

XENIA TOWNSHIP ZONING COMMISSION

MEETING

November 28, 2017

THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE MEETING AND ARE NOT A WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.

The Xenia Township Zoning Commission held a meeting on November 28, 2017 at 6:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385; this meeting was advertised on the Xenia Township website within 24 hours of scheduling the meeting.

Jeffrey Zweber called the meeting to order at 6:10 p.m.

Attendees: Jeffrey Zweber, Chair, Alan King, Kent Harbison, and Mary Haller, Administrative Assistant.

Mr. Zweber read over the agenda and stated there were two sets of minutes that need approval. There was discussion about needed corrections. Mr. Zweber moved to approve the minutes with the stated corrections from the October 24, 2017 Zoning Commission meeting. All voted aye, motion passed. Mr. Zweber moved to approve the minutes from the Joint Zoning Trustee meeting of October 31, 2017 with the corrections discussed. All voted aye, motion passed.

Mr. Zweber stated that the working copy for yards and fences was about complete. Mr. King stated that he thought this was possibly a final look at this section. There was discussion about the changes that were made during the last meeting. Mr. Zweber read the change made to Section 505.4.A and Mr. King advised that this was very vague. Mr. Zweber agreed and stated that they could add through the fence. Everyone agreed this made it clearer. There was discussion about the table showing the max height for each district. Mr. Zweber advised he thought there needed to be an asterisk for R-1, E. He stated that the asterisk should state "except front yard hedges shall have a max height of three feet." Everyone agreed this would be a good idea.

Mr. Zweber advised that they needed to work on the definitions for fence, wall and hedge. Mr. Zweber read the definition of fence. Mr. King asked if a fence was only one straight line was it a fence. Mr. Zweber stated that it might then be a wall. There was discussion about the difference between a wall and a fence. Mr. King stated that they could modify the definition of hedges. Mr. Zweber stated that he was thinking about making a hedge a specific type of wall. There was discussion about how a hedge is a wall formed by densely growing shrubs and bushes. Mr. Zweber stated that a wall was a structure. Mr. King asked if they could strike the word wall and just use fence. Mr. Zweber stated that a fence should define a boundary and suggested that a fence was a structure, other than a part of a building, that defines a boundary. He stated that he was worried that people would read boundary and assume it means property line. There was discussion about ways to define this without it meaning property line. There was discussion about what makes a wall, did it need to have certain materials to be a wall or could chain link stretched between two poles be a wall. Mr. King stated that they wanted to be sure the definitions were clear for someone ten years from now. Mr. Zweber stated that he would like to clarify the definition of fence to

include what he thought was a wall, then they could get rid of the word wall completely. There was discussion about the use and meaning of the words parcel, lot and area. There was discussion about what length of fence should require a permit. Mr. King stated that he felt if someone wanted to put up a four-foot section of fence to grow cucumbers on, they should not necessarily have to contact the office about it. Mr. Zweber stated that if they do not define this, then it would be up to the Zoning Inspector to decide what constitutes a fence. Mr. Zweber asked if they wanted to specify the length of something before it would be considered a fence. Mr. King stated that the less vague it was the better for everyone. Mr. Zweber stated if it were 50% or more long than it was high then it would be a fence, so if it were 6x6 it would not be a fence but 6x9 would be. Mr. Harbison asked if this was for certain districts because he did not think the agricultural district should apply. He felt there were enough fees for everything else. Mr. Zweber advised that another topic could be a different permit requirement by district. Mr. Zweber asked if they should leave the decision about whether something was a fence or a wall up to the Zoning Inspector. Everyone agreed this would be best.

Mr. Zweber stated that they could delete all occurrences of wall and checked Section 505 for the word wall because the definition of a fence included walls. Mr. Zweber stated they have a fence as a structure and that a hedge was a fence. He advised that this made a hedge a structure. There was discussion about making a hedge a fence and the implication. Mr. King advised that then someone could put a hedge around a pool. Mr. Zweber stated that he was happy with hedges around pools.

Mr. Zweber advised to the definition of a boundary and that he does not want to use the word boundary if it meant property line when it comes to the definition of a hedge. Mr. King suggested the definition be a line of densely growing shrubs or bushes. Everyone agreed the word line was a better way to describe a hedge.

Mr. Zweber read the first sentence of Section 515 for Screening. Mr. King stated that it bothers him that there could be a residential lot in the middle of a bunch of residential lots and that would by definition be adjacent to a residential lot. Mr. Zweber stated that this sentence was written to include grandfathered stuff. There was discussion about the wording for screening and how they needed to clarify it. Mr. Zweber suggested that screening be required for non-residential buildings, structures or land use on lots that adjoin or face any residential district. Mr. Zweber added that the plan for screening shall be submitted and approved by the Zoning Inspector. Mr. King asked if there was the application and the plan would be two different things. Mr. Zweber stated that most of what they were discussing was going to require a permit. Mr. King asked if there was a screening permit. Mr. Zweber stated that some of the screening was a fence. There was currently only a permit for a fence. Mr. Zweber asked if someone came to the office with a screening plan would they have to be charged a fee. Mr. King stated that currently screening did not seem to have a fee. Mr. Zweber stated that he did not really want to charge a separate fee for putting up screening. Mr. Harbison stated that if someone was using dirt it could be quite expensive to move and pile that to be considered screening. Mr. Zweber added that the fee was to cover the Township's time to check everything. There was discussion about the three main reasons for screening which were: don't want to see it, don't want to hear it, and don't want the trash blowing around from it. There was discussion about other jurisdictions that do things differently and that those jurisdictions may change Zoning Inspector to Board of Zoning Appeals. There was discussion about why screening was important between different districts like a business district and residential district.

Mr. Zweber advised that they should look at the types of screening in Section 515.2 and read the current types listed. Mr. King stated that all of the list was now defined in fence or hedge. Mr. Zweber suggested changing the list to fence, evergreen hedge, earthen mound. Mr. King added to be approved by the Inspector. There was discussion about whether the screening had to go near the property line or not. Mr. Zweber stated that it needs to be where it needs to be. Mr. King stated that it needed to be where it would serve its purpose. Mr. King stated that it would be on the Inspector to say whether the screening was appropriate or not. Mr. Zweber advised that was why the Township has an Inspector. Mr. King asked if they need to state how dense the screening should be and Mr. Zweber stated that it should be dense enough to do its job.

There was discussion about whether there needed to be any changes to Section 524 Private Pools when it came to fences. Everyone agreed no changes were currently needed. There was discussion about pools and the safety of having fences of at least five feet high around them.

There was discussion about whether any other issues about fences needed to be added to the working copy. There was discussion about fence material, quality of material, height, and whether it needed to be on a property line. Everyone agreed that they liked what they had so far.

Mr. Zweber stated the next topic was about yards, frontage and coverage which he felt should be dealt with as a separate topic. Mr. Zweber stated that all the districts should have a reference to screening. He stated that currently not all districts have this, and everyone agreed this would be good and that this would make the Resolution more consistent.

Mr. Zweber moved to adjourn, Mr. King seconded the motion. All voted aye. Meeting adjourned at 8:03 p.m.

ATTEST:

Mary Haller, Administrative Assistant