

## XENIA TOWNSHIP ZONING COMMISSION

### MEETING

May 22, 2018

**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 May 22, 2018 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 6:17 p.m.

Attendees: Jeffrey Zweber, Chair, Virgil Ferguson, Roy Colbrunn, Kent Harbison, Alan King, Donna Randall and Alan Stock.

Mr. Zweber stated that there were guest speakers for this evenings meeting and turned the floor over to him.

Mr. Mark Isaacson, Program Manager for Special Services which includes sewage, water, septic systems, well water and many other programs throughout the Greene County. He stated that he works closely with Regional Planning and Coordinating Commission. He stated that tonight he was going to talk about changing property lines and developing a way to get the community involved when people want to know what they can do. He stated that a lot split comes in two forms, either a bare parcel of land of some acreage and it is being divided or there is land with a farm house and a certain amount of acreage that goes with it is being split off from the larger parcel of farm land. He explained some reasons for this through the Ohio Revised Code. The Revised Code states that any parcel that is less than five acres in size is considered a buildable site and is no longer considered for exemption for agriculture but would have to meet zoning requirements. He stated that when this occurs Regional Planning asks the Health Department to check to see if the site is suitable for a septic system. He stated that they do a preliminary site evaluation and a soil evaluation is also done, then a report is given about the soil which is then reviewed. If everything is acceptable, then the Health Department gives a letter to the property owner and a copy to Regional Planning. At that time, Regional Planning can sign off on the mylar and the parcel can be created.

Mr. Zweber asked if every mylar goes to the Recorder to be recorded. Mr. Isaacson stated the mylar, which the Township, County Engineer, and Regional Planning signs, and the deeds are recorded and get a new parcel ID number. At that time, if the person wants to build, then they would talk to a sewage system designer and builder to start work on those drawings then those are brought back to the Health Department, they review the design, approve the design so they can begin construction of the septic system and the house. He stated that the septic system is inspected before it is covered up.

He stated that when a lot split is done, the surveyor should tell the property owner if the lots are less than five acres, then the lots must be approved by the Health Department. He gave an example of a ten-acre lot split. He explained when a lot split is being done, the Health Department looks for where the well, septic system and driveway are located in comparison to the new boundary lines. This evaluation is done to ensure that these are going to stay on the parcel with the current house. When this does not happen he explained the options available for the property owner. He stated that if the other parcel is over five acres it does not need approval from the Health Department as long as it meets zoning requirement. However, if the vacant lot were less than three acres, then it would need approval from the Health Department and meet zoning requirements.

Mr. Colbrunn asked if the lot was smaller than five acres and there was no intention to build on it, does it still have to be approved as a buildable lot. Mr. Isaacson stated that yes it did. Mr. Colbrunn asked if there was a way the owner could do so that they did not have to go through this expense. Mr. Isaacson stated that there was typically not much that could be done differently. He stated that a deed restriction could be done or if it did not meet zoning requirements then the lot would have to be approved by the zoning commission but a permit could not be issued then an exception may have to be made. He stated that this is called creating a lot by exception. Mr. Stock gave an example occurring in Xenia Township, where a parcel was split and a lot by exception was created because one parcel no longer had the required road frontage. Mr. Stock stated that when a mylar is received with a lot by exception, this is noted on the mylar that it is a non-buildable lot. There was discussion about non-buildable lots.

Mr. Stock stated that Mr. Isaacson was at the meeting tonight because the Zoning Commission was looking at what kind of requirements should be taken out of each section to determine whether each section is or is not conducive to annexation, but at the same time to make sure they looked at these things for the unintended consequences.

Mr. King asked if lots could be re-surveyed to help make it a buildable lot. Mr. Isaacson stated that a lot could be re-surveyed and it would depend on the zoning regulations. Mr. Isaacson gave examples of what could be done to help lots meet zoning requirements. He stated that people can get creative with lot boundaries.

Mr. Isaacson spoke about other ways parcels have been split and how he works with Regional Planning. Mr. King stated that this Commission asks for recommendations from Regional Planning but they did not have to follow it for rezoning and other things. He asked if it was the same for the Health Department. Mr. Isaacson stated that it depends, he stated that it could be how Xenia Township's regulations are written. Mr. Zweber stated that this was just about splitting a lot. Mr. Isaacson agreed and stated that his examples were about lot splits that did not require a rezone. Mr. King asked if they would typically do a lot split without changing the zoning or would they seek zoning change before the lot split. Mr. Isaacson stated that this would depend on the circumstances. There was discussion about lot splits and rezoning. Mr. Stock stated that when a survey is done, the mylar should be taken to the local jurisdiction to be signed, then to regional planning to be signed, then to the Recorder's Office to be recorded. Mr. Stock stated that he has been seeing quite a few surveys that the surveyor skipped the first two steps and just had it recorded, which made it an illegal lot. Mr. King stated that there were several steps to make all of this happen. Mr. Stock advised that there was and it was good that the Health Department, Regional Planning and the Township work well together to help make things happen. Mr. Isaacson stated that one of the changes required his department to do a maintenance and monitoring program. He

stated that each system that gets installed as a brand new facility, or a request to check a facility before a sale is given an operation permit so they can take care of the system. He stated that the maintenance program gives the permit that was renewed and gives the owner a list of things that they need to do to start to take care of the system. He stated that in the past, owners did not always know how the whole system worked. With this new program, it helps new home owners aware of needed repairs and help the owners to understand how to maintain the system so that it lasts a long time.

Mr. Isaacson stated that in 2015 there were changes made to the sewage rules for the whole State of Ohio. He stated that if a new system is approved, then one year later the Health Department would go back and look at and make sure the owner understands the system, then it would be checked every five years after that. Mr. Isaacson stated that the systems have become quite complicated and they typically last approximately thirty to thirty-five years. He stated that they have found systems that were put in, in the 1960's, which were made with clay pipes. He stated that some of these are still usable because the gravel under the pipes are not plugged up they are able to fix these and have the system work without putting in a whole new system.

Mr. King asked if, for Xenia Township, there was a typical size for a current system. Mr. Isaacson stated that yes there was, for the typical lot a person would be looking at three to five acres is the minimum lot size, but if it were a three bedroom house it would have a 1500 gallon septic tank with roughly ten foot long and six feet wide with 500 to 600 feet of leach lines. Mr. King asked if this would take up a half acre. Mr. Isaacson stated that it would probably be between one to two thirds of an acre to use for the system. He added that then there needed to be a replacement area, so that in thirty years there is a place to put a new one when the first one goes bad. Mrs. Randall stated that before zoning some crazy things happened and she wanted to know if Mr. Isaacson had any examples. Mr. Isaacson stated that when indoor plumbing was added to older homes, a ditch would be dug and lines put in to run the sewage over the hill, because the thought was if they could not see or smell it then that was good. Then as time moved on they found this was dangerous for humans and animals so they found a way to keep it safe underground. He stated that in Greene County the Health Department looks at how they can minimize the health impact but still make it acceptable for the area and the owner. Mr. King asked about any surface wells in the area. Mr. Isaacson stated that they still have a few, but they see less and less of them.

Mr. Isaacson stated that when they first started digging for water, they would dig down and line it with brick or limestone and the well would go into the water. He stated that some were twenty feet deep but could be up to fifty feet deep. He stated that dug wells are not contamination free because contaminates can leach in through the walls. He said in the 1950's they started using oil well techniques to dig water wells. He explained how these wells were done and the differences between drilled wells and dug wells. Mr. Isaacson displayed a map with the septic systems and leach lines depicted. He explained how the septic system and leach lines are placed in the ground. He explained how the leach lines worked and what occurs as sewage passes through them. He stated that there should be a clean out for the system close to the house and when the appropriate time came the owner should have the septic tank pumped out. He stated that some systems have a filter on them, so they have a handout for cleaning them to help homeowners save money by cleaning the filter themselves. He stated that newer systems are divide in half, or three or four lines, and each year the system is managed and part of the system rests and the other part was used. He stated that this helps the system last longer. He showed pictures of a septic system being installed.

Mr. Stock asked if any members of the Commission had any questions for Mr. Isaacson. Mr. Harbison asked what type of tool was used to drill a well. Mr. Isaacson stated that it depended on the situation. He stated there were two types; one was called a rotary, which was actually drilling a hole in the ground, then the other was a cable rig, or spud, which used a drill bit to pound a hole in the ground. He stated the second example takes longer and the area determines the type that was used to drill the well. Mr. Isaacson thanked the Commission for inviting him.

Mr. Zweber thanked Mr. Isaacson for the presentation and asked if everyone was ready to move on with the agenda. Everyone was ready to move on. Mr. Zweber read over the agenda and asked if everyone had a chance to look over the minutes. Mr. King stated that he had a few corrections and explained them. Mrs. Randall found a few corrections and explained them.

Mr. Zweber moved to approve the minutes with the discussed corrections. Mr. King seconded the motion. All voted aye. Motion Carried.

Mr. Zweber asked about the meetings scheduled for next week. Mr. Stock advised that there was a Board of Zoning Appeals public hearing schedule for May 31, 2018. He stated that this was for 1050 Union Road for a Variance of Use. He explained why the home owner was asking for this variance. Mr. Stock also advised that he would be conducting his one-year time of travel on May 25 and on May 29 there was a Joint Trustee and Zoning Boards meeting. Mr. King asked about the BZA hearing and asked for clarification about the Variance of Use in an E District. Mr. Stock explained what a Variance of Use was and that it stays with the parcel not the owner. There was discussion about how the BZA can put restrictions on a variance. Mr. Stock advised to the topics for the Joint meeting next Tuesday and asked if there were any topics that needed to be added to the agenda. Mr. Zweber stated that he would like to talk about and get more information about the RM District. There was discussion about the RM District and Mr. Stock advised that Mrs. Painter knew more of the history of the District and he would call her to see if she would like to come in and speak to the Commission about it. Everyone agreed this would be good to setup sometime later this year.

Mr. Zweber moved to adjourn, Mr. Colbrunn seconded the motion. All voted aye. Meeting adjourned at 7:40 p.m.

ATTEST:

---

Alan D. Stock, Zoning Inspector