

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

June 26, 2024

**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, Janis James, Darren Jones, and Aidan Kolbe. Also present was Alan Stock, Xenia Township Zoning Inspector.

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 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. 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 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. 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.

**Mr. Stock presented that this is for a Conditional Use of Section 402.4.8 for a Short-Term Dwelling Unit, NOT a Conditional Use of Section 402.4.7 for a Bed and Breakfast as originally stated in the initial notices to the public.**

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

**Rita Teague, Owner, 709 Rising Hills Drive, Parcel # M36000200261006400 – Conditional Use of Section 402.4.8 for Short Term Dwelling Unit Rental**

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath,** stated that her parents had met in Wilberforce in 1950, returned to live in Wilberforce in 1968 and that her parents built their dream home in 1974. She went on to say that Wilberforce is important to her and her children's lives. She stated that her father passed in 2001 and mother in 2018 since then she has done her best to maintain the home and property while living in another state. Ms. Teague stated that she and her husband visit occasionally, but with recent illnesses, it has been less often. She stated that she has kept up with property taxes and made sure that the lawn was mowed and the snow was removed. She stated that maintaining the property has become difficult without additional income. Ms. Teague stated that she is requesting a short-term rental to gain income to do a better job maintaining the property. She went on to state that there will be a local manager that will maintain the property. She concluded by saying that she owes her parents and community to maintain the home and to ensure the neighborhoods integrity.

**Mr. Anthony, BZA, Chair,** asked for Board questions.

**Ms. James, BZA,** asked who would be managing the home.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath,** stated that it will be a company that advertises on Air B&B. She stated that she has a family member in Florida that uses the same company. She stated that a local manager will be the one that makes sure things are maintained in the home.

**Ms. James, BZA,** asked if there would be a limit to the number of vehicles allowed at one time.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath,** stated that there can only be two (2) vehicles because of the size of the driveway.

**Mr. Jones, BZA,** asked Mr. Stock what the difference was between B&B and Short-Term Rentals.

**Mr. Stock, Zoning Inspector,** stated that with a B&B, the person that owns or maintains the home lives in the home full time and is usually only renting 1-2 rooms in the home, where a Short-Term Rental no one lives in the home full time and the entire home is rented.

**Ms. Kolbe, BZA,** asked how many people could stay at one time.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath,** stated that the home sleeps eight (8), so there could be no more than eight (8) at one time.

**Ms. Kolbe, BZA,** asked how many bedrooms the home has.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath,** stated that the home has three (3) bedrooms and a loft with a fold out bed. She went on to say that the home has two and one-half (2 - 1/2) baths also.

**Mr. Anthony, BZA, Chair,** stated that the rentals could not be for longer than 30 days and asked if Ms. Teague was ok with that.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath,** stated that she was ok with that.

**Mr. Jones, BZA,** asked if she knew of any others in the neighborhood that was interested in doing rentals.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath,** stated that she did not know that answer. She went on to state that the local manager also manages properties in Fairborn and that they had talked about what that was like and how often the property was rented.

**Mr. Jones, BZA,** asked if she knew how often the property would be rented.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath,** stated that it would be dependent upon people's needs.

**Ms. Kolbe, BZA,** asked how often the local manager would be at the property and what the response time would be if there was a concern.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath,** stated that the local manager can be reached 24 hours a day. She went on to state that he would be there 1-2 days before a rental to make sure things are in order and he would also be there after a rental to make sure the home was left in order. Ms. Teague stated that she has no issues with members of the community having her contact information to be able to contact her with any concerns. She went on to state that she had done her best to make sure that property is always maintained, but is almost at her limit without income. She stated that she did not want to sell the house.

**Mr. Anthony, BZA, Chair**, stated the Board has the option to add conditions to the approval such as, safety vehicles ingress and egress, operating hours, lighting, quiet times etc. and asked if she would be ok with conditions.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath**, stated that she would be and that she did not want to do anything to disturb the homes or neighborhoods calm tranquility.

**Mr. Anthony, BZA, Chair**, stated that Ms. Teague answered that this will not affect the character of the neighborhood because the home will be better taken care of. Mr. Anthony said except there will now be strangers staying in the home that could cause personality scenarios.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath**, stated that she will maintain the lawn service that she has been using for 30 years and that they would also tell her if they saw something out of place. She went on to say that she already has cameras outside that she checks when she gets a notification and that there is a security system also.

**Mr. Anthony, BZA, Chair**, stated that the biggest challenge will be monitoring the cameras with whoever manages the property.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath**, stated that the company recommended the manager, and that she had interviewed a couple people before she found the best fit for the property.

**Ms. Kolbe, BZA**, asked if it had been considered to contact the colleges to let them know about the rental.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath**, stated that she had been in contact with Alumni Associates and that this would be her targeted renters.

**Ms. James, BZA**, asked if the manager would have access to the cameras.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath**, stated that he can have access.

**Mr. Stock, Zoning Inspector**, stated that starting about a year ago, all Conditional Uses will need to be reapplied for on a yearly basis to make sure everything is running as it should be run.

**Ms. Kolbe, BZA**, asked if there could be restrictions on lighting.

**Mr. Stock, Zoning Inspector**, stated that lights should only be luminating the property, not the neighboring properties or road.

**Ms. Kolbe, BZA,** asked if smoking or drugs would be allowed in the home or property.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath,** stated that smoking and drugs would not be allowed in the home or on the property.

**Ms. James, BZA,** asked if that would also include vaping.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath,** stated that vaping is also included.

**Mr. Anthony, BZA, Chair,** asked for clarification on the ability to place conditions for ingress and egress for vehicles.

**Mr. Stock, Zoning Inspector,** stated that there will need to be access to the home by first responders for emergencies, and that the Board could say that parking will only be in the driveway, not the road.

**Mr. Anthony, BZA, Chair,** opened Public Comments at 6:33 P.M.

**Mr. Anthony, BZA, Chair,** asked for clarifying comments.

**Denise Williams, 855 Kingman Court, Xenia, Ohio, Under Oath,** asked if parties would be allowed, parents having celebrations for their kids, BBQ's, have company over, and if so, what would be the parameters. Ms. Williams went on to ask if there would be a minimum age limit for renters and if parents would be allowed to rent for their children? She went on to ask what the ramifications would be for breaking the rules.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath,** stated that her Air B&B policy does not allow parties and that you have to be at least 25 to rent. She went on to say that the local manager will be the contact if the rules and policies were broken and that the renters could lose their privilege to rent other homes in the future.

**Ms. Kolbe, BZA,** asked if the neighbors would be able to contact the local managers if they see issues with the renters.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath,** stated that they can contact the manager and that she can give the neighbors her number also.

**Mr. Anthony, BZA, Chair,** asked for comments in Opposition.

**Michael Lemacks, 722 Rising Hills, Xenia, Ohio, Under Oath,** stated that he lives directly across the street so he would be the one calling the manager with concerns of parties. He went on to say that parents could rent the home for their kids and not actually be there too. He went on to say that he did not want to police the property. He then stated that he would not know if a

car was a renter or someone to scope out the property. Mr. Lemacks stated that he is against the Short-Term Rental.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath,** stated that there are cameras in the driveway so she will be able to see people pulling into the drive, and that vehicle details are on the contracts so she will know if they are legit renters. She went on to say that there are door bell cameras at each door, a camera in the driveway and a home alarm system. She went on to say that she may not be there, but she has videos and ADT.

**Joan Pierce, 834 Kingman Court, Xenia, Ohio, Under Oath,** stated that as stated before that this was Ms. Teague's parents dream home, it is also the dream homes of many of the others on the road. Ms. Pierce stated that she moved into her home because it was a quiet residential area where the neighbors know each other. She went on to state that some neighbors have passed away the past couple years and it was a loss to the neighborhood, but their homes were sold or rented long term. She went on to say that there are many people wanting to rent or own in the neighborhood. She stated that you can be emotionally attached to something, but sometimes reality is that it doesn't work anymore. Ms. Pierce stated that Ms. Teague's family does not appear to want to reside on the property at all. She went on to say that there are several open lots in the plat and that there could be a loss of more neighbors. She stated that she has lived in neighborhoods where homes were turned into businesses and pretty soon there isn't any a residential area anymore. She stated that she wants this neighborhood to continue as a family residential area. Ms. Pierce suggested renting the home full time and if that doesn't work out, maybe sell the house.

**Denise Williams, 855 Kingman Court, Xenia, Ohio, Under Oath,** stated that she is one of the last original inhabitants of the neighborhood and that the concept of the neighborhood was a quiet family residential area. She stated that she built a house across the street from where she grew up and that her brother has the childhood home. She stated that she did not want it to change, that it is hard enough to see people she grew up with pass away and is even harder to see the concept of the original people that started the neighborhood change. She stated that they would not want this to be anything other than a residential family area. Ms. Williams stated that it is hard enough to see the cookie cutter development across the street. That she is worried about the integrity of the neighborhood. The woods, the peace, the quiet is what drives people to the area and she wants it to stay that way.

**Dianah Lemacks, 722 Rising Hills, Xenia, Ohio, Under Oath,** stated that college kids are renting Air B&Bs as party houses and she has no doubt that this won't happen here too. She stated that she and her husband are the only ones with eyes on the property and it will become a burden for them to oversee. She stated that she moved into her home May 2019 and the house has only had occupants 14-15 days since she moved in. Ms. Lemacks stated that they keep the grass mowed, but there is a lot of trash that accumulates and she and her husband are left to pick it up because there is no one at the house or the house next to it. She further stated that there is no lighting on the property and that stuff could be going on that cameras don't see. She then said that there is going to be an increase of people knowing that there are

empty homes and could potentially increase the crime in the neighborhood. She went on to say that it is already difficult to turn onto US 42 and that the increase of traffic will make it harder.

**Craig Williams, 855 Kingman Court, Xenia, Ohio, Under Oath**, stated that things have changed and people have changed. He went on to say that it was hard for him to believe that eight (8) people can stay there, but they can only have two (2) cars. He went on to say that the guests could have visitors and it would cause confusion as to who is supposed to be there. He went on to say that there could be a party where a fight happens and someone gets shot. Mr. Williams stated that the street is narrow and its hard to believe that no one will park on the street. Mr. Williams stated that, while understanding that progress is always going to come, he is against it. He lastly stated that it is easy to make decisions when you don't have to live in the neighborhood.

**Mr. Anthony, BZA, Chair**, asked for comments in favor.

There were none.

**Mr. Jones, BZA**, asked if there was a way to let the neighbors know when the house is being rented.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath**, stated that if she had contact information, she would let them know the number of people and the number of days.

**Ms. James, BZA**, asked if the neighbors could have the managers number also.

**Rita Teague, Owner, 709 Rising Hills Drive, Xenia, Ohio, Under Oath**, stated that she would see if that is allowed, but will give her contact information.

**Mr. Anthony, BZA, Chair**, closed public comment at 7:00 PM.

**Mr. Anthony, BZA, Chair**, asked for Board discussion.

**Ms. James, BZA**, stated that she had been thinking of a past BZA where someone asked for a Variance for fence height in the front yard because the renters next door were not good neighbors. Ms. James asked what would happen if someone long term rents or buys the house that are not good neighbors, with short term renters, if you don't like them, they will be gone soon.

**Mr. Anthony, BZA, Chair**, stated that he stays in B&Bs often and that there is often a list of rules to follow. He stated that parameters could be placed on the home, but living in another state would make it difficult to keep track of and that the cameras will help. He went on to say that any scenario could have negative outcomes being renting long term, short term or selling.

**Ms. Kolbe, BZA**, stated that if approved, she would want conditions that the manager would have access to the cameras, provide contact information to the neighbors, and provide renter information to the neighbors. She went on to say that she hears the neighbor's resistance to change in the neighborhood. Ms. Kolbe stated that the charge of the BZA is if they have the authority to grant a request and will the request adversely affect the neighborhood. She stated that she could not see this effecting this neighborhood any more than it would affect any neighborhood and that any change to a neighborhood is an adverse effect. She then stated that this is a Permitted Conditional Use in the Residential District.

**Mr. Anthony, BZA, Chair**, stated that it will be hard to monitor any conditions put on this, and the spirit of the conditions would be communication. He went on to state that in one (1) year this will be reevaluated with the annual operating permit.

**Mr. Jones, BZA**, stated that this is a Permitted Conditional Use for this property, even if we don't put conditions on it.

**Mr. Stock, Zoning Inspector**, stated that the BZA has to approve all Conditional Uses and that conditions can be added to approval. He went on to state that a Conditional Use stays with the present owner only. He then stated that every year, this will be reevaluated and he will be asking about complaints, communication with neighbors, ask the neighbors how it is working out, number of renters, and will call the sheriff department to see if they had been called out.

**Mr. Jones, BZA**, asked if the neighbors will be notified when it is reevaluated.

**Mr. Stock, Zoning Inspector**, stated that they will not be and it will be an automatic renewal unless something is amiss. He also stated that there will not be another public hearing for the renewal.

**Ms. Kolbe, BZA**, stated that this is a Permitted Conditional Use for the residential district and does not change hoe the area is zoned.

Motion to grant the Conditional Use of Section 402.4.8 for Short Term Dwelling Unit Rental in the Residential District located at 709 Rising Hills Drive was made by Ms. Kolbe and seconded by Mr. Jones with the following conditions:

1. No external effects
2. Quiet hours from 11:00 P.M. to 7:00 A.M.
3. No illegal drugs, including marijuana
4. No smoking in home or on the property
5. No parties
6. Maximum occupancy is eight (8) people
7. Maximum of two (2) vehicles
8. Parking only in the driveway, no road parking



**Mr. Anthony, BZA, Chair**, called for a vote

Ms. James AYE

Mr. Jones AYE

Ms. Kolbe AYE

Mr. Anthony AYE

Conditional Use of Section 402.4.8 for Short Term Dwelling Unit Rental in the Residential District located at 709 Rising Hills Drive **GRANTED**

There being no further business, Ms. Kolbe motioned to adjourn, seconded by Mr. Jones.

Meeting Adjourned 7:26 P.M.

ATTEST:

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Alan D. Stock, Zoning Inspector