

RECORD OF PROCEEDINGS

**MINUTES OF THE
XENIA TOWNSHIP TRUSTEES:**

**PUBLIC HEARING
NOVEMBER 6, 2014 6:30 PM**

Note: These minutes are a summary of the discussion and are not a word for word account of the discussions. The proceedings were electronically recorded. The meeting place was the Xenia Township Office, 8 Brush Row Road, Xenia, Ohio.

PRESENT: Scott Miller, Chairman; Susan Spradlin, Trustee; Barbara Miller, Fiscal Officer; Alan Stock, Administrator.

Chairman Miller called the Public Hearing to order at 6:40 p.m. This Public Hearing was advertised in the Xenia Gazette and on the Xenia Township website within 24 hours of scheduling this meeting. The Public Hearing was to hear a request from the Xenia Township Zoning Commission for approval of the following amendments to the Xenia Township Zoning Resolution:

- Addition of Conditional Use 400.4.13 Rural Entertainment and Hospitality under Section 400.3 Conditional. Uses.
- Addition of 400.8 Signs, Refer to Article V, Section 517.
- Addition of 400.9 Accessory Parking, for parking space required by use see Article V, Section 514.
- Addition of a definition for rural Entertainment and Hospitality to Section 201 Definitions:
- **Rural Entertainment and Hospitality:** A private business enterprise for the purpose of offering a venue for a fee for non-public events on agricultural property that includes non-agriculturally related activities such as: barn dances, weddings, receptions, official or formal ceremonies, social gatherings, family reunions, campfires, picnics or retreats. Such activities shall take place between the hours of 9:00 a.m. and 11:00 p.m., not more than twelve (12) days a month, and for no more than three (3) consecutive days.

Mr. Miller asked for comments **in favor** of the text amendment change.

Alan King, 1075 Jasper Rd., said with 5-acre lots and small farms that are not large enough to compete in the large farm market, the text allows an avenue for them to gain some revenue from their properties in an eco-friendly way that is good for the Township and preserve the farmland.

Sherry Dixon, 1934 Needmore Rd., Xenia, Caesarscreek Township, said this would provide great economic diversity and creativity for small farms. She has a small farm which is 25 ½ acres, and It is almost impossible to make any income through traditional farming practices. Many people love to come to the country to have activities. It showcases our county which is extremely beautiful. Having activities and events at her own farm can be done in an extremely neighborhood friendly way. She would like to see the Trustees pass the amendments.

Dale Dixon, 1934 Needmore Rd., Xenia, Caesarscreek Township, would like to see the Trustees pass these amendments. He said economic times are tough and economic diversity is needed, as well as freedom and liberty and the ability to care for ourselves. Large and small farms alike can benefit from this. When crops are bad or grain prices are down this could enable a farm to produce other income for machinery or to offset the loss of income due to crop failure. This may prevent a person from leaving property because they are no longer financially able to maintain it.

Dan O'Callahan, 1075 US 42 East, said he is in favor of this but wants clarification for the record. When we say a private business enterprise for the purpose of . . . , this means if you are opening a business that is going to support any type of event on a regular basis, you need to get a conditional use permit. This does not mean if you have a farm that is a business you cannot have a family reunion without getting a permit. He

understands that is the intent of the text. This is to regulate a business whose purpose is holding events.

Mr. Stock explained the intent of the text. Anything private or personal is not a part of this. The text is to deal with those giving venue for a price. Mr. Miller added these text amendments deal with if you have a facility you wish to rent out.

Mr. Miller asked for comments **against** the text amendment:

Lily Robinson, 901 Old 35, had concerns about loud activities affecting rural living and asked if it would have to go through the Board of Zoning Appeals where neighbors would have a say. Mr. Stock answered that is the nature of a conditional use and it would go through the same process as this evening's public hearing. A notice would go out to neighbors within 500' of parcel, a sign would be placed on the parcel, there would be a notice in the newspaper and a notice would be placed on the website.

Carolyn Ponder, Hawkins Rd., worried about it getting out of control and wondered who regulates that and takes responsibility. Mr. Miller said the way it is written, the property owner providing the venue would have the control. He said it is not written in the text amendments, but ultimately the Sheriff would have jurisdiction. Ms. Ponder asked if the Township takes any responsibility for control. Mr. Miller asked if this would be reviewed annually. Mr. Stock said no this was discussed but it is very difficult to think of all the different ways the landowners could use their property. So when landowners come for the conditional use, they will have to provide a business plan to the Board of Zoning Appeals. Mr. Stock said if there are enough complaints, the Board of Zoning Appeals can take away the conditional use.

Jeffrey Zweber, 1920 Old 35, said if someone opens a business without going through the Board of Zoning Appeals as a zoning violation, the zoning inspector and zoning enforcement process can take action. If a land owner violates conditions put in place by the Board of Zoning Appeals, the regular zoning enforcement process for the entire zoning ordinance could come into play.

Mr. Miller said the conditional use does not transfer with the land—it is tied to the landowner. Mrs. Spradlin added if it has not been used in two years the conditional use ceases.

Sherry Dixon said she has had events at her farm that she charged for and as a business owner has had contracts with clients. The business owner should give the contract to the Board of Zoning Appeals before they approve the conditional use. If the client does not adhere to standards in the contract, they can shut down the event at any time. Any good business owner would want to control the type of activity on their land.

Lilly Robinson asked if there was any recourse for landowners that are adjacent to these properties if it becomes a nuisance situation.

Mr. Stock said the key to that is the Board of Zoning Appeals. The BZA would look at each individual situation.

Carolyn Ponder asked about controls of alcohol consumption and firearms.

Sherry Dixon said those things are not addressed by zoning; there are already State laws about alcohol and firearms.

Mrs. Spradlin asked Mrs. Dixon if they have anything that covers that in their contract. Mrs. Dixon answered they do not have firearm rules, but they do have alcohol consumption rules. They go by the State law with the alcohol consumption rules. No one is allowed to leave unless they have a designated driver. Wedding parties often rent a van with a driver. When people come to your private home in the country, especially

when you set the expectation to be a certain way, people will respond to that expectation. You set the venue—you can say this is not a party barn. With private properties, rules are different and the venues are different.

Mr. Miller said the Board of Zoning Appeals can put these limitations into their conditional uses.

Carolyn Ponder asked how they could have the assurance that the Board of Zoning Appeals would put the proper limitations in place.

Jeffrey Zweber answered if people come to the public hearing they can bring it up. That is why the public hearings are advertised in the newspaper and by signs posted on the properties.

Mrs. Spradlin said they put a sign out that says the property is being considered for conditional use and that is what alerts the public so they will know the Board of Zoning Appeals is going to be looking at this and at that time if you have any concerns, you may want to contact the Board of Zoning Appeals so your concerns are addressed.

Lilly Robinson asked why a sign was not placed on the property on Old US 35 when it was being considered for disk golf course.

Mr. Stock answered placing signs on property was enacted after the disk golf hearing.

Mr. Miller closed the public comment part of the hearing.

Mr. Miller asked for **clarification** of information presented.

Mrs. Spradlin said she is all for people being able to do what they want on their property. She has a problem with some of the wording of the text, especially when it calls out agricultural property.

Alan King, 1075 Jasper Road, said the reason “agricultural” is called out is because it is an amendment to the Agricultural District zoning text. Also if someone is opening a business, it would have to be zoned for business or be rezoned. Mrs. Spradlin asked if a better name would be agricultural entertainment and hospitality.

Dan O’Callahan said there is a need to be careful putting the word agricultural in the title as the Ohio Revised Code has a provision saying you cannot regulate agriculture. He remembered reading minutes where Stephen Anderson advised to use the word “rural” so there would be no conflict with the ORC’s provision.

Mrs. Spradlin asked the Dixons if the hours of 9:00 a.m. to 11:00 p.m. satisfied them and their clients. They answered yes.

Mr. Miller said one of his issues would be parking and he would want to make sure there is no roadway parking for events.

Dale Dixon pointed out for a conditional use a site plan should be submitted to the Board of Zoning Appeals.

Mr. Stock said one of discussion points was making sure there was a site plan because of assuring that first responders could find their way around the property. This would also show what kind of nuisances would be emanating from an event.

Mr. Miller closed the public input portion of the hearing.

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Mr. Miller opened the Trustees' **deliberation** phase. Mr. Miller made a motion to continue the public hearing to Thursday, December 4, at 6:30 p.m. to consider some modifications to the text, Mrs. Spradlin seconded. Roll Call: Mr. Miller- Aye, Mrs. Spradlin- Aye. Motion PASSED by roll call of 2-0.

_____	XENIA TOWNSHIP BOARD OF TRUSTEES
Resolution #	
_____	_____
Date Approved	Scott Miller, Chair
ATTEST:	_____
	Susan Spradlin
_____	_____
Barbara Miller, Fiscal Officer	

slb