

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

June 24, 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, Janis James, 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 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 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

Darin & Cynthia Morris, Owners, 1611 US 68 S, Parcel Number M36000200361003700 - Variance In The (AG) Agricultural District Of Section 504.3 Accessory Structure In The Interior Yard

Cynthia Morris, Owner 1611 US 68 S, Under Oath, stated that they did not do the first BZA correctly. She went on to say that they spoke with Mr. Stock after the first meeting to see what they could do and that they have tried to accomplish everything that has been asked. Ms. Morris went on to say that they looked into having the barn opening on the other side of the property, but having a survey completed, realized that most of the existing driveway is on their property. She concluded by saying that they are not as far off of the setbacks, but are still not at the 40 feet.

Mr. Jones, BZA, asked how far off they were now.

Cynthia Morris, Owner 1611 US 68 S, Under Oath, stated that they were 27.3 feet.

Mr. Jones, BZA, asked if the setback was 40 feet.

Mr. Stock, Zoning Inspector, stated that was correct at 40 feet.

Mr. Jones, BZA, asked if there was anything setup for an easement.

Cynthia Morris, Owner 1611 US 68 S, Under Oath, stated that they have spoken with the neighbors and that they will be going to a lawyer to write up an easement. She went on to say that they will be giving Mr. Everett an easement to his property as he has no other way to gain access to it.

Mr. Jones, BZA, asked how far off they are in the rear of the property.

Cynthia Morris, Owner 1611 US 68 S, Under Oath, stated that they are 30 feet at the furthest point.

Mr. Jones, BZA, asked if they were 27 feet on the side.

Cynthia Morris, Owner 1611 US 68 S, Under Oath, stated that they are at 23.7 feet and that she had mixed up her numbers the first time she gave it.

Ms. Kolbe, BZA, asked if that number included the apron access to the barn.

Cynthia Morris, Owner 1611 US 68 S, Under Oath, stated that they moved that as soon as Mr. Stock said it needed to be moved because it was not on our property. After the survey, we realized it was on our property.

Ms. Kolbe, BZA, asked if they had spoken with Mr. Everett about the use of his driveway.

Cynthia Morris, Owner 1611 US 68 S, Under Oath, stated that they have spoken to him and that they will be going to lawyers to have an easement written, but as of right now they have a mutual agreement for use of the driveway.

Mr. Jones, BZA, asked to be shown where the property line is after the survey was completed.

Cynthia Morris, Owner 1611 US 68 S, Under Oath, obliged.

Ms. Kolbe, BZA, asked if Mr. Everett had any plans to do his own survey.

Cynthia Morris, Owner 1611 US 68 S, Under Oath, stated that Mr. Everett had asked them to do the survey. She went on to say that after the survey, they found that they own more of the driveway than they had originally thought.

Mr. Anthony, BZA, Chair, opened Public Comments at 6:21 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.

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 6:23 PM.

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

Mr. Jones, BZA, stated that he had no concerns, but that the motion should state that there should be wording in it requiring an easement.

Mr. Anthony, BZA, Chair, stated that there should also be a time line for the condition.

Ms. Kolbe, BZA, stated that if the easement was already created, it shouldn't take long to file an easement, maybe a month or so. She went on to say that this is the most important piece since people move and that this needs to be in writing.

Mr. Jones, BZA, asked what would happen if they didn't do this within the set time frame.

Ms. Kolbe, BZA, stated that they would be in violation.

Ms. James, BZA, asked what the consequences would be.

Mr. Jones, BZA, asked if they brought the deed to Mr. Stock after it was recorded.

Mr. Stock, Zoning Inspector, stated that they would bring it to him once it was recorded. He went on to say that there was another BZA case that was required to do a survey within six (6) months and did not happen because of the surveyor being behind. Mr. Stock stated that he asked for a letter stating that it was in process. He went on to say that it was in the spirit of what was asked from them.

Ms. Kolbe, BZA, stated that the easement needs to be with the property and not with the current owners.

Mr. Stock, Zoning Inspector, stated that the condition needs to say that the easement needs to be written into the deed, as you cannot change an easement on a deed.

Ms. Kolbe, BZA, stated that if they could not make an agreement with Mr. Everett, that all of the turning around needs to be done on their own property.

Mr. Stock, Zoning Inspector, stated that the existing driveway is 23 feet while a standard driveway is only 15 feet.

Mr. Anthony, BZA, Vice Chair, stated that being written into the deed is a fair expectation and the extent of what they can require.

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

Motion to grant the Variance as requested with the condition that an easement agreement to the barn be written into the deed within three (3) months was made by Ms. James 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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Ms. James	AYE
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Mr. Jones	AYE
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Ms. Kolbe	AYE
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Variance Of Section 504.3 Accessory Structure In The Interior Yard located at 1611 US 68 S, Parcel Number M36000200361003700 - Variance In The (AG) Agricultural District

GRANTED

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

Meeting Adjourned 6:30P.M.

ATTEST:

Alan D. Stock, Zoning Inspector