

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

September 28, 2022

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, Acting Chairman, called the meeting to order at 6:01 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 Interim Chair, Darren Jones, Janis James and Brian Secor. Also present was Alan Stock, Xenia Township Zoning Inspector, and Ashley Caldwell Greene County Prosecutor's Office, legal counsel for the Township.

Mr. Anthony 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 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.

Ms. James entered the meeting after roll call and board member procedure questions. After confirming with Ms. Caldwell from the Greene County Prosecutor's Office, it was agreed that Ms. James answered affirmatory procedure questions so as she could be part of the Board of Zoning Appeals 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 Findings

Exhibit D: Agenda

Exhibit E: Public Comment

JAMES WALKER, 309 WASHINGTON ROAD – AREA VARIANCE SECTION 404 – FRONT AND SIDE SETBACK OF NEW HOME – PARCEL # M36000200332001700

James Walker, 309 Washington Road, Applicant, Under Oath, stated that he would like to build a house that he would be comfortable living in. he stated that he marked on the property where he wanted to place his home and spoke to the neighbors about it. Mr. Walker stated that the neighbors had no objections or concerns about the placement of the home because it was not placed much differently than other homes in the neighborhood. He went on to state that because of the location of the existing garage located in the back of the property, he would have to move the garage to be able to meet the required 70-foot setback. Mr. walker stated that the existing garage will become his workshop and that the side driveway to that garage will be taken out. Mr. walker further stated that he did look at other homes to build, but was not able to find any that would meet his need and the setbacks.

Mr. Anthony, BZA, asked for any board questions.

Mr. Jones, BZA, asked when the original home had been built.

James Walker, 309 Washington Road, Applicant, Under Oath, stated that he thought in the 1970's, but he was not sure.

Alan Stock, Zoning Inspector, stated that the home was built in 1967. He further stated that Zoning was not regulated until 1959, and that this area is Agricultural and probably had different setbacks at that time.

Mr. Jones, BZA, asked Mr. Walker to explain his plot plan.

Mr. Anthony, BZA, asked Mr. Stock to place the plot plan on the screen. Mr. Anthony went on ask Mr. Walker if the existing garage and proposed home placement will be 16 feet apart and that the driveway to the garage would be taken out.

James Walker, 309 Washington Road, Applicant, Under Oath, stated that Mr. Anthony was correct.

