

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

September 4, 2024

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.

Darren Jones, Vice 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: Darren Jones, Vice Chair, Janis James, Virgil Ferguson, and Aidan Kolbe. Also, present was Alan Stock, Xenia Township Zoning Inspector, and David Morrison and Brian Gravunder; Greene County Prosecutor's Office, legal counsel for the Township. Absent: Nathan Anthony, Chair.

Mr. Jones went over the rules of the meeting; all cell phones must be turned off, everyone must sign in and fill out an intent to speak form, if you choose to speak. 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. Jones administered the oath to the audience.

Mr. Jones 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. Jones 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. Jones 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 Comment

Bryan & Claudia Williams, owner 2187 State Route 235, Parcel ID # M36000100060001900 – Conditional Use in the (A) Agricultural District of Section 400.4.13 for Rural Entertainment and Hospitality

Claudia Williams, owner 2187 State Route 235, Under Oath, stated that they have had Farmers Market and are now requesting a Conditional Use to add a Haunted House as a benefit. She stated that she acknowledges that this is a substantial request, but she doesn't think it will be detrimental to the community. Ms. Williams stated that this will not affect Governmental Goods, that there will be plenty of parking for fire, medics or any other governmental agency. Ms. Williams stated that this property is zoned for community events, and a Haunted House would add to that. She stated that they have considered holding weddings in the farm area to promote the business. She stated that they did have Trunk or Treat last year, but were not able to have the Farmers Market this year because of the closure of State Route 235. Ms. Williams stated that Greene County Building Regulations has given her directions to move forward, but she wants to have approval before moving forward and investing money. Ms. Williams stated that they hope the Conditional Use will be approved because having a Haunted House will add more events to the farm and add to sustainability of the farm.

Mr. Jones, BZA, Vice Chair, asked for Board questions.

Mr. Jones, BZA, Vice Chair, stated that it would be silly to fix the house before getting approval.

Mr. Stock, Zoning Inspector, stated that they would need to become compliant with Fire Department and Building Regulations before start up.

Ms. Kolbe, BZA, restated that they had not taken any action on the Fire Department and Building Regulations recommendations since the last hearing.

Claudia Williams, owner 2187 State Route 235, Under Oath, stated that they have not because it would be a moot point if they were not granted the Conditional Use.

Ms. Kolbe, BZA, asked if Ms. Williams understood that even before the Haunted House was advertised, all recommendations would need to be completed.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered yes.

Mr. Jones, BZA, Vice Chair, asked if they were planning to open this year.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered probably not this year, but next year.

Ms. James, BZA, asked if the farm house is owner occupied.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that they are not living in it now.

Ms. James, BZA, stated that Greene County says the house is unoccupied.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that they go back and forth between the houses and that some of their things are in the house.

Mr. Jones, BZA, Vice Chair, asked if the house behind the barn was occupied.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that they live in both houses and that they went from one large house to two small houses.

Ms. James, BZA, asked what the hours of operation would be.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that they have to end by 11:00 PM according to the rules of Rural Entertainment.

Ms. James, BZA, asked if there was a night club also.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that it is not at the farm house.

Ms. James, BZA, stated that they both would be sharing a parking lot.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that La Finca is renting out the event space now. She went on to say that they would be sharing a parking lot even if it was a wedding or birthday being held there.

Mr. Jones, BZA, Vice Chair, asked if Ms. Williams thought it was a good idea to have a shared parking lot.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that she believes so because there isn't a big occupancy in the event center and there would be a limited number of people in the farm house.

Mr. Jones, BZA, Vice Chair, stated that there would be a limit on the number of people inside the house, but that there would be people waiting outside to go in.

Ms. James, BZA, stated that there would be kids there with another event going on where people are consuming alcohol.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that there would be people there to monitor that. She went on to say that there could be people there for weddings or birthday parties too.

Ms. James, BZA, stated that weddings and birthdays are private and that the night club is a public, regular event that is held next door to where children will be is a little concerning.

Mr. Jones, BZA, Vice Chair, asked if the night club is within the zoning regulations.

Mr. Stock, Zoning Inspector, stated that he just found out about the night club, and that he will be having conversations with Ms. Williams about it.

Ms. Kolbe, BZA, asked how many parking spaces are available.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered 70.

Ms. Kolbe, BZA, asked what the renting terms are with La Finca.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that if they have an event, La Finca is not there.

Ms. Kolbe, BZA, asked if they have a contract.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that they do not, that they are friends.

Ms. Kolbe, BZA, asked if Ms. Williams was stating under oath, that she has nothing in writing with the people she is renting to.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that they have a verbal agreement because they are good friends.

Ms. Kolbe, BZA, asked if Ms. Williams was paid by the renters or if they shared profits.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that she sells alcohol as her profit.

Ms. Kolbe, BZA, asked what the renter's profit was from.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that they have a cover charge.

Ms. Kolbe, BZA, asked what process Ms. Williams went through to get approval for the night club.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that it's an event space and that they are doing an event.

Ms. Kolbe, BZA, asked if she discussed hours of operation with the Zoning Inspector.

Claudia Williams, owner 2187 State Route 235, Under Oath, stated that she thought they were at the hearing to talk about the Haunted House.

Ms. Kolbe, BZA, stated that it related to the set hours of the Haunted House and rules for the Haunted House in terms of young kids and potentially drunk college students intermingling, that they are related for safety.

Claudia Williams, owner 2187 State Route 235, Under Oath, stated that the night club doesn't start until late, so the events won't be overlapping for long.

Ms. Kolbe, BZA, asked if there were formal hours for the night club.

Claudia Williams, owner 2187 State Route 235, Under Oath, stated that she didn't know that she needed to do that for an event.

Ms. Kolbe, BZA, asked about the limit of people allowed in the event center at one time.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that the limit is 187 people total, and that the night club doesn't start until 9:00 PM.

Mr. Jones, BZA, Vice Chair, asked if the night club would be open in October when the Haunted House would be open.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that the night club would only be open on Saturday nights, if no other event were booked.

Mr. Jones, BZA, Vice Chair, stated that something would be there every Saturday night during October.

Ms. James, BZA, asked if there would be a Haunted House and Trunk or Treat there.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that there would not be Trunk or Treat because of the 235 closure.

Ms. James, BZA, asked about next year.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered that she did not know about next year.

Mr. Jones, BZA, Vice Chair, stated that the night club may not be there when the Haunted House is up and running.

Ms. Kolbe, BZA, stated that it can't be said that there will be 70 parking spots for the Haunted House either.

Claudia Williams, owner 2187 State Route 235, Under Oath, stated that there is also a plateau that can be used for parking.

Ms. Kolbe, BZA, stated there are 70 legal parking spots, and that there is not a definite answer if there will be overlapping events that will be sharing spots. She also stated that they have to guess as to how many will be available and limit guests based on the guess. Ms. Kolbe further stated that they did not want people parking in neighbors' driveways, road or any unsafe place.

Claudia Williams, owner 2187 State Route 235, Under Oath, stated that there could be other events there too, like weddings or birthdays.

Ms. James, BZA, stated that the advertisement for the night club says open Thursdays at 9:00 PM and reads like an ongoing event.

Claudia Williams, owner 2187 State Route 235, Under Oath, stated that the goal is to not have the night club, but to have other events that generate more profit.

Ms. James, BZA, stated that the advertisement is a little misleading and confusing.

Claudia Williams, owner 2187 State Route 235, Under Oath, stated that they need to pay bills and by allowing events to happen, generates income. She went on to state that this has been a tough year.

Ms. James, BZA, stated that she wishes them success, but the concern is for the safety of people attending events.

Ms. Kolbe, BZA, asked why they are not able to receive mail.

Claudia Williams, owner 2187 State Route 235, Under Oath, stated that the mailman will not come through the gate and doesn't want to turn around either. She stated that she has her mail forwarded, but that has expired and she needs to go back and renew it.

Ms. Kolbe, BZA, asked if the mailman would go through the gate if it was open.

Claudia Williams, owner 2187 State Route 235, Under Oath, stated that the gate has been open, and that they still won't come through.

Ms. Kolbe, BZA, asked what the long-term plan was as this goes with the delivery of Government Goods.

Claudia Williams, owner 2187 State Route 235, Under Oath, stated that she tries to have it forwarded. She just forgot to renew it.

Ms. Kolbe, BZA, asked if Ms. Williams has asked where the mailbox should be placed.

Claudia Williams, owner 2187 State Route 235, Under Oath, stated that it is only the gate.

Mr. Ferguson, BZA, asked how many people could be in the Haunted House at one time.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered six (6) at one time and that the house has two (2) floors.

Ms. Kolbe, BZA, asked if they would be using the same person to run the Haunted House as last time.

Claudia Williams, owner 2187 State Route 235, Under Oath, answered yes, that he was out of town and couldn't be here.

Bryan Williams, owner 2187 State Route 235, Under Oath, stated that they received permits and had drawings for the gate approved by Greene County. He went on to say that the mailboxes are at the correct height and it perplexes him that the Post Master has issues with the mailboxes.

Claudia Williams, owner 2187 State Route 235, Under Oath, stated that it is not worth messing with, so they just have everything forwarded.

Mr. Jones, BZA, Vice Chair, opened Public Comments at 6:35 PM.

Ron Geyer, 2260 State Route 235, Under Oath, stated that he is neither for or against at this time. He stated that he was fine with the liquor license because people at weddings would want alcohol, but he did not want a bar across the street. He went on to ask if there would be public restrooms, that there is a Port A John in the front and asked if there would be more. He then asked how much more traffic this will generate and if there had been a study done of the number of people showing up each night.

Rick Modlen 2136 State Route 235, Under Oath, stated that mostly teens go to Haunted Houses and that 235 is a dangerous road having three (3) people that have died on his

property. He went on to say that the road is hilly and people drive way too fast on that road. He further stated that he is not for or against, just concerned about accidents and traffic.

Ron Geyer, 2260 State Route 235, Under Oath, asked if anything else could be used under the Conditional Use, or is it only for the Haunted House.

Mr. Jones, BZA, Vice Chair, stated that it would be specific for the Haunted House.

Mr. Jones, BZA, Vice Chair, closed public comment at 6:45 PM.

Mr. Jones, BZA, Vice Chair, stated that he has lived on Hilltop Road most of his life and also worked at the Apple Orchard in High School. He went on to say that he knows how bad the traffic is on 235, and that the entrance to the orchard was once down the hill, but has been moved to a safer location. He stated that they can not do anything about traffic, but he is concerned about there being a night club at the same time as the Haunted House.

Ms. Kolbe, BZA, stated that she feels strongly against having alcohol in the same vicinity of kids walking around, sharing a parking lot. She stated that she would like if they had designated parking for the Haunted House separate from the event center. She suggested preselling tickets with designated parking spaces.

Mr. Jones, BZA, Vice Chair, stated that they were there only to discuss the Haunted House.

Ms. Kolbe, BZA, stated that was correct, but it relates to parking. She went on to say that Fire will address fire safety and that Building Regulations will address building safety, but would there be anyone to address if there should be someone to direct traffic.

Ms. James, BZA, stated that traffic was addressed in the application.

Mr. Stock, Zoning Inspector, stated that the site of the B-2 building and the barn next to it has parking spaces that are reserved for those buildings, according to Zoning. Now Zoning will need to decide how many parking spaces are needed for the Haunted House. He went on to say that if there are six (6) in the building, multiplied by how long it takes to get through the building you could get a sense of the number of spaces needed, and that turn around and flow are part of the equation. Mr. Stock stated that Zoning does not allow us to say that they need someone to direct traffic, but you may have the ability to say that parking needs to be separated. He also stated that Fire Department will ask where parking will be in case of an emergency so they can get in.

Ms. Kolbe, BZA, asked if Zoning would dictate number of parking spaces.

Mr. Stock, Zoning Inspector, answered yes. He went on to say that they can be combined and if an overlap of vehicles arrives, they will need to decide which event will park, that it is based on size and use.

Ms. Kolbe, BZA, stated that Zoning does not dictate the ability to have someone help with traffic flow, but are we able to suggest it.

Mr. Stock, Zoning Inspector answered that they do not have the expertise to say who directs traffic, but could suggest that they talk to Law Enforcement, Fire Department, and or Greene County Emergency Management. Mr. Stock went on to say that he has heard two (2) concerns with traffic flow and that the application states that they have a plan for traffic flow, but we didn't see it. He further stated that there could be a condition that a traffic flow and parking plan be in place.

Ms. James, BZA, asked if granting this Rural Entertainment for a Haunted House would include other activities.

Mr. Stock, Zoning Inspector answered that they would want to protect the owners, so the activities should be specified.

Mr. Jones, BZA, Vice Chair, stated that they could say Halloween or Fall activities.

Ms. Kolbe, BZA, stated that the hours of operation and number of days are already spelled out in the Rural Entertainment definition, but asked if restrooms would be part of Health and Safety.

Mr. Stock, Zoning Inspector answered that there must be a restroom in every public space and that the number will be determined by the Building Inspector before occupancy is granted.

Ms. Kolbe, BZA, stated that before the Haunted House is publicized, they will need to work with Zoning, Building Regulations, and the Fire Department. Ms. Kolbe then asked if they could put conditions on alcohol at the Haunted House or the parking lot.

David Morrison, Greene County Prosecutor's Office, legal counsel for the Township, stated that he could not give a formal opinion because he would need to read the liquor license language first.

Ms. James, BZA, stated that people take children to restaurants that have liquor.

Ms. Kolbe, BZA, stated that some families don't feel comfortable taking kids to places that have alcohol. She went on to state that she was only asking for no alcohol at the Haunted House.

Mr. Stock, Zoning Inspector stated that if there would be a dual use on the premises, you could say that there needs to be enough staff to keep the uses separate, or could say there can only be a single use during the Haunted House.

Ms. Kolbe, BZA, stated that she did not want to get in the way of them making money, but she feels very strongly that if someone went to the Haunted House expecting it to be dry and it wasn't that it could be unpleasant for them.

Mr. Jones, BZA, Vice Chair, stated that if the Haunted House was in a shopping center with a bar, that they couldn't expect the bar to shut down.

Ms. Kolbe, BZA, stated that she didn't want people drinking in the event center and then going to the Haunted House.

Mr. Ferguson, BZA, stated that there will be multiple events on the weekends and, it will be up to the owners to keep them separate.

Motion to grant the Conditional Use of Section 400.4.13 for Rural Entertainment and Hospitality in the Agricultural District was made by Ms. James and seconded by Mr. Ferguson with the following conditions:

1. Before the first year's event can be publicized
 - a. The Xenia Township Fire Department must inspect the venue and provide a written report to the zoning inspector that all requirements have been met to their satisfaction.
 - b. Greene County Building Regulations must inspect the venue and provide a written report to the zoning inspector that all requirements have been met to their satisfaction.
 - c. A Greene County Emergency Agency must be consulted to create a plan regarding cars entering, leaving and parking to ensure the safety of those visiting the Haunted House.
 - d. Because this is a dual use venue, there must be a well monitored and clear separation between the Haunted House and other venues on the property.
 - e. This variance applies only to Rural Entertainment events that occur during the Halloween season.
2. Additionally
 - a. The Petitioner must complete the Annual Conditional Use Compliance (CUP) Application (after the inaugural year) and provide the necessary documents, and applications, with the required fees.
 - b. The Petitioner understands and agrees to the times, number of days a month, and consecutive days as provided within the Conditional Use Definition.
 - c. Provide an annual site plan for the location of all the activities that include parking, traffic flow, and accommodations for emergency vehicles.
 - d. Any signage used for the event has a current, annual sign permit.
 - e. The Xenia Township Fire Department must annually inspect the venue and provide a written report to the zoning inspector that all requirements have been met to their satisfaction and include their written approval (with the annual CUP application).

- f. Greene County Building Regulations must annually inspect the venue and provide a written report to the zoning inspector that all requirements have been met to their satisfaction and include their written approval (with the annual CUP application).

Mr. Jones, BZA, Vice Chair, called for a vote

Mr. Ferguson	AYE
Ms. James	AYE
Ms. Kolbe	AYE
Mr. Jones	AYE

Conditional Use of Section 400.4.13 for Rural Entertainment and Hospitality in the Agricultural District located at 2187 State Route 235 **GRANTED**

There being no further business, Mr. Jones made a motion to adjourn, seconded by Ms. Kolbe.

Meeting Adjourned 7:12 P.M.

ATTEST:

Alan D. Stock, Zoning Inspector