

## XENIA TOWNSHIP BOARD OF ZONING APPEALS

February 22, 2012

**THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE MEETING AND ARE NOT A WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.**

Board of Appeals members present: Don Harner, Ken Penewit, Charles Bingamon and Ed Jacobson, Chair. As well as Stephanie Hayden of the Prosecutors Office; Trustee Jim Reed; see list

Ed Jacobson called the meeting to order at 7:34 p.m. He presided at the Hearing and welcomed the people in attendance. He went over rules of the meeting. All cell phones to be turned off. Everyone must sign in. The application will be read by the Zoning Administrator. Because BZA decisions are quasi judicial, all testimony has to be sworn. Everyone must come to the podium, state your name and addresses and that you are under oath. Only facts, not opinions or emotions. Minutes are being taken manually and electronically. Direct questions to the Board only. We will follow Roberts Rules of Order for procedure. Chair reserves the right to limit public input. The BZA may deliberate in private, and announce decision at a later date. BZA may approve in whole or in part, reject in whole or in part, or reschedule to another date. Applicant may also withdraw. The decision will become effective five days after date of decision. Under ORC 2506.04, aggrieved individuals may appeal the decision to Common Pleas Court. The audience joined the Board in the Pledge of Allegiance. Jacobson swore in the audience. He asked that anyone in the audience who wishes to participate, to raise their hand and swear to tell the whole truth and nothing but the truth so help you God. Jacobson asked Carrie Smith, sub zoning secretary if the applications are lawful to be heard by the Board and if all advertisements and notices had been made, and she replied in the affirmative to both. Jacobson asked the Board members if they had read and considered the application and if they intended to participate in the hearing. All Board members indicated they intended to participate.

### **KILKARE, Xenia, Ohio – Request for Conditional Use and Expanding on Non-Conforming Uses:**

Carrie Smith read the application received January 11, 2012. Applicant requests Conditional Uses and Expansion of Non-Conforming Use. Property is located along the North side of Dayton Xenia Road, approximately 497.37 feet South of the intersection of Dayton Xenia Road and Hawkins Road, containing 36.2 acres, Parcel ID # M36000100160000200, Xenia Township, Greene County, Ohio.

Marshall Foiles – manager at KilKare, read the letter that was submitted with the application and explained that the use of KilKare will fall right into the proposed Xenia Township Land Use Plan.

Jacobson – what Land Use Plan? He is not aware of one.

Foiles – the Trustees have one.

Reed – it is proposed and has not been approved yet.

Foiles – presented a map for an example as to how they can deal with the traffic issues. He explained that they can open the other entrance which can hold more cars and can open the Hawkins road exit with a left turn only.

Jacobson – is there someone to look at the traffic issues?

Hayden - said the County Engineer will look at traffic issues.

Hayden - asked Foiles about the 7-8 different properties that make up KilKare, she knows that some are deeded to KilKare and some are deeded to Chrysler and she wants to clarify who owns what.

David Coterel, Jr. - said that today they recorded a new deed and he is the owner of a majority of the properties and as of a half hour before this meeting Mr. Chrysler has agreed to sell him the remaining parcels. Mr. Coterel will be the sole owner and he wishes to work with the townships.

Jacobson - there is quite a list of requests for the Conditional Use and the Expansion of Non-Conforming Uses.

Foiles - he sat down with the former zoning inspector and this list came from that meeting and the result of the Cruise Fest. They were told to ask for anything that they may want to do in the future so that is how this list came about; he noted that not everything on the list will be done, these are just ideas right now.

Coterel - would like to put KilKare on the map and make it a place all families in the community can enjoy. He wants to make it an affordable place for everyone. He added that he will be creating part time and full time jobs and providing security for the facility.

Jacobson – added that the Cruise Fest event was bigger than the surrounding team could deal with all of the issues.

Coterel - would like to help the community and donate to charities and he has already donated tens of thousands of dollars including to Children’s Hospital and he would like to help the homeless.

Foiles - said that he is the General Manager at Buckmann’s and each charity event they have is for a specific charity. The days when they are not racing are times when they would like to hold an event for charity.

Martin Lakoski - owns the scrape yard next door to KilKare and he is just here to see what is going on. He has no problem with the proposed expanding. He did say that there has been an issue with the driveway on his property in the past. Foiles and Coterel said they have no intention of using his driveway.

Hayden – asked them to clarify what a Motorsports Swap Meet is?

Foiles – explained that they do this at the Clark County Fairgrounds. He said that people come and rent booth space to sell their car/auto related items.

Jacobson - asked if they will be competing with the fairgrounds for events. He said no they look at themselves as an alternative.

Jacobson – he appreciates their desire to better the community, however this is quite a laundry list of conditional uses and he thinks they may need to adjourn for a few minutes to discuss.

Jacobson made a motion to go into executive session at 8:17 pm to discuss the Conditional Use and Expanding Non-Conforming Uses request by KilKare. Harner seconded the motion. All in favor, and the Board excused themselves to another room.

Bingamon made a motion to return to the public hearing at 9:08 pm. Harner seconded the motion. All in favor.

Jacobson said that they will not make a final decision tonight. They want to check with the zoning resolution to make sure they are making decisions correctly. He said the Board is impressed with where they want to take KilKare. They are concerned with the banquet center and spectator camping.

Foiles – they can take that off if they want.

Jacobson – this is not the time for that but they will keep it in mind. He also reminded them that a lot of their conditional uses are only good for one year. He asked for any questions.

Foiles – his only concern is that he is disappointed that it is only good for one year. And if you have to come in for one conditional use at a time it can cost thousands of dollars.

Jacobson – thanked him for that point he had not looked at it that way. He said that unfortunately it is not this board that sets the fee schedule.

Hayden – the fee schedule is set by the Board of Trustees.

Coterel – said that he is financially burdened because of the debt he has incurred with the purchase of this property and the back taxes and more.

Jacobson – asked for clarification of a banquet hall.

Foiles – it is more of a picnic shelter with a roof and no sides.

Foiles and Coterel said the board is welcome to come out and look at the property anytime and see the facilities.

Hayden – explained that the board has not made a decision tonight and they will have a work session and will then continue the public hearing and make a decision with any conditions and findings of facts. They will set a meeting date within the next thirty days.

There being no further business, the board adjourned.

Meeting adjourned at 9:21 pm.

ATTEST:

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Carrie Smith, Sub Zoning Secretary