

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

November 30, 2022

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.

Nathan Anthony, Acting Chairman, called the meeting to order at 6:00 p.m. and welcomed the people in attendance. He asked for roll call for attendance of the members.

Board of Zoning Appeals members present: Nathan Anthony Interim Chair, Janis James and Brian Secor. Also present was Alan Stock, Xenia Township Zoning Inspector, and Ashley Caldwell Greene County Prosecutor's Office, legal counsel for the Township.

Mr. Anthony 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. Anthony administered the oath to the audience

Mr. Anthony 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. Anthony 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. Anthony 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 Report

Exhibit D: Agenda

Exhibit E: Public Comments

STEVEN & LYNN VAUGHN, OWNER OF 1929 WINCHESTER ROAD, XENIA, OH 45385, PARCEL ID # M36000200430000700, REQUESTING A VARIANCE IN THE (AG) AGRICULTURAL DISTRICT, TO SECTION 404, MINIMUM ROAD FRONTAGE

Josh Schierlow, lawyer with Sebaly, Shillito & Dyer, representing Steve and Lynn Vaughn, Under Oath, state that the property owners are trying to prevent any personal liability from their operation to affect their personal lives. He went on to state that the area is in the Agricultural District and that there are horses all up and down the road. Mr. Schierlow stated that there are at least seven (7) other properties on Winchester Road that do not meet the 300 foot road frontage requirement, so the request is not unique to the area. He further stated that most of the property is in the Flood Plain, so growing crops is not an option. He went on to say that the current property has 325 feet of road frontage, and the proposal is to have 250 feet for the home and 75 feet for the new parcel with an easement to the new property from the main property.

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

Rick Adams, 2247 Winchester Road, Under Oath, stated that there are limitations to access to the property. He stated that to the South there is guardrails and to the North is a hill. He went on to say that if the property is sold, the new owners would not want to grant access to the property through the easement. Mr. Adams stated that visibility is a problem and that he was almost in an accident several times there. He further stated that Winchester Road is not equipped to handle horse trailers Mr. Adams stated that he is not against the plan for the horse farm, but he feels that the plan will cause safety hazards and hardship in the future.

Mr. Anthony, BZA, asked if the petitioner would like to respond to the safety concerns regarding the driveway.

Josh Schierlow, lawyer with Sebaly, Shillito & Dyer, representing Steve and Lynn Vaughn, Under Oath, state that the owners, being in the Agricultural District, are allowed to have horses now. He went on to state that the road already has trailers on the road and granting the variance will not change or increase the safety. Mr. Schierlow stated that the petitioners already has room for seven (7) horses and could run their business with out the variance. He went on to state that asking what the future hold for the next owner is just a contingency and should not be a factor in this case.

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

Denise Coppock, 2246 Winchester Road, Under Oath, stated that she was not opposed to the Equestrian part because she herself has horses. She stated that she has been involved with many people that has horse organizations and that they do not split their properties to protect their assets. She went on to state that Duncan Standard question 6, is there another way to address the issue, should be looked at because the owners could get an LLC and that would protect their personal assets. Ms. Coppock went on to state that splitting the parcel is unnecessary and could potentially allow another home to be build back there in the future. She went on to state that no one wants another parcel with the potential for another home on the road. Ms. Coppock stated that it is possible to protect their personal assets without splitting a parcel, and that it is not common practice to split parcels for Equestrian businesses, that you form an LLC to protect yourself. She stated that she is concerned about another home being built there in the future. She went on to say that the other properties on Winchester Road that does not meet the road frontage was not done to accommodate multiple homes to be built on the parcels.

Ms. James, BZA, asked if Ms. Coppock if she felt that if the variance was approved, that it would automatically preclude a residence would be built.

Denise Coppock, 2246 Winchester Road, Under Oath, stated that she was referring to the list of homes on Winchester Road that did not have the 300 foot road frontage being used as a reason that this variance should be approved. She went on to state that that the other properties with less than 300 feet road frontage do not allow for a second home to be built.

Ms. James, BZA, asked if Ms. Coppock if the fact was that she just did not want another house there.

Denise Coppock, 2246 Winchester Road, Under Oath, stated that was correct, she did not want another house there.

Peggy Harner, 2331 Winchester Road, Under Oath, stated that it was a possibility for two (2) more homes to be built on the property. She further stated that the land had once been used for farming before the home was built. She went on to say that she did not want any more houses on Winchester Road.

Maggie Mohs, 1866 Winchester Road, Under Oath, stated that Winchester Road is on a hill and that people drive fast on the road and that it is a dangerous road already and the addition of horse trailers could cause more accidents.

Rick Adams, 2247 Winchester Road, Under Oath, stated that the point he was trying to make is that without cutting down a hillside, there would be no access to the new parcel other than the existing driveway and at some point there could be a desire to have a separate access.

Lora Anderson, 2479 Winchester Road, Under Oath, stated the minimum lot size is five (5) acres and that there could positionally be three (3) new homes built. She went on to state that

there is other was around the protection of personal assets than separating the parcels. She further stated that there will be a major safety concern with the increase in traffic.

James Anderson, 2479 Winchester Road, Under Oath, stated that he is in opposition because of safety concerns, he stated that with the hillside at the property, there would be no other options for an additional egress. He went on to state that he wanted the petitioner to have their business, but did not want there to be any opportunity for the option of more homes to be built.

Mr. Anthony, BZA, asked for comments in favor of the request.

Matt Bonavita, 1855 Winchester Road, Under Oath, stated that all the safety concerns are valid, but he was still in support of the petitioners.

Lynn Vaughn, 1929 Winchester Road, Petitioner, Under Oath, stated that they were following the advice of their attorney to protect their personal assets. She stated that they do have an LLC, but separating the parcels was a wise choice. She went on to state that she has had horses for 6-7 years with trailers coming in and out. Ms. Vaughn then stated that they do not do horse boarding, that they do training and rehabilitating of horses with a trainer. She then stated that if they ever do sell, they will either sell the properties together or rejoin them.

Mr. Secor, BZA, asked Ms. Vaughn if there was boarding.

Lynn Vaughn, 1929 Winchester Road, Petitioner, Under Oath, stated that they train and that the horses stay there during training, but there is no signs stating that they are boarding horses. She went on to say that PTSD Vets come out and do therapy with the horses, but that they have not been able to ride the horses because they are afraid that if someone gets hurt they could go after their person assets.

Josh Schierlow, lawyer with Sebal, Shillito & Dyer, representing Steve and Lynn Vaughn, Under Oath, state that there are two components to liability. The first component is the liability of the operation and that is what an LLC is for, and the second component is premises liability, if someone was hurt on the property it could expose the petitioners to liability. He went on to clarify that they created an LLC for protection from the operation but that does not necessarily protect them from premises liability, and that is why they are asking to separate the parcel.

Mr. Anthony, BZA, closed the haring for public comments.

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

There were no questions from the Board.

Mr. Anthony, BZA, called for a motion.

Motion for approval for the Variance to Road Frontage in the Agricultural District was made by Ms. James and seconded by Mr. Secor.

Mr. Anthony called for a vote

Ms. James	AYE
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Mr. Secor	AYE
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Mr. Anthony	AYE
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Request for the Variance to Road Frontage in the Agricultural District was granted with no conditions.

Meeting Adjourned 6:49 P.M.

ATTEST:

Alan D. Stock, Zoning Inspector