

**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 6:29 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 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 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; Ms. Kolbe answered yes, all others answered no; and if they intend to participate in the entire procedure, including voting on the questions asked; Ms. Kolbe answered no, all others answered yes. Ms. Kolbe recused herself from this hearing.

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

**James & Deborah Krajicek, Owner Wilberforce-Clifton Road, Parcel # M36-0002-0027-0-0133-00 & M36-0002-0027-0-0003-00, Variance In The (AG) Agricultural District Of Section 404, Minimum 300 Feet Road Frontage**

**James Krajicek, Owner Wilberforce-Clifton Road, Under Oath,** stated that he has lived in the area for 60 years and bought the larger property in 2013 to farm the land and the smaller property to have access to the larger without driving machinery on the blacktopped easement. He went on to say that he is wanting to retire soon and this property is the least farmable land that they own and is the furthest from their home. Mr. Krajeck stated that he spoke with a realtor at first to sell the lot as a whole, but it didn't work out. He stated that there had been developers looking at the lot, but he wanted to keep it Agricultural. Mr. Krajeck stated that after he spoke with Xenia Township Zoning and Greene County Engineer, he decided that he should apply for a variance and plans to combine the two lots, split the lot into three lots and have the driveway as road frontage for the three lots. He went on to say that

he plans to overlay the existing driveway, extend it and to add a cul-de-sac for emergency vehicle access. Mr. Krajeck stated that he plans to build the driveway himself, to Greene County standards. He concluded by saying that he did not see any harm in granting this because it would only all three new homes to the area and that he wants to keep the property in the Township and it not be annexed into the City.

**Mr. Jones, BZA,** asked if the Krajicek's owned the access to 1159 Wilberforce-Clifton.

**James Krajicek, Owner Wilberforce-Clifton Road, Under Oath,** stated that they did own the access to that property, and that he did purchase the smaller lot for access to his farm so he did not damage the blacktop access.

**Mr. Ferguson, BZA,** asked the type of materials that would be used for the Private Driveway.

**James Krajicek, Owner Wilberforce-Clifton Road, Under Oath,** stated that they would build it to Greene County Engineers specifications and that he would maybe put chip seal on the top.

**Mr. Anthony, BZA, Chair,** asked if the 300-foot road frontage, for each new parcel, would be feasible, if approved.

**James Krajicek, Owner Wilberforce-Clifton Road, Under Oath,** showed on a site map how this would be possible.

**Mr. Jones, BZA,** asked if the road frontage would be obtained by the private driveway.

**James Krajicek, Owner Wilberforce-Clifton Road, Under Oath,** answered yes.

**Mr. Anthony, BZA, Chair,** asked who would maintain the private drive after all the lots were sold.

**James Krajicek, Owner Wilberforce-Clifton Road, Under Oath**, stated that he had spoken with an attorney and that there will be something written into each deed for sharing cost of maintenance.

**Mr. Anthony, BZA, Chair**, opened Public Comments at 7:01 PM.

**Mr. Anthony, BZA, Chair**, asked for clarifying questions or general statements.

Mr. Anthony stated that all comments and questions should be directed to the Board and that the Krajicek's would be able to answer questions at the end.

**Judy Williams, 1241 McGinnis Drive, Under Oath**, asked if Mr. Krajicek had spoken with the new owners of 1159 Wilberforce-Clifton.

**Richard Dickerson, 1157 Wilberforce-Clifton Road, Under Oath**, asked for more information on the process of putting in the new driveway as it looks difficult to comply with all the rules.

**Mr. Anthony, BZA, Chair**, stated that Mr. Krajicek had to seek with Zoning before applying for the variance and that no variance was guaranteed.

**Richard Dickerson, 1157 Wilberforce-Clifton Road, Under Oath**, stated that the length of the driveway, cul-de-sac, and fire hydrant seemed a bit much. He went on to say that he was fine with separating the lot into three.

**Mr. Furguson, BZA**, stated that the specifications for the driveway are to grant access for emergency vehicles, for safety reasons.

**Sam Wilson, 1159 Wilberforce-Clifton Road, Under Oath**, stated that he wanted to make sure that nothing happened to the blacktop driveway that grants him access to his home.

**Mr. Anthony, BZA, Chair**, stated that nothing will happen to the existing easement.

**Nathan Lipps, 1125 Wilberforce-Clifton Road, Under Oath**, asked what would happen to the .68-acre lot next to his house, he asked if they could build sheds on that lot.

**Mr. Anthony, BZA, Chair**, stated that if this was granted, they would need to follow today's zoning requirements to build structures and that if someone wanted to build a structure there, they would need a variance to do so.

**Mr. Stock, Zoning Inspector**, stated that in the Agricultural District, the front setback is 70 feet and that rear and side setbacks are 40 feet.

**Kathleen Hall, 1161 Shorter Drive, Under Oath**, asked if the private driveway would be for road frontage and to clarify that it would not be a private road. She went on to ask if the owner could sell the property to a developer to become a subdivision.

**Mr. Anthony, BZA, Chair**, stated that it will not be a private road and that the driveway would give the road frontage to the three properties. He went on to say that a developer would not have enough road frontage either and would need to also get a variance.

**Michael Kolbe, 1116 Stevenson Road, Under Oath**, asked for clarification on the zoning of the property.

**Mr. Stock, Zoning Inspector**, stated that the owners have two buildable lots as of now and want to combine the lots and make three lots with the road frontage coming from a variance for the private driveway. He went on to clarify that the owners are not asking to rezone. Mr. Stock stated that the majority of the land is in the Agricultural District, so they are following the regulations for Agricultural. He concluded by stating that the petitioners are asking to allow road frontage to come from a private driveway, but that they will still need to do a survey and split the lot into three that will become buildable lots by a variance granted by the BZA.

**Wilber Jamason, 1285 McGinnis Drive, Under Oath**, stated that he wanted clarification and asked if the three properties would be sharing road frontage from the driveway.

**Mr. Anthony, BZA, Chair**, stated that it was up to the BZA to determine to allow a private driveway to be maintained by three properties to act as their road frontage so that three new homes could be built on property that does not meet the road frontage requirements.

**Wilber Jamason, 1285 McGinnis Drive, Under Oath**, stated that the definition of road frontage comes from a public access road.

**Mr. Anthony, BZA, Chair**, stated that was the purpose of the hearing.

**Wilber Jamason, 1285 McGinnis Drive, Under Oath**, asked if he would be able to drive on the driveway without trespassing.

**Mr. Stock, Zoning Inspector**, stated that if it was posted “Private Drive, No Turn Around” then you shouldn’t drive on it, but if its not posted, then you can drive on it.

**Wilber Jamason, 1285 McGinnis Drive, Under Oath**, stated that the BZA needed to look over the information better because he didn’t feel like they knew why they were there. He went on to say that if the BZA granted this for one, they need to grant it for all that ask. Mr. Jamason further stated that he looked into purchasing this property, but it wasn’t for sale long.

**Mr. Stock, Zoning Inspector**, stated that this will be a driveway that is built like a road, acts like a road for road frontage, but will be private. Mr. Stock stated that the BZA has a right to approve this case as they have done so before, but each hearing is a case-by-case matter.

**Kathleen Hall, 1161 Shorter Drive, Under Oath**, asked if the slide of the proposed site map to be brought up on screen.

**Mr. Stock, Zoning Inspector**, obliged.

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

**Wilber Jamason, 1285 McGinnis Drive, Under Oath**, stated that he is against this because what he is hearing is not the real purpose or intent.

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

**Peter Mahon, 1352 Stevenson Road, Under Oath**, stated that the likelihood of the Township staying rural farms is not good, and that this appeals to him because the land could have three homes and still be farmed. Mr. Mahon went on to say that Mr. Krajicek built his driveway that is over 2,000 feet and was well built and still holding up.

**Matt Byrd, 1297 Mason Drive, Under Oath**, stated that he has dreamed of living in the country, and that he would rather have this property divided into three homes than it to be developed or become commercial.

**Michael Kolbe, 1116 Stevenson Road, Under Oath**, stated that he was interested in purchasing this property. He went on to say that he wants it to stay Agricultural and that this is the next best thing so it won't become a Ryan Homes Development.

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

**Mr. Anthony, BZA, Chair**, asked Mr. Krajicek if he had spoken with the owners of 1125 Wilberforce-Clifton Road.

**James Krajicek, Owner Wilberforce-Clifton Road, Under Oath**, stated that he has spoken with both new neighbors.

**Deborah Krajicek, Owner Wilberforce-Clifton Road, Under Oath**, made a statement regarding the easement. She stated that when they bought the first property, they would have had to drive on the blacktop to gain access to their fields, so they purchased the second lot for access.

**Joe Hall, 1161 Shorter Road, Under Oath**, asked the width of the driveway.

**Mr. Stock, Zoning Inspector**, stated that it would be 20 feet wide with 15-foot easements on both sides for utilities.

**Joe Hall, 1161 Shorter Road, Under Oath**, asked if 20 feet would be wide enough for two cars.

**Mr. Anthony, BZA, Chair**, stated that it meets Greene County standards, so it should be wide enough for two cars.

**Joe Hall, 1161 Shorter Road, Under Oath**, asked how far from Wilberforce-Clifton Road the cul-de-sac would be.

**Mr. Stock, Zoning Inspector**, estimated from GIS that it would be 420 feet.

**Sam Wilson, 1159 Wilberforce-Clifton Road, Under Oath**, stated that he came to the area in 1976 and married a lady that grew up in the home that they now reside in. He went on to say that he likes to look out over the fields to see the beautiful sight and that he would like to keep it that way.

**Mr. Anthony, BZA, Chair**, closed Public Comment at 7:46 PM.

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

**Mr. Jones, BZA**, asked if the requested variance would affect the existing easement to 1159 Wilberforce-Clifton.

**Mr. Stock, Zoning Inspector**, stated that it would not affect the existing easement agreement as it is written into the deed and cannot be taken out. Mr. Stock went on to say that Mr. Kraijcek had every right to use the easement to access his land, but has chosen not to.

**Mr. Anthony, BZA, Chair**, asked Mr. Stock the requirement that should be placed on the driveway.

**Mr. Stock, Zoning Inspector**, stated that the Board should follow the twelve minimal requirements that was mentioned in the Staff Report.

**Mr. Ferguson, BZA**, asked if twelve months was too long to grant for the survey and lot splits.

**Mr. Anthony, BZA, Chair**, stated that he did not feel that twelve months was a ridiculous timeline.



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

Motion to grant the variance of Section 404, Minimum 300 Feet Road Frontage in the (AG) Agricultural District was made by Mr. Jones and seconded by Mr. Ferguson with the following conditions.

1. Both lots would need to be combined and the already existing private driveway used for access.
2. The private driveway will be built to current Greene County Highway specifications for a roadway.
3. The private driveway's updated standard will be inspected during the update by a third-party road construction engineer/technician who will provide documentation of a compliant driveway build per Greene County roadway standards.
4. The private driveway will be built 20' wide with 15' from edge of both sides of the driveway free of obstructions for potential future utility placement.
5. Through a combination of Wilberforce-Clifton Road frontage and the private driveway, 300' of "road frontage" for each of the lots will be accommodated.
6. A field-tile map be shown for the area where the private driveway is proposed
7. Greene County Soil and Water Conversation District must be consulted for potentially needing culverts on either/both sides of the private driveway. A letter of their finding is necessary.
8. The end of the private driveway has a cul-de-sac large enough for a fire truck to turn around comfortably (80' diameter for the turning radius).
9. One fire hydrant at 600 feet intervals tapped into from the Greene County water system.
10. Determine who owns the private driveway and who has authoritative rights to make driveway decisions.
11. Determine who pays to maintain the private driveway with what type of materials.
12. No parking at any time established on the private driveway access.
13. A survey to be conducted within 12 months of this date.

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

Mr. Anthony	NAY
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Mr. Ferguson	AYE
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Mr. Jones	AYE
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Variance to Section 404, Minimum 300 Feet Road Frontage in the (AG)  
Agricultural District located on Wilberforce-Clifton Road Parcel # M36-0002-  
0027-0-0133-00 & M36-0002-0027-0-0003-00 **GRANTED**

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

Meeting Adjourned 7:57 P.M.

ATTEST:

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Alan D. Stock, Zoning Inspector