

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

January 2, 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 6:23 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, 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 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 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.

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

Dr. Vann Newkirk, President Wilberforce University, 1055 N. Bickett Road, Parcel ID # M36000200280015500 – Variance in the (IG) Institutional and Government District of Section 513/514 Off Street Loading/Parking Regulations

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Stated that he is Under Oath, stated that the University is expanding with 10 new dorms and that each building is required to have 14 parking spaces each. He went on to say that there are already 711 parking spaces on campus and at the peak only 1/3 are used as most of the students do not drive and they have a small faculty and that only 29% of the parking has been used over the past 7-8 years. He concluded by stating that Wilberforce University has enough parking for anything that they want to grow and that more parking will impede the ability for growth on campus.

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

Mr. Anthony, BZA, Chair, asked for clarification of the responses given to the Duncan Criteria. Question #1 Whether the property in question will yield a reasonable return or whether there can be beneficial use of the property without the variance. Response: Wilberforce University is a small University with only a handful of students who drive cars and park on campus. As a result, there is no need to expand the existing or add new parking spaces. Hence, there will be no variance in the existing property usage.

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Under Oath, stated that the University has enough spread out over the campus as there are two (2) other Residential Halls in close proximity that can provide enough parking for the new dorms. He went on to say that each new dorm can hold 36 students, and if each student brought a car, around 100 some cars, it still would not fill every parking space on campus. Dr. Newkirk showed on a map the close proximity of the existing parking to the new dorms.

Mr. Anthony, BZA, Chair, Question #2 Whether the variance is substantial. Response: There will be no variance. Mr. Anthony explained that this is a Variance request asking the BZA to approve, not approve with or without conditions a request to not follow the Zoning Instrument.

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Under Oath, stated that he misinterpreted the question.

Mr. Anthony, BZA, Chair, asked if Dr. Newkirk understood that there is a Variance being asked for and asked if the request was subnational or not.

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Under Oath, stated that it is not a substitutional request.

Mr. Anthony, BZA, Chair, Question #3 Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance. Response: Since there is no need for new parking spaces, there will be no impact on adjoining properties.

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Under Oath, stated that this will be in the middle of the campus and adding parking lots could cause more water runoff.

Mr. Anthony, BZA, Chair, Question #4 Whether the variance would adversely affect the delivery of government goods. Response: There is no need for additional parking spaces. Hence, there will be no impact on the delivery of government goods. Mr. Anthony stated that Question #4 has been answered and that Dr. Newkirk now understands that he does require a Variance. Question #5 Whether the property owner purchased the property with knowledge of the zoning requirements. Response: The property was purchased in the early 1970s. At the time of purchase many of the current zoning requirements did not exist and were not in force. For that reason, there was no knowledge of the current zoning requirements. Mr. Anthony stated that Zoning Regulations has not changed since 1968 and asked if he was aware of that.

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Under Oath, responded to Mr. Anthony that he is now.

Mr. Anthony, BZA, Chair, Question #6 Whether the property owner's predicament can feasibly be obviated through some other method than a variance. Response: There is no need for a variance as there is no need to expand the existing or add new parking lots. Mr. Anthony asked Dr. Newkirk to please answer the question for the record.

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Under Oath, stated that they need a Variance because they do not need more parking spaces.

Mr. Anthony, BZA, Chair, stated that they need a Variance to not have more parking spaces. Question #7 Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Response: There is no need for a variance as there is no need to expand the existing or add new parking lots.

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Under Oath, stated that he understood that they need to have a Variance and that the spirit is observed.

Mr. Jones, BZA, asked what hardship would be created to adding extra spaces.

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Under Oath, stated that they don't need to endure the costs because they have parking spaces that are not used and it would be a waste of materials.

Mr. Anthony, BZA, Chair, stated that they have approval to build three (3) of the ten (10) dorms and when 4-10 come they will have the same issues with the requirements for parking. He went on to say that this BZA is only for dorms two (2) and three (3).

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Under Oath, stated that they will be back again to appeal unless there is a significant change in the students as most students do not have cars so there is no need for additional parking. He went on to say that 90% of the students have Pell Grants for low income so they do not have cars.

Mr. Anthony, BZA, Chair, stated that every case presented is a different case with no precedence for other cases.

Ms. Kolbe, BZA, asked if they would be required to follow the Zoning Regulations for parking would the project still move forward.

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Under Oath, stated that they probably would as they have four (4) dorms out of commission that can hold 800 students and that they could refurbish the dorms and not be required to add additional parking, but the buildings require extensive renovations and they are considering demolishing the buildings. He went on to say that if they could rehab the old dorms, they would not need to get a Variance because the parking for those dorms has already been approved.

Mr. Jones, BZA, asked Mr. Stock if there had been a BZA approval for parking in the past.

Mr. Stock, Zoning Inspector, answered that it was not BZA granted, but that they would not need to add additional parking for the existing dorms.

Mr. Jones, BZA, asked Mr. Stock if they have enough spaces for the current buildings.

Mr. Stock, Zoning Inspector, answered that they did not, but it wasn't enforced at the time. He went on to say that Parking Regulations have not changed since 1968 and whoever the Zoning Inspector was at the time did not require additional parking. He then stated that when you want to improve on a parcel, you must improve to today's standards. Mr. Stock stated that the existing buildings are "Grandfathered" and that they could refurbish the old dorms without being required additional parking spaces.

Ms. James, BZA, asked when the four (4) dorms were built.

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Under Oath, stated that it was the early 1970's, maybe 1972.

Ms. Kolbe, BZA, asked to have the buildings pointed out on the map.

Dr. Newkirk and Mr. Stock obliged.

Mr. Anthony, BZA, Chair, opened Public Comments at 6:44 PM.

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

Hilary Blocker-Smith, 902 Stover Drive, Stated that she is Under Oath, asked if this was because Wilberforce University is building three (3) new dorms and each dorm requires 14 spaces each, so they are asking for an exception because they have spaces all over campus.

Mr. Anthony, BZA, Chair, stated that is correct and why they need a Variance.

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

Lee Warren, 890 Stover Dive, Stated that he is Under Oath, stated that he was not in opposition. He was curious as to the future things happening as neighbors. He went on to say that he has questions as to the time frame of the buildings already approved, and that he wasn't sure if this was the appropriate forum to ask.

Mr. Anthony, BZA, Chair, stated that this is not the appropriate place, but that he could call the Xenia Township office for information.

Lee Warren, 890 Stover Dive, Under Oath, stated that he would like to talk to Wilberforce University to be neighborly as this caught him by surprise.

Mr. Stock, Zoning Inspector, stated that he could call the Township office to talk about what has been approved and that Dr. Newkirk has been to the Rotary showing their vision.

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

Linda Ball, 9002 N. Bickett Road, Stated that she is Under Oath, stated that she agrees with Dr. Newkirk that less parking would be a financial help and that as she lives across the street. More trees and less parking lot would be wonderful.

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

Ms. Kolbe, BZA, asked Mr. Newkirk how many spaces he thinks would be reasonable since he did not agree with the required amount needed.

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Under Oath, stated that they have an existing lot near the new dorms that has 42 spaces with a total of 711 on campus.

Mr. Jones, BZA, asked what the lot was being used for now.

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Under Oath, stated the lot supports Henderson Hall and is empty, as the apartments have been torn down.

Mr. Jones, BZA, asked Mr. Stock why that spot does not cover the number of spaces needed.

Mr. Stock, Zoning Inspector, answered that it would need to be widened and expanded slightly for there to be enough parking for the buildings.

Ms. Kolbe, BZA, asked if Henderson Hall is a dual use building.

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Under Oath, stated that Henderson Hall is residential and that classes are held next door where the parking lot extends from the entrance of Henderson Hall to the classroom building. He went on to say that the majority of the students living in Henderson Hall rarely take up more than 15% of that lot.

Ms. Kolbe, BZA, asked to be shown on a map where Henderson Hall and the empty lot are located.

Dr. Vann Newkirk, President Wilberforce University, 681 Rising Hills Drive, Under Oath, obliged.

Ms. Kolbe, BZA, asked what would need to be done to the lot with 42 spots to make it meet code requirements.

Mr. Stock, Zoning Inspector, answered that it would need to be expanded more as they are required one (1) parking space per sleeping area.

Mr. Jones, BZA, asked Mr. Stock if the additional lot needed to be close to the buildings or if it could be across the street.

Mr. Stock, Zoning Inspector, answered that it did not need to be close to the building, but if it was across the street they would ask for a document of safety for crossing Bickett Road.

Mr. Anthony, BZA, Vice Chair, closed Public Comment at 6:55 PM.

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

Ms. James, BZA, stated that the less paving over green space, the better. She went on to say that she thought the need for expanding the existing lot to meet requirements was not necessary given all of the existing spots on campus.

Ms. Kolbe, BZA, stated that she welcomes a plan to use the existing parking to meet the requirements. She stated that she hopes Wilberforce University continues to grow and that it is not a huge ask to require 14 spaces per new dorm for a place that could potentially have 36 people living in it. She went on to say that you have to plan for the future.

Ms. James, BZA, stated that only 30% of the existing spaces are being used now.

Ms. Kolbe, BZA, stated that universities in general are struggling now and she is hopeful for growth. She went on to say that now 90% of the students are low income and do not have a car, but if that changes, they will need extra parking.

Ms. James, BZA, asked if they could put a condition that if parking exceeds 90% use, then they would need to build extra parking spaces.

Mr. Stock, Zoning Inspector, answered that they would want to think about future planning as once you build on parking space, or don't accommodate for it, there would be no extra space for parking. He went on to say that the architect has spaced the buildings for protentional future parking. Mr. Stock then stated that the Fire Department need to be able to drive an engine the buildings so they will have asphalt around them.

Mr. Jones, BZA, asked if the Fire Department could get around the buildings without an additional parking lot.

Mr. Stock, Zoning Inspector, answered yes.

Mr. Furgeson, BZA, stated that with another 10 buildings and 300 plus people, with a 1/3 of them having cars, that if the Variance was granted, they may not have enough spaces for parking when it is all completed.

Mr. Anthony, BZA, Vice Chair, stated that they would need to come back for a Variance for each phase and that it could change the process of how they plan the placement of the buildings.

Mr. Furgeson, BZA, stated that if someone wanted to build without adding parking, they would need to get a Variance. He went on to say that if they approved this one, they would need to approve the next one too. He concluded by saying that he could maybe see fewer spaces.

Ms. James, BZA, stated that there is plenty of parking already on campus, that the students may need to walk to the dorms, but they have plenty of parking available. She went on to say that if Wilberforce University expands then they will have a need for extra parking. She

concluded by saying that she didn't think that they should do something that is not needed now, but should do it when it is needed.

Ms. Kolbe, BZA, stated that they may not have the space for parking later.

Ms. James, BZA, stated that every time they build a dorm and didn't want to do parking, they would have to come for a Variance and that it could be revisited then.

Ms. Kolbe, BZA, stated that if later all the buildings are at full occupancy and only 50% of the students are low income instead of 90% and have cars, they would not have enough parking. She concluded by saying that they needed to plan for the future.

Mr. Jones, BZA, stated that the next seven (7) dorms would be down the road several years and that the number of students could change. He concluded by saying that they could come back then for a Variance on the dorms to be built later.

Ms. Kolbe, BZA, stated that they already have a lot that could theoretically meet the needs of the three (3) dorms. She went on to say that she didn't want them to build over land that could have been used for parking.

Mr. Jones, BZA, stated that they would need to come back for each dorm phase.

Ms. Kolbe, BZA, stated that they have a place that can be remodified to meet dorms 1-3 requirements, and that they would need to come back for 4-10.

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

Motion to grant Variance to allow less than necessary parking spaces required by the Zoning Resolution in the (IG) Institutional and Government District located at 1055 N. Bickett Drive was made by Ms. James and seconded by Mr. Jones.

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

Ms. James	AYE
Mr. Jones	AYE
Ms. Kolbe	NAY
Mr. Ferguson	NAY
Mr. Anthony	NAY

Variance to Sections 513/514 Off Street Loading/Parking Regulations in the IG) Institutional and Government District located at 1055 N. Bickett Drive **DENIED**

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

Meeting Adjourned 7:07 P.M.

ATTEST:

Alan D. Stock, Zoning Inspector