

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

November 17, 2021

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.

Ed Jacobson, Chairman, called the meeting to order at 6:41 p.m. and welcomed the people in attendance. He asked for roll call for attendance of the members.

Board of Zoning Appeals members present: Ed Jacobson, Chair; Nathan Anthony, Darren Jones, Janis James and Brian Secor. Also present was Alan Stock, Xenia Township Zoning Inspector, Steve Haller and Ashley Caldwell Greene County Prosecutor's Office, legal counsel for the Township.

Mr. Jacobson went over the rules of the meeting; all cell phones must be turned off, everyone must sign in. The application will be read by Alan Stock, Zoning Inspector/Clerk, because the Board of Zoning Appeals decisions are quasi-judicial, 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. Jacobson administered the oath to the audience.

Mr. Jacobson 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. Jacobson 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. Jacobson asked Mr. Stock to present the proposal. Mr. Stock reviewed all the documents and Exhibits A-I.

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 Findings
Exhibit D: Agenda
Exhibit E: Definitions
Exhibit F: Survey Record
Exhibit G: Deed
Exhibit H: Public Comment
Exhibit I: Harner Property Line

**Joseph Bates, 2113 US 68 – Conditional Use Bed and Breakfast Parcel # M36000100130000200
and M36000100130000300**

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, Mr. Bates withdrew the request on Parcel # M36000100130000300. Mr. Bates stated that he has made a huge improvement on the property, that he has removed eight (8) tons of trash, debris and hazardous materials from the property since obtaining it. Mr. Bates stated that the house is only 800 square feet with only two (2) bedrooms and one (1) bath, so the maximum number of people staying at one time would only be four (4) people. He stated that he would be using a service to screen applicants that wish to stay at the Bed and Breakfast. Mr. Bates stated that there would only be private access for the guests to the river and not a public access. He further stated that he felt that the Bed and Breakfast would add to the tourism in Xenia Township and Greene County.

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

Mr. Jones, BZA, asked why he would not just rent the property.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, answered that he felt that he would make more revenue by having a Bed and Breakfast. He stated that the tenets would be staying for three (3) nights each stay. He further stated that he had been a landlord in the past and that he feels that he would be able to better screen tenets for the Bed and Breakfast and that he would also have their credit card for any damages caused by their stay.

Mr. Jones, BZA, asked what the intentions were for river access.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that there would only be access to the river for tenets.

Mr. Jones, BZA, stated that he was referring to the river bank access.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that he would not be doing anything to the river bank, that he has added some stones to the bank, but he would not be doing anything else to it.

Mr. Jacobson, BZA, asked **Mr. Stock, Zoning Inspector,** to read Exhibit H, an email from the Little Miami Conservancy asking that there be a formal agreement with Ohio Department of Natural Resources regarding Mr. Bates restoring the river bank and the type of access allowed to the Little Miami River.

Mr. Jacobson, BZA, stated that the Board of Zoning Appeals and Zoning would not require everyone on the river to do this, so Mr. Bates should not be an exception.

Mr. Stock, Zoning Inspector stated that he was not aware of Mr. Bates plans for river access, but if it was a public access, ADA requirements would need to be met also.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that the access to the river would only be a private access to the tenets of the Bed and Breakfast. He further stated that he would have kayaks available, but only for the tenets.

Ms. James, BZA, stated that the bank is very steep and she asked how the tenets would get into the river.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that there is a gradual slope on the bank to gain access to the river.

Mr. Jones, BZA, asked Mr. Stock, Zoning Inspector if the state would allow modifications to the river bank.

Mr. Stock, Zoning Inspector stated that the state would not allow modifications to the river bank.

Steve Haller, Greene County Assistant Prosecutor, stated that it did not sound as if Mr. Bates was planning to do anything differently to the river bank or access to the river.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that people have river access at many places along it.

Mr. Jacobson, BZA, stated that it was not appropriate for the Board of Zoning Appeals to impose restrictions on Mr. Bates that are not imposed on every other property owner along the river.

Mr. Anthony, BZA, asked if there would be a limit on the number of cars and people at the property.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that the limit of people would be four (4), so there could possibly be four (4) cars also. He further stated that he has not written out the particulars of the rules yet.

Mr. Anthony, BZA, stated that parking could be enormous and asked if the limit of cars would be four (4).

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that the limit of cars would be four (4).

Mr. Jacobson, BZA, asked how Mr. Bates would be able to limit the number of people on the property at one time.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that he would monitor the people that go into the home very closely.

Mr. Anthony, BZA, asked if Mr. Bates would also allow campers.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that he would not allow campers. He also stated that he, himself owns a camper and may camp occasionally there, but he has no intent for camping or having a campground.

Mr. Jacobson, BZA, stated that he had visited the property and asked what the gravel and concrete squares were in the back of the property.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that he had placed two (2) hydrants back there.

Mr. Secor, BZA, asked if breakfast would also be served.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that he would not be serving breakfast.

Mr. Jacobson, BZA, asked for any comment in favor of the request.

John Ellis, 55 Clifton Road, Xenia, Ohio, Under Oath, stated that he has lived in the area for 81 years and that the property has been an eyesore for a number of years. He further stated that he feels the Bed and Breakfast would be beneficial to the community.

Mr. Jacobson, BZA, asked for any comments in opposition of the request.

Samalene Brannen, 2129 US 68, Xenia, Ohio, Under Oath, stated that she has a one-year-old granddaughter that will be at her home a lot and that she has reservations of a revolving door of people next door to her. She went on to say that this sounded ok, until she was told that

there could be up to 500 people on the property for parties. She stated that the two properties combined is around ½ acre and she asked how all the people would fit on the property, she further asked how four (4) people would fit on the property. She went on to state that Mr. Bates has done an amazing job cleaning up the property. She stated that she has had people come off the street to gain access to the river through her property. She went on to say that we no longer live in the 70's and most people do not have respect for other people's properties. She also stated that she is worried that the tenants would not know where the property lines are located. She brought into evidence Exhibit I showing that there are not many feet between her barn and Mr. Bates property. She went on to say that she has reservations because people would be around her property and she would not have any privacy. She went on to state that she had been told by Mr. Bates that he was going to just flip the house, then he said he wanted a Bed and Breakfast and a campground. Ms. Brannen stated that Mr. Bates could screen the tenants, but he would not be able to protect her and her family from strangers.

Mr. Jacobson, BZA, asked Mr. Bates how he would control the number of people that would be on the property.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that this would be his first time having a Bed and Breakfast, and that he had bigger visions in the beginning. He stated that while talking with other people that run Bed and Breakfasts, that he needs to pare down his visions to control the amount of people on the property because he does not want people destroying his investment. Mr. Bates went on to state that he would put into the rules that tenants are to only be on his property. He further stated that he would be willing to put up landscape or a fence to separate the properties.

Mr. Jacobson, BZA, stated that he was concerned that a tenant would have a party and without definite boundaries, someone could wander into the neighbor's yard.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, said that he understands the concern and will add boundaries to the rules of the Bed and Breakfast.

Samalene Brannen, 2129 US 68, Xenia, Ohio, Under Oath, asked if there would be monitoring of the property or someone always staying on the property.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that there would be security cameras installed on the outside of the property.

Samalene Brannen, 2129 US 68, Xenia, Ohio, Under Oath, asked that Mr. Bates would be able to watch who comes and goes on the property.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated yes, he would be able to watch who comes and goes on the property at all times.

Mr. Jacobson, BZA, stated that there should be a limit of people allowed on the property at one time in the rules.

Mr. Jones, BZA, asked if Mr. Bates owned the garage that is located between the house and the neighbor's property.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, state that he does own the garage.

Mr. Jacobson, BZA, asked if Mr. Bates if he had intentions for camping or a campground.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that he did have intentions for camping in the beginning, but that is not his intentions now.

Mr. Secor, BZA, stated that he read Section 515, Screening in the Zoning Resolution and wanted to know if this would be considered a Non-Residential Structure once it became a Bed and Breakfast.

Mr. Stock, Zoning Inspector, stated that Screening is used as a buffer between different Uses, and that a Bed and Breakfast is a Residential Use, and not a Commercial Use, so screening would not apply unless it became a condition from the Board of Zoning Appeals.

Mr. Secor, BZA, asked if a condition for screening could be applied to the second property since it was withdrawn from the application.

Steve Haller, Greene County Assistant Prosecutor, stated that he did not think that a condition could be applied to the second parcel, only the parcel asking for the Bed and Breakfast.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that he has already placed screening on the other side of his property and that he could also place some between he and his neighbor.

Mr. Jones, BZA, asked why Mr. Bates has not had the properties resurveyed and combined into one property.

Joseph Bates, 1920 Wilberforce-Clifton, Xenia, Ohio, Applicant, Under Oath, stated that down the road he would like to turn the garage into living space for the person that will be managing the Bed and Breakfast to live in.

Mr. Jacobson, BZA, closed the hearing for comments.

Mr. Jacobson, BZA, called for a motion.

Motion to approve the Conditional Use for a Bed and Breakfast was made by Ms. James and seconded by Mr. Anthony.

Mr. Jacobson, BZA, called for a vote

Mr. Anthony	AYE
Ms. James	AYE
Mr. Jones	AYE
Mr. Secor	AYE
Mr. Jacobson	AYE

Conditional Use for Bed and Breakfast GRANTED.

There being no further business, the Board adjourned.
Meeting Adjourned 7:25 P.M.

ATTEST:

Alan D. Stock, Zoning Inspector