



Zoning Certificate

Xenia Township

8 Brush Row Rd
Xenia, OH 45385
937.372.0859 PH
937.372.3343 Fax



Certificate Number: 2024185

ADDRESS:	1352 OLD SPRINGFIELD XENIA OH 45385		
PARCEL NO.:	M36000100141018300	ZONING:	R-1
ISSUED TO:	DYLAN & ALLISON HARRISON 1352 OLD SPRINGFIELD PK XENIA OH 45385		
PERMIT TYPE:	Board of Zoning Appeals		
DETAILS	VAR TO SECTION 504.3 ACC STR IN ROADSIDE YARD		
PERMIT DATE:	12/03/2024		
FEE:	300.00	EXPIRE DATE:	12/03/2025

It is hereby certified that the above use as shown on the plats and plans submitted with the application conforms with all applicable provisions of the Xenia Township Zoning Resolution. The issuance of this Permit does not allow the violation of Xenia Township Zoning Resolutions or other governing Regulation.

The applicant is responsible for obtaining a building permit (if required) prior to commencing work on the proposed improvement. A final zoning inspection must be scheduled by the applicant.

This Zoning Certificate will be forwarded to Greene County Building Regulations and Greene County Engineers Office, if SM4 is applicable. You will need to contact one or both Departments for further instructions.

APPROVED BY:

DATE:

Zoning Inspector

12/03/2024



**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: Dylan & Allison Harrison Phone: 937-207-1960

Address of Property: 1352 Old Springfield PK City: Xenia Zip: 45385

Acreage of Property: 2.215 Parcel Number: M36000100141018300

Owner Address: 1352 Old Springfield PK City: Xenia State: OH Zip: 45385

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

to build a 30'x50' polebarn in the woods that are in front of the house due to the property being on a slope and having more land in the front.

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 DEFRAYING EXPENSES OF PUBLISHING NOTICES IN THE NEWSPAPER AND MAILING COSTS AND RECORDING FEES. ***NO REFUND WILL BE ISSUED FOR ANY REASON***

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.

Dylan Harrison
Allison Harrison
 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.



MELISSA KRAUSE
 Notary Public
 State of Ohio
 My Comm. Expires
 August 14, 2029

Allison Harrison
 Applicant(s) Signature(s)

Sworn to before me by the said Dylan & Allison Harrison and by him/her subscribed in my presence this 3rd day of December, 2024.

My Commission expires Aug 14, 2029,
Melissa
 Notary

Dylan & Allison Harrison
1352 Old Springfield Pike
Xenia, OH 45385

Notice of appeal for area variance:

1. Building a pole barn will yield a reasonable return and increase the value of the property. There is no other beneficial use of the property where it will be placed because it is a wooded area.
2. The variance is not substantial as we will be building the pole barn out in the wooded part of our property.
3. The character of the neighborhood will not be altered. You will not be able to see the pole barn from Old Springfield Pike. Adjoining properties will not suffer a detriment because of the new building. We do have a shared driveway with 2 neighbors and there will not be any part of the driveway blocked due to the pole barn.
4. The variance will not adversely affect the delivery of government goods because it is in a very private area on the property.
5. We did purchase the property with knowledge of the zoning requirements and are asking for an appeal to the variance because there is no other part of the property to build a pole barn. The house is on the backend of the property and all the residual acreage is in front of the house and on a hill.
6. There is no other way to build a pole barn on the property other than a variance due to the nature of the property.
7. Granting the variance will provide a positive outcome because the pole barn will give us an opportunity to clean up that part of the woods and do tree work. Having a pole barn will also give us space to store necessary yard equipment that is needed to maintain the property.

1. Conditions and Circumstances: Most of the property is on a hill with the flatter part of the land where we would build the pole barn is in front of the house.
2. Property Rights: There are a lot of surrounding properties in Xenia Township that have pole barns and we are asking for the appeal to the variance because of the unique circumstances of the way the land is on this property and that there is no other spot to put one.
3. No Special Privilege: Granting the variance will not give any special privilege because we would just be building the pole barn where we can on the property due to most of it being in front of the house and on a hill.

4. Harmony with Locality: The variance will not alter the essential character of the locality because it will be built in a very private wooded area that will not be seen from the road.



1352 Old Springfield BZA Variance Acc Bldg in Req Int Yard

Board of Zoning Appeals Procedure Checklist

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	2024.12.03	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.	2024.12.04	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.	2024.12.20	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.	2024.12.18	MK
5	Publiaction of date on XTWP website	2024.12.17	MK
6	Publication of date by sign posted in aplicants yard	2024.12.20	MK/AS
7	Township Board of Zoning Appeals public hearing	2025.01.02	AS

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.



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
Terry Fife
Alan King
M. Cookie Newsom
Jeffrey Zweber

BOARD OF ZONING APPEALS

Nathan Anthony
Virgil Ferguson
Janis James
Darren Jones
Aidan Kolbe

December 20, 2024

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 504.3 Accessory Building In The Required Roadside Yard in the Residential District,

1352 Old Springfield Pike, Xenia, Ohio 45385, Parcel # M36000100141018300

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

DATE: January 2, 2025 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 this matter. 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
Nathan Anthony, Chair
Alan Stock, Clerk
8 Brush Row Road
Xenia, OH 45385

1352 Old Springfield Pk Sign Placement

2024.12.20



LEGAL NOTICE

The Xenia Township Board Zoning Appeals, Greene County, Ohio gives notice that a Public Hearing will be held on **January 2, 2025** at **6:00 p.m.** on the application received from Dylan & Allison Harrison, Owner, of 1352 Old Springfield Pike, Xenia, OH 45385 (Parcel # M36000100141018300), requesting a Variance of Section 504.3 for Accessory Building In The Required Roadside Yard in the Residential District. 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 for Accessory Building In The Required Interior Yard in the Residential District.

XENIA TOWNSHIP BOARD ZONING APPEALS

Nathan Anthony, Chair
Alan D. Stock, Clerk
8 Brush Row Road
Xenia, OH 45385

PUB:December 20, 2024
90201455

1352 Old Springfield Neighbord

Name	Address
Dylan & Allison Harrison	1352 Old Springfield Pike
Alan Eakle	Old Springfield Pike
Robert Riordan	1354 Old Springfield Pike
Lauren Coleman	1356 Old Springfield Pike
Mary Watson	1358 Old Springfield Pike
City of Xenia	1360 Old Springfield Pike
Zachary & Tarren Denger	1295 Old Springfield Pike

Font Styles

ATTENTION XENIA TOWNSHIP RESIDENTS:

XENIA TOWNSHIP BOARD OF ZONING APPEALS WILL BE HOLDING TWO (2) PUBLIC HEARINGS ON JANUARY 2, 2025 STARTING AT 6:00 PM

The Xenia Township Board Zoning Appeals, Greene County, Ohio gives notice that a Public Hearing will be held on January 2, 2025 at 6:00 p.m. on the application received from Dylan & Allison Harrison, Owner, of 1352 Old Springfield Pike, Xenia, OH 45385 (Parcel # M36000100141018300), requesting a Variance of Section 504.3 for Accessory Building In The Required Roadside Yard in the Residential District. 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 for Accessory Building In The Required Interior Yard in the Residential District.

XENIA TOWNSHIP BOARD ZONING APPEALS

- Nathan Anthony, Chair
- Alan D. Stock, Clerk |
- 8 Brush Row Road
- Xenia, OH 45385

Watchlist Ideas

Search

12:38 PM 12/17/2024

January 2, 2025
STAFF REPORT FOR PUBLIC HEARING AREA VARIENCE
SECTION 504.3 ACCESSORY STRUCTURE IN ROADSIDE
1352 Old Springfield Pk M36000100141018300



Zoned "R1", One Family Residential 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.

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 with the applicant's response:

<p>1. Whether the property in question will yield a reasonable return or whether there can be beneficial use of the property without the variance</p> <p><i>The Petitioner has established a reasonable return can be realized without the Variance.</i></p>	<p>Building a pole barn will yield a reasonable return and increase the value of the property. There is no other beneficial use of the property where it will be placed because it is a wooded area.</p>
<p>2. Whether the variance is substantial</p> <p><i>The Variance could be a substantial change to the Zoning Resolution. The structure's placement on the parcel will be hidden due to the natural wooden area.</i></p>	<p>The variance is not substantial as we will be building the pole barn out in the wooded part of our property.</p>
<p>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</p> <p><i>The Petitioner's answer has satisfied this question.</i></p>	<p>The character of the neighborhood will not be altered. You will not be able to see the pole barn from Old Springfield Pike. Adjoining properties will not suffer a detriment because of the new building. We do have a shared driveway with 2 neighbors and there will not be any part of the driveway blocked due to the pole barn.</p>
<p>4. Whether the variance would adversely affect the delivery of government goods</p> <p><i>The Petitioner's answer has satisfied this question.</i></p>	<p>The variance will not adversely affect the delivery of government goods because it is in a very private area on the property.</p>

<p>5. Whether the property owner purchased the property with knowledge of the zoning requirements</p> <p><i>The Petitioner's answer has satisfied this question.</i></p>	<p>We did purchase the property with knowledge of the zoning requirements and are asking for an appeal to the variance because there is no other part of the property to build a pole barn. The house is on the back-end of the property and all the residual acreage is in front of the house and on a hill.</p>
<p>6. Whether the property owner's predicament can feasibly be obviated through some other method than a variance</p> <p><i>The Petitioner's answer has satisfied this question.</i></p>	<p>There is no other way to build a pole barn on the property other than a variance due to the nature of the property.</p>
<p>7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance</p> <p><i>The Petitioner's answer has satisfied this question.</i></p>	<p>Granting the variance will provide a positive outcome because the pole barn will give us an opportunity to clean up that part of the woods and do tree work. Having a pole barn will also give us space to store necessary yard equipment that is needed to maintain the property.</p>

No variance in the strict application of this Resolution (600.8.5) shall be granted by the Board of Appeals unless and until the applicant submits, and the Board concurs, with the following:

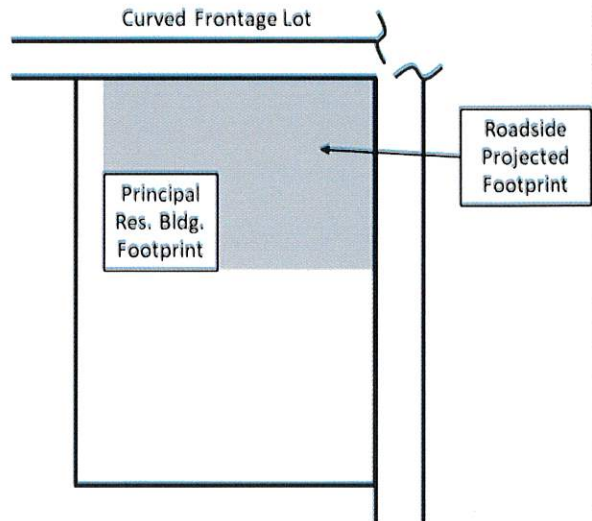
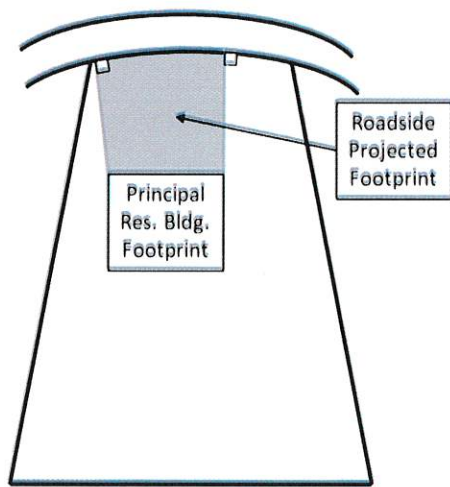
<p>Conditions and Circumstances: What special conditions and circumstances exist which are particular to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.</p>	<p>Most of the property is on a hill with the flatter part of the land where we would build the pole barn is in front of the house.</p>
<p>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 term.</p>	<p>There are a lot of surrounding properties in Xenia Township that have pole barns and we are asking for the appeal to the variance because of the unique circumstances of the way the land is on this property and that there is no other spot to put one.</p>
<p>No Special Privilege: Why will granting the variance requested not confer on the applicant any special use of privilege denied by this Resolution to other lands, structures, or building in the same district.</p>	<p>Granting the variance will not give any special privilege because we would just be building the pole barn where we can on the property due to most of it being in front of the house and on a hill.</p>
<p>Harmony with Locality: Why will the variance requested not alter the essential character of the locality.</p>	<p>The variance will not alter the essential character of the locality because it will be built in a very private wooded area that will not be seen from the road.</p>

SECTION 504 ACCESSORY BUILDING

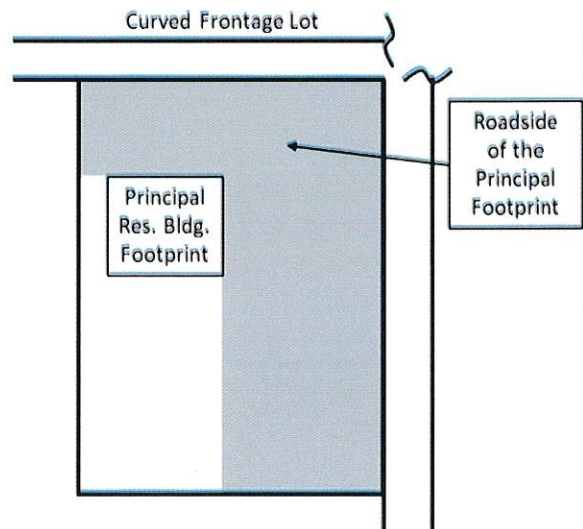
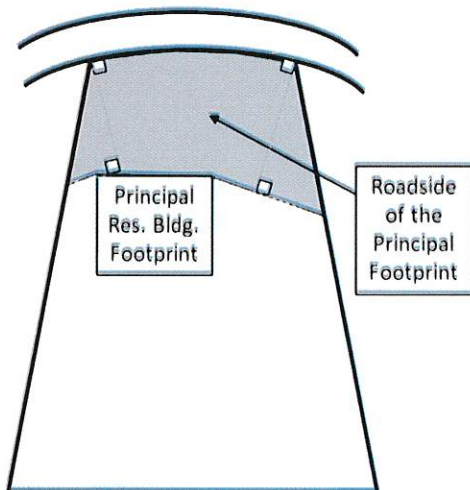
3. No part of any garage or accessory building footprint shall be on the roadside of the footprint of the principal building in any residential district.

SECTION 504 ACCESSORY BUILDING

- 1. No part of any garage or accessory building footprint shall be within a required interior yard or roadside yard in any district.
- 2. No part of any garage or accessory building footprint shall be in the yard created by a projection of the edge of the roadway to the footprint of the principal residential building in any non-residential district. For a corner lot, the projection shall extend to the intersection of the roads that create the corner. (See illustration)



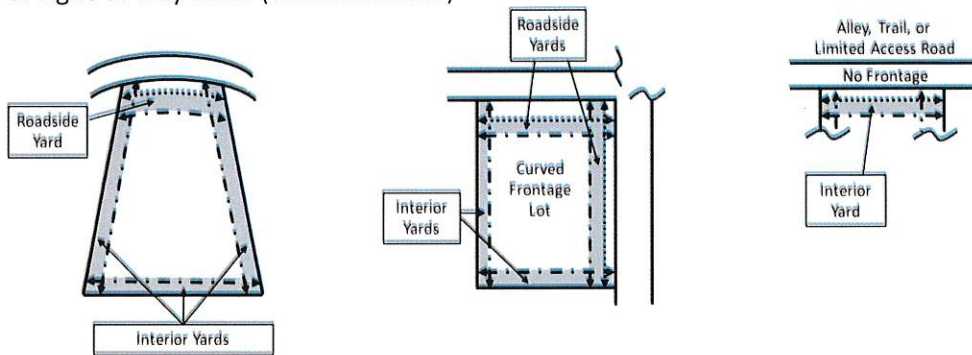
3. No part of any garage or accessory building footprint shall be on the roadside of the footprint of the principal building in any residential district. (See illustration)



Yard, Required:

The area of a lot bounded by the lot lines, right-of-way lines, and setback lines.

1. Roadside yard: Space between the right-of-way line, the road setback line and the adjacent lot or right-of-way lines. (See illustration).
2. Interior yard: Space between the lot line or right-of-way line, the interior setback line and the adjacent lot or right-of-way lines. (See illustration)



STAFF REPORT

The Petitioner owns 2.215 acres in the "R-1" One Family Residential District with a single residential structure.

There is a single 6'X 10' accessory structure on this parcel.

Because of the residential structure being so private, 846' from the road with a "tunnel-like" opening between wooded growth, there is no accurate comparison with the "character of the neighborhood" to be made.

Placement to the rear of the residential structure would be problematic and costly as the topography shows a gradual upward slope from 872' to 886' for an incline of 14 total feet.

Placement to the front of the residential structure would be problematic and costly as the topography shows a steep downward slope from 876' to 850' to the relatively flatter portion of the Roadside yard for barn placement for a steep decline of 26 total feet.

The Road side yard from the residential structure to the roadway is from 872' to 840' for a 28' decline.

The Petitioner's requested positioning for the accessory building would be out of the flood plain and on a relatively flat topography, and out of the required roadside and interior yard setback requirements.

Should the BZA choose to approve this Variance, the BZA should consider the following:

5. Variances.

- a. Conditions and Circumstances: That 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.
- d. Harmony with Locality: That the variance requested shall not alter the essential character of the locality

Respectfully,

Alan D. Stock
Zoning Inspector





Public Access System (PAS)

GIS Data Hub
Geographic Information Management System

Contact Us

Help

About

ArcGIS Login



1 in. = 96'

1,565,244 379 6,304,899 853 Feet

Tables



XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING AREA VARIANCE
SECTION 504.3 Accessory Structure in Roadside
1352 Old Springfield Pk M36000100141018300



Zoned "R1", One Family Residential District

January 2, 2025
6:00 P.M.

Call To Order with opening remarks, Chair Anthony

- 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 Township Zoning Resolution and discussion of merit regarding a deviating from that Resolution or granting a conditional use provided for in that Resolution based upon conditions.
- Pledge of allegiance. Raise hand for Swearing-in for all wishing to give public testimony
- Roll Call of Board Members Present
 - Nathan Anthony
 - Virgil Ferguson
 - Janis James
 - Darren Jones
 - Aidan Kolbe
- Acknowledgment
 - Alan Stock, Zoning Inspector
- Question to Board Members of preparedness or potential conflict
- Confirmation of Process and Notification, Zoning Inspector Stock
 - Reading request into minutes
 - Process Verification with Exhibit identification
- Presentation of Petitioner, 15 minutes
- Clarifying questions from the Board
- Opening Public Discussion _____
 - Those desiring clarification questions or provide a general statement
 - Those in Opposition of the Variance
 - Those in Favor of the Variance
 - Any final clarification questions from Board members
- Public Discussion Closed _____
- Board Members Open Discussion or Executive Session for Discussion
- Motion with potential conditions addressed by _____ Seconded by _____
- Board Vote with explanations

○ Nathan Anthony	Y N
○ Virgil Ferguson	Y N
○ Janis James	Y N
○ Darren Jones	Y N
○ Aidan Kolbe	Y N

Meeting Adjourned: _____ pm

Meeting Continued until: _____, 2025, _____ p.m. at 8 Brush Row Rd

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