

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

November 17, 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.

Ed Jacobson, Chairman, called the meeting to order at 6:03 p.m. 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; Darren Jones, Janis James and Brian Secor. Also present was Alan Stock, Xenia Township Zoning Inspector, Steve Haller and Ashley Caldwell Greene County Prosecutor's Office, legal counsel for the Township.

Mr. Jacobson went over the rules of the meeting; all cell phones must be turned off, everyone must sign in. The application will be read by Alan Stock, Zoning Inspector/Clerk, because the Board of Zoning Appeals decisions are quasi-judicial, all testimony has to be sworn. Everyone must come to the podium; state their name and state they are under oath. Only facts are to be given, not opinions or emotions. Minutes are being taken electronically. 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 audience.

Mr. Jacobson asked Mr. Stock if the application was lawful to be heard by the Board. Mr. Stock indicated yes they had, 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. Stock explained all the exhibits for this Public Hearing. 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-E.

Exhibit A: Application for Board of Zoning Appeals

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

Exhibit C: Staff Findings

Exhibit D: Agenda

Exhibit E: Public Comments

Exhibit F: Public Health Evaluation

Scott Hammond, 16 Clifton Road and 2126 US 68 – Variance to Minimum Lot Size

Scott Hammond, 665 E Hyde Road, Yellow Springs, Ohio, Applicant, Under Oath, stated that he has farmed Clifton Road to Hyde Road as a boy and that the family always had 10-12 men that worked on the farms. He stated that the farm hands would live in the tenant houses, he further stated that over the years, there was less need for farm hands so the tenant houses became rental houses. He stated that in 2004, he took over the farming and also became a landlord. He stated that over the last few years it has become harder to find good renters and has become harder to keep up with the homes and farm at the same time. He stated that he needs to concentrate on farming and not to be a landlord or to leave the burden to his children. He stated that he has had a few people interested in purchasing the homes, but the homes are not able to be sold without a variance.

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

Mr. Jacobson, BZA, asked what the condition of the homes were.

Scott Hammond, 665 E Hyde Road, Yellow Springs, Ohio, Applicant, Under Oath, stated that the home at 16 Clifton Road has been completely remodeled. The home at 2126 US 68, has not been remodeled. He further stated that there had been a long term tannate in that home that left about a year and a half ago and left the home a mess. Mr. Hammond stated that the home has been closed up and winterized, but the home will require a lot of work and will need to be cleaned out.

Mr. Jacobson, BZA, asked if each home has their own well and septic.

Scott Hammond, 665 E Hyde Road, Yellow Springs, Ohio, Applicant, Under Oath, stated that each property does have its own well and septic.

Mr. Jacobson, BZA, asked for any comment in favor of the request. There was no one in favor of the request.

Mr. Jacobson, BZA, asked for any comments in opposition of the request.

John Ellis, 55 Clifton Road, Xenia, Ohio, Under Oath, asked that if the variance was granted, if the new owners would be able to build a hotel on the property.

Mr. Jacobson, BZA, stated that they would not be able to build a hotel on the property, that this is Residential property, not Commercial property.

Mr. Secor, BZA, asked if the homes were torn down, would the owners be able to build another?

Mr. Stock, Zoning Inspector, stated that this is Agricultural property and any Principal Use in Agricultural District can be used on the properties. He further stated that in the event of a catastrophe, the owners would have one (1) year to ask for permits to rebuild at the same footprint and then one (1) note year to rebuild, anything after the two (2) year deadline, the homes would have to be built to today's Zoning standards. He went on to state that if the foundation was damaged, the homes would have to be rebuilt to today's Zoning Standards.

Mr. Jacobson, BZA, closed the hearing for comments.

Mr. Jacobson, BZA, called for a motion with Conditions.

Motion for approval for the variance of Minimum Lot Area was made by Mr. Jones, and seconded by Ms. James.

Mr. Jacobson, BZA called for a vote

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| Ms. James | AYE |
| Mr. Jones | AYE |
| Mr. Secor | AYE |
| Mr. Jacobson | AYE |

Variance to Minimum Lot Area GRANTED with the Conditions of:

1. The applicant has no more than two (2) months to have the parcel's soil tested and areas approved for a future, suitable septic system or alternative, on both parcels with the Greene County Combined Health District
2. The applicant has no more than six (6) months to have the lands surveyed and registered with the County
3. The area variance requested does not confer on the applicant any special use or privilege to other lands, structures, or building in the same District

There being no further business, the Board adjourned.
Meeting Adjourned 6:31 P.M.

ATTEST:

Alan D. Stock, Zoning Inspector

