

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

July 28, 2014

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.

Board of Zoning Appeals members present: Ed Jacobson, Charles Bingamon, Joe Mullikin and Ken Penewit. Also present was Alan Stock, Xenia Township Zoning Inspector/Clerk.

Ed Jacobson, Chairman, called the meeting to order at 7:00 p.m. He presided at the Hearing and welcomed the people in attendance. He 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 BZA decisions are quasi-judicial, all testimony has to be sworn. Everyone must come to the podium, state your name and address and that you are under oath. Only facts are to be given, not opinions or emotions. Minutes are being taken manually and electronically. Direct questions to the Board only. We will follow Roberts Rules of Order for procedure. Chair reserves the right to limit public input. The BZA may deliberate in private, and announce decision at a later date. BZA may approve in whole or in part, reject in whole or in part, or reschedule to another date. Applicant may also withdraw. The decision will become effective five days after date of decision. A decision by this Board is a final order. Under ORC 2506.04, aggrieved individuals may appeal the decision to Common Pleas Court. The audience joined the Board in the Pledge of Allegiance. Mr. Jacobson swore in the audience. He asked that everyone in the audience who wished to participate, to raise their hand and swear to tell the whole truth and nothing but the truth so help you God. Mr. Jacobson asked Alan Stock, Zoning Inspector/Clerk, if the applications are lawful to be heard by the Board and if the notice had been published in the newspaper and notices mailed to all property owners within 500' of the property. Alan said this had been done and a sign was placed on the Fleming property. Members of the Board of Zoning Appeals introduced themselves.

Mr. Jacobson asked the Board members if they had read and considered the application and if they intended to participate in the hearing. The Board members indicated they intended to participate.

Thomas and Lisa Kurtz, 1232 Nash Road, Xenia, Ohio 45385 – Request for Area Variance to road frontage for 5 acres.

Alan Stock read the application from Thomas Kurtz, 1232 Nash Rd, Parcel ID #M36000200410005400, Xenia Township, Greene County, OH. This property is located on the east side of Nash Rd. The applicant has asked to split one 23 acre parcel of land into two, as presented he was turned down because it didn't meet the minimum zoning requirements. At which point he asked to have a Board of Zoning Appeals hearing so that he may make the request to the board. Mr. Kurtz would like a variance because he "wishes to preserve as much farmland for the future and needs to have some frontage for the rest of the farm." He is asking to have a 23 acre farm split into two separate parcels. One parcel would meet the Township's requirement for the size/area of 5 acres but not on the road frontage. The other parcel of 18 acres

would be allowed under the ORC and it precludes any zoning because it is a piece of agricultural land over 10 acres, it would not be a buildable portion because of road frontage in the future however it is a legal by the ORC standard parcel. Mr. and Mrs. Kurtz are requesting a variance to road frontage for 5 acres. The request is for 255' instead of the required 300' road frontage. Ed gave Mr. Kurtz the opportunity to speak on his own behalf where he then presented a map of his farm and property. He said that, initially, he wanted to sell the house and the yard until speaking with Alan, when he then decided to expand the land out 5 acres. He wanted to preserve as much road frontage of the farm as he could to be able to get farm equipment in and out of the fields due to the road being narrow. He though it would be best to have applied for the variance of the 5 acres and the limited road frontage. Mr. Kurtz said that he would be left with about 98 acres if the variance was granted with the limited road frontage. Out of curiosity, Mr. XXX asked what was east of Mr. Kurtz's farm. He responded that there were two other large farms east of his. Mr. XXX said that there are a set of seven guidelines they are given to base a decision off of and he said that they all have them with Mr. Kurtz's responses. Mr. XXX said that the land would have to be surveyed if the board granted the variance. Mr. Kurtz responded that he has someone lined up to do this if the variance was granted. Mr. XXX asked if there were any responses from the letters that were sent out. Alan said that we had gotten eight calls from the sign that was placed on the property. He also said that one gentleman had stopped in was curious and worried that there was going to be a change of use for the land other than agricultural. Mr. Edenfield spoke up as one who saw the sign and was curious as to what the variance was for and if the usage was changing. Mr. XXX asked Alan if there were any other frontage variances going on in that neighborhood. Alan responded with the amount of frontage other neighbors have. Mr. XXX said that 3 out of 4 had more than 300' of road frontage. Mr. XXX asked if there were any questions from the board members. None were asked.

Mr. Mullikin made a motion to approve the request for a road frontage variance to Mr. and Mrs. Kurtz. Mr. Penewit seconded the motion. All voted aye. Road Frontage Variance was granted with unanimous vote.

Mr. made a motion to adjourn the Public Hearing. Mr. seconded.
Meeting adjourned at 7:27 p.m.

ATTTEST:

Alan D. Stock, Zoning Clerk