

# XENIA TOWNSHIP ZONING COMMISSION

## MEETING

April 23, 2013

**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 April 23, 2013 at 6:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

Chairman Alan King called the meeting to order at 6:08 p.m. Attendees included Virgil Ferguson, Kent Harbison, Alan King, Willie Washington, Jeff Zwieber and alternate, Harold Snyder. Also present was Alan Stock, Zoning Inspector/Clerk.

Guests Stephen Anderson (Director, Greene County Regional Planning and Coordinating Commission) and Stephanie Hayden (Greene County Assistant Prosecutors) were asked to attend for input on external effects.

King asked for background on nuisance noise levels, sound levels, light levels, etc. When creating text on nuisances like these, Stephen Anderson cautioned it provides an easy avenue for neighbor disputes where they use the Zoning Resolution as a way to get back at a neighbor. It requires the Zoning Inspector to investigate to determine if it actually is a nuisance. Xenia Township has general text on nuisances. If you decide to be more specific in the text about nuisances, benchmarks would need to be set to identify criteria, i.e. for noise, decibel levels and duration would need to be set. These qualifiers would allow the Zoning Inspector to inspect to see if there is a problem or not. If talking about dust, even the wind can cause that. He does not encourage townships to get involved in specifics—it becomes an administrative nightmare. Stephanie Hayden said from her perspective that section of the Xenia Township Zoning Resolution is not broken. If you do have text about noise, a lot of violations take place at night and on the weekend when the Zoning Inspector is not working. By the time the Zoning Inspector goes to inspect the problem will have been abated. In order for the Zoning Inspector to write a citation or to institute civil action against that property owner they have to observe it themselves. If Zoning Inspectors have to testify in court, they have to verify they checked the calibration of the decibel meter. To measure light nuisances a piece of equipment would have to be used and it would have to be verified that the equipment was working that day. Also the Greene County Sheriff's Office is not under contract with Xenia Township to provide patrol service. They respond to calls in the Township. They can only enforce the Ohio Revised Code, not anything the Township passes. Therefore, enforcement would fall on the Zoning Inspector. Township residents will know the resolution exists and will become frustrated because they feel it is not being enforced. This would put the Township in an impossible situation. King asked if the Ohio Revised Code has an ordinance for nuisances. Hayden answered it depends on the nuisance. She cited examples in several townships where people were shooting guns on their property and the Sheriff's Office could do nothing about it. If there are complaints about nuisances in the Township there are different administrative agencies to deal with them. Typically when thinking of nuisances, we think of junk cars, unmowed grass, noxious weeds, and piles of tires, etc. If there is a noise, light or dust issue she thinks it is best left as a private civil issue between property owners. Harbison said when they had a fireworks incident where

his cornfield was set on fire, the Sheriff's Department came out to talk to people. Hayden said if something like that becomes enough to be a criminal complaint, such as arson, then the Sheriff's Department can do something about it. King thanked Anderson and Hayden for coming to the meeting. Anderson thanked those who came to the zoning workshop they hosted on April 3.

The Zoning Commission felt no need to revise text on external effects. A Public Hearing was set for May 28 at 6:00 p.m. regarding "External Effects". It was decided to hold the public hearing for "Notification of Property Owners" on the same night.

Discussion about the Zoning Commission Alternate Member Steve Key being removed from the board due to his lack of attendance. Washington made a motion to recommend the Trustees remove him from the Zoning Commission Board. Ferguson seconded. All voted aye.

Harbison made a motion to accept the March 19, 2012 minutes. Ferguson seconded. All voted aye.

An overview was given about the formatting done on the Zoning Resolution. There is no need for a public hearing for this. Stock will check again on the cross references and will then make a copy for each Zoning Commission member. They will then notify the Trustees about the formatting changes.

Information about the VanWert, Ohio wind farm was handed out to the group. Links to more information on the internet were available. Research was compiled about digital signs and alternative sources of energy in zoning resolutions of all the townships in Greene County. Stock mentioned a company in Old Town that has solar panels—he could ask the owner to talk to the Zoning Commission if they desire.

King began discussion on digital signs. The Zoning Commission began looking at the Xenia Township Zoning Resolution, Sections 406.8 and 517. Billboards are not allowed in the Township. Sugarcreek Township does not allow digital signs. Zweber said our text allows light from two sources--in front of and behind the sign. It looks like the resolution is trying to keep a sign from being a changing sign, such as having scrolling text. Safety is the important thing. King wondered if the resolution would allow current technology to implement the old rules. Zweber said it seems people asking for signs want more flexibility than that. Snyder asked how many signs are allowed on a property. Zweber answered no more than two. The Commission does not want to deter businesses from advertising. Stock will send pages 91-94 and the definition of signs to the group so they can read and mark anything they want changed. It will be discussed at the next meeting. King took a quick poll of the group to see if they would allow animation on signs and they all answered yes.

They will discuss signs, solar panels and wind turbines at the next meeting. The next meeting will be May 28 at 6:00 p.m.

Zweber made a motion to adjourn the meeting. Washington seconded. All voted in favor. Meeting adjourned at 7:35 p.m.

ATTEST:

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Alan D. Stock, Zoning Clerk