

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

November 6, 2019

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.

Ed Jacobson, Chairman, called the meeting to order at 7:00 p.m. and welcomed the people in attendance. He asked for roll call for attendance of the members.

Board of Zoning Appeals members present: Ed Jacobson, Chair; Doug Cope, Darren Jones, Janis James and Ken Penewit. Also present was Alan Stock, Xenia Township Zoning Inspector and Anu Sharma, Greene County Prosecutor's Office, legal counsel for the Township.

Mr. Jacobson 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 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 manually and 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. Jacobson administered the oath to the audience.

Mr. Jacobson asked Mr. Stock if the application was lawful to be heard by the Board. Mr. Stock 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. Jacobson 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. Jacobson asked Mr. Stock to present the proposal.

Kil Kare Inc, 1166 Dayton Xenia Rd, Xenia, Ohio 45385 – Request for Conditional Use Store and Lock Facility

Marshall Foils, 1166 Dayton Xenia Rd, representing Kil Kare Inc. and stated the proposal for the store and lock, would be six (6) facilities all together, but starting out, they plan to build one (1) facility and then build the second after the first was filled. Mr. Foils stated that three (3) years ago Kil Kare started the process of rezoning for the single purpose of store and locks. The only plan they ever had was for store and locks, that they have never wavered from that. They have had to deal with many negative statements that Kil Kare would open an adult entertainment facility, Kil Kare has never wanted that, they have only ever wanted a store and lock.

Mr. Foils stated that the reason it has taken so long was because they had to design and redesign the facilities to accommodate water run off problems.

Mr. Jones asked what the required set back would be for a store and lock facility. Mr. Stock answered that he could look up the specific answer, but he knows that the proposed locations do meet the standards of the Zoning Regulations when he reviewed the BZA application.

Mr. Cope asked where the access location to the facility would be located. Mr. Foils stated that the entrance would be located off the main entrance of Kil Kare. Mr. Foils also stated that they want to store motor homes and trailers, therefore there would not be a problem with Fire Apparatus and Medics navigating the premises.

Mr. Jacobson asked what the plans for security were. Mr. Foils stated that they plan to put up a fence, have security cameras, and night lights. He also stated that they already use a security company and they will also take care of the store and locks. Mr. Jacobson asked how the cameras would be monitored. Mr. Foils stated that they would be recorded on tape, they would also have alarms, a coded fence and keyed units. Mr. Jacobson then asked how the units would be separated, Mr. Foils said that there is consideration for a chain link fence between individual units. Mr. Jacobson asked if there would be access to the units 24/7. Mr. Foils replied yes, although there would not be any electricity inside the units, only electric to run the outside lights and security cameras.

Mr. Jones asked if they were planning on putting up any advertising signs. Mr. Foils said that they already have a sign at Kil Kare so they will not need to add more signs, maybe something on the fence.

Mr. Jones asked how far from Hawkins Rd. they would be, Mr. Foils stated that it would be far away from Hawkins Rd. Mr. Jacobson then asked if the would be gravel or blacktop. Mr. Foils stated that it would be gravel with concrete inside the building and a 5 to 6-foot apron. Mr. Jacobson asked if there would be drains in the floors, Mr. Foils stated that there would not be drains.

Mr. Cope asked where the first building would be placed. Mr. Foils stated that they would be constructing the #1 building first.

Mr. Jones asked if they had intentions of building on the west lot, Mr. Foils stated that they are not considering this as of now. He stated that they plan to build one building at a time. Fill one, build one.

Ms. James asked if they plan on storing motor homes and trailers and if there will be anything stored on the trailers? Mr. Foils stated that they will be able to store whatever they choose. Ms. James asked if race cars would be stored there? Mr. foils stated that there probably would be race cars stored there, but they are usually stored in enclosed trailers. Ms. James stated that she is concerned about combustible fuels being stored there. Mr. Foils stated that they (BZA) could “what if” all day long, if there is a fire, there will be a plan. He stated that combustible fuels are stored everywhere and that motor homes hold more fuel than a race car.

Mr. Cope stated since there will not be power to the buildings, only outside lights, will you put in skylights? Mr. Foils said that they have thought about it, but they are not sure if they will or not.

Mr. Foils stated that vehicles will be stored with fuel, but no other fuel storage would be allowed.

Mr. Jacobson asked if anyone would like to speak in opposition of the conditional use:

Mr. Ed Amrhein, Planning and Zoning Administrator of Beavercreek Township spoke: Stated he was not here in opposition, just have a suggestion that you place conditions to the Conditional Use. He stated that he wrote not asking for denial of the store and lock, he was just concerned about the fire hazard. He asked not to allow the storage of flammable material, suggested to maybe drain the tanks of the vehicles before storage. Stated that the what ifs are stacked up plus the lack of water in the area. He suggested that there be no vehicle storage and that would remove many what ifs. Many store and locks do not store vehicles and hazardous combustible materials. He stated that they could thrive with out the storage of vehicles and that there is a need for household goods storage.

Mr. Jacobson asked how other facilities deal with the storage of vehicles. Mr. Cope stated that its in the building design, maybe a sprinkler system, although that is not an option because of lack of water. Greene County Building Regulations would determine if a sprinkler system was needed. Mr. Jacobson stated that they were not here to develop codes and standards.

Mr. Cope stated that the difference between combustible and flammable is the flash point. Gas is flammable, Diesel is combustible. He also stated that store and locks are notoriously a problem for fire fighters because of not being told what is being stored. For fire fighters, meth production is easy to find because you can smell it. People living in the units are not expected by fire fighters.

Mr. Jacobson stated Mr. Copes position as a retired Fire Captain

Mr. Cope continued to state that Fire Fighter's approach every fire as though it will kill them. He stated the nearest fire hydrant was 2500 feet away, he said that they would probably do a water shuttle, as they do this all the time. He stated that a fire in the building would most likely destroy the building, therefore they would have to make a judgment call as to if they will fight it offensively or defensively. He stated that fighting a fire here would be no different than fighting one at any other facility.

Mr. Jacobson stated that if there was a fire, it would confine itself since the facility is not near any other structures.

Mr. Cope stated that the only exposure would be to other buildings and their contents, he suggests a fire alarm.

Mr. Jacobson asked who would require a fire alarm?

Mr. Stock stated that unless it is put into the conditional use, they would only have to comply with the Building Code.

Mr. Jacobson introduced the letter from Taft, the lawyer for Mr. & Mrs. Nutter, it was asked that the letter be read silently and then discussed.

Mr. Cope stated first about the absence of restroom facilities. He asked if any store and lock had restroom facilities? He also stated that without power, the clientele was basically restricted to daylight hours.

Mr. Jacobson stated that the facility is not set up for people to loiter.

Mr. Cope stated that there would not be outside storage because the facility will cater to large items.

Mr. Cope also stated that it is the business owner's prerogative on how they wish to make the land presentable, although the placement of evergreens would greatly hinder the vision of people exiting Kil Kare.

Ms. James talked about "wild parties", she stated that there are no activities allowed, just drop off and pickups.

Mr. Jacobson stated that the trees would hinder the views from motorists.

Mr. Jacobson asked if there were any others who would like to speak of the Opposition, No takers. He then asked if anyone would like to speak in favor:

Jeff Zweber, 1920 Old US 35, Xenia, Ohio 45385 stated:

Please take into consideration how difficult it is to do business in Xenia Township. Do not hold the applicant to any higher standards, treat this parcel as you would any other parcel. Don't add conditions to the conditional use, the Trustees have already applied substantial conditions. If the Trustees did not want vehicle storage, they would have stated that.

Mr. Jacobson asked if there were any questions, there were none.

Mr. Jacobson asked if anyone else would like to speak, there was none.

Mr. Jacobson asked if there were any discussions needed by the Board Members, there was none.

Motion of approval for the store and lock conditional use was made by Mr. Jones and was seconded by Mr. Cope.

Mr. Jacobson – Aye

Mr. Cope – Aye

Ms. James – Aye

Mr. Penewit – Aye

Mr. Jones – Aye

Conditional Use Granted

There being no further business, the Board adjourned.

Meeting Adjourned 7:56 P.M.

ATTEST:

Alan D. Stock, Zoning Inspector

