made a recommendation to the Trustees that educational facility be added to the Agricultural District's conditional uses. The Trustees gave their approval of adding the text. Now educational facility is specifically listed in the Xenia Township Zoning Resolution, Section 400.4. It is now before the Board of Zoning Appeals for consideration of the request for a conditional use.

Jacobson asked Mr. Sprowl to explain what he would like to do. He gave a brief background. They bought the property at 901 Brush Row Rd. in 1997. They moved to Sugarcreek Township in 2004 and retained the property as a rental property. They have 2 sons. His older son Jacob is autistic which was diagnosed when he was around 2. He is now almost 15 years old. They were advised to use a specialized program called “Applied Behavioral Analysis” (ABA). They found a professional around Cleveland who helped them teach Jacob from age 3 to 10 at home. As he grew older Jacob began to get intermittently aggressive. He was taken to many specialists and given medication. When he was about 12 it became too dangerous to keep him at home—he was 5’6” and 165 pounds. He was hospitalized at Children’s Hospital in Cincinnati for about 3 weeks. Sprowls were told it was too dangerous to take Jacob home and they needed to find a program that would fit his needs. There were no programs in Ohio that could help him. He was in a program in Atlanta, Georgia for about 10 ½ months. During this time they met other professionals and consultants and one person they met was Dr. Leslie Sinclair. She was the former director of the Cleveland Clinic Center for Autism. She developed the program in the early 1990s and directed it for 10 years. They hired her as a consultant. One of her recommendations was to move him to St. Augustine, Florida. This program was more behavioral based than putting him on all the medicines. Their son was in Florida in 2011 until a month ago when he came home. After evaluation Dr. Sinclair found Jacob has made progress. The Sprowls want to set up a small charter school to serve their son and up to 6 students. There are no schools that can meet his needs in this area. There is a program in Cleveland but it has a long waiting list. Dr. Sinclair travels around to help set up charter schools. The school would operate Monday through Friday, 9:00 to 1:30. There would be no changes to the property. School will take place in the farmhouse. The barn could be used for a workshop for vocational training. Staff would be one teacher and at least one para-professional. Intermittent speech therapy and occupational therapy would be a part of the program.

Mary Grech, Occupational Therapist, 2211 Marcia Dr., Bellbrook, Ohio said the reason you only have 6 students is you can’t do applied behavioral analysis with a large group of students.

Jacobson asked if parents will stay during the school hours. Sprowl answered probably not as that would be a distraction to the student. He also said they were advised not to do the program in their own home. Jacobson asked about parking. Sprowl answered there is enough room for parking about 25 cars but would not have that many. No renters in the house at this time. Sole purpose of the house is for the school, no one will be living there. Jacobson asked about any permits needed. Hayden answered they would need permits from Greene County Building Regulations and the Health Department. Sprowl said he received tentative approval from the Xenia Township Fire Department when they did their fire inspection. Jacobson asked if they have liability insurance. Sprowl said he contacted his insurance company and they have an umbrella liability policy that would cover them. Joe Mullikin asked about getting into the driveway past tree branches with fire apparatus and medical equipment. Sprowl said the fire inspectors came in an ambulance and that was the suggestion they gave. He already did cut some of the branches. Mullikin asked if these students would tend to wander away from the school. Sprowl answered some do exhibit elopement behavior. Their son does not have that behavior. The students will be screened by Dr. Sinclair for appropriateness for the program. The student to teacher or para-professional is a low ratio. The house sits almost ¼ mile from the road. Mullikin asked if the school will be affiliated with Cleveland Clinic. Sprowl answered yes, filed as non-profit status. Mullikin asked if the Cleveland Clinic will have requirements on the school as far as safety. Sprowl said not that he knows of. Hayden said safety regulations for an educational facility would be stipulated by building regulations. Jacobson asked if any of the students would be a threat to themselves or to each other. Sprowl said they will be screened by

Dr. Sinclair to see if they can be in a group setting. They sent a video tour of the house and property to Dr. Sinclair and she felt it was an excellent setting for the school.

Jacobson said they have 2 very positive letters from neighbors of the Sprowls. Hayden marked Bob Taft's letter Exhibit 2, and Richard King's letter Exhibit 3. Sprowl provided more letters of support from:

Nadine Daugherty (Sugar Creek Township Trustee), Exhibit 4
Jeff Walker, Exhibit 5

Gary Burnet and Mary Wiseman, Exhibit 6

Kristen Johnson, Exhibit 7

Sheila Stinson, Exhibit 8

Richard Stinson, Exhibit 9

Don Erwine, 1449 Sugar Hill Ln., Xenia spoke in favor of the Sprowl family. He also gave a letter. He greatly respects the family and what they are trying to do. Jacobson thanked Mr. Erwine.

Bingamon asked if they have any prospective students. Sprowl answered not at this time. He attended a seminar about autism treatments. All 200 seats were filled and they had a second presentation where all seats were filled again. In some places first responders are being trained on how to recognize and deal with the autistic population. Bingamon said the Greene County Sheriff should be made aware of the school for the student's safety. Mullikin said sometimes with special needs children they have a family or a nurse come in to give specialized training to the first responders.

Jacobson summarized the request and gave the following conditions for the Conditional Use:

- Maximum of 6 students
- Hours of operation approximately 9:00 am to 1:30 pm, Monday through Friday
- No visible sign
- Off-street parking availability compliant with the Xenia Township Zoning Resolution
- Staff of instructor and para-professional with intermittent other faculty
- Must meet all necessary Greene County agency requirements
- Must have appropriate liability insurance

Bingamon made a motion to approve the Conditional Use to operate an autistic day school with the conditions outlined above for Matthew Sprowl. Penewit seconded. Roll call vote: Bingamon – Aye, Harner – Aye, Jacobson – Aye, Mullikin – Aye, Penewit – Aye. Motion passed.

Bingamon made a motion to adjourn the Public Hearing. Penewit seconded.
Meeting adjourned at 8:00 p.m.

ATTEST:

Alan D. Stock, Zoning Clerk