

**XENIA TOWNSHIP BOARD OF ZONING APPEALS**  
**PUBLIC HEARING**

August 2, 2023

**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, Chairman, called the meeting to order at 6:51 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, Chair, Janis James, Darren Jones, Brian Secor, and Aidan Kolbe. 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 Comment

**Mike Moore, Renter, 622 State Route 380, Xenia, Ohio 45385 – Conditional Use of Section 408.4.4 for Motor Vehicle Auto Paint and Body Shop in the B-3 District Parcel # M36000200320006800**

**Mike Moore, 97 Country Place, Xenia, Ohio, Applicant, Renter, Under Oath**, state that he is asking for a Conditional Use for Building 9 to have a body shop. He went on to state that the building was built for the purpose of a body shop. Mr. Moore stated that the shop was last inspected in 2019 and was up to standards, he further stated that there is already a fire suppression system and a paint booth in the building.

**Ms. Kolbe, BZA**, asked how often inspections are required.

**Mike Moore, 97 Country Place, Xenia, Ohio, Applicant, Renter, Under Oath**, state that inspection usually only occur at the initial startup.

**Ms. Kolbe, BZA**, asked if Xenia Township does the inspections.

**Mr. Stock, Zoning Inspector**, stated that Mr. Moore would be required to do a yearly inspection for Zoning Compliance to make sure that it is still operating as a body shop. He further stated that the Fire Department will also conduct yearly inspections.

**Mr. Anthony, BZA, Chair**, asked if Mr. Moore would be willing to acquire a new inspection on the paint booth.

**Mike Moore, 97 Country Place, Xenia, Ohio, Applicant, Renter, Under Oath**, state that he would obtain a new inspection.

**Mr. Anthony, BZA, Chair**, asked if Mr. Moore would be willing to put up a fence and screening.

**Mike Moore, 97 Country Place, Xenia, Ohio, Applicant, Renter, Under Oath**, state that the owner of the property, Mt. Holly Farms, would be doing that.

**Mr. Anthony, BZA, Chair** asked Mr. Stock who was responsible for the fence and screening.

**Mr. Stock, Zoning Inspector**, stated that Mr. Moore is renting from Mt. Holly Farms, but it is Mr. Moore's responsibility to make sure that the fencing and screening is done. He went on to

state that if Mr. Moore leaves the property, the next tenant will need to acquire a BZA of their own to operate a Body Shop.

**Mr. Anthony, BZA, Chair** asked Mr. Moore about his lighting plans.

**Mike Moore, 97 Country Place, Xenia, Ohio, Applicant, Renter, Under Oath**, state that lighting would also be handled by Mt. Holly Farms.

**Mr. Anthony, BZA, Chair** asked Mr. Moore his hours of operation.

**Mike Moore, 97 Country Place, Xenia, Ohio, Applicant, Renter, Under Oath**, state that normal customer hours would be Monday-Friday 8:00 AM to 6:00 PM with the work hours being 6:00 AM to 10:00 PM with the occasional Saturday. He further stated that they would have five (5) employees.

**Mr. Anthony, BZA, Chair**, asked if Mr. Moore would be willing to acquire a Knox Box.

**Mike Moore, 97 Country Place, Xenia, Ohio, Applicant, Renter, Under Oath**, state that he would obtain a Knox Box.

**Mr. Stock, Zoning Inspector**, asked Mr. Moore to show on the map where vehicles waiting for repair would be stored.

**Mike Moore, 97 Country Place, Xenia, Ohio, Applicant, Renter, Under Oath**, obliged.

**Mr. Anthony, BZA, Chair**, asked Mr. Moore to show on the map where employees would be parking.

**Mike Moore, 97 Country Place, Xenia, Ohio, Applicant, Renter, Under Oath**, obliged.

**Mr. Anthony, BZA, Chair**, asked if all overnight parking would be behind the fence.

**Mike Moore, 97 Country Place, Xenia, Ohio, Applicant, Renter, Under Oath**, stated that other than the occasional night time tow truck drop off, all vehicles would be behind the fence.

**Mr. Anthony, BZA, Chair**, asked Mr. Moore to affirm that he was asking for a Conditional Use of Building 9 only.

**Mike Moore, 97 Country Place, Xenia, Ohio, Applicant, Renter, Under Oath**, stated that he was only asking for Building 9.

**Mr. Anthony, BZA, Chair**, asked Mr. Moore to show on the map where signage would be.

**Mike Moore, 97 Country Place, Xenia, Ohio, Applicant, Renter, Under Oath**, obliged.

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

There was none.

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

There was none.

**Mr. Anthony, BZA, Chair**, closed the hearing for public comments.

**Mr. Anthony, BZA, Chair**, asked for any comments from the Board.

There was none.

**Mr. Anthony, BZA, Chair**, called for a motion.

Motion to grant the Conditional Use of Section 408.4.4 for Motor Vehicle Auto Paint and Body Shop to Building 9 located at 622 State Route 380 was made by Ms. Kolbe and seconded by Ms. James, with the following conditions:

1. Obtain a "Change of Use" certificate
2. Provide a stamped up to date certification for the paint booth stating that it is compliant with today's paint booth standards
3. Place an eight (8) foot screening fence within six (6) months to shield the public from cars in process
4. Submit a lighting diagram to insure no external effects onto neighboring properties
5. Maintain reasonable hours of operation; Monday - Friday 8:00 AM - 6:00 PM, with the occasional Saturday
6. Place a Knox Box
7. Obtain a separate Sign certificate for each sign
8. Obtain an Annual Operating Permit yearly

**Mr. Anthony, BZA, Chair**, called for a vote

Ms. James	AYE
Mr. Jones	AYE
Ms. Kolbe	AYE
Mr. Secor	AYE
Mr. Anthony	AYE

Conditional Use of Section 408.4.4 for Motor Vehicle Auto Paint and Body Shop to Building 9  
GRANTED

There being no further business, the Board adjourned.  
Meeting Adjourned 7:14 PM

ATTEST:

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Alan D. Stock, Zoning Inspector