

**XENIA TOWNSHIP JOINT TRUSTEE & ZONING COMMISSION**  
**MEETING**

May 29, 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 29, 2018 at 6:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385.

Mr. Combs called the meeting to order at 6:00 p.m. Mr. Combs stated that this meeting is for discussion purposes. This is a generalized meeting for all Boards to have discussions regarding the direction of each group. Mr. Combs requested a roll call for attendance:

Attendees: Jeffrey Zweber (ZC), Alan King (ZC), Virgil Ferguson (ZC), Kent Harbison (ZC), Roy Colbrunn (ZC), Alan Stock (ZI), Janis James (BZA), Doug Cope (BZA), Ken Penewit (BZA), Steve Combs (Trustee), Susan Spradlin (Trustee), Scott Miller (Trustee).

Mr. Combs stated that he thought they would start with the Zoning Commission topics first. Mr. Zweber stated that he would like to discuss the RM District and the chart that is in Section 404. He stated that the Commission does not completely understand the formula or how to enforce it. Mr. Zweber stated that in the Zoning Resolution the table in Section 404 shows the minimum road frontage and setbacks for the residential districts in the Township. He stated that the RM-District was the only district without a firm number but instead was a formula. He stated that since the Commission was not sure about the size, road frontage of these lots, he would like everyone's thoughts about the RM-District. Mr. Combs asked Mr. Stock if he had any opinion about the RM-District and the unit to green space reference in the table. Mr. Stock stated that if someone came in today he would not know what to do. He stated that he spoke with Rhonda Painter, former Township Zoning Inspector, and she stated that she was willing to share the changes that were made to the R-Districts. Mr. Stock stated that he and the Commission were hoping that someone at this meeting may be able to shed some light on this District. Mr. Stock showed everyone where there were RM- Districts currently in the Township. There was discussion about where some duplexes and apartments were in the Township. Mr. Combs asked Mr. Stock to speak with Mrs. Painter to see if she could come to the next Joint meeting to speak to everyone on this topic. Mr. Stock advised he would speak with her. Mrs. Spradlin advised to Mr. Stock that he may also want to check with Leona Fletcher about this topic. Mr. Stock stated that he asked Mrs. Painter if this came during Mrs. Fletcher's time and was told it was during Mrs. Painter time with the Township. Mr. Stock advised he would check with Mrs. Fletcher as well.

Mr. Zweber stated that the Commission was starting to look at each district and services that are available and required in each. He stated that they are looking at this to help prevent annexation. He stated that one of the things they are looking at was well and septic versus city sewer and water. He stated that the County Health Department did have a lot to do with what could be built on a parcel of land based on these services. Mr. Combs stated that the County would have final say on septic versus sewer for a particular building and Mr. Zweber agreed. Mr. Miller gave an example from Highland County regarding this and how a packet plan could be put in place for certain buildings. He stated that he was not sure about a rural business district and if amendments could be made to the current business districts in the township to give a wider spectrum of options to a

property owner and allow the Health Department and the EPA to guide the resources for this type of property. Mr. King stated that when there are too many specific rules, and when it came to central water and sewer that was almost driving those properties to seek annexation. Mr. King stated that they want to simplify the code and leave the details to the agencies that are there to deal with them. Mr. Stock advised that right now the Zoning Resolution is prescriptive and he asked how comfortable everyone would be with it becoming descriptive to say someone would decide something. He stated that as things become descriptive it would eventually have an effect on the BZA. There was discussion about using the word adequate when describing services.

Mr. Zweber stated that the Commission was looking for input regarding mixed uses in the Township. He gave an example using the B-1 District, which was a neighborhood store. Mr. Zweber stated that this can occur in two ways: one being the intentional mixed use where there was a store and a house together. He stated that currently this is not allowed, and the other was a transitional neighborhood, where it was residential but was becoming for business oriented. He stated that they could rezone it lot by lot on a case by case basis, but this was discouraged. Mr. Zweber stated that they currently do not have a Township Future Land Use Plan. He advised that the current resolution does not allow for a person to reside in a business district, however there were some existing in the Township because the person lived there when the zoning changed. Mr. Zweber advised that this property could not be sold if the buyer planned to live on the property because of the current requirements. He stated that this was a good example of why the Commission was looking at the topic of mixed uses. Ms. James asked why they were looking at this now, had there been a request or was there a need, or were they proceeding that there could be a possibility of this in the future. Mr. Zweber stated that it comes up in Wilberforce with the colleges and having businesses around them. There was discussion about whether the Township should allow mixed uses in a particular district. Mr. Zweber stated, as an example, a person cannot reside in a business district, but some do because they lived there before the current zoning was in place. However, when they want to sell the buyer would not be able to reside in the business district. There was discussion about where mixed use zoning could be relevant in the Township. Mr. Miller gave an example of a residence in Goes Station that wanted to put an ice cream shop in the front part of the residence, but that was not allowed at the time. He stated that he could see benefits to having something like this near the bike path but the other side was having issues with building regulation and separations within the same structure and how to accomplish it. Mrs. Spradlin stated that this would be a could place to have Planned Unit Development(PUD). Mr. Zweber asked how small of a PUD would be considered and asked for anyone's thoughts. Ms. Spradlin stated that she could see development where County water was available but not as much if it was dependent on well water. Mr. King stated that one thing he was told when he started with the Zoning Commission was there should be no spot zoning. There was discussion about where there is available water around the Township.

Mr. Zweber stated that there was a list of permitted principle uses in the business district. He stated that there were a lot of items in this list. He read over a few of these uses and stated that he did not understand the one list of calling out specific businesses. Mr. Zweber asked what a business had to do through zoning if they wanted to change the use. Mr. Stock advised they would come for a Zoning Compliance Certificate, for example the business was a grocery store and now wants to be cigar store. Mr. Zweber asked what the order was to change the use. Mr. Stock stated that the order was Zoning, Building Regulations, then Occupancy. Mr. Zweber stated that when the owner would come in with a change of use, then the Zoning Inspector would say yes or no on whether this change complies, and if the Inspector says no then the owner can appeal this through the BZA. Mr. Zweber stated that they have three different intensities of business districts. He briefly described each business district. There was discussion about different types of businesses for the

districts. Mr. Cope added that the building code and the fire code were very similar and were based on square footage which was similar to the business district which restricts the size of the business in each district. He asked if it would be easier to reference the building code or fire code within these districts. Mr. Stock asked if these codes referred to use, because zoning revolved around use and area. Mr. Cope stated that the fire code did not mention use except for certain business that would be more flammable, like a petroleum plant; so, the fire code does mention use to some degree but not all types of businesses. There was discussion about different types of business within the fire code. Mr. King asked if it would be a good idea to take the large list of uses and try to condense it down to more general types of businesses. Mr. Combs stated that he did not think it mattered the size of the list there was still the chance to miss something. Mr. Miller stated that if someone wanted to build something like a mall the assets that the Township would have to have to put up would be astronomical, so the Township should put some parameters on structures. Mr. Miller stated that the Township needs to be sure the resources are available to support the different types of businesses that could come and want to build here. He suggested that would be something the Zoning Commission would not want to discourage any business but for the Commission to be aware of the resources the Township has available. There was discussion about the available resources and how businesses can affect an area with lights, traffic and noise.

Mr. Combs asked if there was a need for a maintenance code. Mr. Stock gave an example of two neighbors, one pays a large sum of money to have a meticulous yard and the other only mows when the grass is more than five inches. He stated that the first neighbor complains because the neighbor does not keep the yard looking nice. He stated that he has been to houses where one person complained because of the color the neighbor painted the house. Mr. Stock advised that this goes beyond nuisance and it seemed like there are more and more of these types of complaints. He stated that since zoning was about area and use and the third part of zoning was a maintenance code. For example, every driveway had to look a certain way and house needs to be painted, or one was brick and another had siding. Mr. Stock asked if anyone would like to have a maintenance code that, for example, in a certain area cement has to be used or a certain type of gravel for driveways. Mr. Miller asked if the township had the ability to create a maintenance code. Mr. Stock stated that this was a good question. Mr. Miller stated that he was not sure if Xenia Township would qualify to become a home rule Township. Mr. Stock stated that they would because they have over 5000 residents. He stated that villages get around this by having retainers. Mr. Stock stated that this could cause the Township to incur more costs and this would cause the Township to not be under the Ohio Revised Code which would allow the Township to make ordinances and laws. Mr. Miller asked if the Township had the right to consider writing a maintenance code. Mr. King advised that they also have to look into the enforcement of this code. There was discussion about whether the Township wanted to be in the business of telling people what color to paint their house. Mr. King asked Mr. Stock how many complaint calls were received in a weeks' time. Mr. Stock advised approximately six to seven. Mr. Cope stated that some of the calls were probably more neighbor disputes. Mr. Stock stated that he would check into the ability to create a maintenance code for the next meeting.

Mr. Combs moved to adjourn at 7:15 p.m.

ATTEST:

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Alan Stock  
Township Administrator/ Zoning Inspector