

**XENIA TOWNSHIP BOARD OF ZONING APPEALS**  
**PUBLIC HEARING**

May 5, 2021

**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.**

**We are holding this Board of Zoning Appeals meeting under the guidelines from Governor Mike DeWine and Ohio Attorney General Dave Yost, reducing exposure to the COVID-19 virus. Board of Zoning Appeals must meet quorum but may do so by face-to-face, ZOOM, or teleconferencing, or a combination thereof IF the public has opportunity to share in the meeting in the same manner. Xenia Township has complied with this face-to face method.**

Ed Jacobson, Chairman, called the meeting to order at 6:27 PM and welcomed the people in attendance. He asked for roll call for attendance of the members.

Board of Zoning Appeals members present: Ed Jacobson, Chair; Nathan Anthony, Darren Jones, Janis James and Assistant Prosecuting Attorney, Steven Haller. Also present was Alan Stock, Xenia Township Zoning Inspector.

Mr. Jacobson went over the rules of the meeting. The application will be read by Alan Stock Zoning Inspector. Because the Board of Zoning Appeals decisions are quasi-judicial, all testimony must be sworn when speaking. Everyone must state their name and state they are under oath. Only facts are to be given, not opinions or emotions. Minutes are being recorded. This is a phone and pager free meeting. Questions are to be directed to the Board only. The Board of Zoning Appeals will follow Roberts Rules of Order for procedures. The Chair reserves the right to limit public input. The Board of Zoning Appeals may approve in whole or in part, reject in whole or in part, or reschedule to another date. An applicant may also withdraw their request. The decision will become effective five days after date of decision. A decision by this Board is a final order under R.C. 2506.04. Aggrieved individuals may appeal the decision to Common Pleas Court. The audience joined the Board in the Pledge of Allegiance. Mr. Jacobson administered the oath to the conference attendees.

Mr. Jacobson asked Mr. Stock if the application was lawful to be heard by the Board. Mr. Stock answered yes and advised that the notice had been published in the newspaper and notices had been mailed to all property owners within 500' of the property. Mr. Stock stated that a sign was placed on the applicants' property.

Mr. Jacobson asked the Board members if they had read and considered the application—all answered yes; and he asked if they felt they should not be part of the proceeding due to some conflict of interest—all answered no; and if they intend to participate in the entire procedure including voting on the questions asked—all answered yes.

Mr. Jacobson asked Mr. Stock to present the proposal. Mr. Stock reviewed all the documents and exhibits A-G.

**772 Murray Hill Drive – Request for Area Variance of 400.7 Maximum Percentage of Lot Coverage**

Exhibit A: Application for Board of Zoning Appeals

Exhibit B: Proof of Public notices (Procedure Check List, Letter to Neighbors, Newspaper Notice, Sign in Yard, Website)

Exhibit C: Staff Findings

Exhibit D: Agenda

Exhibit E: Neighbor Responses by Phone Calls or Letters

**Mr. Jacobson, BZA**, asked the applicant to please come to the podium and present his request.

**Aaron White, Applicant**, 772 Murray Hill Drive, Under Oath, stated that his home is currently an eyesore. He stated that the home has not been updated since it was built in 1963. He said that the neighborhood is in disarray right now, and he hopes that by doing this improvement to his home, he will encourage others to update and repair their homes. He stated that he enjoys sitting out front on his stoop, and that he would like to expand that and have a nice place to sit. He further stated that the curb appeal would increase the value of his home. He further stated that he would place a dry well and that they road has strong road gutters for added drainage.

**Mr. Jacobson, BZA**, asked if Mr. Whites yard sloped down in the back as it could not be viewed by a drive by review.

**Aaron White, Applicant**, stated that his back yard was flat coming off the house, but sloped down into woods.

**Mr. Jacobson, BZA**, stated that the current Zoning Resolution states that the current lot coverage is at 15%, he further stated that it is suspected to change, but it has not been approved for change. He stated that the Board is to weigh the decision on 15% lot coverage.

He further stated that with the additional coverage of green space, the concern is that the additional water drainage could adversely affect the neighbors' properties.

**Mr. Jacobson, BZA**, asked for questions from the Board.

**Nathan Anthony, BZA**, stated that Mr. White had mentioned a dry well and a rain garden, he asked which one the applicant planned to use.

**Mr. White, Applicant**, stated that he would be leaving that decision to either his contractor or the Board to decide.

**Ms. James, BZA**, asked if Mr. White knew who owned the woods behind his home.

**Mr. White, Applicant**, stated that he did not know who owns the woods behind his home.

**Mr. Jacobson, BZA**, asked if there were any comments against the variance.

**Shawn Strider, 893 Murray Hill Drive, Xenia, Ohio**, Under Oath, asked if the build would be a porch or living space.

**Mr. Jacobson, BZA**, stated that according to the application it is only a porch, not living space.

**Deanna Guthrie, 841 Murray Hill Drive, Xenia, Ohio**, Under Oath, asked what other homes on Murray Hill were over the 15% threshold, and why it was necessary to calculate the surrounding homes.

**Mr. Stock, Zoning Inspector**, stated that the Board asks for calculations of surrounding homes of the petitioner.

**Deanna Guthrie, 841 Murray Hill Drive, Xenia, Ohio,** Under Oath, asked if the percentage took into account that some lots were double lots.

**Mr. Stock, Zoning Inspector,** stated that additional lots are separate. The calculations for impervious materials are only calculated for the lot that the structure is on. He further stated that if there is a double lot, the calculations are done separately.

**Deanna Guthrie, 841 Murray Hill Drive, Xenia, Ohio,** Under Oath, asked how many other homes on Murray Hill Drive had enclosed porches?

**Mr. Jacobson, BZA,** state that this will not be an enclosed porch.

**Deanna Guthrie, 841 Murray Hill Drive, Xenia, Ohio,** Under Oath, asked if this would be an open porch.

**Mr. White, Applicant,** under oath, stated that it would be an open porch.

**Deanna Guthrie, 841 Murray Hill Drive, Xenia, Ohio,** Under Oath, stated that she thought it was an enclosed porch. She went on to say that she still opposed the variance because he had ample opportunities to improve his curb appeal and that he did not choose to do so until he was made to move his motor home that he decided to build his porch.

**Mr. Jacobson, BZA,** stated that he did not see how moving the motor home had anything to do with this hearing.

**Deanna Guthrie, 841 Murray Hill Drive, Xenia, Ohio,** Under Oath, stated that Mr. White said that he wants to do this to improve everyone else's curb appeal, but everyone else has nice curb appeal except Mr. White and the house across the street from him.

**Mr. Jones, BZA,** asked if it was wrong for Mr. White to want to improve upon his home?

**Deanna Guthrie, 841 Murray Hill Drive, Xenia, Ohio,** Under Oath, stated that she has no problem with him wanting to improve upon his property, but that he has had numerous opportunities to do so.

**Robert Galpin, 787 Murray Hill Drive,** Under Oath, stated that the property owners on Murray Hill bought their homes over the maximum percentage allowed, so it was not their fault that the properties are over the percentage. He further stated that he didn't know why Mr. White was comparing the percentages of the surrounding properties.

**Mr. Stock, Zoning Inspector,** stated that the percentages were of no fault of the current owners and that the calculations are for data purposes only. He further stated that the Duncan Criteria Question number three (3) asks if the variance will affect the characteristic of the neighborhood, so data is collected on surrounding properties to see if this property would be the only property that is different.

**Robert Galpin, 787 Murray Hill Drive,** Under Oath, asked how they could compare the properties when the current owners had no control over how the homes were built. He further stated that he didn't think the homeowners knew that their homes were over the percentage.

**Nathan Anthony, BZA,** stated that the calculations are done for comparison's sake only, that it is not negative to any other homeowner. He further stated that the question of if this variance will make the home substantially different from the other homes, so that requires the Board to compare surrounding properties.

**TL McClellan, 786 Murray Hill Drive, Xenia, Ohio,** Under Oath, stated that his concern is water drainage. He stated that there is a drop between his property and Mr. White's property and when there is a big rain, they have water between their homes that goes to the road. He asked if the build would cause more water runoff between their properties. He further stated that he did not want a flood in his front yard.

**Mr. Jacobson, BZA,** asked Mr. McClellan if he currently has pooling in his front yard.

**TL McClellan, 786 Murray Hill Drive, Xenia, Ohio,** Under Oath, stated that he did not currently have pooling in his yard.

**Susie Grimes, 883 Murray Hill Drive, Xenia, Ohio,** Under Oath, stated that she is an original owner on Murray Hill, and that the road was once in great shape, but it is now going downhill. She stated that she did not want Mr. White to not take care of his porch. She further stated that she was not for or against, she would like improvements.

**Mr. Jacobson, BZA,** asked if there were any comments in favor of the variance.

**Alan King, 1075 Jasper Road,** Under Oath, state that the issue is to maintain green space to eliminate water runoff. He stated that Mr. White's property has in street gutters, which is unusual for Xenia Township. He further stated that Mr. White has green space and is also willing to install a dry well or rain garden. He went on to say that Mr. White is wanting to improve upon the home values in the neighborhood. He further stated that the homes were built before zoning regulations, so that is why all the homes are over the maximum percentage threshold.

**Jeremy Hutchins, 675 Trumbell Drive, Xenia, Ohio,** Under Oath, stated that he is the contractor for Mr. White. He further stated that the calculations were done by his office manager, and were not meant to be accusatory, just for data to show that they were not requesting more than what is already in the neighborhood. He states that the difference between a rain garden and a dry well is that a rain garden has vegetation to care for and a dry well does not. He further stated that all of the front gutters will be tied into the dry well.

**Mr. Jacobson, BZA,** asked if this could potentially reduce the current water runoff situation between Mr. White and the neighbor's property.

**Jeremy Hutchins, 675 Trumbell Drive, Xenia, Ohio,** Under Oath, stated that if the water is coming from the front of the home, it should. He further stated that if there was a major rain of four (4) inches, you would have water runoff, but for a normal rain, the dry well would eliminate that.

**Mr. Jacobson, BZA**, closed the meeting to public discussions.

**Mr. Jacobson, BZA**, asked for questions from the Board.

**Mr. Jones, BZA**, asked if in granting the variance, does the Board state that he will need a drywell?

**Mr. Jacobson, BZA**, stated that the Board needs assurance that the new water runoff will be taken care of.

**Ms. James, BZA**, stated that she was impressed that the applicant had two (2) options to cover the new water runoff.

**Mr. Anthony, BZA**, stated that a condition should be added to cover runoff.

**Mr. Jacobson, BZA**, called for a motion.

**Mr. Jacobson, BZA**, motioned to approve the Variance with the following conditions.

1. That a dry-well or residential garden type infiltration system as suggested by applicant be installed that will:
  - A. Adequately absorb new run-off created by newly covered impervious ground and
  - B. Will preclude any water run-off from adversely impacting neighbors' properties.
2. The adequacy of infiltration system must pass post installation inspection by the Xenia Township Zoning Inspector to ensure adequacy.
3. Property owner must record a "maintenance easement" for the mitigation system with the Greene County Recorder's Office and show proof thereof to Xenia Township Zoning Inspector within 30 days of installation.

**Ms. James, BZA**, seconded the motion.

**Mr. Jacobson, BZA,** called for a vote

Mr. Anthony AYE

Mr. Jacobson AYE

Ms. James AYE

Mr. Jones AYE

Variance to Accessory Building Setback GRANTED WITH CONDITIONS

There being no further business, the Board adjourned.

Meeting Adjourned 7:10 P.M.

ATTEST:

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Alan D. Stock, Zoning Inspector