

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

January 2, 2025

**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 6:00 p.m. and welcomed the people in attendance. He asked for roll call for attendance of the members.

Board of Zoning Appeals members present: Nathan Anthony, Chair, Virgil Ferguson, Janis James, Darren Jones, and Aidan Kolbe. Also, present was Alan Stock, Xenia Township Zoning Inspector.

Mr. Anthony 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 Quasilegal, 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

**Kenneth McFarlane & Megan Bodzick, Owners 1141 Woodland Drive, Parcel #M36-0002-0026-3-0123-00 – Variance In The (R) Residential District Of Section 504.3 Accessory Structure In The Roadside Yard**

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath**, stated that he is requesting a Variance for an accessory structure in the roadside yard and also from the required ten (10) feet to four (4) feet from the property line. He stated that the accessory structure will be used to house bikes and landscaping equipment. He went on to say that the topography of his land makes placing an accessory structure to meet Zoning Regulations impractical. He stated that there is a slope in the backyard that is 10 degrees on one side and 7 degrees on the other to about 45 degrees then flattening out. He stated that he would need risers on three (3) of the four (4) corners making it difficult to use and an eyesore. Mr. McFarlane stated that the proposed location is for the best use of the building and accessibility. He concluded by saying that the building would be of high-grade materials, visually a good fit, and harmonize with the character of the neighborhood.

**Mr. Anthony, BZA, Chair, asked for Board questions.**

**Ms. James, BZA,** stated that four (4) placement locations had been shown by Mr. Stock that would not require a BZA Variance and asked why they would not work.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath,** stated that the other locations would hinder accessibility for some of the uses. He went on to say that one location is sloped, the end of the driveway is a temporary cut out of land, and that the dirt from there was used to fill in the culvert. He went on to say that a lot of water runs through there too. Mr. McFarlane stated that the places in the backyard are not ideal for functional uses.

**Ms. Kolbe, BZA,** stated that alternative places had been mentioned, but would need risers and would be 2.5 feet off the ground. She asked how that would make the shed impossible to use.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath,** stated that he has a riding lawn mower and would have to make substantial changes to the land to meet up with the front of the shed.

**Ms. Kolbe, BZA,** asked if he had considered backfill to create a wrap around.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath,** stated that he could make it work, but it would cause aesthetic issues and be an eyesore.

**Ms. Kolbe, BZA,** stated that Mr. McFarlane has functional ways to make the alternative locations work, but would require more work and would be visually less appealing for him in the backyard.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath,** stated that he would need to change the topography of the land that could potentially cause issues with water flow. He went on to say that the water flow is his biggest concern.

**Mr. Jones, BZA,** asked if the shed would be prebuilt.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath**, stated that it would be prebuilt. He went on to say that he would need to do a little leveling before placement of the shed.

**Mr. Jones, BZA**, asked who would be doing the leveling.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath**, stated that he would hire someone to do it.

**Mr. Anthony, BZA, Chair**, stated that Mr. McFarlane stated the other locations would be impossible. Mr. Anthony stated that they could be done with more work, but not impossible.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath**, stated that it was unknown because he didn't want to change the water flow, which is his biggest concern.

**Mr. Anthony, BZA, Chair**, stated that ramps would be an option. He went on to ask if Mr. McFarlane thought it would be an eyesore because of stilts if it was placed within Zoning Regulations.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath**, stated that in order to meet Zoning Regulations, the shed would need to be placed in the middle of the yard.

**Mr. Anthony, BZA, Chair**, stated that another recommendation would also require a Variance, but would be in the backyard so not everyone would see it and asked if that was an option.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath**, stated that he could take out a tree, and that it would be under a power pole. He went on to say that location would cause more issues than in the front yard.

**Mr. Anthony, BZA, Chair**, stated that he was talking through options. He went on to say that this is not a hardship because there are options. Mr. Anthony stated that the ask is for two (2) variances; front yard and side yard setbacks. He went on to say that there are over 300 homes in the

neighborhood and no accessory buildings in the front yards, which would argue harmony and locality.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath**, stated that 1096 Woodland Drive has a detached garage in the front of the home, and 943 Oak Dale has only a barn on the lot. He went on to say the neighborhood has a lot of unique character so the shed would not alter the essential character of the neighborhood.

**Mr. Anthony, BZA, Chair**, stated that question five (5), whether the property owner purchased the property with knowledge of the zoning requirements, had not been answered, only stated that knowing or not knowing should not preclude you from doing it, even if not allowed. Mr. Anthony asked if Mr. McFarlane knew about the zoning requirements before purchasing his home.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath**, stated that he should have said No, he did not know the zoning requirement, but that he went on a tangent and did not actually answer the question.

**Mr. Anthony, BZA, Chair**, stated that this is not a hardship because there are other places that the shed can be placed. He went on to say the other locations would be harder to get a mower in the shed and an eyesore.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath**, stated that he would not be able to use the shed as well as he would be able to if it were in the front yard in a flatter location.

**Mr. Anthony, BZA, Chair**, asked if building the shed in the front would be flush with the ground, or would there be a ramp.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath**, stated that he would try to make it as flush with the ground as possible but may be a small lip. He went on to say that he is concerned with changing the flow of water if placed in the back.

**Ms. James, BZA**, asked how long they have lived in the home.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath,** stated that he has lived there since December 2020.

**Ms. James, BZA,** asked where the mower is stored now.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath,** stated that it is currently stored in the garage.

**Ms. James, BZA,** stated that variances stay with the properties, and that the current neighbors may be fine with the shed in the front, but that new neighbors or new owners of his home may not be. She went on to say that she had driven the neighborhood and does not recall seeing any shed in the front yards and that this would be a substantial change.

**Mr. Anthony, BZA, Chair,** read Mr. McFarlane's response to Property Right. Mr. McFarlane stated that other property owners in the neighborhood could place their sheds in compliant locations, but that he could not because of the unsuitable nature of the rear yard. Mr. Anthony stated that this request is non-compliant because there are compliant locations to place the shed. He went on to say that they are not saying that Mr. McFarlane can not have a shed, just not in the location that he requests. Mr. Anthony then read Special Privilege statement and stated that this would be a special privilege, because there are compliant locations to place the shed. He went on to say that it would not be a special privilege if there was no where else to place the shed.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath,** asked if it's the Township's view that if there is another compliant location, even if that location would require modifications of grading the land and the need for stilts, that the shed needs to be placed in the compliant location.

**Mr. Anthony, BZA, Chair,** stated that if the entire yard was 45 degrees and would require 24-foot stilts, that would be different. He went on to state that asking to put the shed in the front yard and four (4) feet from the property line is a special privilege because there are compliant locations to place the shed.

**Ms. Kolbe, BZA,** stated that Xenia Township is a Zoned community and that zoning says that you can have an accessory structure, if you can build it

according to the Zoning Resolution. She went on to say that asking for a variance is asking not to follow the zoning rules. Ms. Kolbe stated that it is the goal to help Mr. McFarlane find a location that is compliant with the rules and that does not give special privileges.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath**, stated that when they bought the home, they did not think that they would need more storage. He then presented Exhibit F, satellite picture of 1096 Woodland Drive stating that they have a detached garage that is not behind the house.

**Mr. Stock, Zoning Inspector**, stated that had been built in the 1950's and that the garage had only been updated a couple years ago.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath**, stated that it had been an open carport that is now enclosed. He went on to say that 943 Oak Dale Drive has a garage on an empty lot.

**Mr. Stock, Zoning Inspector**, stated that each parcel can have a structure on it, they just need to follow the Zoning rules. He went on to say that this is considered a Non-Residential Primary structure.

**Mr. Anthony, BZA, Chair**, stated that stuff like this could be found all over the township, and that they do not consider precedence because all properties are unique.

**Kenneth McFarlane, Owner 1141 Woodland Drive, Under Oath**, stated that he thinks this is the best place for a shed. He stated that he is open to screening in front of it. Mr. McFarlane asked what his options would be if this failed.

**Mr. Anthony, BZA, Chair**, stated that he would need to get with Mr. Stock to work through a solution for placement of the shed.

**Mr. Anthony, BZA, Chair**, opened Public Comments at 6:59 P.M.

**Mr. Anthony, BZA, Chair**, asked for clarifying questions or general statements.

**Pete Howe, 1151 Woodland Drive, Under Oath**, stated that the placement of the shed would not cause an imposition on his property. He went on to say that there is a lot of water drainage on the property and it could be a problem. Mr. Howe then stated that the proposed location has the lowest grading on the property.

**Rob Penewit, 1139 Woodland Drive, Under Oath**, stated that he considers the proposed location the side yard, not the front yard.

**Mr. Anthony, BZA, Chair**, stated that anything in front of the house, is the front yard. He went on to say that the back of the shed is in line with the front of the house so the entire shed will be in the front yard.

**Rob Penewit, 1139 Woodland Drive, Under Oath**, stated that he did not have a problem with it as Mr. McFarlane's back yard slopes down.

**Mr. Anthony, BZA, Chair**, asked for comments in opposition.

There were none.

**Mr. Anthony, BZA, Chair**, asked for comments in favor.

There were none.

**Mr. Anthony, BZA, Chair**, closed Public Comment at 7:05 P.M.

**Mr. Anthony, BZA, Chair**, called for Board Discussion.

**Mr. Anthony, BZA, Chair**, stated that flatness and drainage are issues with placement.

**Ms. Kolbe, BZA**, stated that sometimes a property does not allow for an accessory structure. She went on to say that this is a deviation of Harmony and Locality because alternative locations had not been fully investigated.



**Mr. Jones, BZA,** stated that Mr. McFarlane can make the back work. He stated that maybe a retaining wall or raising it to keep from affecting water flow.

**Ms. James, BZA,** stated that the Greene County Engineer could be contacted to help with placement because of water flowing through the property.

**Mr. Ferguson, BZA,** stated that the structure should not be in front of the house. He went on to say that it can be placed behind the house, although the yard is not flat, no one else would have to see it if it was in the back.

**Mr. Anthony, BZA, Chair,** stated that if there were no other options, but there are four (4) options.

**Mr. Jones, BZA,** stated that under the pine tree would work and would only have to take the tree out.

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

Motion to deny the requested Variance of Section 504.3 accessory structure in the roadside yard in the (R) Residential District at 1141 Woodland Drive was made by Mr. Anthony and seconded by Ms. Kolbe.

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

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

Variance to Section 504.3 Accessory Structure In The Roadside Yard in the (R) Residential District located at 1141 Woodland Drive, Parcel # M36-0002-0026-3-0123-00 **DENIED**

There being no further business, Mr. Anthony motioned to adjourn.

Meeting Adjourned 7:11 P.M.

ATTEST:

---

Alan D. Stock, Zoning Inspector