

XENIA TOWNSHIP ZONING COMMISSION PUBLIC HEARING

May 28, 2013

7:05 PM

**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.**

Issue #1: Text Amendment of “External Effects”

Issue #2: Text Amendment “Notification”

Issue #3: Text Amendment adding an additional Conditional Use in Agricultural District to mirror Conditional Use in Estate District (401.4.3) Sprowl Request

Zoning Commission members present: Virgil Ferguson, Ken Harbison, Vice Chair, Alan King, Chair, and Willie Washington. Alan Stock, Xenia Township Administrator, and Stephanie Hayden of the Prosecutors Office were also present.

Alan King states that the first item to be discussed was External Effects. External Effects consist of light, noise, dust and sound as well as other nuisance. The Zoning Commission has been asked to look into this issue by the Trustees. The Commission has talked to other zoning commissions, legal counsel and regional planning regarding this issue.

To get a definitive level, lots of research must be done to determine what is a nuisance level. Equipment must be purchased and maintained. It must be calibrated on a regular basis. However, the equipment is not always used for its intended purpose and is sometimes used in neighbor disputes.

Alan King states that the Commission feels that Zoning is fine as it is and doesn't need modifications. He states “If it ain't broke, don't fix it.” He asked for other Zoning Commission members input. There was none.

Stephanie Hayden of the Prosecutors Office asked Alan King to read a section of the April 23, 2013 meeting minutes as it applies to tonight's meeting. Mr. King did so.

Alan King states that Stephanie Hayden believes that current Zoning is fine. She believes that it would be very difficult to enforce changes as violations occur at night and on weekends when the Zoning Inspector is not available. By the time he was able to check out the complaint, it would have abated. Also the issue of the calibration of equipment would be a factor.

Alan Stock stated that anyone who wanted to speak in favor of the position would have 3 minutes to do so. Anyone who wanted to speak against the position would also have 3 minutes. It is the position of the Zoning Commission that there is no need to revise the text.

Marshall Foiles: Speaking in favor of no change stated that everything makes noise and dust. It is just part of life. He feels that one cause of noise cannot be singled out as the problem.

Donna Randall: Agrees that the text is fine as it is.

There was no opposition to keeping the Zoning as it stands.

A motion to make no changes was made by Virgil Ferguson and 2<sup>nd</sup> by Kent Harbison. The motion passed unanimously.

The second issue to be discussed by the Xenia Township Zoning Commission was the notification of people regarding meetings and upcoming changes in land use. Xenia Township proposes every property owner within 500 feet be notified. The change would be all the property contiguously owned by one person would be treated as a single parcel and everyone within 500 feet of the entire property would be notified.

Alan Stock asked Alan King to read the text as it is now. He did so and stated that the change shall read: Such notice should be delivered personally or by mail or email addressed to respective owners at address given on last assessment role and by one publication and by one or more newspapers for general circulation in the township. For purpose of notification, parcels adjacent to contiguous with or directly across the street from parcel in question owned by the same owner shall be treated as one parcel.

A sign not less than 9 square feet per side and no greater than 32 square feet provided by the township shall be set on the property 10 feet from the right of way and clearly visible near the access driveway to the property. Any party may appear at such hearing in person, by agent or attorney. The Board shall decide the application or appeal within a reasonable time.

Alan King stated there were no changes regarding hearings for Board of Zoning Appeals.

Linda Murphy: Asked how water issues were to be addressed. How would people be notified?

Alan King: Stated that everyone within 500 feet would be notified by mail, email or letter. He believes the sign will be a great help in notification.

Linda Murphy: Asked if the sign was on back road, most people would not see it. Could it be placed on the main road?

Alan King: Restated that other sources of notification will be utilized.

Matt Byrd: Asked if this was a change in wording.

Alan King: Replied yes and explained changes regarding many properties with the same owner now being considered one parcel affecting the 500 foot notification.

Motion to accept the change was made by Virgil Ferguson. Motion 2<sup>nd</sup> by Willie Washington. Motion passed unanimously.

The third issue to be discussed is Text Amendment adding additional Condition Use in Agricultural District to mirror Conditional Use in Estate District (401.4.3). Sprowl Request.

Alan Stock stated that the request is to take text from Estate District 401.4.3 and add to Agricultural District. These districts are similar in conditional uses allowed with the exception of schools and institutions.

Speaking in favor of the change:

Richard King: Supports the Conditional Use. He states the Sprowls are wonderful neighbors and helpful compassionate people. They are ideal citizens.

Matthew and Sharon Sprowl: Owners of the property. Explained reasons for the request. He wants to create a small charter school for his son and others with autism.

Alan King: Asked why they are requiring a Conditional Use change and if this could be a home schooling situation.

Matthew Sprowl: Explained professional needs and training needed for children with autism. He stated that they need a very structured environment and school needs to be at a separate location from home.

Alan Stock: Explained notification was made by newspaper and by letter to all neighbors within 500 feet.

Nadine Daugherty: Voiced support for the amendment. She also commented on the fine people the Sprowls are.

Sharon Sprowl: Explained her reasons for requesting the amendment. She explained how it would be beneficial to her son and to a few other children.

Linda Murphy, Marshall Foiles, Dick King, and Donna Randall asked for a clarification of the Conditional Use.

Alan King: Stated that this request will need to go before the Board of Zoning Appeals before anything is changed. They have the power to make the changes.

Charles Bingamon: Explained the Board of Zoning Appeals function and procedure.

Alan Stock: Explained the BZA can make conditions a part of any changes they approve. BZA judgments can be appealed to a court of law.

A Motion was made to approve the text change to add Conditional Use in Agricultural District to mirror Condition Use in Estate District (401.4.3) was made by Willie Washington. 2<sup>nd</sup> by Virgil Ferguson. Motion was approved unanimously.

Alan Stock: Stated the issue will go to the Xenia Township Trustees and then to the Board of Zoning Appeals. Public Hearings will be held at that time. Correct procedures will be followed. He further explained the procedure moving forward in this process.

A Motion was made to adjourn by Willie Washington. 2<sup>nd</sup> by Virgil Ferguson. There being no further business, the meeting was adjourned at 8:13 pm.

ATTEST:

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Alan D. Stock, Zoning Clerk