

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

3
4 August 12,2020
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.**
8
9

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

16
17 **Ed Jacobson, Chairman,** called the meeting to order at 7:00 p.m. and welcomed the people in
18 attendance. He asked for roll call for attendance of the members. Board of Zoning Appeals
19 members present: Ed Jacobson, Chair; Darren Jones, Janis James, and Doug Cope
20 teleconferencing. Also, teleconferencing was Alan Stock, Xenia Township Zoning Inspector and
21 in attendance, Melissa Krause, Xenia Township Administration Assistant.
22
23

24 Attendees included both those on the teleconference and in physical attendance.
25 Those on the teleconference include Doug Cope; Board of Zoning Appeals, Alan Stock; Xenia
26 Township Zoning Inspector and Robert Eastep; 820 Hoop Road. Those in physical attendance
27 include Rebecca Robinette; 841 Hedges Road, Kathy Ellis; 915 Hedges Road, Jez Alogla; 842
28 Hedges Road, Ed Quinlan; 934 Hedges Road, Robert Adamson; 800 Hedges Road, Paul Price;
29 856 Hedges Road.
30
31

32 All in physical attendance were administered and passed the COVID temperature check and
33 wore masks during the entire meeting. The entire meeting area had been "deep cleaned"
34 before the meeting, meeting area has 6-foot separation by chair arrangement.
35
36

37 **Mr. Jacobson, Board Chair** went over the rules of the meeting; he asked all attendees to
38 suppress any background noise in their location as it would be heard by all. The application will
39 be read by Melissa Krause, Administration Assistant, because the Board of Zoning Appeals
40 decisions are quasi-judicial, all testimony must be sworn when speaking. Everyone must state
41 their name and state they are under oath when addressing the board. Only facts are to be
42 given, not opinions or emotions. Minutes are being taken recorded. Questions are to be

43 directed to the Board only. The Board of Zoning Appeals will follow Roberts Rules of Order for
44 procedures. The Chair reserves the right to limit public input. The Board of Zoning Appeals may
45 approve in whole or in part, reject in whole or in part, or reschedule to another date. An
46 applicant may also withdraw their request. The decision will become effective five days after
47 date of decision. A decision by this Board is a final order under R.C. 2506.04, aggrieved
48 individuals may appeal the decision to Common Pleas Court. The audience joined the Board in
49 the Pledge of Allegiance. Mr. Jacobson, Board Chair administered the oath to the conference
50 attendees. Mr. Jacobson, Board Chair indicated that the meeting tonight would address two
51 separate requests:

52

53 **820 Hoop Road M36000200301004700 – Request for Area Variance of Section 504 Accessory Building**
54 **Setback**

55

56 **800 Hedges Road M36000200240004200 – Request for Conditional Use of Section 400.4 for**
57 **Bed and Breakfast**

58

59 **Mr. Jacobson, Board Chair** asked Mrs. Krause, Administration Assistant, if the applications for
60 both requests were lawful to be heard by the Board. Mrs. Krause, Administration Assistant,
61 advised that the notice had been published in the newspaper and notices had been mailed to
62 all property owners within 500’ of both properties. Mrs. Krause, Administration Assistant,
63 stated that a sign was placed on both applicants’ properties. Mrs. Krause, Administration
64 Assistant, explained all the exhibits for both Public Hearings. Mr. Jacobson, Board Chair asked
65 the Board members if they had read and considered both applications—all answered yes; and
66 he asked if they felt they should not be part of either proceeding due to some conflict of
67 interest—all answered no; and if they intend to participate in the entire procedure including
68 voting on the questions asked for both requests —all answered yes.

69

70 **Mr. Jacobson, Board Chair** asked Mrs. Krause, Administration Assistant, to present the
71 proposal.

72

73 **820 Hoop Road – Request for Area Variance of Section 504 Accessory Building Setback**

74

75 **Mrs. Krause Xenia Township Administration Assistant** presented the request and explained
76 and or read all exhibits.

77

78 EXHIBIT A: application for variance, Duncan Standard petitioner answers, site plan and pictures
79 of flooding

80 EXHIBIT B: procedure checklist, impervious material calculation, notice to neighbors, newspaper
81 notice, notice on website, mailing list, sign in yard

82 EXHIBIT C: staff finding, pervious homeowner variance

83 EXHIBIT D: application for storage shed
84 EXHIBIT E: agenda
85 EXHIBIT F: community comments, all in favor
86

87 **Mr. Jacobson, Board Chair** asked the petitioner to present his request.
88

89 **Robert Eastep, 820 Hoop Road, Xenia, Ohio**, teleconferencing and under oath stated that they
90 are requesting a variance for setback because they are extremely limited on where they can
91 place a shed because of flooding. He stated that the areas behind and to the right of the barn
92 floods. He went on to say that the flooding happens during heavy rains, that they have a
93 beautiful yard most of the year with the exceptions of when there is a lot of rain in a short
94 amount of time. He stated that in August 2018 was the worst flooding they have had.
95

96 **Mr. Jacobson, Board Chair** asked if there were any questions from the Zoning Board.
97

98 **Mr. Cope, Board Member**, Board member and teleconferencing asked how long they have lived
99 on the property.
100

101 **Mr. Eastep** replied that they had been there 14 years.
102

103 **Mr. Cope, Board Member** asked if the flooding has gotten worse over the years or if it has
104 always flooded the 14 years they have been there. Mr. Cope, Board Member went on to state
105 that Greene County Engineer may need to look at the creek and runoff, that there may be a
106 bigger problem to cause the creek to flood.
107

108 **Mr. Eastep** replied that it has not gotten worse, that it only floods when there are heavy rains
109 in a short amount of time and that it recedes quickly. He also stated that August 2018 was a
110 bad year and took a couple days for the water to recede. He went on to say that the first flood
111 happened the first or second year that they lived there, that it does not always flood as there is
112 not flash floods every year, there have been years that there is not flooding.
113

114 **Mr. Cope, Board Member** stated that he was concerned there was a bigger problem with water
115 running off in the creek. He suggested that the Greene County Engineer clean the culvert, clean
116 the creek, or enlarge the culvert to help alleviate the problem.
117

118 **Mr. Eastep** stated that a bigger culvert pipe had been placed under Hoop Road a few years ago.
119

120 **Mr. Cope, Board Member** asked if that made the flooding less frequent.
121

122 **Mr. Eastep** replied that the culvert was placed prior to August 2018, and the flooding was bad.
123

124 **Mr. Jacobson, Board Chair** asked if there were any questions, there were none.
125

126 **Mr. Jacobson, Board Chair** asked if anyone else would like to speak, there was none.

127 **Mr. Jacobson, Board Chair** asked if there were any discussions needed by the Board Members,
128 there was none.

129

130 **Mr. Jacobson, Board Chair** called for a motion.

131

132 Motion of approval for area variance for accessory building setback use was made by Mr. Jones,
133 Board Member, and was seconded by Ms. James, Board Member.

134

135 The Board of Zoning Appeals Members voted:

136

137 Mr. Cope, Board Member – Aye

138 Ms. James, Board Member – Aye

139 Mr. Jones, Board Member– Aye

140 Mr. Jacobson, Board Chair – Aye

141

142 Variance to Setback Granted

143

144

145

146

147

148

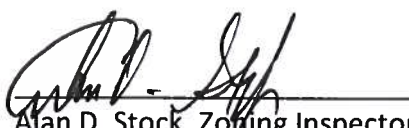
149 ATTEST:

150

151

152

153

154 
Alan D. Stock, Zoning Inspector

155 The next order of business is the request for 800 Hedges Road M36000200240004200 – Request
156 for Conditional Use of Section 400.4 for Bed and Breakfast

157

158 **Mr. Jacobson, Board Chair** asked Mrs. Krause, Administration Assistant, if the application was
159 lawful to be heard by the Board. Mrs. Krause, Administration Assistant, advised that the notice
160 had been published in the newspaper and notices had been mailed to all property owners
161 within 500' of the property and other requirements have been met. Mrs. Krause,
162 Administration Assistant, stated that a sign was placed on the applicants' property. Mrs. Krause,
163 Administration Assistant, explained all the exhibits for this Public Hearing.

164

165 **Mr. Jacobson, Board Chair** asked Mrs. Krause, Administration Assistant, to present the
166 proposal.

167

168 **800 Hedges Road – Requested Conditional Use of Section 400.04 for Bed and Breakfast**

169

170 **Mrs. Krause, Xenia Township Administration Assistant**, presented the request and explained
171 and or read all exhibits.

172

173 EXHIBIT 1: application for Conditional Use, letter from Mr. Stock, Zoning Inspector, to Mr. Adamson
174 stating he needed to apply for Conditional Use, business proposal

175 EXHIBIT 2: procedure check list, notice to neighbors, notice on website, notice in newspaper, sign in
176 yard, mailing list

177 EXHIBIT 3: staff findings

178 EXHIBIT 4: hotel ORC

179 EXHIBIT 5: campground ORC

180 EXHIBIT 6: fire inspection report

181 EXHIBIT 7: agenda

182 EXHIBIT 8: community comments, one call in, one email stating P.D.F. Development does not have
183 agreement with applicant to have trails on their property

184

185 **Mr. Jacobson, Board Chair** asked the petitioner to present his request.

186

187 **Mr. Robert Adamson, 800 Hedges Road, Xenia, Ohio 45385**, went to the podium and was
188 administered the oath as he was not present earlier, he stated under oath that he has written

189 two business plans for multimillion-dollar Bed and Breakfasts, and this is simpler. He went on
190 to say that in Ohio five rooms or less is considered a Bed and Breakfast, over five rooms and it is
191 considered an Inn. This is a simple Bed and Breakfast where people can bike and walk trails.
192 People come from all over the Midwest here. They are bringing business to the community. If
193 you read the reviews online, I have 201 plus positive reviews and one negative review. People
194 are finding peace and quiet there and enjoying the space. I was told that years ago, my home
195 was a party house by many people, I am creating an environment for people to enjoy the space.
196 I have a great property that people are enjoying. Agriculture District is approved to do a Bed
197 and Breakfast. I submitted my application to go through the process.

198

199 **Mr. Jacobson, Board Chair**, asked Mr. Adamson to respond to community comments
200 referenced in the exhibits presented by Mrs. Krause, Administration Assistant, stating that
201 guests are going onto private property.

202

203 **Mr. Adamson** stated that there are trails on the property behind him. He stated that he runs
204 back there and that guests use it for hiking. He also stated that he would shut that off
205 immediately.

206

207 **Mr. Jacobson, Board Chair** stated that guests must know that they are to remain in the Bed and
208 Breakfast property or go to public property elsewhere.

209

210 **Mr. Adamson** stated that there are plenty of public trails around that his guests can use. He
211 also stated that he has a sailboat and kayaks that he takes people out on.

212

213 **Mr. Jones, Board Member** asked if Mr. Adamson lived on the property.

214

215 **Mr. Adamson** stated that yes, he does live on the property.

216

217 **Ms. James, Board Member**, asked if he provided breakfast.

218

219 **Mr. Adamson** stated that he did not provide breakfast.

220 **Ms. James, Board Member** asked if breakfast was available.

221

222 **Mr. Adamson** stated that breakfast is not available. He went on to stated that he uses Air Bed
223 and Breakfast as marketing source, and that an actual Bed and Breakfast does provide
224 breakfast, but an Air Bed and Breakfast does not have to provide breakfast.

225

226 **Ms. James, Board Member** stated that he kept calling it a Bed and Breakfast.

227

228 **Mr. Adamson** stated that it is just the term people use. He went on to state that he is a chef
229 and he will probably add breakfast, but he has a full-time job and does not have time now.

230

231 **Ms. James, Board Member** asked if he was on site when guests were there, if guests were
232 there without a manager on site.

233

234 **Mr. Adamson** stated that he works 7:00 AM to 2:00 PM

235

236 **Ms. James, Board Member** asked if he worked on site.

237

238 **Mr. Adamson** said no that he has a full-time job.

239

240 **Ms. James, Board Member** asked if there were times that guests are there without a manager.

241

242 **Mr. Adamson** answered yes.

243

244 **Ms. James, Board Member** stated that if the guests went onto private property, that only the
245 property owner would know.

246

247 **Mr. Adamson** answered that there are designated trails that are labeled.

248 **Ms. James, Board Member** asked if the trails were on his property.

249

250 **Mr. Adamson** answered that the trails were on his property. He also stated that if the guests
251 went into the soybean field, they were then into private property.

252

253 **Ms. James, Board Member** asked if Mr. Adamson could make sure that they did not go off his
254 property.

255

256 **Mr. Adamson** answered that his guests would respect staying on his property, that his guests
257 are high end professional people, that he does not have riffraff.

258

259 **Ms. James, Board Member** stated that professional people also break the rules not just riffraff.

260

261 **Mr. Adamson** stated that his guests understand No Trespassing signs. He went on to say that
262 he did not know who owned the property behind him, but that there was motorcycle trails back
263 there from the previous owner of his home and that he was told by the previous owner that he
264 could also use the trails. Mr. Adamson stated that he accepted that it was acceptable to use
265 the trails. He also stated that he grew up on a farm and was always went onto other properties
266 and it was never an issue.

267

268 **Ms. James, Board Member** asked if Mr. Adamson asked if he had met with the neighbors to tell
269 them his plan and to ask if it was ok.

270

271 **Mr. Adamson** stated that he did not.

272

273 **Mr. Jacobson, Board Chair** called for comments from the opposition.

274

275 **Mrs. Rebecca Robinette, 841 Hedges Road, Xenia, Ohio**, at podium stated under oath that her
276 father in law has owned 50 acres since the 1930's, she went on to say that she has lived there
277 for 25 years. She stated that she became aware of the Bed and Breakfast during the winter
278 when two men came to her door and stated that they had wounded a deer and that it came

279 onto her property. She stated she told them to leave it alone, but her husband said to let them
280 get it in case it was suffering. She also says that two weeks ago, 800 Hedges had set off
281 fireworks. She stated that Mr. Adamson's property is not that big, so guests are entering onto
282 other properties. She said that people are out there without his knowledge. She went on to
283 say that there has been recent break ins and property damages, and they have never had that
284 problem before. She stated that she has never had to lock her doors, and now there is strange
285 people all over the road. She said that her family and Mrs. Ellis's family has owned Hedges
286 Road for 60 years and now they have a Bed and Breakfast with strange people all over the
287 place. She went on to state that the Bed and Breakfast has been going on way before his sign
288 was placed out front. She said that she does not think it should be allowed, that it is a
289 residential and farming community with children on the properties up and down the road. She
290 went on to say that they do have cars up and down the road a lot because the road is used like
291 a by-pass from US 42 to Lower Bellbrook Road, but they all have Ohio plates. She says that if
292 her granddaughter is picked up by someone with out of state plates, she will be going to Mr.
293 Adamson's house. She stated that she did not want the Bed and Breakfast.

294

295 **Mr. Jacobson, Board Chair** asked Mrs. Robinette if she wanted the Bed and Breakfast as he
296 wanted to be certain he had heard her correctly.

297

298 **Mrs. Robinette** Stated that she did not want the Bed and Breakfast.

299

300 **Mr. Jacobson, Board Chair** asked if her comment regarding the deer is related to this hearing or
301 a separate hunting incident.

302

303 **Mrs. Robinette** stated that yes, the hunters were staying at the Bed and Breakfast. The hunters
304 said that they were staying at the Bed and Breakfast, they wounded a deer and it ran across
305 into her woods.

306

307 **Mr. Jez Alogla, 842 Hedges Road, Xenia, Ohio** at podium stated under oath that he purchased
308 the property next door to 800 Hedges Road and that he thought there was an operation going
309 on there, but it was not a concern at the time. He stated that his concern was noise, that
310 normal conversations could be heard from where the placement of his deck will be. He stated
311 that this would be taking away from the peacefulness he purchased the property for. He also
312 stated that he is worried about strangers as he has two daughters. He stated that this is a very
313 challenging world, and having people come from all over he feels he and his family will not be
314 able to enjoy their property for fear of random strangers and noise. He went on to state that

315 he has discovered paths cut through the back corner of his property. Mr. Alogla stated that
316 that he would like to preserve the street and add value to the street, he feels that this would be
317 opening the door to more issues. He stated that he did not want the Bed and Breakfast.

318

319 **Mr. Jones, Board Member** asked if Mr. Alogla knew personally that the hunters came from 800
320 Hedges Road.

321

322 **Mr. Alogla** stated that he did not.

323

324 **Mrs. Robinette** stated that she did know that the hunters came to her door and said they were
325 staying at the Bed and Breakfast across the street.

326

327 **Mr. Jones, Board Member** asked if the deer was shot at 800 Hedges Road.

328

329 **Mrs. Robinette** said that it was and then came onto her property.

330

331 **Mr. Jones, Board Member** asked why she did not call Wildlife Control.

332

333 **Mrs. Robinette** answered that her husband was sick, and she didn't know what to do, and that
334 when they said Bed and Breakfast, it did not click as to what they were talking about.

335

336 **Mr. Jones, Board Member** asked if she thought they could have been a hunter from another
337 property.

338

339 **Mrs. Robinette** stated that they would not have been there without permission and not on her
340 property. She further explained that the land across was for sale, the land beside them has
341 horses, and they said that they were staying at the Bed and Breakfast across the street.

342

343 **Mr. Paul Price, 856 Hedges Road, Xenia, Ohio** at the podium stated under oath that he has
344 been living there for 10 years, that he loves the area and the peace and quiet, his neighbors.

345 He said that he would hate to see a business on Hedges Road. Mr. Price asked what the hearing
346 was about, to start a business after it was okayed or to already have a business running for the
347 past year.

348

349 **Mr. Stock, Zoning Inspector**, stated that in the Agricultural District, Bed and Breakfast is
350 allowable through the Board of Zoning Appeals. He went on to state that the ask for Bed and
351 Breakfast is the reason for the hearing. The Bed and Breakfast was noticed by a passerby that
352 saw the sign and called to notify Xenia Township that there was a Bed and Breakfast operating
353 on Hedges Road. After researching for a Conditional Use variance for the property, and not
354 locating one, the homeowner was contacted and within a week, he had his application in.

355

356 **Mr. Price** stated that the Bed and Breakfast has been operating since August of 2019 and that
357 he did not know anything about the Bed and Breakfast until the sign went up. He stated that
358 he has seen an increase of people with backpacks up and down the road and that sometimes he
359 would see them going onto other properties. He stated that he has had to call the police. Mr.
360 Price stated that he spoke with Brad Phillips, owner of 1115 US 42 located directly behind 800
361 Hedges Road, and that Mr. Phillips stated that he has no connection with Mr. Adamson and has
362 never spoken with Mr. Adamson. Mr. Price stated that there was not motorcycle trails through
363 the woods before Mr. Adamson moved there. Mr. Price stated that he has hunted the woods
364 and know the woods. He went on to state that since Mr. Adamson moved there, he has gone
365 into the woods and cut trails, Mr. Adamson says that he has four miles of trails through the
366 woods, the woods do not belong to Mr. Adamson, they belong to Mr. Phillips. Mr. Price stated
367 that he did not know what was going on until he saw the sign for the Bed and Breakfast in July.
368 He stated that he had noticed the tents and paths but did not know why they were there. Mr.
369 Price also said that on July 10,2020, there was fireworks coming from 800 Hedges Road until
370 10:00 PM, when he called Xenia Police. Mr. Price said that he would hate to see a Bed and
371 Breakfast, that he does not want a bunch of people around that are not known. He stated that
372 some of the neighbors are scared when they see strangers on the road. Mr. Price stated that
373 no one wants the Bed and Breakfast.

374

375 **Mr. Jones, Board Member** asked had he not placed the sign would he had known about the
376 Bed and Breakfast.

377

378 **Mr. Price** said he would not have known.

379 **Mr. Jones, Board Member** asked if the people walking around the properties and up and down
380 the street had been a problem before the sign went up.

381

382 **Mr. Price** stated that they had noticed without the sign. He said that he had found trails and
383 that on Mr. Adamson's website he states he has four miles of trails, but the trails are not on his
384 property.

385

386 **Ed Quinlan, 934 Hedges Road, Xenia Ohio**, went to the podium and was administered the oath
387 as he was not present earlier, stated that someone that has helped start two other Bed and
388 Breakfast should know that a Zoning Permit is needed. He went on to say that using someone
389 else's property for personal gain is not only trespass, but also theft. Mr. Quinlan stated that
390 two ladies had walked out of the woods and was at his horses. He asked what would have
391 happened had the horses kicked or bit them, who is liable? He stated that the State of Ohio
392 would give him some relief, but that people would sue for anything. He stated that this is
393 encroachment of his physical property and way of life. He stated that the fireworks upset his
394 dogs, horses and sleeping children. He stated that Mr. Adamson had total disregard for his
395 neighbors. He also said that Mr. Adamson has two plus/minus acres, and that you cannot have
396 four miles of trails on two acres. Mr. Quinlan stated that the area was Zoned Agricultural for a
397 reason and that is what the owners bought and what they want. He stated that they were
398 there first and their wants and standard of living should be considered first, not someone trying
399 to make money. He also stated that he has no problem making money or using their property
400 as they want, so long as it does not encroach on his way of life or standard of living.

401

402 **Mr. Alogla** returned to the podium, under oath asked if Bed and Breakfast could be defined as a
403 board.

404

405 **Ms. James, Board Member** read the definition of Bed and Breakfast from page 2 of Exhibit 2:
406 Accommodations in a private home which offers a room and breakfast for one inclusive price
407 for an overnight stay to travelers.

408

409 **Mr. Alogla** stated that in this case, they were talking about "Glamping" that not only was a Bed
410 and Breakfast being offered. He stated that this was more of a campsite, recreation area.

411 **Mr. Stock, Zoning Inspector**, stated that Bed and Breakfast and Air Bed and Breakfast fall under
412 the same category, just one offers breakfast.

413

414 **Mr. Alogla** stated that he does not discount the breakfast part, he feels that there should be a
415 separation in the campsites and the Bed and Breakfast.

416

417 **Mr. Stock, Zoning Inspector**, stated that a hotel is considered five or more sleeping areas
418 regardless of number of buildings. Anything under five sleeping areas would be Bed and
419 Breakfast according to the ORC (Ohio Revised Code) for Camping and Hotel. He further
420 explained that if a huge tent could sleep five and five different people could pay, that would be
421 considered five places not just one.

422

423 **Mr. Quinlan**, at the podium and under oath stated that on the website, there is a list of other
424 amenities, such as sail boating, biking, on site mountain biking, on site trails. He said that is
425 recreation, not lodging. He stated that Mr. Adamson should need more permits for offering
426 other activities. Mr. Quinlan asked that the matter be tabled until more information is
427 gathered.

428

429 **Mr. Stock, Zoning Inspector**, replied that asking to table this matter because of amenities
430 would be up to the board but is irrelevant to the matter. He further said that Mr. Adamson
431 could say that there was a two-star restaurant within three miles, that would be advertising
432 other amenities and does not negate lodging, he is simply giving information.

433

434 **Mr. Quinlan** stated that he was talking about what is advertised on site, boating, sailing they
435 would have to be taken off site, and the bike trails and hiking are part of the property, not
436 lodging. Mr. Quinlan compared it to a State Park.

437

438 **Ms. James, Board Member** stated that she would like to see the actual language before
439 considering tabling the matter.

440

441 **Mr. Jacobson, Board Chair** stated that the board is there for the Conditional Use of a Bed and
442 Breakfast not for the activities.

443 **Mrs. Robinette**, under oath, asked if Mr. Adamson should have special permits not only from
444 the Board, but also vender license and special insurance. She went on to ask if there wasn't
445 more involved than just letting someone stay at your house. She stated that a Xenia City Police
446 officer had lived on the property for 15 years and that a retired Deputy had also lived there.
447 She stated that she had been there 25 years and her husband for 50 years and that the
448 property had always been well maintained and not a party house. Mrs. Robinette referring to
449 Mr. Jones's comment regarding that they are only complaining now because the sign went up.
450 She stated that Mr. Adamson had tried to keep the Bed and Breakfast quiet, but she had seen
451 the activity and thought that he has a lot of friends and family. She stated that she has had to
452 call the Sheriff because she saw someone walking down the road. She further stated that they
453 all know each other on that road and that they do not bother each other and that they do not
454 want a business. That Mr. Adamson should pay his taxes, have insurance and licenses and be
455 legal.

456

457 **Mr. Jacobson, Board Chair** stated that regardless of the Conditional Use, Mr. Adamson is still
458 subject all laws, fire codes, building codes, health and safety, taxing, that the Board has no
459 control over that.

460

461 **Mr. Adamson**, at the podium and under oath, stated that the people on the street could be the
462 homeless living on the bike path, and that the people with back packs are not coming from his
463 property. He further stated that the people staying at his house were there to enjoy the space
464 and not to steal or break into cars. He stated that he has equipment in his barn that can be
465 stolen, why would someone go down the street to steal.

466

467 **Mr. Price**, speaking from audience, stated that he has seen people coming from 800 Hedges
468 and going back into the woods.

469

470 **Mr. Adamson** stated that there had been people hiking in the woods and as of now, that was
471 shut down. He also apologized that someone was lost and ended up behind Mr. Price's home.

472

473 **Mr. Jacobson, Board Chair** called for order and to allow Mr. Adamson to continue to speak.

474

475 **Mr. Adamson** stated that the Bed and Breakfast has been open since June 2019 and that no
476 one knew about it until the sign went up so that shows it has been running correctly. He stated

477 that the fireworks were a one-time thing and he apologizes that it upset horses and families.
478 He said that the trails would be no longer after today and that he truly believes that the people
479 with back packs are not coming from 800 Hedges Road.

480

481 **Mr. Jacobson, Board Chair** asked how far away the bike path was.

482

483 **Mr. Adamson** answered .2 mile and that he gets a lot of business from people doing the Ohio
484 to Erie trail.

485

486 **Mr. Jacobson, Board Chair** asked if people could get to the bike path from 800 Hedges.

487

488 **Mr. Adamson** answered that you cannot get to the bike path without going onto Hedges Road.
489 He further stated that in the Agricultural District, Bed and Breakfast was essentially approved,
490 and he came into this thinking that he would have to be disapproved based on that. He went
491 on to say that everything has been talked about except the Conditional Use of a Bed and
492 Breakfast.

493

494 **Ms. James, Board Member** referred to a letter sent to Mr. Adamson from Mr. Stock, Zoning
495 Inspector, on July 16, 2020 regarding Mr. Adamson needing to request a Conditional Use
496 Variance. Ms. James, Board Member stated that Mr. Adamson moved to the property in
497 December 2018, started the Bed and Breakfast June 2019, and received the letter July 2020.
498 She read his response "so sorry. I had this prepared in February but when COVID hit, I assumed
499 you shut down". She went on to stated that Mr. Adamson prepared the letter eight months
500 after opening and excused it by COVID shutting down the Township office, she asked if Mr.
501 Adamson had called the office or just assumed it was closed.

502

503 **Mr. Adamson** stated that he had spoken with Mrs. Krause, Administration Assistant, a couple
504 times about Hospitality taxes and that she brought up the issue. He further stated that with in
505 the State of Ohio, you can have five or less room Bed and Breakfast with little to no regulations.

506

507 **Ms. James, Board Member** asked Mr. Adamson if he needed a permit.

508 **Mr. Adamson** asked for when.

509

510 **Ms. James, Board Member** answered when you opened.

511

512 **Mr. Adamson** answered that he did not know that he did.

513

514 **Ms. James, Board Member** stated that Mr. Adamson had the application ready in February,
515 opened in June, but assumed the office was closed. She further stated that Mr. Adamson was a
516 businessman and had written two business plans and would assume that he understands this
517 stuff. She further asked if Mr. Adamson had called the office to say he had a Bed and Breakfast
518 and needed to apply for his variance.

519

520 **Mr. Adamson** stated that he did not call.

521

522 **Mr. Jones, Board Member** asked what made Mr. Adamson realize he needed the Variance in
523 February.

524

525 **Mr. Adamson** stated that he realized after talking with Mrs. Krause, Administration Assistant.

526

527 **Mr. Jones, Board Member** asked if that was after someone said something to the township.

528

529 **Mr. Adamson** stated that his CPA asked about a Hospitality Tax and he called the Township for
530 clarification. That Mrs. Krause, Administration Assistant, asked if Mr. Adamson was compliant
531 in zoning, and she told him what was needed to be done. Mr. Adamson stated he had the
532 application notarized and then COVID hit and he was under the assumption that Government
533 offices were closed.

534

535 **Ms. James, Board Member** stated to Mr. Adamson that he started the presentation by saying
536 he has written two business plans. She stated that is a clue the Mr. Adamson understands
537 business. She further stated that it seems that Mr. Adamson picks and chooses the rules he
538 wants to follow and has excuses as to why he does not follow rules he does not like. She

539 reemphasis the paths cut through other properties, not applying for Variance and not talking to
540 neighbors to get permission to go onto their property.

541

542 **Mr. Adamson** stated that he did not have direct neighbors, next door or behind his property.

543

544 **Ms. James, Board Member** asked if Mr. Adamson could have done research to find the
545 property owners.

546 **Mr. Adamson** stated that he thought the property was owned by Phillips Sand and Gravel.

547

548 **Ms. James, Board Member** asked if he had spoken with Phillips Sand and Gravel.

549

550 **Mr. Adamson** answered no, he did not.

551

552 **Ms. James, Board Member** asked that Mr. Adamson assumed it was ok to just go onto other
553 properties.

554

555 **Mr. Adamson** stated that growing up on a farm, he always went on other properties.

556

557 **Ms. James, Board Member** stated that she knows farmers that really do not like people on
558 their property. She further stated that she lives near the bike path and does not like when
559 people assume that they can come through her yard, does not like when people assume things
560 about her property, life or what the laws are.

561

562 **Mr. Jacobson, Board Chair** stated that all opposition had been heard, and that there was not
563 any in favor, had heard from the petitioner and his responses. He asked if there was any other
564 discussion from the Board members before there was a motion made.

565

566 **Mr. Jones, Board Member** asked Mr. Stock, Zoning Inspector, if they grant the Conditional Use,
567 are conditions anything that the Board puts on it.

568 **Mr. Stock, Zoning Inspector**, replied that reasonable conditions could be put on the Conditional
569 Use. He stated a for instance that you cannot put on there that the homeowner guarantees no
570 one would trespass on other properties, but it could be stated that the homeowner would
571 make every reasonable attempt to provide literature, place signage stating, end of property,
572 and trespassing beyond this point. He stated that reasonable limitations may be places:
573 potential noise, potential smells, potential vibrations, hours of operation, making sure he is
574 compliant with local building, electrical codes, health department, wastewater, can also call for
575 monthly inspections for the first year.

576

577 **Mr. Jacobson, Board Chair** called for a motion.

578

579 **Mr. Jones, Board Member**, stated that he has a problem making a motion because Mr.
580 Adamson lives on the property, but it is not regulated. He also stated that he understands the
581 neighbors are upset, but what Mr. Adamson is doing on his property, anyone could be doing
582 also. He stated not the Bed and Breakfast but the hunting, fireworks, guns, having as many
583 people over as wanted if it is not called a Bed and Breakfast. Mr. Jones, Board Member, stated
584 that his problem giving the Conditional Use was because Mr. Adamson had guests coming in
585 and out without the neighbors knowing and not knowing he was charging them and not
586 advertising, he could continue to do this and nothing could be done. He stated that the police,
587 sheriff, wildlife could be called but that would just be neighbors complaining about a neighbor.
588 Mr. Jones, Board Member, stated that he feels Mr. Adamson tried to do the right thing, just
589 came at it a little backwards and is now trying to do it the right way. Mr. Jones, Board Member,
590 stated that he cannot say YEA or NAY so is not able to make a motion.

591

592 **Mr. Jacobson, Board Chair** called for a motion.

593

594 **Ms. James, Board Member** stated that she could not make a motion either.

595

596 **Mr. Jones, Board Member**, asked Mr. Stock, Zoning Inspector, what the next step would be if
597 the Conditional Use was not granted.

598

599 **Mr. Stock, Zoning Inspector**, replied that people who come before the Board for a public
600 hearing deserve a vote, either YEA or NAY. Mr. Stock, Zoning Inspector, said that he believes
601 everyone member on the Board of Zoning Appeals are a part of the Board to make decisions to

602 the best of their abilities and conscious. Mr. Stock, Zoning Inspector, stated that he is not
603 saying what way to vote, but someone should make a motion, so everyone is able to vote. He
604 further stated that if no judgement is made, that the injured party would be denied an appeal,
605 that it is important to decide so the injured party may go to Common Plea Court to file an
606 appeal.

607

608 **Ms. James, Board Member** asked when Conditions must be outlined if approving with
609 conditions.

610 **Mr. Stock, Zoning Inspector**, replied that if the Board wanted to add conditions, but not
611 prepared to do that now, they can call for a continuance to deliberate. He also stated that the
612 matter must be closed within 30 days.

613

614 **Mr. Jacobson, Board Chair** stated that as a possible option to adding a laundry list of
615 conditions, the Board could possibly vote NAY and the petitioner could redevelop his business
616 plan to address the issues that have arose.

617

618 **Mr. Jacobson, Board Chair** referring to the Duncan Criteria, stated that one of the questions on
619 the Duncan Standards is "will granting a conditional use adversely affect the neighborhood."
620 Mr. Jacobson, Board Chair stated that there were four voting members present, so a motion
621 could be called and then a vote taken.

622

623 **Ms. James, Board Member** stated that one of the options is to vote NAY and the petitioner
624 could file an appeal with Common Plea Court. She stated that they have three options, YEA,
625 NAY, or YEA with conditions.

626

627 **Mr. Jacobson, Board Chair** asked if the appeal was disapproved is the petitioners only option to
628 file with Common Plea court, or could he refile with a redefined business plan.

629

630 **Mr. Stock, Zoning Inspector**, responded that if Mr. Adamson was denied, his only recourse
631 would be to file with Common Plea Court.

632 **Mr. Jones, Board Member**, asked if that was is only recourse with a NAY vote.

633

634 **Mr. Stock, Zoning Inspector**, replied that he would have to do research, with the Zoning
635 Commission, an applicant may reapply in 365 days, but he does not know about the Board of
636 Zoning Appeals.

637

638 **Mr. Jacobson, Board Chair** asked Mr. Cope, Board Member if he had any comments.

639 **Mr. Cope, Board Member** stated that taking into the neighbors' concerns and complaints, that
640 it mostly sound civil or criminal and not necessarily something the Board has control over. Mr.
641 Cope, Board Member gave the example of having guests stay at the Bed and Breakfast but not
642 charging them, having them as friends and family, that would be perfectly legal with regards to
643 use of his property. Mr. Cope, Board Member stated that the neighbors only recourse would
644 be a civil or criminal pursuit with law enforcement. He stated that Mr. Adamson has been
645 running the Bed and Breakfast over a year before the neighbors truly noticed that a business
646 was operating. He further stated that neighbors seeing an increase of pedestrians on the
647 roadway, unless they were doing something wrong, there was no recourse to prevent someone
648 from walking on the road. The neighbors seeing people on private property is a civil or criminal
649 matter. Mr. Cope, Board Member said to Mr. Chairman that he would put a motion on the
650 floor that the Board approve the Conditional Use for the Bed and Breakfast, for the purpose of
651 having a vote and bringing this to a conclusion. Mr. Cope, Board Member further stated that
652 regardless of the vote, this matter will probably make its way to Common Pleas Court.

653

654 MOTION TO APPROVE CONDITIONAL USE FOR BED AND BREAKFAST AT 800 HEDGES ROAD
655 was made by Mr. Cope, Board Member and was seconded by Mr. Jones.

656

657 Mr. Jones, Board Member – NAY
658 Mr. Cope, Board Member – NAY
659 Ms. James, Board Member – NAY
660 Mr. Jacobson, Board Chair– NAY

661 CONDITIONAL USE FOR BED AND BREAKFAST DENIED

662 Motion to adjourn made by Ms. James, Board Member, seconded by Mr. Jones, Board Member

663

664 There being no further business, the Board adjourned.

665 Meeting Adjourned 8:47 P.M.

666

667


668 ATTEST:

669

670

671

672



Alan D. Stock, Zoning Inspector

