

XENIA TOWNSHIP BOARD OF ZONING APPEALS

October 30, 2012

THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE MEETING AND ARE NOT A WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.

Board of Appeals members present: Don Harner, Ken Penewit, Charles Bingamon and Ed Jacobson, Chair. As well as Stephanie Hayden of the Prosecutors Office; Trustee Jim Reed; see list

Ed Jacobson called the meeting to order at 7:11p.m. He presided at the Hearing and welcomed the people in attendance. He went over the rules of the meeting. All cell phones to be turned off. Everyone must sign in. The application will be read by the Zoning Administrator. 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, 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. Under ORC 2506.04, aggrieved individuals may appeal the decision to Common Pleas Court. The audience joined the Board in the Pledge of Allegiance. Jacobson swore in the audience. He asked that everyone in the audience who wishes to participate, to raise their hand and swear to tell the whole truth and nothing but the truth so help you God. Jacobson asked Carrie Smith, sub zoning secretary if the applications are lawful to be heard by the Board and if all advertisements and notices had been made, and she replied affirmative to both.

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

Greene Inc., Xenia, Ohio – Request for Variance:

Alan Stock read the application from Greene Inc., received by Xenia Township Board of Zoning Appeals. Applicant requests a Variance for sign replacement at Greene Inc. Property is located along the South side of Fairground Road, 7.476 acres, Parcel ID #M36000100210001600, Xenia Township, Greene County, OH.

Alan Stock stated they are requesting a Variance to replace a sign that was removed during construction. The sign is needed in order to identify their business, for truck delivery and for the document destruction business at this location. The zoning states that a sign must be 40 feet from the road and Greene Inc. would like to place the new sign 12 inches from the road.

Alan Stock states that the Fire Chief and Zoning Inspector have examined the site and state the proposed placement will not create an obstruction and will not be a safety issue.

Jacobson-have similar sign requests been approved?

Stock-Was unaware because of his length of tenure as Zoning Inspector. He did state that size was not a problem. The only issue was the set back. He stated there are other signs in the area of similar size.

Dennis Rhoades- Representing Greene Inc. introduced himself and asked if there were any questions.

Hayden- Questioned why Green Inc. could not comply with zoning regulations for new sign.

Rhodes-Stated that there is not enough space to comply. The sign would have to be on the building which would not be esthetically pleasing is the only other option. Sign is needed for trucks and other traffic. Previous sign came down 3 years ago during construction.

Jacobson-Would sign obstruct view of traffic.

Rhodes-No he does not believe it would.

There were no objections to the sign by neighbors in the area.

Motion made to approve by Don Harner 2nd by Charles Bingamon.

Motion granted and unanimously approved.

Lisa Thomas, 3508 Snively Road, Yellow Springs, OH 45387, request for Conditional Use Bed and Breakfast

Alan Stock read the application received by Xenia Township Zoning Board of Appeals. Applicant requests a Conditional Use Permit for a Bed and Breakfast at 3508 Snively Road. Property is located along the East side of Snively Road, 2.822 acres, Parcel ID # M36000100040001900, Xenia Township, Greene County, OH.

Lisa Thomas and Stanley Hiner introduced themselves . They are the owners of the property at 3508 Snively Road. Mr. Hiner talked about his background and family. He stated that as a result of most of their children moving on, they would like to better utilize their large home. He stated they are planning a 3 or 4 bedroom Bed and Breakfast. It would be a place to enjoy the area attractions and a peaceful tranquil environment and keep their dollars in the area. Mr. Hiner stated that they do have a house in town that they operate as an overnight stay for students. They are looking for a respectful business opportunity. Lisa Thomas passed out information to address the concerns of the neighbors and board.

Jacobson: asked if concerns listed in the letter consisting of 16 items could be addressed. He stated he was interested in hearing about the neighboring property owners concerns.

Hiner and Thomas: Would explore all required inspections by Health Department and Fire Department. They stated they would comply with all legal requirements.

Jim Donahue: Asked if the Bed and Breakfast would be involved in the housing of weekend intervention programs administrated by Lisa Thomas.

Thomas and Hiner: Replied that they did not use their home for such programs. That all work with intervention clients was separate. There have never been classes held at their home.

Jacobson: Asked if there were any concerns regarding zoning.

Hyden: Stated that it has been addressed clearly several times that no intervention clients would be staying at the home.

Jacobson: Inquired regarding available parking for a Bed and Breakfast.

Hiner: States there is ample parking at the home, and if in the future more parking was needed, there was the possibility of blacktopping an area for additional parking. There will be no parking on the road.

Jacobson: Inquired if there was a limit on the length of time for a conditional use permit.

Hayden: Length of time has not been limited for conditional use has not been established since she has been involved. However, Conditional Use Permits stay with the property and can pass to other owners.

Hines and Thomas addressed the concerns in the letter from Catherine Staigers. He states it is their wish to maintain the tranquility of the area. The tranquil location is one of the reasons for a Bed and Breakfast. They would not stand for noisy patrons. They do not have a liquor license but that they have no control over guests consumption. They did state that if any guest caused a problem, they would be asked to leave.

Jacobson: Asked if there were any questions and reminded everyone that they were still under oath.

Jim Donahue: Owns the property to the south of the proposed Bed and Breakfast consisting of 6 plus acres . No house at present on property but he or other family members may build at some point.

He had questions regarding:

- Maintain the peace and quiet of the area. Concerned that guest would detract from the tranquility of the area
- Conditional Use: Does not want permit to pass to any future owners
- Number of guests at 1 time
- Is there a limit to the time guests can stay
- How will this affect well water limits
- Alcohol Abuse by patrons
- Boundary lines for property

All Concerns were addressed by Lisa Thomas and Mr. Hiner.

Hayden: Raised questions regarding the fence and what area of the property it covers.

Jacobson: Asked if there were any questions.

Donohue: Questioned fencing along his side of property boundary. Along with concerns for noise control, Health Department Inspections, pets staying with lodgers on the property, fire hazards, vandals, traffic problems, number of guests staying at one time, length of time guests can stay, weapons on property, water use and how this would Bed and Breakfast would affect property values. There was a question raised regarding fencing for the property.

Hayden: Questioned fence boundaries.

Hiner and Thomas: Replied the property is fenced for the most part and that they would continue with a six foot fence and hedge rows. All concerns were addressed by Hiner and Thomas. They stated this is their home and they would tolerate no vandalism, loud guests, or other disruptions of the tranquility of the area. They will have a smoke free home, but a designated smoking area will located outside with ashtrays provided. Water use has not affected the wells in the past when 9 people or more were living in the home.

Alice Snively: Lives at 3377 Snively Rd, questioned regulations and Health Department requirements for a Bed and Breakfast.

Hayden: Replied they would be subject to all Health Department and Fire Department Inspections. They would be required to secure all permits.

Catherine Staigers: Lives at 3399 Snively Rd, questioned Health Inspections and if Conditional Use Permit passing to new owners.

Hayden: Asked if she was still under oath.

Staigers: Replied yes

Donohue: Questioned how many people have occupied the home before.

Hiner and Thomas: Replied that 9 people had lived there when all their children were at home and that the family before has several people living in the home.

Jacobson: Stated the discussion was now closed. The Board did adjourn to executive session to deliberate the Conditional Use. The session lasted from 8:27 p.m. until 8:37 p.m.

A motion was made to move to executive session. A motion was made to go into executive session by Charles Bingamon and 2nd by Don Harner.

A motion was made to return to Public Hearing.

A motion was made to approve the request for Conditional Use Permit for a Bed and Breakfast with the following conditions:

- Adequate off street parking will be provided

- All required permits shall be obtained
- Conditional Use Permit shall not transfer to new owners if property is sold
- Property will be regularly inspected by the Xenia Township Zoning Inspector

A motion was made by Charles Bingamon and 2nd by Kenneth Pennewit to approve the Conditional Use Permit for Bed and Breakfast.

Motion granted and unanimously approved.

Harold F. Rodin, Old US 35 W, Xenia, OH 45385, request for Conditional Use Disk Golf Course

Alan Stock stated an application was received by the Xenia Township Board of Zoning Appeals from Harold Rodin, Old US 35, Xenia, OH 45385, requesting a permitted Conditional Use Permit in an Agricultural District to operate a Disk Golf Course. Property is located along the South side of Old US 35, 10.837 acres, Parcel ID#M36000200290004200, Xenia Township, Greene County, OH.

Jacobson stated there were two letters of concerns received by the Board of Zoning Appeals.

Harold Rodin states he is still under oath. He states there is very little for youth to do in this area. The idea of disk golf came to him thru his granddaughter. He proceeded to explain the concept of disk golf.

He stated the course will be well marked. There will be no alcohol or drugs tolerated. This was to address an issue raised by a neighbor. The course will be monitored and maintained with adequate trash containers in place. Property will be inspected frequently by golf cart. He believes it is an opportunity for people in the area to have a recreational outlet.

Jacobson: Asked about the hours of operation.

Rodin: Responded that it would most likely be open until dark and on weekends. But hours will be determined at a later date.

Hayden: Will the course be open year round or seasonal

Rodin: Seasonal

Hayden: Addressed question of parking

Rodin: There will be adequate parking. Parking will be in the open field

R.E. and Madonna Hollingsworth 1001 Old 35, Xenia, OH 45385, presented the 1st letter of concern. They have the following concerns:

- Traffic generated
- Amount of land required for a disk golf course
- Trash

Lillie Robinson 901 Old US 35, Xenia, OH states she is still under oath. She presented the 2nd letter of concern. She has the following concerns:

- Zoning Permit Brochure protects integrity of establish property owners
- Commercial Gaming would impact the peace and tranquility of the area
- Alcohol could be a problem
- Traffic problems/Loss of privacy
- Safety issues for her property/grandchildren
- Danger to her livestock
- Issues with restroom facilities/leech fields
- Liability issues should someone cross onto her property
- Equity/ property values negatively affected

Robinson: Requested that the Conditional Use Permit be denied. Her property is not completely fenced. Does not want trespassers or trash on her land. Zoning laws are in place to protect property owners.

Steve Lougeman, 987 US 35 E, Xenia, OH 45385, owns property to the East of the proposed Disk Golf Course. He states he has been restoring this property for 6 years and is planning on moving his family in shortly. He states he has concerns also.

- Safety/security concerns for his family/property
- Commercial business in a residential setting
- Protect the history of the area and preserve the restoration of his home
- Disks/Trash on his property
- Traffic

In closing he states he wants to raise his family in a secure agricultural area. Both his home and barns would be visible from the disk golf course. He did not buy property in an existing park area. He does not want to create conditions enabling a commercial recreation area.

Gary Bull, 1040 Old 35, Xenia, OH 45385 has the following concerns. He states he is still under oath.

- Destruction of fences
- Alcohol

Diane Cardosi, 1018 Old US 35 E, Xenia, OH 45385, states she lives in the country because she desires to live in agricultural setting.

Dean Fox, Xenia Township Fire Department: Stated concerns with parking and safety crossing the road.

Robinson: States Mr. Rodin does not live in the area and would not want the disk golf course in this area if he did live there.

Rodin: Responded stating he is still under oath. Security cameras are located on the property at present and more may be added if permitted. He stated that under no circumstances would he or any one

employed by him, sell alcohol at this location. He stated that this Disk Golf Course would be managed by his granddaughter, her husband and his brother. He stated that they have extensive knowledge of the game. He does not believe parking would be an issue. He stated that if any issues did arise, they would be addressed and resolved promptly. Rodin also did state that the restroom issues would need to be further studied.

Hayden: Asked if there is a well on the property.

Rodin: Yes there is a well and an existing septic system. A larger septic system may be needed as well as a larger leech field.

A question was asked regarding how many people this course could accommodate. There was a question asking if the permit could be passed to someone else or end if Mr. Rodin did not own the property. A question was raised regarding any positive feedback from neighbors regarding the construction of a Disk Golf Course. The Board replies there were no other concerns or response from land owners notified.

A motion for executive session made by Charles Bingamon and 2nd by Don Harner. The session lasted from 9:24 p.m. until 9:32 p.m.

There was a motion to return to Public Hearing made by Don Harner and 2nd by Kenneth Pennewit

Motion was made to deny the motion by Charles Bingamon and 2nd by Kenneth Pennewit.

Motion was unanimously denied.

Reasons stated were that the property was too small to accommodate planned usage and that this was not appropriate use for the property and also multiple complaints from neighbors.

Hayden stated she would like to have the Hollingsworth and Robinson letters marked as exhibits and entered into the record. She also stated that the Jim Donohue and Catherine Staigers letters should also be marked as exhibits and entered into the record regarding the Conditional Use Permit for the Bed and Breakfast.

A motion was made by Kenneth Pennewit to close the session and 2nd by Don Harner

There being no further business, the board adjourned.

Meeting adjourned at 9:34 p.m.

ATTEST:
