

XENIA TOWNSHIP BOARD OF TRUSTEES
PUBLIC HEARING FOR 1038 UNION ROAD REZONE OF
PARCEL M36000200340001500 FROM SPLIT BETWEEN A-AGRICULTURAL AND
E - RURAL SUBURBAN RESIDENTIAL ESTATE TO ALL A – AGRICULTURAL

October 18, 2018

THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE HEARING AND ARE NOT A WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.

The Xenia Township Board of Trustees scheduled a public hearing on October 18, 2018 at 6:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

Mr. Combs called the hearing to order at 6:03 p.m. Mr. Combs asked everyone to stand and participate in the Pledge of Allegiance.

Attendees: Sheila Seiter, Fiscal Officer; Scott Miller, Trustee; Steve Combs, Trustee, Chair; Susan Spradlin, Trustee; and Alan Stock, Zoning Inspector.

Mr. Combs read the meeting decorum and Mr. Stock went over the exhibits and verified that the Ohio Revised Code requirements had been met.

Mr. Combs invited the petitioners, Richard and Linda Johannes to the podium to make their presentation. Richard Johannes, 1038 Union Road, he stated he was here to get his property together. He stated it was split years ago which they were unaware of until they applied for a zoning permit. Mr. Johannes stated they decide to put that project on the backburner and work on other things. He stated now he would like to get things going again. He stated half of his parcel was zoned Agricultural and half Rural Suburban Residential Estate. He stated he would like to make it all agricultural. He stated this way if he decided to build the pole barn he could place it behind the house where currently he could not. Mr. Johannes said he would like to have it all one zone to simplify things in the future.

Mr. Combs asked Mr. Johannes if he knew how this happened. Mr. Johannes stated he did not know how this happened. Mr. Johannes stated that he and Mr. Stock did some research and could not find any evidence or requests for this parcel to have split zoning. Mr. Johannes stated they concluded when the Wee Farms was split into the smaller parcels, his parcel was the original house, then when the map was done they just split his parcel and it was zoned in both districts. Chief Fox asked if Mr. Johannes knew when this split occurred. Mr. Stock stated the Wee Farms plat was created in 1957, zoning happened in 1959 for Xenia Township and this area was all Agricultural, then in 1963 the parcel was split in half, between Agricultural and Estate.

Mr. Combs opened the public hearing and invited those in favor of the rezoning to come forward to speak.

Paul Ayers, 1520 Union Road, stated it did not make sense to him to have a property that is zoned in two separate categories. He stated this would be the best way to correct the issue.

Steve Sanders, 1050 Union Road, stated he agreed with the rezoning as well. He stated with such a small property it would make sense for the parcel to be zoned in one district not two.

Mr. Combs invited those opposed to come forward to speak, no one came forward. Mr. Combs invited any one with comments to come forward to speak, hearing none he closed the public comments portion of the public hearing at 6:13 p.m.

Mr. Combs opened the floor to the Trustees for discussion on the matter. Mrs. Spradlin stated she lives in an agricultural district and stated most of Xenia Township was zoned agricultural. She stated when the petitioners asked to waive the fee for this rezoning she had voted no. She stated she did not vote no because she was against this being agricultural but because she did not want to set a precedent for other fee waivers in the future. She stated that she understood that this was not the fault of the petitioners but was more on the Township when Zoning was enacted. Mrs. Spradlin stated she wanted the petitioners to understand that she was only against waiving the fees. She stated when a person purchases property it was known that the buyer beware, so it was the buyer's responsibility to know what was being purchased. She stated the petitioners had this knowledge 19 years ago and had not done anything in that time. She stated she had read through the exhibits

and saw that the goal of building a pole barn was to do small engine repair. Mrs. Spradlin noted the petitioners had neighbors here tonight supporting this rezoning and stated she knew of another small engine repair business and the traffic became a problem at that address. She stated at that time there was a room full of people here complaining about the traffic and she hopes that this does not happen in this case. She stated she wants everyone to be able to enjoy their property. Mr. Miller stated it was surprising in that amount of time they were unable to find the actual reason for the split zoning. He stated the petitioner's argument and the neighbors' statements were sound to get this property back to one district and it makes a lot of sense. Mr. Combs stated this rezoning seems to have 100% backing from the Xenia Township Zoning Commission as well so this makes good sense.

Mr. Combs moved to approve the zoning map change as presented from the Zoning Commission for 1038 Union Road. Mr. Miller seconded the motion. **ROLL CALL:** Mrs. Spradlin- Aye, Mr. Combs- Aye, Mr. Miller – Aye. Motion carried. **PASSED** by roll call of 3-0.

RESOLUTION 2018-160

Mr. Combs moved to adjourn the Public Hearing at 6:18 p.m. Mr. Miller seconded the motion. **ROLL CALL:** Mrs. Spradlin- Aye, Mr. Combs- Aye, Mr. Miller – Aye. Motion carried. **PASSED** by roll call of 3-0.

XENIA TOWNSHIP BOARD OF TRUSTEES

Resolution #

Steve Combs, Chair

Date Approved

Scott Miller

ATTEST:

Sheila Seiter, Fiscal Officer
MEH

Susan Spradlin