

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

April 22, 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 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

**Robert Owsley, Owner 271 Winding Trail, Parcel# M36000200263008900 –
Variance In The (R) Residential District Of Section 504.3 Accessory Structure In
The Interior Yard**

Robert Owsley, Owner 271 Winding Trail, Under Oath, stated that he has lived in the house since 1989 and is looking to be granted a Variance for placing a shed at 7 feet off the property line instead of the required 10 feet. Mr. Owsley stated that the current shed is 20 years old and is falling apart. He went on to say that when he placed the current shed, he was told that since it was plastic, it was considered temporary and did not need a Zoning Certificate. Mr. Owsley stated that he has spoken to neighbors to see if they had questions about the BZA request, and that one neighbor stated that they didn't even know that there was an existing shed. Mr. Owsley went on to say that he began looking for a new plastic shed and was informed by the Township that he would need a Zoning Certificate so he decided to upgrade. He went on to say that there would be yard and pool equipment stored in the shed as he only has a one (1) car garage that does not have any extra storage. Mr. Owsley stated that to place the shed at the required 10 feet, he would need to move the shed to the other side of the yard and that would require a retaining wall with excavation that would cost an additional 14 to 15 hundred dollars. He also stated that placing the shed in the

other corner would hinder the ability of grandkids playing in the yard. Mr. Owsley then stated that he has reached out to neighbors and to people on the Facebook page for Amlin Heights and there has been no issues with the requested shed placement. Mr. Owsley concluded by saying the shed will not decrease the property values in the neighborhood and that he plans to stay in this home forever, unless the City annexes it.

Ms. Kolbe, BZA, asked to have pictures of the property placed on the screen. She then asked Mr. Owsley to point out the obstacles on his property preventing the placement of 10 feet.

Robert Owsley, Owner 271 Winding Trail, Under Oath, obliged, he also stated that placing the shed in the opposite corner would make it visible from the road.

Ms. Kolbe, BZA, asked Mr. Owsley if he had spoken to the neighbor behind him about the shed placement.

Robert Owsley, Owner 271 Winding Trail, Under Oath, stated that he has spoken to his rear neighbor and that he did not have an issue with it.

Mr. Jones, BZA, asked the size of the current shed.

Robert Owsley, Owner 271 Winding Trail, Under Oath, stated that the current shed is 6x11.

Mr. Jones, BZA, asked what the base for the current shed is.

Robert Owsley, Owner 271 Winding Trail, Under Oath, stated that the current shed is on the ground and that the new one would be on gravel.

Mr. Jones, BZA, asked what distance is from the current shed to the pool.

Mr. Stock, Zoning Inspector, stated that the distance is roughly 5.6 feet.

Mr. Jones, BZA, asked what distance is from the existing shed to the fence.

Robert Owsley, Owner 271 Winding Trail, Under Oath, stated that the distance is roughly 5 feet.

Mr. Jones, BZA, stated that he had stopped at the Owsley's home to see the existing shed and that it is not visible from the road.

Mr. Ferguson, BZA, asked if the new shed would be built on site.

Robert Owsley, Owner 271 Winding Trail, Under Oath, stated that he was hoping that the shed could be built off site as it would cost less that way. He went on to say that he has a bush that will need to be cut back for the placement of the new shed.

Mr. Anthony, BZA, Chair, opened Public Comments at 6:24 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 6:21 PM.

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

Mr. Anthony, BZA, Vice Chair, stated that the existing shed is placed at 5 feet from the property line and that the new one would be 7 feet, and that this is not a substantial request.

Mr. Jones, BZA, stated that it makes sense to place the new shed where the existing one is.

Ms. Kolbe, BZA, stated that the proposed location for the new shed is the best place for it to be.

Mr. Anthony, BZA, Vice Chair, stated that he drove by the property and that you are not able to see the existing shed from the road so it is not an eye sore. He went on to say that the new shed will be slightly larger, and will be a little further away from the property line than the existing, but that it is still not the required 10 feet.

Mr. Jones, BZA, stated that it would be an improvement.

Ms. Kolbe, BZA, stated that if the new shed were to be placed to meet Zoning standards, there would be more work and money involved and that it would look worse.

Mr. Anthony, BZA, Vice Chair, stated that it would also limit the use of the property.

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

Motion to grant the variance to allow the setback of 7 feet on the rear property line 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 (R) Residential District located at 271 Winding Trail, Parcel # M36000200263008900
GRANTED

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

Meeting Adjourned 6:27P.M.

ATTEST:

Alan D. Stock, Zoning Inspector