



**XENIA TOWNSHIP
GREENE COUNTY, OHIO
XENIA TOWNSHIP BOARD OF ZONING APPEALS**



NOTICE OF APPEAL FOR AREA VARIANCE

Only the property owner, or their legal, authorized agent, can make an appeal to the Board of Zoning Appeals, therefore, I hereby appeal to the Board of Zoning Appeals the refusal of a Zoning Certificate (attached hereto) by the Xenia Township Zoning Inspector for the following property:

Name of Property Owner: John + Cynthia Fite Phone: 937-657-8319
Address of Property: 1693 Winchester City: Xenia Zip: 45385
Acreage of Property: 5 Parcel Number: M36000200250004400
Owner Address: 1693 Winchester City: Xenia State: OH Zip: 45385

The specific variance requested for this parcel to avoid unnecessary hardship is:

An area variance is an exception to the regulations of the Xenia Township Zoning Resolution. The applicant shall submit on a separate piece(s) of paper the answers to the following Duncan Standard.

In 1986 the Ohio Supreme Court oversaw the case of Duncan vs Middlefield. This case was due to the plaintiff, Duncan, requesting an **area variance** that was denied by the local Board of Zoning Appeals Board. Due to this case the Ohio Supreme Court has prescribed seven guidelines to follow in making the decision of granting an area variance. These seven guidelines are referred to as the Duncan Criteria and are listed as follows:

1. Whether the property in question will yield a reasonable return or whether there can be beneficial use of the property without the variance
2. Whether the variance is substantial
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
4. Whether the variance would adversely affect the delivery of government goods
5. Whether the property owner purchased the property with knowledge of the zoning requirements
6. Whether the property owner's predicament can feasibly be obviated through some other method than a variance
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance

The applicant shall submit on a separate piece(s) of paper the answers to the Xenia Township Zoning Resolution Standards.

1. Conditions and Circumstances: What special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. Property Rights: What literal interpretation of the provisions of the Zoning District's would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms.
3. No Special Privilege: Why will granting the variance requested not confer on the applicant any special use or privilege denied by this Resolution to other lands, structures, or building in the same district.
4. Harmony with Locality: Why will the variance requested not alter the essential character of the locality

THIS APPLICATION IS ACCOMPANIED BY A FEE IN THE AMOUNT OF THREE HUNDRED DOLLARS (\$300.00) FOR THE PURPOSE OF DEFRAIVING EXPENSES OF PUBLISHING NOTICES IN THE NEWSPAPER AND MAILING COSTS AND RECORDING FEES.

I hereby grant permission to the Xenia Township Zoning Commission, the Xenia Township Board of Trustees, Greene County Regional Planning Commission staff, Appropriate Greene County Department staff, and any other persons necessary to gather pertinent information regarding subject property to enter upon the premises. I understand a sign will be placed on my property for the purpose of identifying the property. I understand the decision of the Board of Zoning Appeals is final, and if the decision is unsatisfactory, I may appeal the decision with the Court of Common Pleas. No refunds will be given for applications for a zoning amendment, rezoning, conditional use, or variance. An application for reconsideration shall not be accepted for consideration more than once during any consecutive twelve-month period.

John Fit
Applicant(s) [Owner or Lessee] Signature(s)

STATE OF OHIO, GREENE COUNTY, §:

The undersigned, being first duly sworn, says that he/she is the owner
(owner or lessee)
named in the foregoing application and states that all the facts stated in said application are true as he believes.

John Fit
Applicant(s) Signature(s)

Sworn to before me by the said day and by him/her subscribed in my

presence this 7th day of April, 2021.

My Commission expires August 14, 2024



NOTARY PUBLIC
STATE OF OHIO
My Commission Expires
August 14, 2024

Melissa
Notary

① yes we live at the residence on the property but need a pole barn to store lawn equipment and other supplies used to maintain the property.

② yes, much needed for storage purposes.

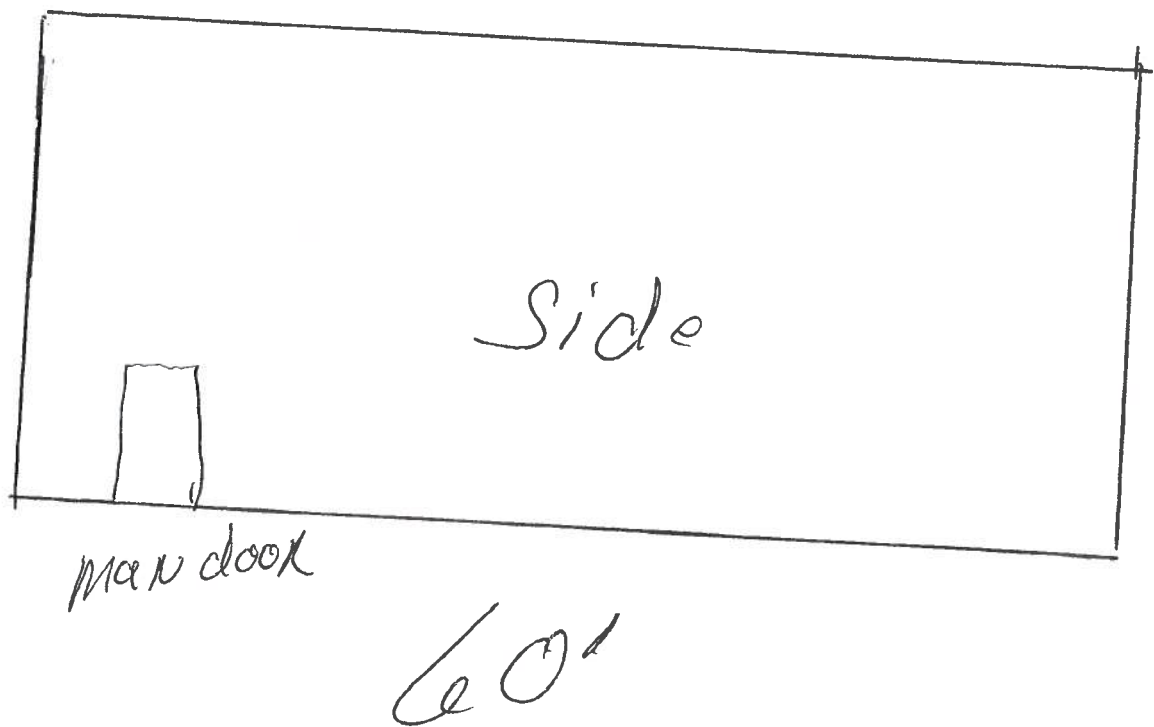
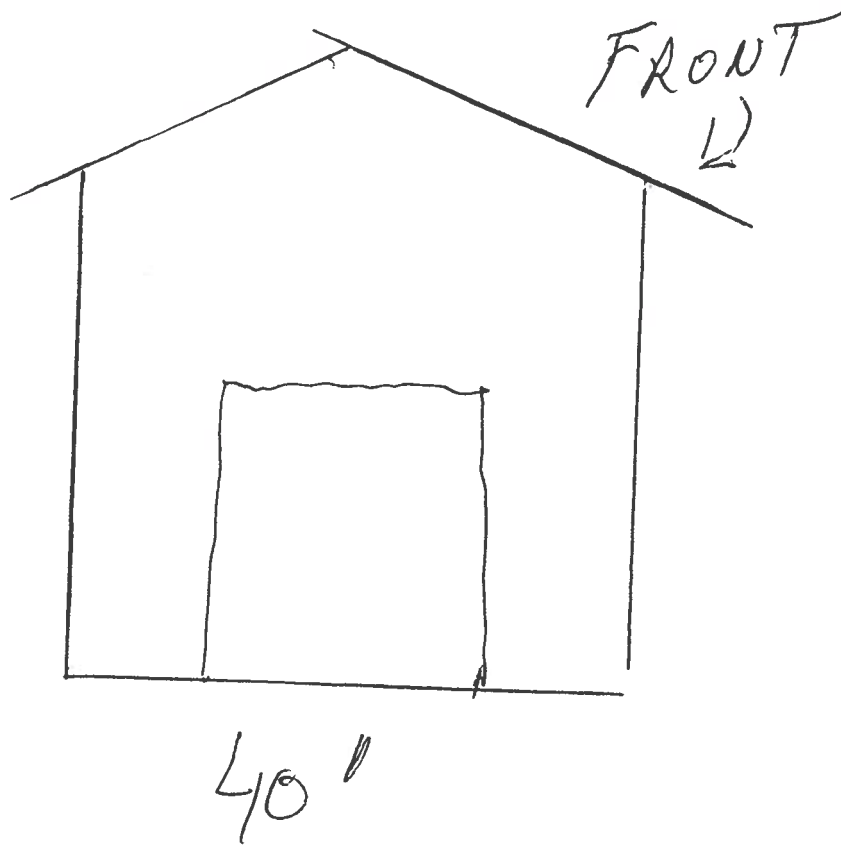
③ the variance would in No way effect any properties near or neighboring.

④ The variance would not effect the delivery of government goods.

⑤ We did not know the zoning requirements when we purchased the property.

⑥ No, there is not any other method other than the VARIANCE to fullfill our need.

⑦ Yes, Justice would be granted to property owners if VARIANCE WAS Allowed by zoning!



**NEW CONSTRUCTION, ADDITIONS, ACCESSORY STRUCTURE
ZONING CERTIFICATE APPLICATION**

Xenia Township
8 Brush Row Rd., Xenia OH 45385
Phone: 937-372-0859 · Fax: 937-372-3343 · www.xeniatownship.org

PROPERTY AND CONTACT INFORMATION

Name of Property Owner: John Fite Phone: 937-657-8319
Address of Property: 1693 Winchester City: Xenia Zip: 45385
Owner Email Address: Fiteconcrete@gmail Parcel Number: M3600020035000044
Name of Contractor: Fite Concrete Phone: 937-657-8319
Contractor Email Address: _____

PROPOSED CONSTRUCTION

Proposed Building Use: Storage

☒ New Construction ☐ Addition ☒ Accessory Structure

NEW BUILDINGS AND ADDITIONS

Total Floor Space: 2400 sq. ft. Total Living Area: _____ sq. ft. Height to Peak of Roof: 24 ft.

Property Line Setbacks: FRONT 207 ft. REAR 388 ft. SIDE 80 ft. SIDE 296 ft.

Other Information Required:

- ◆ Plot plan of property including existing buildings, proposed buildings, well, septic.
- ◆ Copy of construction drawings.
- ◆ The building must be staked for inspection of setbacks.
- ◆ New construction must have proof of Board of Health Septic Approval and driveway permit

Total Amount of lot covered by a non-permeable surface may not exceed 15% of the total area of the lot

FEES:

RESIDENTIAL:	SINGLE FAMILY \$150	TWO FAMILY \$200
ACCESSORY STRUCTURE:	0-100 SQ FT \$ 50.00	OVER 100 SQ FT \$75.00
ADDITIONS:	0-200 SQ FT \$50.00	OVER 200 SQ FT \$100.00

I hereby certify that all of the information supplied in this application and attachments are true and correct to the best of my knowledge, information and belief. I hereby consent to the inspection of the subject property and of any buildings or structures to be constructed thereon by the Township Zoning Inspector. I hereby acknowledge that I understand that if the construction or use described in the zoning certificate has not begun or been substantially pursued within one year from the date of issuance, said zoning certificate shall become null and void.

John Fite
Applicant Signature

3/22/21
Date

Email: Fiteconcrete@gmail

Do you want copy emailed to Greene County Building Regulations? ☒ Yes ☐ No

NOTE: REFUSAL OF THIS CERTIFICATE MAY BE APPEALED BY FILING AN APPLICATION WITHIN 20 DAYS OF DENIAL

This application has been APPROVED ☒ REJECTED for issuance of a Zoning Certificate by the Xenia Township Zoning Inspector.

[Signature]
Xenia Township Zoning Inspector

2021-4-2
Date

11:30
Time

Front yard - would need BZA approval

Board of Zoning Appeals Procedure Checklist

1693 Winchester Variance to Accessory Structure Setback



Changes in the zoning text and changes in the zoning map (district change), follow the same procedure. The following checklist has been adopted from R.C. 519.12.

Item	Action	Date	Checked by
1	Initiation/Receipt of Zoning Appeal	2021.04.07	MK
2	Public Hearing date set for Board of Zoning Appeals to be set not less than twenty nor more than forty days form receipt of amendment.	2021.05.05	MK
3	Newspaper notice for Board of Zoning Appeals of Public Hearing must be published at least ten days prior to the hearing in a newspaper of general circulation in the township.	2021.04.22	MK
4	Written notice to property owners for Board of Zoning Appeals Hearing within, contiguous to, and directly across the street from the land to be rezoned must be sent at least ten days before the public hearing if ten or fewer parcel of are proposed to be rezoned.	2021.04.21	MK
5	Publiaction of date on XTWP website	2021.04.21	MK
6	Publication of date by sign posted in aplicants yard	2021.04.22	MK
7	Township Board of Zoning Appeals public hearing	2021.05.05	

Note: R.C. 5511.01 requires notification to the Ohio Department of Transportation before any amendment is approved which affects land near proposed new highways to planned improvements.

This outline and checklist of admendment procedures is provided for general use. Section 519.12 should be reviewed for specific language and current law.





LEGAL NOTICE

The Xenia Township Board Zoning Appeals, Greene County, Ohio gives notice that a Public Hearing will be held on May 5, 2021 at 6:00 p.m. on the application received from John Fite, owner of 1693 Winchester Road, Xenia, OH 45385 (Parcel #M36000200350004400), requesting a Variance of Section 504 for Accessory Building Set Back. The hearing will be held at the Xenia Township Trustees' Office, 8 Brush Row Road, Xenia, OH 45385.

Interested persons may appear at this scheduled Hearing to express their opinion with respect to this requested Variance to Setbacks for Accessory Buildings.

PUB: April 22, 2021
90119348

LEGAL NOTICE

The Xenia Township Board Zoning Appeals, Greene County, Ohio gives notice that a Public Hearing will be held on May 5, 2021 at 6:00 p.m. on the application received from Aaron White, owner of 772 Murray Hill Drive Xenia, OH 45385 (Parcel # M36000200310006800), requesting a Variance of Section 400.7 for Maximum Percentage of Lot Coverage. The hearing will be held at the Xenia Township Trustees' Office, 8 Brush Row Road, Xenia, OH 45385.

Interested persons may appear at this scheduled Hearing to express their opinion with respect to this requested Variance to Maximum Percentage of Lot Coverage.

PUB: April 22, 2021
90119347

OFFICIAL BALLOT

SPECIAL ELECTION - May 4, 2021

GREENE COUNTY, OHIO

PROPOSED TAX LEVY (RENEWAL)

Xenia Community City School District

A majority affirmative vote is necessary for passage.

A renewal of a tax for the benefit of the Xenia Community City School District, for the purpose of **constructing, renovations and improvements to school buildings and providing equipment and furnishings**, at a rate not exceeding 1.3 mills for each one dollar of valuation, which amounts to \$0.13 for each one hundred dollars of valuation, for 5 years, commencing in 2021, first due in calendar year 2022.

FOR THE TAX LEVY

AGAINST THE TAX LEVY

PUB: April 22/29, 2021
90117455

OFFICIAL BALLOT

SPECIAL ELECTION - May 4, 2021

GREENE COUNTY, OHIO

PROPOSED TAX LEVY (SUBSTITUTE)

Fairborn City School District

A majority affirmative vote is necessary for passage

OFFICIAL BALLOT

SPECIAL ELECTION - May 4, 2021

GREENE COUNTY, OHIO

PROPOSED TAX LEVY (ADDITIONAL)

Bellbrook-Sugarcreek Local School District

A majority affirmative vote is necessary for passage

Shall a levy be imposed by the Bellbrook-Sugarcreek Local School District, for the purpose of **providing for the emergency requirements of the school district**, in the sum of \$3,220,000 per year, and a levy of taxes to be made outside of the ten-mill limitation estimated by the county auditor to average 4.9 mills for each one dollar of valuation, which amounts to \$0.49 for each one hundred dollars of valuation, for 7 years, commencing in 2021, first due in calendar year 2022?

FOR THE TAX LEVY

AGAINST THE TAX LEVY

PUB: April 22/29, 2021
90117447

OFFICIAL BALLOT

SPECIAL ELECTION - May 4, 2021

GREENE COUNTY, OHIO

PROPOSED BOND ISSUE

Xenia Community City School District

A majorit

Shall a levy re
vercreek City
the emergenc
sum of \$18,51
the ten-mill lirr
age 8.7 mills fo
\$0.87 for each
5 years, comm

PUB: April 22/2
90117452

SECTION 00 1

**ELIZABETH M
HVAC REPLAC
1400 Brush Ro
Wilberforce, Oh**

Sealed bids for
State University
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force, Ohio 453
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**HALL & SUNI
CAPITAL PRO**
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Bids will be take
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1A

Bids will be pub
by Central State
LOCAL TIME.

Xenia Township will be holding two (2) Board of Zoning Appeals Hearing on May 5, 2021 at 6:00 PM. They will be held at 8 Brush Row Road Xenia, Ohio

The Xenia Township Board Zoning Appeals, Greene County, Ohio gives notice that a Public Hearing will be held on May 5, 2021 at 6:00 p.m. on the application received from Aaron White, owner of 772 Murray Hill Drive Xenia, OH 45385 (Parcel # M36000200310006800), requesting a Variance of Section 400.7 for Maximum Percentage of Lot Coverage. The hearing will be held at the Xenia Township Trustees' Office, 8 Brush Row Road, Xenia, OH 45385.

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Interested persons may appear at this scheduled Hearing to express their opinion with respect to this requested Variances.





Xenia Township

ALAN STOCK
Zoning Inspector
8 Brush Row Road
Xenia, OH 45385
(937)372-0859
FAX (937)372-3343
www.xeniatownship.org

ZONING COMMISSION

Roy Colbrunn
Virgil Ferguson
Kent Harbison
Alan King
Jeffrey Zweber

BOARD OF ZONING APPEALS

Nathan Anthony
Janis James
Philip Jacobson
Darren Jones

May 5, 2021

NOTICE TO PROPERTY OWNERS OF A PUBLIC HEARING

Notice is hereby given that the Xenia Township Board of Zoning Appeals will hold a Public Hearing for consideration to issue a Variance of Section 504 for Accessory Building Set Back, 1693 Winchester Road, Xenia, Ohio 45385, Parcel #M36000200350004400.

PUBLIC HEARING WILL BE HELD ON THIS APPLICATION BY THE XENIA TOWNSHIP BOARD OF ZONING APPEALS

DATE: May 5, 2021 TIME: 6:00 p.m.

PLACE: Xenia Township Board of Trustees Office, 8 Brush Row Road, Xenia Ohio 45385

This notice is for the purpose of giving you and every other neighbor an opportunity to appear or to express your opinion at the Hearing in support or in opposition to this consideration for rezoning. You may come in person or authorize anyone else to represent you, or you may express your views in writing, but the letter must be received by the Board, in care of Alan Stock by mail at 8 Brush Row RD, Xenia, Oh 45385 or email astock@xeniatownship.org before the date of Hearing.

The Hearing on this matter is not limited to those receiving copies of this notice. If you know of any neighbor or affected property owner who for any reason has failed to receive a copy of this notice, it would be appreciated if you would inform them of this Hearing. Additional information concerning this request may be obtained during normal office hours at the Xenia Township Trustees' Office or online at www.xeniatownship.org or email astock@xeniatownship.org

XENIA TOWNSHIP BOARD OF ZONING APPEALS
Philip Jacobson, Chair
Alan Stock, Clerk
8 Brush Row Road
Xenia, OH 45385

MICHAEL SCARLETT	1780 WINCHESTER RD	XENIA OH 45385	
RIFE WILLIAM D & IRMA W CO TRUSTEES	1736 WINCHESTER RD	XENIA OH 45385	
KELLEY SUSAN S	1710 WINCHESTER RD	XENIA OH 45385	
DAVIS CHARLES J & BLAIR L	1759 WINCHESTER RD	XENIA OH 45385	
PAYTON JOANIE M & RODNEY LEE	1765 WINCHESTER RD	XENIA OH 45385	
KINGSOLVER JACOB & MANDY	1710 WINCHESTER RD	XENIA OH 45385	1694
FITE JOHN M & CYNTHIA S	1693 WINCHESTER RD	XENIA OH 45385	
BROWN TONDALEAH	1660 WINCHESTER RD	XENIA OH 45385	
EVERETT EMILY & WILLIAM	1634 WINCHESTER RD	XENIA OH 45385	
WILLIAMSON RICHARD G & SANDRA GAIL	1661 WINCHESTER RD	XENIA OH 45385	
EVERETT DANIEL D & AMY L	1621 WINCHESTER RD	XENIA OH 45385	
FINKES KARL & KATHERINE	1477 US 68 S	XENIA OH 45385	



Public Notification

Select or search for a feature in the map

▼ 1693 WINCHESTER RD X Q

Select

Clear

Apply a search distance

500

Feet

Addressee Layer

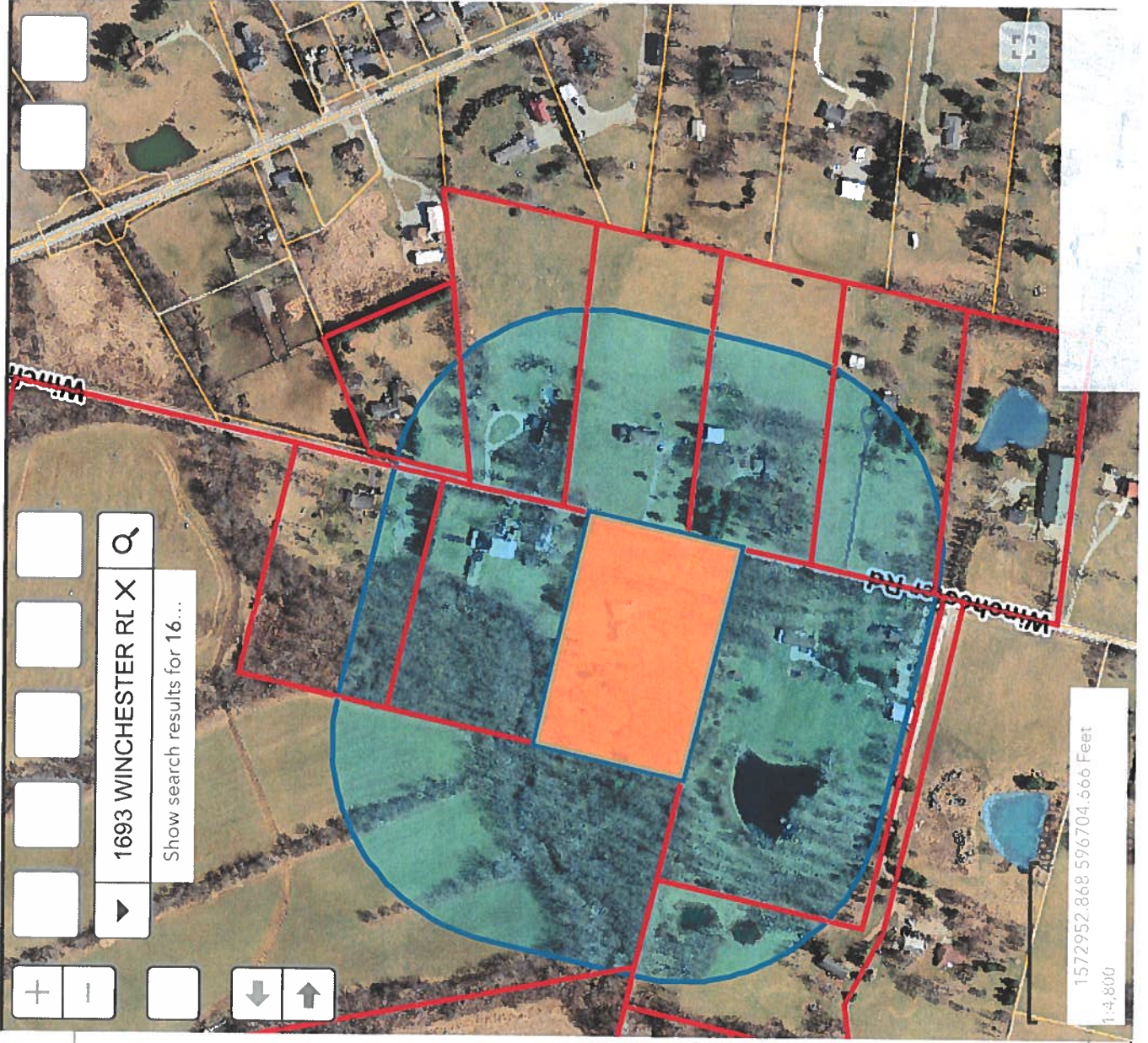
Property Address

Format

Comma-separated values

11 addressees found; do you want to continue?

Download





May 5, 2021

SECTION 504.1 ACCESSORY BUILDING IN FRONT YARD

1693 Winchester, M36000200350004400, Zoned Agricultural District

OVERVIEW of XENIA TOWNSHIP (XTWP) ZONING

Zoning in Xenia Township is based upon its adopted Zoning Resolution (established 1959, updated last 2019) and revolves around two basic concepts, Area and Use. Area looks at road frontage, area usually in units of acres, and setback from property lines. Use is determined by the District Intent and Purpose and split into two major areas, Permitted Principal Uses, and then Conditional Uses. Permitted Principal Uses require no further special Zoning permission while any Conditional Uses require a special, Public Hearing of a quasi-court called the Board of Zoning Appeals (BZA). Public Hearings for BZA matters are separately decided and do not include input from either the Zoning Commission or the Board of Trustees. The Township works in cooperation with Greene County Building Regulations, Greene County Health District, and Greene County Soil and Water Conservation District. XTWP does not have a Property Maintenance Code and is working on updating its Future Land Use Document.

Xenia Township Trustees and Xenia Township Trustees alone have 100% of the rights and responsibilities to create, maintain, and establish all Zoning Maps and text that governs the Zoning Resolution. All other parties merely make zoning text and map suggestions and recommendations. The current Trustees have stated publicly they would rather allow landowners to use their property as they see fit if it complies with the Zoning Resolution.

ACCESSORY BUILDING IN FRONT YARD

No garage or accessory building shall be erected within a required side yard or front yard.

THE DUNCAN CRITERIA

In 1986 the Ohio Supreme Court oversaw the case of Duncan vs Middlefield. This case was due to the plaintiff, Duncan, requesting an area variance that was denied by the local Board of Zoning Appeals Board. Due to this case the Ohio Supreme Court has prescribed seven guidelines to follow in making the decision of granting an area variance. These seven guidelines are referred to as the Duncan Criteria and are listed as follows:

1. Whether the property in question will yield a reasonable return or whether there can be beneficial use of the property without the variance
2. Whether the variance is substantial
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
4. Whether the variance would adversely affect the delivery of government goods
5. Whether the property owner purchased the property with knowledge of the zoning requirements
6. Whether the property owner's predicament can feasibly be obviated through some other method than a variance
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance

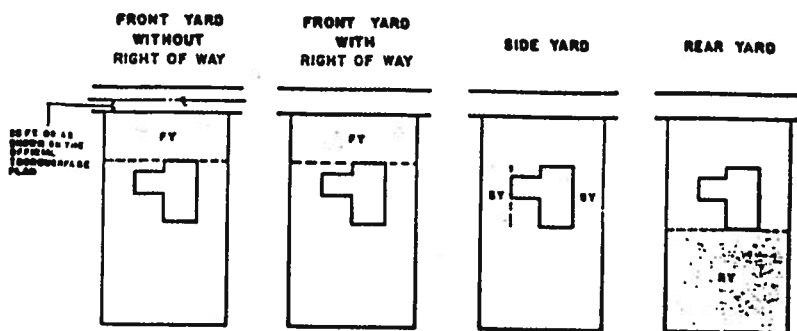
SECTION 504 ACCESSORY BUILDING

- 1 No garage or accessory building shall be erected within a required side yard or front yard.
- 2 The accessory building may be erected not less than eight (8) feet from the side or rear lot lines nor less than eight (8) feet from the main building.
3. When not located completely to the rear of the dwelling, garages shall be constructed as a part of the main building or connected thereto by a covered breezeway.
- 4 No detached accessory building in Residential and B-1 Districts shall exceed eighteen (18) feet or the height of the residence, whichever is less. The height will be calculated as stated in the building height definition.

Yards:

The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Resolution as defined herein.

1. Front yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. (See illustration).
2. Rear yard: Is an open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. (See illustration)
3. Side yard: Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. (See Illustration)



Structure:

Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground.

STAFF FINDINGS

- The petitioner's desire is to erect a second, detached structure that would be a 2,400 square foot pole barn in the front yard.
- The height of the proposed structure does not exceed the 35' maximum allowable.
- This structure would be used for storage and has no agricultural use.
- The placement of this structure would be mostly hidden from view from neighboring properties and from the road as it would be tucked behind the natural tree honeysuckle front road screening and SW side screening. The NW side would be covered by a tree line. The structure would be partially visible through line of site ingressing and egressing the property.
- The topography of the land along with waterfall on the property would make it nearly impossible to place the structure to the rear of the property.

Respectfully,

Alan D. Stock
Zoning Inspector



XENIA TOWNSHIP BOARD OF ZONING APPEALS

- 1. PUBLIC HEARING AREA VARIENCE 1693 WINCHESTER
SECTION 504.1 ACCESSORY BUILDING IN FRONT YARD**
- 2. PUBLIC HEARING AREA VARIENCE 772 MURRAY HILL
SECTION 401.9 EXCEEDS LOT COVERAGE**

**May 5, 2021
6:00 P.M.**

- Pledge
- Roll Call of Board Members Present
 - Ed Jacobson, Chair
 - Nathan Anthony
 - Janis James
 - Darren Jones
- Roll Call
 - Steve Haller, Greene County Assistant Prosecutor
 - Alan Stock, Zoning Inspector
- Call To Order With Opening Remarks And Swearing-In For All Wishing to Give Public Testimony
- Meeting Decorum
 - All presentations and comments are to be made to the Chair. Name and Address given for the record Comments made should reflect the purpose of the Public Hearing, not the character of any individuals or institutions.
 - Decisions will be made based on the merits of the zoning discussion, not whether individuals like other individuals or institutions.
- CONFIRMATION OF PROCESS AND NOTIFICATION
 - Reading request into minutes
 - Process Verification with Exhibit identification

1. Area Variance, Accessory Building In Front Yard 1693 Winchester, M36000200350004400

- Presentation of Petitioner, 15 minutes
- Those in Opposition of Area Variance
- Those in Favor of Area Variance
- Public Discussion Closed _____
- Board Members Open Discussion or Executive Session for Discussion
- Board Vote With Explanation
 - Nathan Anthony Y|N
 - Janis James Y|N
 - Darren Jones Y|N
 - Ed Jacobson, Chair Y|N

2. Area Variance, Exceeds Lot Coverage

772 Murray Hill, Parcel M36000200310006800

- CONFIRMATION OF PROCESS AND NOTIFICATION
 - Reading request into minutes
 - Process Verification with Exhibit identification
- Presentation of Petitioner, 15 minutes
- Those in Opposition of Area Variance
- Those in Favor of Area Variance
- Board Members Open Discussion or Executive Session for Discussion
- Public Discussion Closed _____
- Board Vote With Explanation
 - Nathan Anthony Y|N
 - Janis James Y|N
 - Darren Jones Y|N
 - Ed Jacobson, Chair Y|N

Meeting Adjourned:

Meeting Continued until: _____ ____, 2021, _____ p.m. at 8 Brush Row Rd