

**XENIA TOWNSHIP BOARD OF ZONING APPEALS**

**MARCH 27, 2012**

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

The Xenia Township Board of Zoning Appeals met on March 27, 2012 in continued Hearing from February 22, 2012 to consider the requested conditional uses and expansion of current non-conforming uses pursuant to Article IV, Section 400.4 of Xenia Township Zoning Resolution as submitted by **Kil-Kare, Inc., 1166 Dayton Xenia Road, Xenia, OH 45385**, for property 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 8.259 acres, Parcel ID M36000100160004500, Xenia Township, Greene County, OH.

Board of Appeals members present: Charles Bingamon, Don Harner, Ken Penewit & Ed Jacobson, Chair. Also present were Stephanie Hayden, Assistant Greene County Prosecutor, Leona Fletcher, Interim Zoning Clerk and Alan Stock, Assistant Fiscal Officer for Xenia Township.

Ed Jacobson, Chair, called the meeting to order at 7:07 P.M. Ed Jacobson presided and welcomed the people in attendance. He went over the rules of the meeting. All cell phones are to be turned off. Everyone must sign in. The application will be read by the Zoning Administrator. Because BZA decision are quasi judicial, all testimony must be sworn. Everyone must come to the podium, state your name and address and that you are under oath. Only facts, not opinions or emotions must be stated. Minutes are being taken manually and electronically. Please 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. Applicant may also withdraw if needed. The decision will become effective five days after date of decision.

Mr. Jacobson explained that the Board had met originally to hear the request on February 22, 2012 and the Hearing was continued until a later date to be announced. The Board then met in executive session on March 8, 2012 to discuss all the requests and set a date for the continued Hearing for March 27, 2012 at 7:00 P.M. The Board considered all requests and it was the general consensus of the Board that they like the vision of the proposed uses. They like the family oriented agenda.

Ed Jacobson, Chair, swore in the members of the audience if they wished to participate at the Hearing. The Pledge of Allegiance to the Flag was given. The Chair asked the Clerk if all notices had been mailed to the surrounding property owners and notice has been advertised in the newspaper as required by law? Leona answered, yes.

The Chair requested that the Board go into executive session. Motion was made by Ken Penewit and seconded by Charles Bingamon, all voted in favor.

The BZA returned at 7:35 P.M. from executive session and motion was made by Don Harner to return to the Public Hearing and seconded by Ken Penewit and all voting in favor.

The Chair opened the Hearing. He explained that the Board had looked at the request and had decided on the following which would be read by Stephanie Hayden which she had prepared.

The following is a summary of the requested uses that would be denied by the Board and the requests that would be permitted along with the conditions set by the Board:

The following uses would be denied:

1. Banquet hall rental and catering.
2. Paid spectator camping.

The following uses would be permitted:

1. Carnival with amusements, rides, merchandise and food vendors.
2. Music festivals for Bluegrass, Doo-wop, 60's, 70's and 80' music.
3. Haunted Trail.
4. Lighted Christmas walk with horse drawn carriages.
5. Motorsport swap meets with merchandise and food vendors.
6. Truck and tractor pulls.

Subject to the following conditions:

3. Haunted Trail
4. Lighted Christmas walk with horse drawn carriage rides
5. Motorsport swap meets with merchandise and food vendors
6. Truck and tractor pulls

**NOW BE IT RESOLVED THAT THE ABOVE GRANTED CONDITIONAL  
USES ARE SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Kil-Kare, Inc. shall provide a schedule of events to the Xenia Township Zoning Inspector to include specific date of activity, duration of activity (including times and number of days), and estimated attendance no less than 60 days prior to any event scheduled to occur on or before August 1, 2012 or 90 days for any event held thereafter.
2. Each activity will be coordinated and approved in writing by all potentially impacted agencies that service Xenia Township, including the Greene County Sheriff's Office and the Xenia Township Fire Department, 30 days prior to the event to ensure a safe and compliant atmosphere. Kil-Kare, Inc. will have the number of law enforcement and/ or fire department personnel on site as determined to be required by the Greene County Sheriff's Office and/or the Xenia Township Fire Department. Kil-Kare, Inc. will be required to pay any costs associated with this additional manpower as billed by those agencies. Additional support will be provided by Kil-Kare, Inc. as requested and approved by the requesting agencies.
3. Traffic flow (including facility entrance, exit and parking) will be coordinated and approved by the Greene County Engineer.
4. All necessary permits, licenses and the like will be obtained from the Greene County Combined Health District, Greene County Department of Building Regulations or any other required licensing agency for each event.
5. All events scheduled to occur Sunday - Thursday will be completed by 10:00 PM; all events scheduled to occur on Friday or Saturday will be completed by 12:00 AM (midnight); any music festival will be completed by 7:00 PM, regardless of on what

- day of the week it occurs, unless prior written approval is obtained from the Xenia Township Zoning Inspector.
6. Kil-Kare, Inc. shall provide copies of appropriate liability insurance for scheduled events.
  7. Any scheduled activities involving children will have appropriate supervision.
  8. Site and activities will be inspected by the Xenia Township Zoning Inspector frequently. Failure to comply will result in the immediate removal of these Conditional uses.
  9. Kil-Kare, Inc. shall ensure adequate access to the facility to all emergency vehicles at all times.
  10. Kil-Kare, Inc. shall comply with Xenia Township Zoning Resolution Section 517.1(G)(5), which provides: "Special event signs and temporary rental signs shall be permitted for a period of thirty (30) days prior to the event for advertisement purposes only. The sign shall not exceed 32 square feet in size and must be placed at the site of the event only. No other signs will be permitted along roadside or other sites. A temporary sign permit shall be required. All signs must be removed the day after the close of the event."
  11. These conditional uses apply to the property. Any change in property ownership, corporate name, organization type or structure does not negate the necessity of complying with the above outlined conditions as they relate the conditional uses granted herein.

The Hearing was opened for discussion from the applicant or the audience if sworn to testify.

Marshall Foiles, General Manager for Kil-Kare, Inc. questioned the time change about the music festival because he maintained that Shawnee Park goes until 9:00 P.M. Mr. Foiles asked if he could have copy of the resolution draft. A copy was given to him.

Jacobson explained that the Board felt that the earlier time of 7:00 P.M. was more appropriate, but you have the option of obtaining permission for a later time from the Zoning Inspector.