

1 XENIA TOWNSHIP BOARD OF ZONING APPEALS
2 PUBLIC HEARING

3
4 May 5, 2021
5

6 **THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE PUBLIC HEARING AND ARE NOT A**
7 **WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.**

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9 **We are holding this Board of Zoning Appeals meeting under the guidelines from Governor**
10 **Mike DeWine and Ohio Attorney General Dave Yost, reducing exposure to the COVID-19**
11 **virus. Board of Zoning Appeals must meet quorum but may do so by face-to-face, ZOOM, or**
12 **teleconferencing, or a combination thereof IF the public has opportunity to share in the**
13 **meeting in the same manner. Xenia Township has complied with this face-to face method.**

14 Ed Jacobson, Chairman, called the meeting to order at 6:01 PM and welcomed the people in
15 attendance. He asked for roll call for attendance of the members.

16 Board of Zoning Appeals members present: Ed Jacobson, Chair; Nathan Anthony, Darren Jones,
17 Janis James and Assistant Prosecuting Attorney, Steven Haller. Also present was Alan Stock,
18 Xenia Township Zoning Inspector.

19 Mr. Jacobson went over the rules of the meeting. The application will be read by Alan Stock
20 Zoning Inspector. Because the Board of Zoning Appeals decisions are quasi-judicial, all
21 testimony must be sworn when speaking. Everyone must state their name and state they are
22 under oath. Only facts are to be given, not opinions or emotions. Minutes are being recorded.
23 This is a phone and pager free meeting. Questions are to be directed to the Board only. The
24 Board of Zoning Appeals will follow Roberts Rules of Order for procedures. The Chair reserves
25 the right to limit public input. The Board of Zoning Appeals may approve in whole or in part,
26 reject in whole or in part, or reschedule to another date. An applicant may also withdraw their
27 request. The decision will become effective five days after date of decision. A decision by this
28 Board is a final order under R.C. 2506.04. Aggrieved individuals may appeal the decision to
29 Common Pleas Court. The audience joined the Board in the Pledge of Allegiance. Mr. Jacobson
30 administered the oath to the conference attendees.

31 Mr. Jacobson asked Mr. Stock if the application was lawful to be heard by the Board. Mr. Stock
32 answered yes and advised that the notice had been published in the newspaper and notices
33 had been mailed to all property owners within 500' of the property. Mr. Stock stated that a sign
34 was placed on the applicants' property.

35
36 Mr. Jacobson asked the Board members if they had read and considered the application—all
37 answered yes; and he asked if they felt they should not be part of the proceeding due to some
38 conflict of interest—all answered no; and if they intend to participate in the entire procedure
39 including voting on the questions asked—all answered yes.
40

41 Mr. Jacobson asked Mr. Stock to present the proposal. Mr. Stock reviewed all the documents
42 and exhibits A-G.

43
44 **1693 Winchester Road – Request for Area Variance of Section 504 Accessory Building Setback**

45
46 Exhibit A: Application for Board of Zoning Appeals

47 Exhibit B: Proof of Public notices (Procedure Check List, Letter to Neighbors, Newspaper Notice,
48 Sign in Yard, Website)

49 Exhibit C: Staff Findings

50 Exhibit D: Agenda

51 Exhibit E: Neighbor Phone Calls

52

53 **Mr. Jacobson, BZA,** asked the applicant to please come to the podium and present his request.

54

55 **John and Cynthia Fite, Applicants,** 1693 Winchester Road, Xenia Ohio, Under Oath stated that
56 the purpose for the barn is for safety reasons. Mr. Fite stated that he has a truck with a trailer
57 that he now has to turn around on the hill on Winchester Road to back into his driveway. His
58 plan is to be able to pull into his barn and no longer have to back into his driveway. He also
59 stated that the barn will be used for personal storage and not for his business storage.

60

61 **Mr. Jacobson, BZA,** asked if the barn would be used for storage of equipment.

62

63 **Mr. Fite, Applicant,** under oath, stated that it would be.

64

65 **Mrs. Fite, Applicant,** under oath, stated that Mr. Fite does concrete work and drives his dump
66 truck and trailer home every night. She stated that it is very dangerous now because he has to
67 back the trailer into his driveway and they are on a hill. She further stated that their home
68 does not face the road, it is angled on the property, so the placement of the barn would be in
69 the side yard. She also stated that the remainder of their property is downhill.

70

71 **Mr. Fite, Applicant,** under oath, stated that the placement will not be directly in front of the
72 house. It would be on the side of the house and the trees would cover it from the road.

73

74 **Mr. Jacobson, BZA,** asked if the size of the barn would be so the applicant could drive
75 completely into the barn?

76

77 **Mr. Fite, Applicant,** under oath answered yes, it was so he could pull in and not have to back
78 into his driveway.

79

80 **Mr. Jacobson, BZA**, stated that the Zoning Resolution precludes building in the front of homes
81 unless there is some kind of unusual circumstances, and then the request is brought before the
82 Board of Zoning Appeals for approval.
83

84 **Mr. Jacobson, BZA**, asked for questions from the Board.
85

86 **Mr. Jones, BZA**, asked if the property drops away from the home.
87

88 **Mrs. Fite, Applicant**, under oath, stated that yes, the property did drop away from the house.
89

90 **Mr. Jacobson, BZA**, asked if there were any comments for or against the variance.
91 There were no comments for or against the variance.

92 **Mr. Jacobson, BZA**, asked for comments.

93 **Will Stagg, No Address Given**, under oath, asked if the property would stay Agricultural.

94 **Mrs. Fite, Applicant**, under oath, stated that the property would stay Agricultural.

95 **Will Stagg, No Address Given**, under oath, asked if there would be more equipment brought
96 onto the property from Mr. Fite's business.

97 **Mrs. Fite, Applicant**, under oath, stated that they have a business property, and that they do
98 not run their business from their home.

99 **Will Stagg, No Address Given**, under oath, stated that there is a property down the road that
100 doesn't run a business from the house, but stores equipment there.

101 **Mrs. Fite, Applicant**, under oath, stated that there will not be storage of equipment, just
102 personal storage.

103 **Mr. Jacobson, BZA**, closed the meeting to public discussions.

104 **Mr. Jacobson, BZA**, asked for questions from the Board.

105 **Ms. James, BZA**, stated that safety is a serious concern on this property.

106 **Mr. Jones, BZA**, stated that the Fite's property is in a bad spot to try to back into the driveway
107 with a trailer.

108 **Mr. Jacobson, BZA**, called for a motion.

109

110 **Mr. Jones, BZA**, motioned to approve the Variance.
111

112 **Mr. Anthony, BZA**, seconded the motion.
113
114

115 **Mr. Jacobson, BZA,** called for a vote

116

117

118 Ms. James AYE

119 Mr. Jones AYE

120 Mr. Anthony AYE

121 Mr. Jacobson AYE

122

123

124 Variance to Accessory Building Setback GRANTED

125 There being no further business, the Board adjourned.

126 Meeting Adjourned 6:26 P.M.

127

128 ATTEST:

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131 Alan D. Stock, Zoning Inspector

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