



Zoning Certificate

Xenia Township

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



Certificate Number: 2024143

ADDRESS:	786 HOOP		
PARCEL NO.:	M36000200301005800	ZONING:	R-1
ISSUED TO:	CARLEY NEISWENDER 786 HOOP RD XENIA OH 45385		
PERMIT TYPE:	Board of Zoning Appeals		
DETAILS	BZA SHORT TERM RENTAL/B&B		
PERMIT DATE:	08/16/2024		
FEE:	300.00	EXPIRE DATE:	08/16/2025

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

08/16/2024



**XENIA TOWNSHIP
GREENE COUNTY, OHIO
XENIA TOWNSHIP BOARD OF ZONING APPEAL
NOTICE OF APPEAL FOR CONDITIONAL USE 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: Carley Neiswender Phone [REDACTED]
Address of Property: 786 Hoop Road City: Xenia Zip: Ohio
Acreage of Property: 0.58 Parcel Number: 786
Owner Address: 786 Hoop Road City: Xenia State: OH Zip: 45385

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

This request is for this property to be allowed to use the property as a short-term rental (AirBnb). The primary hardship I face is unexpected family circumstances. I am working on a long-term goal of moving out of state, but my 94 year old grandfather's health is rapidly declining. This house is the perfect place for me and family to stay in between visits. Airbnb will also help me w/ a financial strain instead of the house just sitting empty.

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 a **conditional use 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.

 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.

 Applicant(s) Signature(s)

Sworn to before me by the said Carley Neiswender and by him/her subscribed in my presence this 10 day of August, 2024.
 My Commission expires Aug 14, 2029

 Notary



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

Revised 2022.04.20

Duncan Standard.

1. Without the variance, I could either rent the property (as a whole) to a private party or sell the property. In either of these circumstances, I would have limited access to the property, and could not guarantee it would be upkept, or kept in the best condition. I do believe AirBnb would yield a reasonable return.
2. The way I plan to utilize AirBnb will be consistent with the character of the surrounding neighborhood. It may draw in a lot of small families or professional people that will fit right in to the neighborhood. With a max amount of 6 people on the property at any given time, it will not stand out or have any effect to the neighbors. It will not increase traffic beyond current levels and measures will be taken to ensure that noise levels remain within acceptable limits. Additionally, the variance encourages improved landscaping and outside appeal that will enhance the aesthetic appeal of the property.
3. I do not believe operating this property as an AirBnb would cause any disturbance to the neighbors when ran correctly. Applying limits and standards would keep everything in harmony.
4. This would not affect any delivery of government goods. Short-term rentals have become a common thing in our city, contributing positively to the local economy and tourism. I believe that my property can be an asset to the community while adhering to any necessary regulations and maintaining the character of the neighborhood.
5. I moved into this house in 2014 and purchased it in 2016. As explained in the following letters, when I started traveling for work in 2021, it inspired me to start my first AirBnb at another location. After two years of successfully running it and purchasing additional properties, I would like to use this property as an AirBnb so I still have substantial control of the property. I was not aware of the zoning requirements until looking into what I needed to get this location up and running.
6. I would not still have full control of the property if I was not able to AirBnb it. It would most likely end up sitting empty.
7. I believe granting this variance would bring a lot of good business to Xenia and bring positive light to the city.

Zoning Resolution Standards

1. Conditions and Circumstances: Nothing must be altered to the exterior of the property that will be out of zoning regulations or different from the neighbors. I have a large driveway that will be able to accommodate all traffic without disturbing any neighbors.
2. Property Rights: No exterior structures will be changed, therefore depriving no other properties in the same district. *There will be no signs Stating AirBnb. Driveway has adequate parking.*
3. No Special Privilege: There would be no special privilege. Anyone else in the neighborhood could run an Airbnb if they wanted to. I keep my properties at the highest standards and use the majority of the profits to put back into them for

continual upgrades. My goals with these AirBnb's are passive income once the properties are paid off years down the line. Not every AirBnb hosts keeps the high standards I keep or are financially stable enough to continue with upgrades.

4. Harmony with Locality: With all the monitoring devices I will be using and prescreening of the guests, I have no doubt that the neighbors will not be disturbed by this property. In order to keep my statistics high and my properties desirable, I need to keep the premises to the highest standards.

Reviews From 2024 (thus far)

Salvador
July 2024

Really good place to stay , I stayed 14 days , all was clean , good kitchen for cooking, the house is near all restaurants and supermarkets, everything was good, I recommend staying here if you have work or things to do in grove city.

Kathy
June 2024

We rented for a month while visiting family in the area. It was a comfortable house and what we needed. Kitchen was equipped with what we needed to do cooking and baking. Location was off of busy roads so we actually took walks down the road. We would definitely consider staying here again.

Regina
June 2024

Carly and her mom are so nice and do everything they can to make your stay wonderful. My bedroom was extremely clean and the share bathroom gets clean weekly by the mom. I would stay at Carley's place again.

Jennie
June 2024

Nice place in a good neighborhood. Near major shopping chains. I appreciate the couch and deck furniture. Makes for a nice area to relax besides just being in a room with just a bed to sit on.

Cassie
May 2024

Carley was super accommodating and responsive. I had a group riding bikes from Columbus to Cincinnati and we spent the night here. Super convenient stop off the trail. she made sure we had coffee and toiletries we couldn't pack with us. home is just as described and photographed.

Doug
May 2024

Quiet neighborhood. Kitchen appliances, utensils, dishes and bathroom were in good shape. Bedroom is basic as shown in photo. Bed comfortable, like a memory foam mattress. One drawback is kitchen doesn't have exhaust fan, just an electric air filter. So if cooking creates odor, it may linger a bit even in bedroom. One could open the kitchen window or back door as an option. Recommended and would stay again.

Andreas

May 2024

All good! Great location, quiet and only short distances to downtown. We'll be back!
Translated from GermanShow original

Jeremy

May 2024

Stayed here for local event, so did the other guests who were from Germany. This is a perfect location for this event! Good options for breakfast, dinner, and drinks nearby.

Amy

May 2024

Generally a nice place to stay. The house is located in a nice quiet location that seemed safe. There were dogs living on both sides that were very quiet. Carley was responsive. I had stayed for several weeks and encountered many guests that were all wonderful house mates. Unfortunately there was a guest that was disrespectful to the others and left the kitchen trashed, refused to clean up after himself, was very noisy, left the back door hanging open or unlocked. When we tried to speak with him about it he said you were bullying him. I ended up cutting my stay short by three weeks due to that guest which was sad because it was conveniently located and had everything I needed. In the end though I started to feel unsafe plus it should not fall on other guests or just the cleaner who came once a week to clean up after him. All issues were addressed through the host and I'm not sure if she gave up or it didn't matter since in the beginning everything was great.

Response from Carley

June 2024

I'm sorry we ended up cutting your stay short. In the end, the only compromise I could come up with was refunding you all unstayed nights. I had the cleaner going in there multiple times a week to try to keep the place as clean as possible and spoke with the guests on multiple occasions to ensure they understood their expectations. One of the other guests told me in a private message upon check out that the smell of the curry in the kitchen was overwhelming when (said guest) cooked, so he was opening the back door and windows to air it out. If airbnb didn't have me remove all the inside cameras on the exits, we would have seen that and I'm sure it would have eased your mind on the safety issue! It is a safe neighborhood in a residential area, but I can understand your concern when being in a shared home.

Heidi

May 2024

Carley is a wonderful host: responsive, friendly and strives to make it a home away from home. This home is great for professional adults who need a quiet space at the end of the workday.

Luis

April 2024

I recommend Carly's place a hundred percent, place was clean and safe. Carley is a great host.

John & Sylvia

March 2024

Carley was very helpful and responsive! Instructions were very clear and helpful. Kitchen was well-stocked and spotless. Sheets and blankets were very clean.

Asia

March 2024

Such a great host when I go back, I will definitely go back.

Jason

March 2024

This is a very nice place to stay. Very quiet, convenient and Comfortable beds. If I were you, I would not hesitate to book this.

Trey

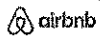
March 2024

Satisfied with my stay! Host was great.

Amber

March 2024

Great value and exactly as described. Also a very helpful and responsive host. I would stay here again. Perfect for what I needed. Thanks !!



Switch to hosting



Carley
Host

51
Reviews
4.82 ★
Rating
2
Years hosting

Edit profile

📍 Born in the 90s

🏠 Lives in Lexington, KY

📄 My work: Labor & Delivery RN

🐾 Pets: Love them!

Travel RN/BSN who stayed in hotels the first six months I started this line of work. This is what motivated me to start my own Airbnb and create the most homey place for travel nurses to stay.

I love to travel myself. I am a light traveler and easy maintenance, so this also inspired me to create a house with almost everything you could need available so you did not have to pack it all
(I made it a home away from home while I stayed there.

Carley's confirmed information

- ✓ Identity
 - ✓ Email address
 - ✓ Phone number
- [Learn about identity verification](#)

What guests are saying about Carley

"...Carly and her mom are so nice and do everything they can to make your stay wonderful. My bedroom was extremely clean and the share bathroom gets clean weekly by the mom..."

Regina
June 2024

"...There were dogs living on both sides that were very quiet. Carly was responsive. I had stayed for several weeks and encountered many guests that were all wonderful house mates..."

Amy
May 2024

Performance

- Opportunities
- Quality
- Occupancy & rates
 - Occupancy rate**
 - Cancellation rate
 - Length of stay
 - Nightly rate
- Conversion
- Superhost
- Listing issues

Occupancy rate Monthly report

All listings Jul 26, 2023 → Jul 25, 2024 Rooms and beds Regions Amenities

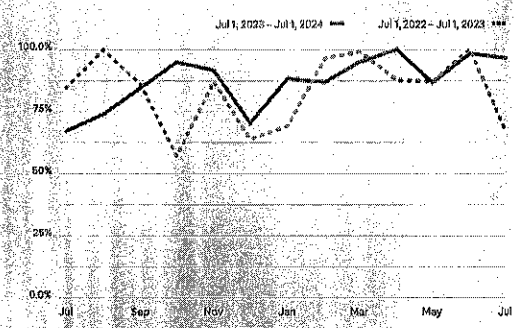
90.3% Average occupancy rate
262 Average nights booked
56 Average nights blocked
28 Average unbooked nights
8 Average check-ins

Average occupancy rate

Compare Over time

For 4 listings, the average average occupancy rate for Jul 26, 2023 – Jul 25, 2024 is up 6.9% compared to the previous 365 days.

[Learn more about hosting performance](#)



Performance

- Opportunities
- Quality
- Occupancy & rates
 - Occupancy rate
 - Cancellation rate
 - Length of stay**
 - Nightly rate
- Conversion
- Superhost
- Listing issues

Length of stay Monthly report

All listings Jul 26, 2023 → Jul 25, 2024 Rooms and beds Regions Amenities

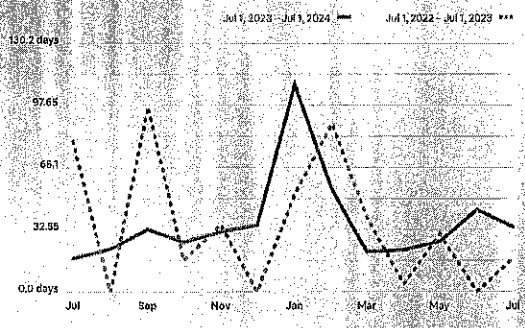
34.9 days Average length of stay

Average length of stay

Compare Over time

For 4 listings, the average length of stay for Jul 26, 2023 – Jul 25, 2024 is down 5.9 days compared to the previous 365 days.

[Learn more about hosting performance](#)



786 Hoop Rd BZA Conditional Use



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	2024.08.16	MK
2	Public Hearing date set for Board of Zoning Appeals	2024.08.16	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.	2024.08.20	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.	2024.08.16	MK
5	Publiaction of date on XTWP website	2024.08.16	MK
6	Publication of date by sign posted in applicants yard	2024.08.16	ADS
7	Township Board of Zoning Appeals public hearing	2024.09.04	ADS

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 **September 4, 2024 at 6:00 p.m.** on the application received from Carley Neiswender, Owner, of 786 Hoop Road, Xenia, OH 45385 (Parcel # M36000200301005800), requesting a Conditional Use of Section 402.4.7/8 Short-Term Dwelling Unit Rental/Bed And Breakfast Hybrid 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 Conditional Use for Short-Term Dwelling Unit Rental/Bed And Breakfast Hybrid in the Residential District.

XENIA TOWNSHIP BOARD ZONING APPEALS

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

PUB:August 20, 2024
90196574



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

August 22, 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 Conditional Use of Section 402.4.7/8 Short-Term Dwelling Unit Rental/Bed And Breakfast Hybrid in the Residential District, 786 Hoop Road, Xenia, Ohio 45385, Parcel # M36000200301005800

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

DATE: September 4, 2024 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

786 Hoop Rd Neighbor List

Name	Address		Mailing Address
Neiswender, Carley	786 Hoop Rd	786 Hoop Rd	Xenia, Oh 45385
Ellis, Edwin	782 Hoop Rd	PO BOX 507	Cedarville, Oh 45314
Deborde, Michael	778 Hoop Rd	778 Hoop Rd	Xenia, Oh 45385
Sims, Linda	774 Hoop Rd	36775 Brittany Hill Dr	Farmington, IL 48335
Marlin, Kenneth	776 Jasper	776 Jasper	Xenia, Oh 45385
Drazek, Evan	773 Hoop Rd	773 Hoop Rd	Xenia, Oh 45385
Scott, James	781 Hoop Rd	781 Hoop Rd	Xenia, Oh 45385
BKM	793 Hoop Rd	793 Hoop Rd	Xenia, Oh 45385
Eastep, Robert	820 Hoop Rd	820 Hoop Rd	Xenia, Oh 45385
Gifford, Carrie	830 Hoop Rd	830 Hoop Rd	Xenia, Oh 45385
Cloud, Joe	846 Hoop Rd	846 Hoop Rd	Xenia, Oh 45385
Wells, Michael	919 Jasper Rd	1732 E Alex Bell Rd	Dayton, Oh 45459
Booth, Bob	839 Jasper Rd	839 Jasper Rd	Xenia, Oh 45385
Mickle, Brian	821 Jasper Rd	821 Jasper Rd	Xenia, Oh 45385
Fedkow, Richard	803 Jasper Rd	803 Jasper Rd	Xenia, Oh 45385
Shaw, Nancy	803 Hoop Rd	803 Hoop Rd	Xenia, Oh 45385
Ankeney, Kent	835 Hoop Rd	835 Hoop Rd	Xenia, Oh 45385

ATTENTION XENIA TOWNSHIP RESIDENTS:
Xenia Township will be holding two (2) BZA's on September 4, 2024

The Xenia Township Board Zoning Appeals, Greene County, Ohio gives notice that a Public Hearing will be held on September 4, 2024 at 6:00 p.m. on the application received from Bryan & Claudia Williams, owner of 2187 State Route 235, Xenia, OH 45385 (Parcel # M36000100060001900), requesting a Conditional Use of Section 400.4.13 for Rural Entertainment and Hospitality in Agricultural 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 Conditional Use for Rural Entertainment and Hospitality in Agricultural District.

The Xenia Township Board Zoning Appeals, Greene County, Ohio gives notice that a Public Hearing will be held on September 4, 2024 at 6:00 p.m. on the application received from Carley Neiswender, Owner, of 786 Hoop Road, Xenia, OH 45385 (Parcel # M36000200301005800), requesting a Conditional Use of Section 402.4.7/8 Short-Term Dwelling Unit Rental/Bed And Breakfast Hybrid 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 Conditional Use for Short-Term Dwelling Unit Rental/Bed And Breakfast Hybrid in the Residential District.

XENIA TOWNSHIP BOARD ZONING APPEALS

Nathan Anthony, Chair

Alan D. Stock, Clerk

8 Brush Row Road

Xenia, OH 45385

The bottom of the page shows a Windows taskbar. On the left, there is a currency widget for USD/GBP with a downward arrow and a value of -0.57%. Next to it is the Windows Start button and a search bar containing the word "Search". To the right of the search bar are several taskbar icons including a globe, a folder, and a mail icon. On the far right of the taskbar, the system clock displays "1:34 PM" and "8/16/2024".

786 HOOP ROAD SIGN PLACEMENT

2024.08.16





September 4, 2024

SECTION 402.4.7/8 CONDITIONAL USE: SHORT-TERM DWELLING UNIT RENTAL/BED AND BREAKFAST HYBRID

786 Hoop Rd, M36000200301005800, ZONED R-1, 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.

CONDITIONAL USE

600.8 BZA Powers and Duties

4. Conditional Use Permits:

To hear and decide only such conditional uses as the Board of Appeals is specifically authorized to pass under the terms of this Resolution, or to deny conditional use permits when not in harmony with the intent and purpose of this Resolution or the Comprehensive Master Plan. The following requirements shall be complied with prior to any approval or denial of a conditional use permit by the Board of Appeals:

- a. A written application for a conditional use is submitted as indicated in the section of this Resolution under which the conditional use is sought and stating the grounds on which it is required.
- b. A public hearing shall be held as specified in Section 600.7 of this Resolution.
- c. The Board of Appeals shall determine:
 - (1) **Authority:** It has the authority to grant the request.
 - (2) **Adverse Effect:** That the granting of the conditional use will not adversely affect the neighborhood in which the conditional use is to be located.
 - (3) **Master Plan:** That the conditional use is not one which is contrary to the Comprehensive Master Plan of Xenia Township, providing this Plan has been updated within five (5) years prior to the Boards determination of the conditional use in question. In making this determination, the Board may be advised by the recommendation of the Township Zoning Commission.
 - (4) **Conditions:** In granting any conditional use permit, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity to the provisions of this Resolution and the recommendation of the Township Zoning Commission. A

conditional use permit shall expire in one (1) year after it is issued unless actual construction has taken place or is underway except as provided elsewhere in this Resolution.

(a) A Conditional Use does not require undue hardship to be allowable.

(b) A Conditional Use shall be granted to the applicant/owner and such use shall not pass along to the succeeding property owner or occupant.

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>The Petitioner has established a reasonable return can be realized without the Variance.</p>	<p>Without the variance, I could either rent the property (as a whole) to a private party or sell the property. In either of these circumstances, I would have limited access to the property, and could not guarantee it would be upkept, or kept in the best condition. I do believe AirBnb would yield a reasonable return.</p>
<p>2. Whether the variance is substantial</p> <p>The Variance could be a substantial change to the neighborhood depending upon maintenance and oversight of rental activity.</p>	<p>The way I plan to utilize AirBnb will be consistent with the character of the surrounding neighborhood. It may draw in a lot of small families or professional people that will fit right in to the neighborhood. With a max amount of 6 people on the property at any given time, it will not stand out or have any effect to the neighbors. It will not increase traffic beyond current levels and measures will be taken to ensure that noise levels remain within acceptable Limits. Additionally, the variance encourages improved landscaping and outside appeal that will enhance the aesthetic appeal of the 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>The Variance could change the character of the neighborhood depending upon maintenance and oversight of rental activity.</p>	<p>I do not believe operating this property as an AirBnb would cause any disturbance to the neighbors when ran correctly. Applying limits and standards would keep everything in harmony.</p>
<p>4. Whether the variance would adversely affect the delivery of government goods</p> <p>The Petitioner's answer has satisfied this question.</p>	<p>This would not affect any delivery of government goods. Short-term rentals have become a common thing in our city, contributing positively to the local economy and tourism. I believe that my property can be an asset to the community while adhering</p>

	to any necessary regulations and maintaining the character of the neighborhood.
<p>5. Whether the property owner purchased the property with knowledge of the zoning requirements</p> <p>The Petitioner's answer has satisfied this question.</p>	<p>I moved into this house in 2014 and purchased it in 2016. As explained in the following Letters, when I started traveling for work in 2021, it inspired me to start my first AirBnb at another location. After two years of successfully running it and purchasing additional properties, I would like to use this property as an AirBnb so still have substantial control of the property. I was not aware of the zoning requirements until looking into what! needed to get this location up and running</p>
<p>6. Whether the property owner's predicament can feasibly be obviated through some other method than a variance.</p> <p>The Petitioner's answer has satisfied this question.</p>	<p>I would not still have full control of the property if I was not able to AirBnb it. It would most Likely end up sitting empty.</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>The Petitioner's answer has satisfied this question.</p>	<p>I believe granting this variance would bring a lot of good business to Xenia and bring positive light to the city.</p>

CONDITIONAL USE: Short Term Dwelling Unit or Bed and Breakfast Rental

402.4.7&8 Conditional Uses

The following uses are allowed in any R-1 Residential District provided a conditional use permit is granted by the Board of Appeals as provided in Article VI, Section 600.8 of this Resolution,

- 7. Bed and Breakfast
- 8. Short Term Dwelling Unit Rental

Short-Term Dwelling Unit Rental:

A single dwelling unit which is rented in its entirety for a period not to exceed 30 days at a time by any individual client.

Bed and Breakfast:

A single dwelling unit, occupied by the owner or manager, in which one or more sleeping rooms are rented for a period not to exceed 30 days at a time by any individual client.

Single Dwelling Unit:

One or more rooms designed for or used as a unit to provide complete facilities for one housekeeping unit with sleeping facilities, permanently installed cooking facilities, and lawfully required sanitary facilities. This definition shall include "modular homes" as defined in this Resolution.

STAFF FINDINGS

- 1. This residence received a Variance on May 16, 2024, for a fence located in front of the house.
- 2. The applicant's occupation is a traveling nurse. She resides in the home for short periods of time.
- 3. No one else lives in or occupies the home at this time.

4. The Petitioner's goal is to rent to others both when she is not occupying her home, and also when she is occupying her home.
5. Since the owner's desire is to rent while she is occupying the home or not occupying the home, she does not meet either definition of a Bed and Breakfast, or Long-Term Rental. However, she does meet the spirit of the purpose of the use of renting within the zoning text, thereby making it a hybrid use. This hybrid use would need to be called out in a motion to approval or deny the Conditional Use.
6. A discussion among the Board would need to occur to allow a hybrid use, or maintain only a Bed and Breakfast or Long-Term Rental use. The major difference between the two is the assumed amount of management-oversite necessary to mitigate external effects.
7. Both definitions for Bed and Breakfast or Long-Term Rental allow for only renting to "an individual client", not multiple clients at one time. The purpose for this was to foster a more serene atmosphere rather than a partying atmosphere.
8. A discussion for a rental within the community needs to include
 - a. Management of property by whom/Security measures
 - b. No external effects
 - c. Quiet hours from XX:XX P.M. to X:XX A.M.
 - d. Use of illegal drugs or marijuana
 - e. Smoking in home or on the property
 - f. No parties
 - g. Maximum occupancy of X people
 - h. Maximum of X vehicles
 - i. Parking only in the driveway, no road parking

While there is no hybrid allowance within the Zoning Resolution, the petitioner's application as is, is not in conflict with the intended purpose of the conditional use for either a Short-Term Dwelling Unit or Bed and Breakfast Rental in the Residential District.

Respectfully,

Alan D. Stock
Zoning Inspector



XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING CONDITIONAL USE
SECTION 402.4.7/8 CONDITIONAL USE: SHORT-TERM DWELLING UNIT RENTAL/
BED AND BREAKFAST, HYBRID
786 Hoop Rd, M36000200301005800, ZONED R-1, ONE-FAMILY RESIDENTIAL DISTRICT



September 4, 2024

6:45 P.M.

Call To Order with opening remarks, Chair Jones

- 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 acknowledged previous Public Hearing. Raise hand for Swearing-in for all wishing to give public testimony
- Roll Call of Board Members Present
 - Nathan Anthony Absent
 - 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 Conditional Use
 - Those in Favor of the Conditional Use
 - 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

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

Meeting Adjourned: _____ pm

Meeting Continued until: _____, 2024, _____ p.m. at 8 Brush Row Rd