

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

March 31, 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, Darren Jones, and Aidan Kolbe. Also present was Alan Stock, Xenia Township Zoning Inspector. Janis James, Absent.

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 quasijudicial, 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 applicant's property. Mr. Stock stated that Xenia Township staff placed a sign on the applicant's 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

Nathan Baker, Owner 1218 Boyd Road, Parcel# M36-0002-0036-1-0056-00 – Variance In The (AG) Agricultural District Of Section 504.3 Accessory Structure In The Interior Yard

Nathan Baker, Owner 1218 Boyd Road, Under Oath, stated that his land slopes down in the middle of his yard. He went on to say that he has two (2) existing barns in the rear of the residence, with one barn to be torn down. Mr. Baker also stated that he plans to extend his driveway to the new barn.

Mr. Jones, BZA, asked to have pictures of the property placed on the screen. He then asked Mr. Baker to show where the new barn would be placed, what barn is being torn down, and where the driveway would be placed.

Nathan Baker, Owner 1218 Boyd Road, Under Oath, obliged.

Ms. Kolbe, BZA, asked what the dimensions of the existing barn that is to be demolished and why the new barn could not be placed there.

Nathan Baker, Owner 1218 Boyd Road, Under Oath, stated that the existing barn is 10 feet from the property line and that a Variance would still be required. He further stated that there is a slope in that area too.

Ms. Kolbe, BZA, asked what the other existing accessory structures on the property are being used for.

Nathan Baker, Owner 1218 Boyd Road, Under Oath, stated that the other existing structure is being used for storage of lawn and pool equipment.

Ms. Kolbe, BZA, asked what the flat area of the property is.

Nathan Baker, Owner 1218 Boyd Road, Under Oath, stated that the flat area is his leach field and that nothing could be placed there.

Mr. Ferguson, BZA, asked if there would be electricity or water in the barn.

Nathan Baker, Owner 1218 Boyd Road, Under Oath, stated that there would not be any water or electricity in the barn, that it would be for storage. He went on to say that his parents are downsizing and will be placing their belongings in the barn.

Mr. Ferguson, BZA, asked if there would be a concrete floor.

Nathan Baker, Owner 1218 Boyd Road, Under Oath, stated that the flooring would be concrete.

Mr. Anthony, BZA, Chair, opened Public Comments at 6:19 PM.

Mr. Anthony, BZA, Chair, asked for clarifying questions or general statements. There were none.

Mr. Anthony, BZA, Chair, asked for comments in opposition. There were none.

Bob Edwards, Contractor, Under Oath, stated that he is the builder of this project and would be able to answer any questions about the construction. He went onto

say that the proposed project is a typical pole barn that should take three (3) days to complete.

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

There were none.

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

There were none.

Mr. Anthony, BZA, Vice Chair, closed Public Comment at 6:21 PM.

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

Ms. Kolbe, BZA, asked for an arial photo to be pulled up of the property. She asked for the distance between the chicken coop to the side property line and for the topography to be on.

Mr. Stock, Zoning Inspector, obliged and stated that only a survey can give the exact measurement.

Ms. Kolbe, BZA, stated that she would like to see all the properties on Boyd Road. She asked if the topography was the issue or was the issue the other barns.

Mr. Stock, Zoning Inspector, stated that by the Zoning Resolution, you may have 15% of your property covered in impervious materials and that this property will only be at 8% with the new barn.

Mr. Anthony, BZA, Vice Chair, stated that the question at hand is only for the setback of the barn, that they meet the requirements for impervious materials. He went on to say that the Board could say no and then the owners would need to place the barn at 40 feet and bring in more fill. He concluded by saying that the barn will be built, and the board only need to be concerned as to where it is placed.

Ms. Kolbe, BZA, asked what the setback was before the change of the Zoning Resolution in 2024.

Mr. Stock, Zoning Inspector, stated that the setback went from 8 feet to 40 feet in the Agricultural District and from 8 feet to 10 feet in the Residential District. He went on to say that this is Section 404 of the Zoning Resolution and that there is no separation of accessory structures and primary structures for setbacks.

Mr. Jones, BZA, asked if Mr. Baker applied for the Variance before the change.

Mr. Stock, Zoning Inspector, stated that Mr. Baker applied in February of 2025 and that the changes happened in 2024. He went on to state that had he applied before the changes to the setback requirements, that hearing would not have been necessary.

Mr. Ferguson, BZA, stated that he did not have any questions, but that he was not impressed with the public comment about Mr. Baker having loud parties as it is not relevant to the matter.

Mr. Jones, BZA, stated that Mr. Baker would still need to bring in some fill, just not as much as he would if he placed it 40 feet.

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

Motion to grant the variance to allow the setback of 10 feet on the side and rear for the accessory structure was made by Ms. Kolbe and seconded by Mr. Jones.

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

Mr. Anthony	AYE
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Mr. Ferguson	AYE
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Mr. Jones	AYE
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Ms. Kolbe	AYE
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Variance to Section 504.3 Accessory Structure In The Roadside Yard in the (AG) Agricultural District located at 1218 Boyd Road, Parcel # M36-0002-0036-1-0056-00 **GRANTED**

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

Meeting Adjourned 6:34 P.M.

ATTEST:

Alan D. Stock, Zoning Inspector