

1 XENIA TOWNSHIP BOARD OF ZONING APPEALS
2 PUBLIC HEARING

3
4 August 12,2020
5

6 **THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE PUBLIC HEARING AND ARE NOT A**
7 **WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.**

8
9 **We are holding this Board of Zoning Appeals meeting under the guidelines from Governor**
10 **Mike DeWine and Ohio Attorney General Dave Yost, reducing exposure to the COVID-19**
11 **virus. Board of Zoning Appeals must meet quorum but may do so by face to face or**
12 **teleconferencing, or a combination thereof IF the public has opportunity to share in the**
13 **meeting in the same manner. Xenia Township has complied with this teleconferencing**
14 **method. This meeting is being recorded.**

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

17 Board of Zoning Appeals members present: Ed Jacobson, Chair; Doug Cope, Darren Jones, Janis
18 James. Also present was Alan Stock, Xenia Township Zoning Inspector and Melissa Krause, Xenia
19 Township Administration Assistant.

20 Mr. Jacobson went over the rules of the meeting; he asked all attendees to suppress any
21 background noise in their location as it would be heard by all. The application will be read by
22 Melissa Krause, Administration Assistant, because the Board of Zoning Appeals decisions are
23 quasi-judicial, all testimony must be sworn when speaking. Everyone must state their name and
24 state they are under oath. Only facts are to be given, not opinions or emotions. Minutes are
25 being taken recorded. Questions are to be directed to the Board only. The Board of Zoning
26 Appeals will follow Roberts Rules of Order for procedures. The Chair reserves the right to limit
27 public input. The Board of Zoning Appeals may approve in whole or in part, reject in whole or in
28 part, or reschedule to another date. An applicant may also withdraw their request. The decision
29 will become effective five days after date of decision. A decision by this Board is a final order
30 under R.C. 2506.04, aggrieved individuals may appeal the decision to Common Pleas Court. The
31 audience joined the Board in the Pledge of Allegiance. Mr. Jacobson administered the oath to
32 the conference attendees.

33 Mr. Jacobson asked Mrs. Krause if the application was lawful to be heard by the Board. Mrs.
34 Krause advised that the notice had been published in the newspaper and notices had been
35 mailed to all property owners within 500' of the property. Mrs. Krause stated that a sign was
36 placed on the applicants' property. Mrs. Krause explained all the exhibits for this Public
37 Hearing. Mr. Jacobson asked the Board members if they had read and considered the
38 application—all answered yes; and he asked if they felt they should not be part of the
39 proceeding due to some conflict of interest—all answered no; and if they intend to participate
40 in the entire procedure including voting on the questions asked—all answered yes.

41 Mr. Jacobson asked Mrs. Krause to present the proposal.

42

43 **800 Hedges Road – Requested Conditional Use of Section 400.04 for Bed and Breakfast**

44 Robert Adamson, 800 Hedges Road, Xenia, Ohio 45385 stated that he has written two business
45 plans for multimillion-dollar Bed and Breakfasts, and this is simpler. He went on to say that in
46 Ohio five rooms or less is considered a Bed and Breakfast, over five rooms and it is considered
47 an Inn. This is a simple Bed and Breakfast where people can bike and walk trails. People come
48 from all over the Midwest here. They are bringing business to the community. If you read the
49 reviews online, I have 201 plus positive reviews and one negative review. People are finding
50 peace and quiet there and enjoying the space. I was told that years ago, my home was a party
51 house by many people, I am creating an environment for people to enjoy the space. I have a
52 great property that people are enjoying. Agriculture District is approved to do a Bed and
53 Breakfast. I submitted my application to go through the process.

54 Mr. Jacobson asked Mr. Adamson to respond to the email stating that guests are going onto
55 private property.

56 Mr. Adamson stated that there are trails on the property behind him. He stated that he runs
57 back there and that guests use it for hiking. He also stated that he would shut that off
58 immediately.

59 Mr. Jacobson stated that guests must know that they are to remain in the Bed and Breakfast
60 property or go to public property elsewhere.

61 Mr. Adamson stated that there are plenty of public trails around that his guests can use. He
62 also stated that he has a sailboat and kayaks that he takes people out on.

63 Mr. Jones asked if Mr. Adamson lived on the property.

64 Mr. Adamson stated that yes, he does live on the property.

65 Ms. James asked if he provided breakfast.

66 Mr. Adamson stated that he did not provide breakfast.

67 Ms. James asked if breakfast was available.

68 Mr. Adamson stated that breakfast is not available. He went on to stated that he uses Air Bed
69 and Breakfast as marketing source, and that an actual Bed and Breakfast does provide
70 breakfast, but an Air Bed and Breakfast does not have to provide breakfast.

71 Ms. Jones stated that he kept calling it a Bed and Breakfast.

72 Mr. Adamson stated that it is just the term people use. He went on to state that he is a chef
73 and he will probably add breakfast, but he has a full-time job and does not have time now.

74 Ms. James asked if he was on site when guests were there, if guests were there without a
75 manager on site.

76 Mr. Adamson stated that he works 7:00 AM to 2:00 PM

77 Ms. James asked if he worked on site.

78 Mr. Adamson said no that he has a full-time job.

79 Ms. James asked if there were times that guests are there without a manager.

80 Mr. Anderson answered yes.

81 Ms. James stated that if the guests went onto private property, that only the property owner
82 would know.

83 Mr. Adamson answered that there are designated trails that are labeled.

84 Ms. James asked if the trails were on his property.

85 Mr. Adamson answered that the trails were on his property. He also stated that if the guests
86 went into the soybean field, they were then into private property.

87 Ms. James asked if Mr. Adamson could make sure that they did not go off his property.

88 Mr. Adamson answered that his guests would respect staying on his property, that his guests
89 are high end professional people, that he does not have riffraff.

90 Ms. James stated that professional people also break the rules not just riffraff.

91 Mr. Adamson stated that his guests understand No Trespassing signs. He went on to say that
92 he did not know who owned the property behind him, but that there was motorcycle trails back
93 there from the previous owner of his home and that he was told by the previous owner that he
94 could also use the trails. Mr. Adamson stated that he accepted that it was acceptable to use
95 the trails. He also stated that he grew up on a farm and was always went onto other properties
96 and it was never an issue.

97 Ms. James asked if Mr. Adamson asked if he had met with the neighbors to tell them his plan
98 and to ask if it was ok.

99 Mr. Adamson stated that he did not.

100 Mr. Jacobson called for comments from the opposition.

101 Rebecca Robinette, 841 Hedges Road, Xenia, Ohio stated that her father in law has owned 50
102 acres since the 1930's, she went on to say that she has lived there for 25 years. She stated that
103 she became aware of the Bed and Breakfast during the winter when two men came to her door
104 and stated that they had wounded a deer and that it came onto her property. She stated she
105 told them to leave it alone, but her husband said to let them get it in case it was suffering. She

106 also says that two weeks ago, 800 Hedges had set off fireworks. She stated that Mr. Adamson's
107 property is not that big, so guests are entering onto other properties. She said that people are
108 out there without his knowledge. She went on to say that there has been recent break ins and
109 property damages, and they have never had that problem before. She stated that she has
110 never had to lock her doors, and now there is strange people all over the road. She said that
111 her family and Mrs. Ellis's family has owned Hedges Road for 60 years and now they have a Bed
112 and Breakfast with strange people all over the place. She went on to state that the Bed and
113 Breakfast has been going on way before his sign was placed out front. She said that she does
114 not think it should be allowed, that it is a residential and farming community with children on
115 the properties up and down the road. She went on to say that they do have cars up and down
116 the road a lot because the road is used like a by-pass from US 42 to Lower Bellbrook Road, but
117 they all have Ohio plates. She says that if her granddaughter is picked up by someone with out
118 of state plates, she will be going to Mr. Adamson's house. She stated again that she did not
119 want the Bed and Breakfast.

120 Mr. Jacobson asked Mrs. Robinette if she wanted the Bed and Breakfast.

121 Mrs. Robinette Stated that she did not want the Bed and Breakfast.

122 Mr. Jacobson asked if her comment regarding the deer is related to this hearing.

123 Mrs. Robinette stated that yes, the hunters were staying at the Bed and Breakfast. The hunters
124 said that they were staying at the Bed and Breakfast, they wounded a deer and it ran across
125 into her woods.

126 Jez Alogla, 842 Hedges Road, Xenia, Ohio stated that he purchased the property next door to
127 800 Hedges Road and that he thought there was an operation going on there, but it was not a
128 concern at the time. He stated that his concern was noise, that normal conversations could be
129 heard from where the placement of his deck will be. he stated that this would be taking away
130 from the peacefulness he purchased the property for. He also stated that he is worried about
131 strangers as he has two daughters. He stated that this is a very challenging world, and having
132 people come from all over he feels he and his family will not be able to enjoy their property for
133 fear of random strangers and noise. He went on to state that he has discovered paths cut
134 through the back corner of his property. Mr. Alogla stated that that he would like to preserve
135 the street and add value to the street, he feels that this would be opening the door to more
136 issues. He stated that he did not want the Bed and Breakfast.

137 Mr. Jones asked if Mr. Alogla knew personally that the hunters came from 800 Hedges Road.

138 Mr. Alogla stated that he did not.

139 Mrs. Robinette stated that she did know that the hunters came to her door and said they were
140 staying at the Bed and Breakfast across the street.

141 Mr. Jones asked if the deer was shot at 800 Hedges Road.

142 Mrs. Robinette said that it was and then came onto her property.

143 Mr. Jones asked why she did not call Wildlife Control.

144 Mrs. Robinette answered that her husband was sick, and she didn't know what to do, and that
145 when they said Bed and Breakfast, it did not click as to what they were talking about.

146 Mr. Jones asked if she thought they could have been a hunter from another property.

147 Mrs. Robinette stated that they would not have been there without permission and not on her
148 property. She further explained that the land across was for sale, the land beside them has
149 horses, and they said that they were staying at the Bed and Breakfast across the street.

150 Paul Price, 856 Hedges Road, Xenia, Ohio stated that he has been living there for 10 years, that
151 he loves the area and the peace and quiet, his neighbors. He said that he would hate to see a
152 business on Hedges Road. Mr. Price asked what the hearing was about, to start a business after
153 it was okayed or to already have a business running for the past year.

154 Mr. Stock stated that in the Agricultural District, Bed and Breakfast is allowable through the
155 Board of Zoning Appeals. He went on to state that the ask for Bed and Breakfast is the reason
156 for the hearing. The Bed and Breakfast was noticed by a passerby that saw the sign and called
157 to notify Xenia Township that there was a Bed and Breakfast operating on Hedges Road. After
158 researching for a Conditional Use variance for the property, and not locating one, the
159 homeowner was contacted and within a week, he had his application in.

160 Mr. Price stated that the Bed and Breakfast has been operating since August of 2019 and that
161 he did not know anything about the Bed and Breakfast until the sign went up. He stated that
162 he has seen an increase of people with backpacks up and down the road and that sometimes he
163 would see them going onto other properties. He stated that he has had to call the police. Mr.
164 Price stated that he spoke with Brad Phillips, owner of 1115 US 42 located directly behind 800
165 Hedges Road, and that Mr. Phillips stated that he has no connection with Mr. Adamson and has
166 never spoken with Mr. Adamson. Mr. Price stated that there was not motorcycle trails through
167 the woods before Mr. Adamson moved there. Mr. Price stated that he has hunted the woods
168 and know the woods. He went on to state that since Mr. Adamson moved there, he has gone
169 into the woods and cut trails, Mr. Adamson says that he has four miles of trails through the
170 woods, the woods do not belong to Mr. Adamson, they belong to Mr. Phillips. Mr. Price stated
171 that he did not know what was going on until he saw the sign for the Bed and Breakfast in July.
172 He stated that he had noticed the tents and paths but did not know why they were there. Mr.
173 Price also said that on July 10,2020, there was fireworks coming from 800 Hedges Road until
174 10:00 PM, when he called Xenia Police. Mr. Price said that he would hate to see a Bed and
175 Breakfast, that he does not want a bunch of people around that are not known. He stated that
176 some of the neighbors are scared when they see strangers on the road. Mr. Price stated that
177 no one wants the Bed and Breakfast.

178 Mr. Jones asked had he not placed the sign would he had known about the Bed and Breakfast.

179 Mr. Price said he would not have known.

180 Mr. Jones asked if the people walking around the properties and up and down the street had
181 been a problem before the sign went up.

182 Mr. Price stated that they had noticed without the sign. He said that he had found trails and
183 that on Mr. Adamson's website he states he has four miles of trails, but the trails are not on his
184 property.

185 Ed Quinlan, 934 Hedges Road, Xenia Ohio, stated that someone that has helped start two other
186 Bed and Breakfast should know that a Zoning Permit is needed. He went on to say that using
187 someone else's property for personal gain is not only trespass, but also theft. Mr. Quinlan
188 stated that two ladies had walked out of the woods and was at his horses. He asked what
189 would have happened had the horses kicked or bit them, who is liable? He stated that the State
190 of Ohio would give him some relief, but that people would sue for anything. He stated that this
191 is encroachment of his physical property and way of life. He stated that the fireworks upset his
192 dogs, horses and sleeping children. He stated that Mr. Adamson had total disregard for his
193 neighbors. He also said that Mr. Adamson has two plus/minus acres, and that you can not have
194 four miles of trails on two acres. Mr. Quinlan stated that the area was Zoned Agricultural for a
195 reason and that is what the owners bought and what they want. He stated that they were
196 there first and their wants and standard of living should be considered first, not someone trying
197 to make money. He also stated that he has no problem making money or using their property
198 as they want, so long as it does not encroach on his way of life or standard of living.

199 Mr. Alogla asked if Bed and Breakfast could be defined as a board.

200 Ms. James read the definition of Bed and Breakfast: Accommodations in a private home which
201 offers a room and breakfast for one inclusive price for an overnight stay to travelers.

202 Mr. Alogla stated that in this case, they were talking about "Glamping" that not only was a Bed
203 and Breakfast being offered. He stated that this was more of a campsite, recreation area.

204 Mr. Stock stated that Bed and Breakfast and Air Bed and Breakfast fall under the same
205 category, just one offers breakfast.

206 Mr. Alogla stated that he does not discount the breakfast part, he feels that there should be a
207 separation in the campsites and the Bed and Breakfast.

208 Mr. Stock stated that a hotel is considered five or more sleeping areas regardless of number of
209 buildings. Anything under five sleeping areas would be Bed and Breakfast according to the ORC
210 (Ohio Revised Code) for Camping and Hotel. He further explained that if a huge tent could
211 sleep five and five different people could pay, that would be considered five places not just one.

212 Mr. Quinlan stated that on the website, there is a list of other amenities, such as sail boating,
213 biking, on site mountain biking, on site trails. He said that is recreation, not lodging. He stated

214 that Mr. Adamson should need more permits for offering other activities. Mr. Quinlan asked
215 that the matter be tabled until more information is gathered.

216 Mr. Stock replied that asking to table this matter because of amenities would be up to the
217 board but is irrelevant to the matter. He further said that Mr. Adamson could say that there
218 was a two-star restaurant within three miles, that would be advertising other amenities and
219 does not negate lodging, he is simply giving information.

220 Mr. Quinlan stated that he was talking about what is advertised on site, boating, sailing they
221 would have to be taken off site, and the bike trails and hiking are part of the property, not
222 lodging. Mr. Quinlan compared it to a State Park.

223 Ms. James stated that she would like to see the actual language before deciding to table the
224 matter.

225 Mr. Jacobson stated that they are there for the Conditional Use of a Bed and Breakfast not for
226 the activities.

227 Mrs. Robinette asked if Mr. Adamson should have special permits not only from the Board, but
228 also vender license and special insurance. She went on to ask if there wasn't more involved
229 than just letting someone stay at your house. She stated that a Xenia City Police officer had
230 lived on the property for 15 years and that a retired Deputy had also lived there. She stated
231 that she had been there 25 years and her husband for 50 years and that the property had
232 always been well maintained and not a party house. Mrs. Robinette referring to Mr. Jones's
233 comment regarding that they are only complaining now because the sign went up. She stated
234 that Mr. Adamson had tried to keep the Bed and Breakfast quiet, but she had seen the activity
235 and thought that he has a lot of friends and family. She stated that she has had to call the
236 Sheriff because she saw someone walking down the road. She further stated that they all know
237 each other on that road and that they do not bother each other and that they do not want a
238 business. That Mr. Adamson should pay his taxes, have insurance and licenses and be legal.

239 Mr. Jacobson stated that regardless of the Conditional Use, Mr. Adamson is still subject all laws,
240 fire codes, building codes, health and safety, taxing, that the Board has no control over that.

241 Mr. Adamson stated that the people on the street could be the homeless living on the bike
242 path, and that the people with back packs are not coming from his property. He further stated
243 that the people staying at his house were there to enjoy the space and not to steal or break into
244 cars. He stated that he has equipment in his barn that can be stolen, why would someone go
245 down the street to steal.

246 Mr. Price stated that he has seen people coming from 800 Hedges and going back into the
247 woods.

248 Mr. Adamson stated that there had been people hiking in the woods and as of now, that was
249 shut down. He also apologized that someone was lost and ended up behind Mr. Price's home.

250 Mr. Jacobson called for order and to allow Mr. Adamson to speak.

251 Mr. Adamson stated that the Bed and Breakfast has been open since June 2019 and that no one
252 knew about it until the sign went up so that shows it has been running correctly. He stated that
253 the fireworks were a one-time thing and he apologizes that it upset horses and families. He
254 said that the trails would be no longer after today and that he truly believes that the people
255 with back packs are not coming from 800 Hedges Road.

256 Mr. Jacobson asked how far away the bike path was.

257 Mr. Adamson answered .2 mile and that he gets a lot of business from people doing the Ohio to
258 Erie trail.

259 Mr. Jacobson asked if people could get to the bike path from 800 Hedges.

260 Mr. Adamson answered that you can not get to the bike path without going onto Hedges Road.
261 He further stated that in the Agricultural District, Bed and Breakfast was essentially approved,
262 and he came into this thinking that he would have to be disapproved based on that. He went
263 on to say that everything has been talked about except the Conditional Use of a Bed and
264 Breakfast.

265 Ms. James referred to a letter sent to Mr. Adamson from Mr. Stock on July 16, 2020 regarding
266 Mr. Adamson needing to request a Conditional Use Variance. Ms. James stated that Mr.
267 Adamson moved to the property in December 2018, started the Bed and Breakfast June 2019,
268 and received the letter July 2020. She read his response "so sorry. I had this prepared in
269 February but when COVID hit, I assumed you shut down". She went on to stated that Mr.
270 Adamson prepared the letter eight months after opening and excused it by COVID shutting
271 down the Township office, she asked if Mr. Adamson had called the office or just assumed it
272 was closed.

273 Mr. Adamson stated that he had spoken with Mrs. Krause a couple times about Hospitality
274 taxes and that she brought up the issue. He further stated that with in the State of Ohio, you
275 can have five or less room Bed and Breakfast with little to no regulations.

276 Ms. James asked Mr. Adamson if he needed a permit.

277 Mr. Adamson asked for when.

278 Ms. James answered when you opened.

279 Mr. Adamson answered that he did not know that he did.

280 Ms. James stated that Mr. Adamson had the application ready in February, opened in June, but
281 assumed the office was closed. She further stated that Mr. Adamson was a businessman and
282 had written two business plans and would assume that he understands this stuff. She further

283 asked if Mr. Adamson had called the office to say he had a Bed and Breakfast and needed to
284 apply for his variance.

285 Mr. Adamson stated that he did not call.

286 Mr. Jones asked what made Mr. Adamson realize he needed the Variance in February.

287 Mr. Adamson stated that he realized after talking with Mrs. Krause.

288 Mr. Jones asked if that was after someone said something to the township.

289 Mr. Adamson stated that his CPA asked about a Hospitality Tax and he called the Township for
290 clarification. That Mrs. Krause asked if Mr. Adamson was compliant in zoning, and she told him
291 what was needed to be done. Mr. Adamson stated he had the application notarized and then
292 COVID hit and he was under the assumption that Government offices were closed.

293 Ms. James stated to Mr. Adamson that he started the presentation by saying he has written two
294 business plans. She stated that is a clue the Mr. Adamson understands business. She further
295 stated that it seems that Mr. Adamson picks and chooses the rules he wants to follow and has
296 excuses as to why he does not follow rules he does not like. She reemphasis the paths cut
297 through other properties, not applying for Variance and not talking to neighbors to get
298 permission to go onto their property.

299 Mr. Adamson stated that he did not have direct neighbors, next door or behind his property.

300 Ms. James asked if Mr. Adamson could have done research to find the property owners.

301 Mr. Adamson stated that he thought the property was owned by Phillips Sand and Gravel.

302 Ms. James asked if he had spoken with Phillips Sand and Gravel.

303 Mr. Adamson answered no, he did not.

304 Ms. James asked that Mr. Adamson assumed it was ok to just go onto other properties.

305 Mr. Adamson stated that growing up on a farm, he always went on other properties.

306 Ms. James stated that she knows farmers that really do not like people on their property. She
307 further stated that she lives near the bike path and does not like when people assume that they
308 can come through her yard, does not like when people assume things about her property, life
309 or what the laws are.

310 Mr. Jacobson stated that all opposition had been heard, and that there was not any in favor,
311 had heard from the petitioner and his responses. He asked if there was any other discussion
312 from the Board members before there was a motion made.

313 Mr. Jones asked Mr. Stock if they grant the Conditional Use, are conditions anything that the
314 Board puts on it.

315 Mr. Stock replied that reasonable conditions could be put on the Conditional Use. He stated a
316 for instance that you can not put on there that the homeowner guarantees no one would
317 trespass on other properties, but it could be stated that the homeowner would make every
318 reasonable attempt to provide literature, place signage stating, end of property, and
319 trespassing beyond this point. He stated that reasonable limitations may be places: potential
320 noise, potential smells, potential vibrations, hours of operation, making sure he is compliant
321 with local building, electrical codes, health department, wastewater, can also call for monthly
322 inspections for the first year.

323 Mr. Jacobson called for a motion.

324 Mr. Jones stated that he has a problem making a motion because Mr. Adamson lives on the
325 property, but it is not regulated. He also stated that he understands the neighbors are upset,
326 but what Mr. Adamson is doing on his property, anyone could be doing also. He stated not the
327 Bed and Breakfast but the hunting, fireworks, guns, having as many people over as wanted if it
328 is not called a Bed and Breakfast. Mr. Jones stated that his problem giving the Conditional Use
329 was because Mr. Adamson had guests coming in and out without the neighbors knowing and
330 not knowing he was charging them and not advertising, he could continue to do this an nothing
331 could be done. He stated that the police, sheriff, wildlife could be called but that would just be
332 neighbors complaining about a neighbor. Mr. Jones stated that he feels Mr. Adamson tried to
333 do the right thing, just came at it a little backwards an dis now trying to do it the right way. Mr.
334 Jones stated that he can not say YEA or NAY so is not able to make a motion.

335 Mr. Jacobson called for a motion.

336 Ms. James stated that she could not make a motion either.

337 Mr. Jones asked Mr. Stock what the next step would be if the Conditional Use was not granted.

338 Mr. Stock replied that people who come before the Board for a public hearing deserve a vote,
339 either YEA or NAY. Mr. Stock said that he believes everyone member on the Board of Zoning
340 Appeals are a part of the Board to make decisions to the best of their abilities and conscious.
341 Mr. Stock stated that he is not saying what way to vote, but someone should make a motion, so
342 everyone is able to vote. He further stated that if no judgement is made, that the injured party
343 would be denied an appeal, that it is important to decide so the injured party may go to
344 Common Plea Court to file an appeal.

345 Ms. James asked when Conditions must be outlined if approving with conditions.

346 Mr. Stock replied that if the Board wanted to add conditions, but not prepared to do that now,
347 they can call for a continuance to deliberate. He also stated that the matter must be closed
348 within 30 days.

349 Mr. Jacobson stated that rather than adding a laundry list of conditions, they could vote NAY
350 and the petitioner could go back to redevelop his business plan to address the issues that have

351 come up as opposed to the Board making a list of conditions. Mr. Jacobson referring to the
352 Duncan Criteria, stated that one of the questions is will it adversely affect the neighborhood.
353 Mr. Jacobson went on to state that there were four members that could vote, so a motion
354 could be called and then take a vote.

355 Ms. James stated that on of the options is to vote NAY and the petitioner could file an appeal
356 with Common Plea Court. She stated that they have three options, YEA, NAY, or YEA with
357 conditions.

358 Mr. Jacobson asked if the appeal was disapproved is his only option to file with Common Plea
359 court, or could he refile with a redefined business plan.

360 Mr. Stock responded that if Mr. Adamson was denied, his only recourse would be to file with
361 Common Plea Court.

362 Mr. Jones asked if that was is only recourse with a NAY vote.

363 Mr. Stock Replied that he would have to do research, with the Zoning Commission, an applicant
364 may reapply in 365 days, but he does not know about the Board of Zoning Appeals.

365 Mr. Jacobson asked MR. Cope if he had any comments.

366 Mr. Cope stated that taking into the neighbors' concerns and complaints, that it mostly sound
367 civil or criminal and not necessarily something the Board has control over. Mr. Cope gave the
368 example of having guests stay at the Bed and Breakfast but not charging them, having them as
369 friends and family, that would be perfectly legal with regards to use of his property. Mr. Cope
370 stated that the neighbors only recourse would be a civil or criminal pursuit with law
371 enforcement. He stated that Mr. Adamson has been running the Bed and Breakfast over a year
372 before the neighbors truly noticed that a business was operating. He further stated that
373 neighbors seeing an increase of pedestrians on the roadway, unless they were doing something
374 wrong, there was no recourse to prevent someone from walking on the road. The neighbors
375 seeing people on private property is a civil or criminal matter. Mr. Cope said to Mr. Chairman
376 that he would put a motion on the floor that the Board approve the Conditional Use for the Bed
377 and Breakfast, for the purpose of having a vote and bringing this to a conclusion. Mr. Cope
378 further stated that regardless of the vote, this matter will probably make its way to Common
379 Pleas Court.

380 MOTION TO APPROVE CONDITIONAL USE FOR BED AND BREAKFAST AT 800 HEDGES ROAD
381 was made by MR. Cope and was seconded by Mr. Jones.

382 Mr. Jacobson – NAY

383 Mr. Cope – NAY

384 Ms. James – NAY

385 Mr. Jones – NAY

386

387 CONDITIONAL USE FOR BED AND BREAKFAST DENIED

388 Motion to adjourn made by Ms. James, Seconded by Mr. Jones

389

390 There being no further business, the Board adjourned.

391 Meeting Adjourned 8:47 P.M.

392

393

394

395

396 ATTEST:

397

398

399

400 _____
Alan D. Stock, Zoning Inspector

401

402

403

404

405

406

407

408