

BZA MEETING SCHEDULE 2010

MEETING SCHEDULES AND APPLICATION DEADLINES

The Board of Zoning Appeals meets in the City Council Chambers, second floor of City Hall, 101 N. Detroit Street, Xenia, Ohio at 7:00 P.M.

CALENDAR YEAR 2010

MEETING DATES

(4th Monday of Month)

January 25, 2010
February 22, 2010
March 22, 2010
April 26, 2010
May 24, 2010
June 28, 2010
July 26, 2010
August 23, 2010
September 27, 2010
October 25, 2010
November 22, 2010
December 27, 2010

DEADLINE FOR APPLICATIONS

(1st Monday of Month)

January 4, 2010
February 1, 2010
March 1, 2010
April 5, 2010
May 3, 2010
June 7, 2010
July 5, 2010
August 2, 2010
September 6, 2010
October 4, 2010
November 1, 2010
December 6, 2010

CALENDAR YEAR 2011

January 24, 2011

January 3, 2011

Fee Schedule:

The variance or conditional use application must fulfill all of the preceding submittal requirements before it is accepted. A processing fee is required upon submittal of the variance application.

Residential/Commercial: \$107.00+ cost of notification ad in newspaper, plus postage of mailings to property owners within 200 feet of boundaries of subject property for conditional use; adjacent property owners for variance requests. Make checks payable to the City of Xenia.

Application deadline and acceptance: The BZA meets the fourth (4th) Monday of each month, unless otherwise indicated. In order for an item to be heard in a certain month, the application must be received no later than the first (1st) Monday of that mo



Planning and Zoning Department

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www.ci.xenia.oh.us

BOARD OF ZONING APPEALS APPLICATION

VARIANCE

CONDITIONAL USE

OTHER _____

PART 1. PROPERTY INFORMATION

PROPERTY LOCATION: _____

PROPERTY DESCRIPTION:

LEGAL DESCRIPTION OF PROPERTY:

V.M.S. # _____ DEED BOOK _____ PAGE _____

TAX ID:

M40 – BK. _____ PG _____ PARCEL _____

ZONING DISTRICT: _____

EXISTING USE: _____

ADJOINING USES: _____

PART 2. DESCRIPTION OF REQUEST *(use continuation sheet if necessary)*

SECTION(S) OF THE PLANNING AND ZONING CODE THIS REQUEST IS RELEVANT:

PART 3. PROPERTY OWNER INFORMATION

NAME OF PROPERTY OWNER: _____

STREET ADDRESS OF PROPERTY OWNER: _____

TELEPHONE NUMBER OF PROPERTY OWNER: _____

CITY / STATE / ZIP CODE OF PROPERTY OWNER: _____

FAX NUMBER OF PROPERTY OWNER: _____

PART 4. APPLICANT INFORMATION *(if different from property owner)*

NAME OF APPLICANT / AGENT: _____

E-MAIL ADDRESS/CELL PHONE NO. _____

STREET ADDRESS OF APPLICANT / AGENT: _____

TELEPHONE NUMBER OF APPLICANT / AGENT: _____

CITY / STATE / ZIP CODE OF APPLICANT / AGENT: _____

FAX NUMBER OF APPLICANT / AGENT: _____

SEE ATTACHMENT FOR APPLICATION REQUIREMENTS AND PLANS SUBMITTAL.

I hereby certify that the information contained in this application and any attachments is true and correct and submit this to the Board of Zoning Appeals for consideration of approval. I acknowledge that my appearance at the Public Hearing is a requirement of this application and failure to appear will result in dismissal of this case and request. In conjunction with this application I hereby consent to the inspection of the subject property by the City of Xenia and its authorized representatives.

Signature: _____

Date: _____

PART 5. DEPARTMENTAL USE ONLY

APPLICATION REQUIREMENTS

COMPLETE: YES NO

APPLICATION

REVIEWED BY: _____

REVIEW DATE: _____

FEE: \$ _____

REQUEST / PZC SECTION SUMMARY: _____

RECEIPT #: _____

DATE/PD.: _____

The application will not be processed until proper fee is received.

CASE NUMBER: _____

DATE OF BZA MEETING: _____

BZA DECISION: APPROVAL DENIAL

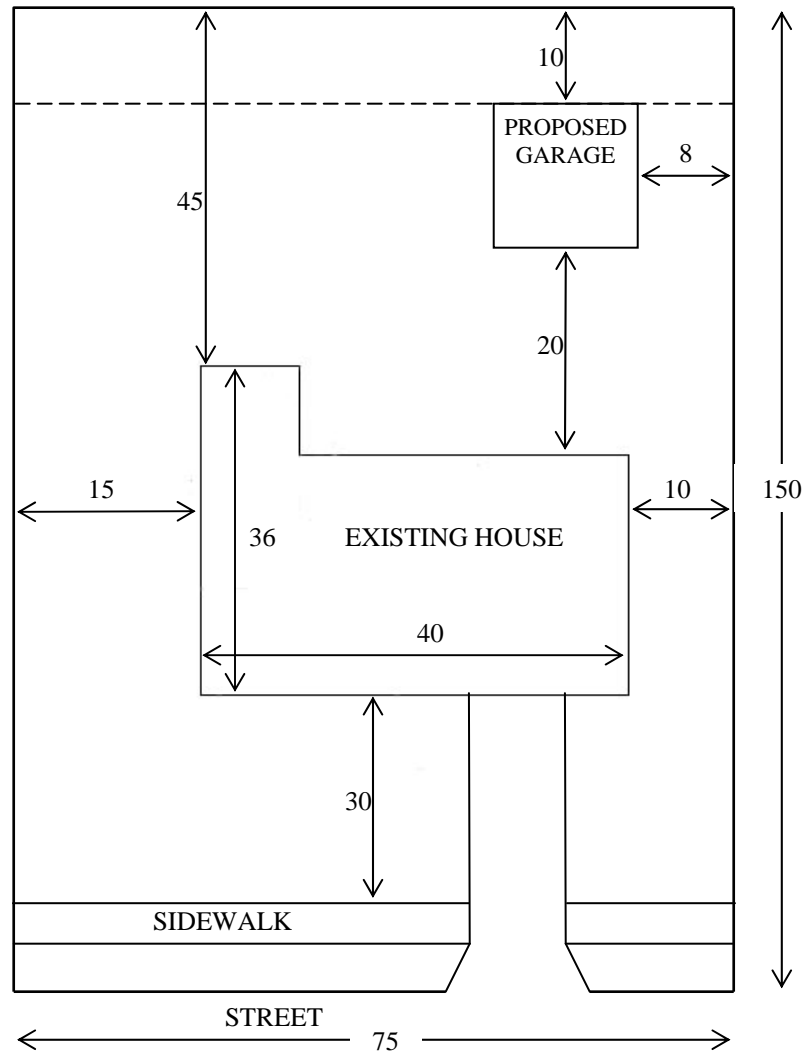
PERMITS REQ'D: _____



I. SITE PLAN

The applicant/owner/representative shall provide a site plan drawn to scale which shows the following dimensions:

1. Property/boundary lines.
2. Exterior lot dimensions.
3. Size and location of all existing structures.
4. Location and size of proposed new construction.
5. Setbacks of all structures from property boundary lines.
6. Distance between structures.
7. Show location of any and all streets, alleys, right-of-ways and easements that are contiguous to the property requesting the Variance/Appeal

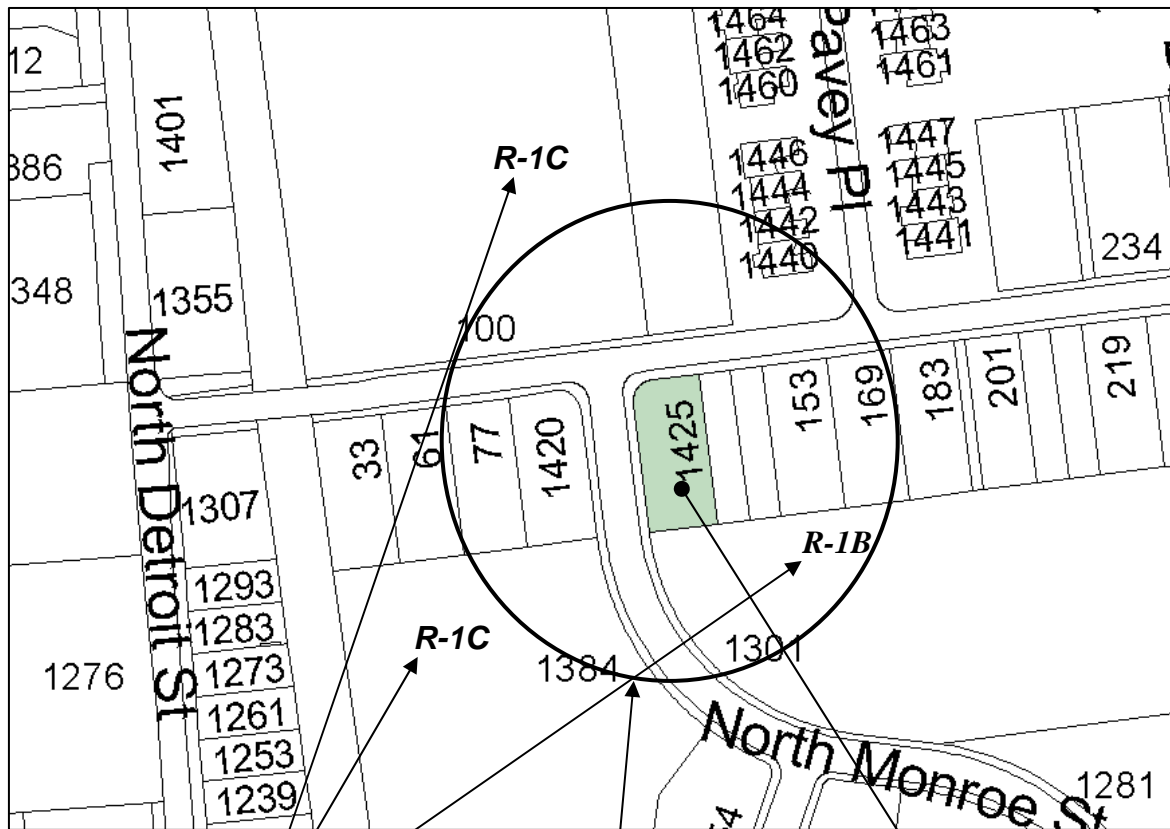


II. AREA MAP

In addition to the Plot Plan, the applicant/owner/representative must also submit an accurate "Area Map" which reflects the following information:

- A. Indicate the zoning classification(s) of all properties within 200 feet of all boundaries of the subject property.
- B. Indicate all properties, streets, right-of-ways, and alleys within 200 feet of all boundaries of the subject property.
- C. Indicate location of the subject property requesting Variance/Appeal

SAMPLE AREA MAP



A. Indicate zoning classification of all properties within 200' of subject property.

B. Indicate all properties, right-of-ways, and alleys within 200' of subject property

C. Indicate location of subject property.

III. List of Property Owners:

Provide a list of property owners (as recorded in the Greene County Auditor's office) contiguous to the subject property requesting the Variance/Appeal. The list of property owners shall be submitted in the following format:

<u>Property Address</u>	<u>I.D. #</u>	<u>Owner Name</u>	<u>Owner Mailing</u>
169 Country Club	M40-0002-0001-0-0040-00	Frederick Stockwell	169 Country Club Dr. Xenia, OH 45385
183 Country Club	M40-0002-0001-0-0041-00 M40-0002-0001-0-0080-00	Carroll Anderson	183 Country Club Dr. Xenia, OH 45385
201 Country Club	M40-0002-0001-0-0042-00 M40-0002-0001-0-0043-00	Gregory Davis	201 Country Club Dr. Xenia, OH 45385
224 Country Club	M40-0002-0001-0-0146-00	Homer Mash	224 Country Club Dr. Xenia, OH 45385
1440 Pavey Place	M40-0002-001A-0-0001-00	Phyllis Buell	1440 Pavey Place Xenia, OH 45385
141 Pavey Place	M40-0002-001A-0-0005-00	Saide Bankered	1441 Pavey Place Xenia, OH 45385

IV. Variance Process and Procedures:

The Board of Zoning Appeals shall have the power to vary the strict application of any of the requirements of the Planning and Zoning Code in the case of exceptionally irregular, narrow, shallow, small or deep lots, or other exceptional physical conditions that will cause such strict application to result in practical difficulty or unnecessary hardship, not economic in nature, that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The fact that another use would be more profitable is not a valid basis for legally granting a variance. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for issuance of a variance. No variance in the strict application of this Zoning Code shall be granted by the Board unless and until the applicant submits, and the Board concurs with, the following:

- (1) 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.
- (2) Property rights. That literal interpretation of the provisions of this Zoning Code would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code.
- (3) Conditions not caused by applicant. The special conditions and circumstances do not result from the actions of the applicant, his or her agents or prior property owners.

- (4) No special privilege. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures or buildings in the same district.
- (5) Harmony with locality. That the variance requested shall not alter the essential character of the locality, nor be in conflict with the Land Use Plan. In making this determination, the Board may be advised by the recommendation of the City Planning Commission.

The applicant shall submit along with the application and required information a letter of justification. The letter of justification shall state how the variance request meets the preceding five (5) criteria.

In order for a variance to be approved, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application are valid and justify the granting of the variance. Such finding shall include a determination that the variance is the minimum variance that will make possible the reasonable use of land, buildings or structures. Under no circumstances shall the Board grant a variance that will permit a use, which is not otherwise permitted in the district.

- (1) Conditions. The Board may prescribe appropriate conditions and safeguards in conformity with this Zoning Code and the recommendation of the Planning Commission. The Board may require a bond to assure the performance of such conditions and safeguards.
- (2) Violation of conditions. Violation of such conditions and safeguards, when such are made a part of the terms under which a variance is granted, shall cause the bond mentioned in paragraph (b) (1) hereof to be forfeited and shall be deemed a violation of this Zoning Code punishable under Section 1242.99, and the Board's conclusions and findings shall incorporate the provisions of this paragraph (b) (2).
- (3) Public hearing. Prior to taking action on a request for a variance, the Board shall hold a public hearing in accordance with the provisions of Section 1244.05.
(Ord. 79-10. Passed 3-8-79.)

V. Application Deadline and Acceptance:

The Board of Zoning Appeals meets the fourth Monday of each month, unless otherwise indicated. A list of the submittal deadlines for each month's meeting is attached.

The variance application must fulfill all of the preceding submittal requirements before it is accepted. A processing fee is required upon submittal of the variance application based on the Fee Schedule.

Please submit 12 copies of the completed application.

§ 1244.08 REQUIREMENTS FOR CONDITIONAL USE PERMITS.

The Board of Zoning Appeals shall hear and decide applications for conditional use permits as is expressly authorized by the terms of this Zoning Code. The following requirements shall be complied with prior to any approval or denial of a conditional use permit by the Board.

(a) *Application.* A written application for a conditional use permit shall be submitted indicating the section of this Zoning Code under which the conditional use is sought, stating the grounds on which it is requested, and complying with any application procedure contained in § [1244.09](#).

(b) *Hearing.* A public hearing shall be held as specified in the provisions of § [1244.05](#).

(c) *Qualifications.* The Board of Zoning Appeals shall determine:

(1) *Authority.* If there is authority to grant the request;

(2) *Adverse effect.* That the granting of the conditional use will not adversely affect the neighborhood in which it is to be located;

(3) *Compliance with Land Use Plan.* That the conditional use is not one which is contrary to the Land Use Plan of the City of Xenia and the other official policies and objectives of the city; and

(4) *Specific criteria.* The conditional use is not in violation of specific criteria set forth in the section of this Zoning Code which authorizes the conditional use.

(d) *Conditions.* In granting any conditional use permit, the Board may prescribe appropriate conditions and safeguards conforming to the provisions of this Zoning Code. The Board may require a bond to assure conformance to such conditions and safeguards as may be necessary. Violation of such conditions and safeguards shall cause the performance bond mentioned above to be forfeited and shall be deemed a violation of this Zoning Code, punishable under § [1242.99](#). A conditional use permit shall expire one year after it is issued, unless actual construction has taken place or is underway, except as provided elsewhere in this Zoning Code.

(Ord. 79-10, passed 3-8-1979; Am. Ord. 02-27, passed 8-22-2002)

§ 1244.09 APPLICATION FOR CONDITIONAL USE PERMITS.

Any owner or representative of an owner may apply for a conditional use permit. An application for a conditional use permit shall be made by filing an application for a conditional use permit, accompanied by a list of the names and addresses of the owners of all contiguous real estate. Contiguous includes property adjacent to or across the street from the property to which the application relates. The application shall include the following:

(a) An area map showing the contiguous property owners and showing the existing uses within 200 feet of the parcel;

(b) A legal description of the metes and bounds of the parcel or the lot number and subdivision name;

(c) A sketch plan or plans approximately to scale, though they need not be to precision of a finished engineering drawing, clearly showing the following, as may be appropriate:

- (1) Existing topographical features of the site;
 - (2) The location of the various uses and their areas;
 - (3) The general outlines of any roadways, driveways, rights-of-way, easements and parking areas, and a designation as to whether they are to be public or private;
 - (4) Delineation of the various land use areas, with an indication for each area of its general extent, size and composition in terms of use and bulk of structure;
 - (5) A calculation of the residential density in dwelling units per gross acre and net acre, including interior driveways, roadways and parking areas, for apartment or clustered residential construction;
 - (6) Open space on the land to be developed, and proposed landscaping treatment;
 - (7) If the site is in the floodplain, as identified in the Flood Insurance Rate Map, show the boundary of the flood hazard areas;
 - (8) Principal ties to the community at large with respect to streets and roadways, water supply and sewage disposal; and
 - (9) If the permit is for a development large enough to require staging, a general indication as to how the staging is to proceed. Whether or not the development is to be staged, the sketch plan or plans shall show the intended total project;
- (d) A general description of the availability of other community facilities, such as schools, fire protection services and cultural facilities, if any, and how these facilities are affected by this proposal;
- (e) Evidence of how the applicant's proposed land use meets the existing and projected community requirements;
- (f) A general statement as to how the proposed conditional use permit will comply with the Land Use Plan and the other official policies and objectives for the development of the city; and
- (g) Additional information as required by the Board of Zoning Appeals.

(Ord. 79-10, passed 3-8-1979; Am. Ord. 00-68, passed 12-14-2000)

§ 1244.10 AMENDMENTS OF APPLICATIONS FOR CONDITIONAL USE PERMITS.

The applicant may amend his or her application at any time, up to and including the termination of the Board of Zoning Appeal's hearing. The applicant may request that the hearing be recessed for sufficient time to prepare and submit amendments to the application. The Board shall deny this request only where to grant it would be unreasonable because of prior similar requests. (Ord. 79-10, passed 3-8-1979)