

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

August 24, 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 6:13 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 acting Chair, Darren Jones, 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—Mr. Jones answered yes, he has a potential conflict of interest, all the others answered no. Mr. Anthony asked if they intend to participate in the entire procedure including voting on the questions asked Mr. Jones answered no, he has a potential conflict of interest, all the others answered yes. Mr. Jones abstained himself from the hearing.

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 Comment

Brush Row Farms LLC, 551 Brush Row Road – Conditional Use Rural Entertainment and Hospitality and Second Driveway Parcel # M36000200262005700

Katherine Hammond, 551 Brush Row Road, Applicant, Owner, Under Oath, Ms. Hammond stated that she and her friend purchased 499 Brush Row Road in 2018 to start a business in horse breeding. She went on to state that when the property at 551 Brush Row became for sale, they purchased it to expand their business. She stated that having a wedding venue was not a reason for purchasing the property, and had not thought about holding ceremonies on the property until her friend was married there and guests asked about having weddings at the barn. She went on to state that the weddings would supply supplemental income for her main focus of breeding and training horses. Ms. Hammond stated that she would not be building a separate building for weddings, but was planning to possibly expand the existing building for outdoor dining. Ms. Hamond stated that she spoke to the neighbors across the street about this venture, she stated that she wanted the second driveway so cars leaving at night would not disturb them. She went on to state that she planned to set up so that the noise would be directed toward the 499 Brush Row property that she also owns. Ms. Hammond stated that she did not want to replace the farm, only have a supplemental income. She further stated that the restrictions set for this Conditional Use is not an issue with her.

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

Mr. Jones, BZA, asked if there was access to restrooms.

Katherine Hammond, 551 Brush Row Road, Applicant, Owner, Under Oath, stated that there are two (2) restrooms inside the barn and has considered renting trailers with restrooms for events.

Mr. Secor, BZA, asked what exactly the Board was to approve, he asked if the Board was approving an addition also.

Mr. Stock, Zoning Inspector, stated that the applicant was stating her business plan and that Local Zoning and Greene County Building Regulations would handle the addition.

Mr. Secor, BZA, asked if they were also approving a second driveway.

Mr. Stock, Zoning Inspector, stated that the applicant was asking for a second driveway and a Conditional Use for Rural Entertainment and Hospitality.

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

Alberta McClelland, 417 Brush Row Road, Xenia, Ohio, Under Oath, asked what is the plan for mitigating noise from the events.

Katherine Hammond, 551 Brush Row Road, Applicant, Owner, Under Oath, stated that the plan was to set up so that the noise was pointed toward 499 Brush Row Road and away from the neighbors. She further stated that she would work with the neighbors and would apply restrictions on noise, if needed.

Mr. Anthony, BZA, stated that there is set times with the Conditional Use.

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

Kevin Jacobs, 510 Brush Row Road, Xenia, Ohio, Under Oath, stated that he and his wife had a conversation with Ms. Hammond, and that they had no issues with the Conditional Use request. He stated that the school would occasionally have weekend events, so this would not be much different. He went on to say that there was a wedding held over the summer and it was no problem at all. Mr. Jacobs said that the only issue that he and his wife has had was the lights being left on all night, and Ms. Hammond has rectified that situation. Mr. Jacobs further commented that he does not think a second driveway is needed because the cars coming in and out is nothing unusual.

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

Mr. Secor, BZA, asked if the additional dining area would require a BZA approval.

Mr. Stock, Zoning Inspector, stated that according to the Ohio Revised Code and the Zoning Resolution, she would only need to seek another BZA approval if she would go over the 15% allotment for impervious materials. He further stated that Ms. Hammond would only need to seek approval from the Zoning Department and Greene County Building Regulations.

Mr. Secor, BZA, asked if there were any regulations for screening.

Mr. Stock, Zoning Inspector, stated that the BZA does nothing with screening and the Section 515 of the Zoning Resolution deals with the screening.

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

Mr. Anthony, BZA, called for a motion.

Motion for approval for the Conditional Use for Rural Entertainment and Hospitality and for the second driveway was made by Ms. James and seconded by Mr. Secor.

Mr. Anthony called for a vote

Ms. James AYE

Mr. Secor AYE

Mr. Anthony AYE

Request for Conditional Use for Rural Entertainment and Hospitality and second driveway was granted with no conditions.

There being no further business, the Board adjourned.

Motion to adjourn was made by Ms. James and seconded by Mr. Secor.

Meeting Adjourned 6:46 P.M.

ATTEST:

Alan D. Stock, Zoning Inspector