



Zoning Certificate

Xenia Township

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



Certificate Number: 2026078

ADDRESS:	893 LOWER BELLBROOK XENIA OH 45385		
PARCEL NO.:	M36000200240000200	ZONING:	A
ISSUED TO:	EVP PROPCO CO LLC (PONY EXPRESS) 893 LOWER BELLBROOK XENIA OH 45385		
PERMIT TYPE:	Board of Zoning Appeals		
DETAILS	CONDITIONAL USE VET CLINIC (OWNER CHANGE)		
PERMIT DATE:	05/28/2026		
FEE:	300.00	EXPIRE DATE:	05/28/2027

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

05/28/2026



XENIA TOWNSHIP
GREENE COUNTY, OHIO
XENIA TOWNSHIP BOARD OF ZONING APPEAL
NOTICE OF APPEAL FOR CONDITIONAL USE VARIANCE

RECEIVED

MAY 28 2026

XENIA TOWNSHIP
TRUSTEES

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: EVP PropCo CO LLC Phone: 203-898-2200
Address of Property: 893 Lower Bellbrook Rd City: Xenia Zip: 45385
Acreage of Property: 10.0009 Parcel Number: M36000200240000200
Owner Address: 30 Jelliff Lane City: Southport State: CT Zip: 06890
Email Address: ufaila@essentialvetpartners.com

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

The applicant acquired the property to prevent closure of a long-established business. No change to the structure, site, or intensity of use is proposed.

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:

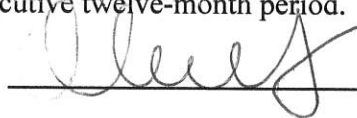
1. Whether the property in question will yield a reasonable return or whether there can be beneficial use of the property without the variance
2. Whether the variance is substantial
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would 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.

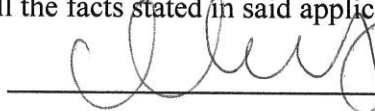


Applicant(s) [Owner or Lessee] Signature(s)

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.

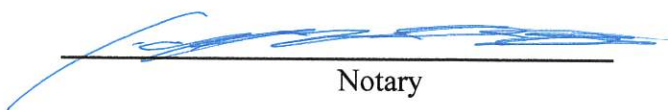


Applicant(s) Signature(s)

Sworn to before me by the said Nicole Kelly/Owner and by him/her subscribed in my presence this 21 day of May, 2026.

My Commission expires August 5, 2027




_____ Notary

Revised 2025.10.09

**ATTACHMENT TO NOTICE OF APPEAL
FOR CONDITIONAL USE / VARIANCE**

Responses to Duncan Criteria and Xenia Township Zoning Resolution Standards

Property: 893 Lower Bellbrook Road, Xenia Township, Greene County, Ohio

Parcel Number: M36000200240000200

Property Owner / Applicant: EVP PropCo CO LLC

Existing Use: Veterinary Hospital (continuing, pre-existing use)

Background

The subject property has operated as a veterinary hospital for over 15 years. The Applicant recently acquired the real estate from the prior corporate operator, which was operating the hospital at a loss and was preparing to file for bankruptcy. To preserve the continued operation of this established neighborhood veterinary service; and to protect the underlying real estate from foreclosure or distressed sale; the Applicant purchased the property. No change is proposed to the structure, footprint, parking, signage, hours, intensity of use, or character of the use. The hospital will continue to operate exactly as it has for years. This application is filed at the request of the Xenia Township Zoning Inspector to formalize the existing, continuing conditional use following the change in ownership.

DUNCAN CRITERIA (Page 1, Items 1–7)

1. Whether the property in question will yield a reasonable return or whether there can be beneficial use of the property without the variance.

The property cannot yield a reasonable return, and there is no other beneficial use of the property, without continuation of the veterinary hospital use. The building was designed and built out specifically as a veterinary facility, including treatment rooms, surgery suite, kenneling and boarding areas, specialized ventilation, and waste-handling infrastructure. Converting the structure to any other permitted use would require demolition of substantial improvements and a costly retrofit that the prior operator's financial collapse demonstrates the market will not bear. Denying the requested approval would effectively render the property economically unusable and would force the closure of an established business that serves the surrounding community.

2. Whether the variance is substantial.

The requested approval is not substantial. The Applicant is not asking to expand, intensify, or change the use of the property in any way. The veterinary hospital has operated continuously at this location for years; the only change is the identity of the owner of the real estate. No dimensional variance, setback variance, parking variance, or expansion is being requested. The request is administrative in nature; to recognize and continue an existing, lawful use following a change in ownership made necessary to prevent the bankruptcy and closure of the prior operator.

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.

The essential character of the neighborhood will not be altered in any respect, and no adjoining property will suffer any detriment. The veterinary hospital is already part of the neighborhood's established character and has been for years. The same building, the same parking lot, the same signage, the same hours of operation, and the same level of vehicle and client traffic will continue exactly as before. Adjoining property owners will see no observable change of any kind. Denying the request, by contrast, would risk closure of the facility and leave a vacant commercial building; an outcome that would be materially worse for adjoining property values and neighborhood character.

4. Whether the variance would adversely affect the delivery of governmental services.

The requested approval will have no adverse effect on the delivery of any governmental service. Water, sewer, electric, refuse, fire, police, and emergency medical services are already provided to the property at current demand levels and will continue at the same levels. There will be no increase in traffic, no increase in utility demand, no change in stormwater characteristics, and no new burden on schools or any other public service. The use, occupancy, and impact on infrastructure are identical to what existed before the change in ownership.

5. Whether the property owner purchased the property with knowledge of the zoning requirements.

The Applicant acquired the property under exigent circumstances to prevent the bankruptcy of the prior corporate operator and the loss of an established community veterinary service. The acquisition was structured as a rescue of an operating, real-estate-backed business, not as a speculative purchase or an attempt to introduce a new use. The veterinary hospital use predates the Applicant's ownership by many years. While the Applicant of course recognizes that the property is subject to the Xenia Township Zoning Resolution, the Applicant did not create the condition giving rise to this application; the condition is simply that the property changed hands, and the Township requires formal acknowledgment of the continuing use. The Ohio Supreme Court has held that this factor is not, standing alone, a basis to deny a variance, and it should be given limited weight where, as here, the use was already lawfully established at the time of purchase.

6. Whether the property owner's predicament can feasibly be obviated through some other method than a variance.

There is no other feasible method to obviate the predicament. The property was built as a veterinary hospital and is presently operating as one. Any alternative; selling the property, converting it to another use, or ceasing operations; would result in the closure of an established business, loss of jobs, loss of a community service, and a vacant, single-purpose commercial structure that the prior operator's bankruptcy shows is not readily marketable for other uses. Granting the requested approval is the only path that preserves the existing use, protects the value of adjoining properties, and avoids unnecessary economic waste.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Granting the requested approval fully honors the spirit and intent of the Xenia Township Zoning Resolution and produces substantial justice. The purpose of zoning is to protect the public health, safety, and welfare and to maintain orderly, compatible land uses within established districts. The veterinary hospital use has co-existed compatibly with the surrounding neighborhood for years and presents no health, safety, or welfare concern. Approving the application allows a long-established, compatible use to continue uninterrupted; denying it would punish the Applicant for stepping in to rescue a failing business, would eliminate a valued community service, and would leave a vacant commercial building in the district. Substantial justice plainly favors approval.

XENIA TOWNSHIP ZONING RESOLUTION STANDARDS (Page 2, Items 1-4)

1. Conditions and Circumstances.

The conditions and circumstances peculiar to this land and structure are that the building was purpose-built as a veterinary hospital and has operated as such for many years. The interior layout, mechanical systems, fixtures, and site improvements are all designed around veterinary use and are not readily adaptable to other permitted uses without substantial expense. In addition, the unique circumstance giving rise to this application is the recent change in ownership; necessitated by the prior corporate operator's impending bankruptcy; which the Township requires be formally documented even though nothing about the property, the structure, or the use is changing. These conditions are particular to this parcel and are not shared by other properties in the same district.

2. Property Rights.

A literal interpretation of the zoning provisions that would prevent continuation of the existing veterinary hospital use following the change in ownership would deprive the Applicant of property rights commonly enjoyed by other owners in the same district. Other owners in the district are able to continue lawfully established uses on their properties without disruption when ownership changes. To bar the Applicant from doing the same; and to require closure of an operating veterinary facility solely because the real estate changed hands; would treat this Applicant differently from similarly situated owners and would deny the Applicant the reasonable beneficial use of the property.

3. No Special Privilege.

Granting the requested approval confers no special use or privilege on the Applicant. The veterinary hospital use is one that is contemplated for and compatible with this district, and it has been openly and lawfully operating at this location for years. The Applicant is asking only to be permitted to continue what has long been in place. Any other owner in the same district seeking to continue an identical, established use under identical circumstances would be entitled to the same treatment. No new right, privilege, or expansion is being requested.

4. Harmony with Locality.

The requested approval will not alter the essential character of the locality. The locality already includes, and has long included, this veterinary hospital. No change is proposed to the building, the site, the signage, the hours, the traffic, the parking, or the intensity of use. From the perspective of every neighbor and every passerby, nothing about the property will look or function any differently than it has for years. The locality's character is preserved entirely by allowing this established, compatible use to continue under the Applicant's ownership.

Respectfully submitted,

Essential Veterinary Partners

By: 

Name: Uriel Failla

Title: CEO

Date: 05/20/26



📍 30 Jelliff Ln, Southport, CT 06890
📞 203.989.2203
✉️ ufailla@essentialvetpartners.com

Alan Stock
Zoning Inspector
Xenia Township, Ohio

Re: Conditional Use Permit Filing for The Pony Express Veterinary Hospital

Dear Mr. Stock,

This letter confirms that Essential Veterinary Partners will file an application for a Conditional Use Permit with Xenia Township within two weeks of closing on the real estate associated with The Pony Express Veterinary Hospital.

We are currently under contract to acquire the practice and its underlying real estate property and anticipate closing in a day or two. Our team will submit the application and any supporting documentation to your office within two weeks of closing.

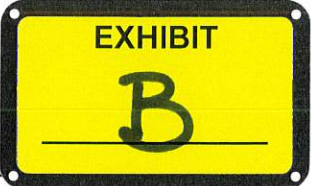
Feel free to contact me directly at your convenience.

Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Uriel Failla', is written over a light blue horizontal line.

Uriel Failla
Co-Founder and CEO
Essential Veterinary Partners



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	2026.05.28	MMK
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.	2026.05.29	MMK
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.	2026.06.05	MMK
5	Publication of date on XTWP website 10 days before hearing	2026.06.03	MMK
6	Publication of date by sign posted in applicants yard	2026.06.05	MMK
7	Township Board of Zoning Appeals public hearing	2026.06.17	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 amendment 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
Terry Fife
Alan King
M. Cookie Newsom
Jeffery Zweber

BOARD OF ZONING APPEALS
Nathan Anthony
Virgil Ferguson
Janis James
Darren Jones
Aidan Kolbe

June 5, 2026

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 Variance of Section 400.4.7 for Veterinary Animal Hospital or Clinic
893 Lower Bellbrook Road, Xenia, Ohio 45385, Parcel #M36000200240000200, owned by EVP PropCo CO LLC

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

DATE: June 17, 2026 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 conditional use variance. 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@xeniatownshipoh.gov 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@xeniatownshipoh.gov

XENIA TOWNSHIP BOARD OF ZONING APPEALS
Darren Jones, Vice Chair
Alan Stock, Clerk
8 Brush Row Road
Xenia, OH 45385

893 Lower Bellbrook BZA Addresses

MT. HOLLY FARMS	855 LOWER BELLBROOK RD	XENIA OH 45385
PONY EXPRESS	893 LOWER BELLBROOK RD	XENIA OH 45385
LAURA SMITH	915 LOWER BELLBROOK RD	XENIA OH 45385
CHRISTOPHER WEST	940 LOWER BELLBROOK RD	XENIA OH 45385
NANETTE PYLE	943 LOWER BELLBROOK RD	XENIA OH 45385
DIANNE CAUGHHELL RESIDENT	1426 STERLING COMMONS BLVD 1418 STERLING COMMONS BLVD	XENIA OH 45385 XENIA OH 45385
MATTHEW FINN	1412 STERLING COMMONS BLVD	XENIA OH 45385
SHAE WASHBURN	2752 GREYSTOKE DR	XENIA OH 45385
JODI BRUN	2746 GREYSTOKE DR	XENIA OH 45385
CHARLES JONES	2749 GREYSTOKE DR	XENIA OH 45385
JAMIE SUMMERLIN	2739 GREYSTOKE DR	XENIA OH 45385
JACKSON PICKREL	2736 GREYSTOKE DR	XENIA OH 45385
ALEXANDER KOHLMAN	2731 GREYSTOKE DR	XENIA OH 45385
COMER LACY LLC	2726 GREYSTOKE DR	XENIA OH 45385
JONATHAN HILL	2723 GREYSTOKE DR	XENIA OH 45385
DEVIN BODDIE	2718 GREYSTOKE DR	XENIA OH 45385
GREGORY LAMBERT	2715 GREYSTOKE DR	XENIA OH 45385
BRANDON BLATT	2710 GREYSTOKE DR	XENIA OH 45385
JAMES ASH	2707 GREYSTOKE DR	XENIA OH 45385
MICHAEL COLLIER	2701 GREYSTOKE DR	XENIA OH 45385
KIRA KRISTENSEN RESIDENT	2668 GREYSTOKE CT 2669 GREYSTOKE CT	XENIA OH 45385 XENIA OH 45385
TANIS KEADLE	2660 GREYSTOKE CT	XENIA OH 45385
KIA MORRISON	2657 GREYSTOKE CT	XENIA OH 45385
DANIEL ZAWISTOWSKI	2652 GREYSTOKE CT	XENIA OH 45385
MARY ZAHNER	2649 GREYSTOKE CT	XENIA OH 45385
WILLIAM SCHAEFER	2644 GREYSTOKE CT	XENIA OH 45385
DAVID DOHERTY	2641 GREYSTOKE CT	XENIA OH 45385
PAUL MINNEMAN	2636 GREYSTOKE CT	XENIA OH 45385
RYAN LINNELL	2633 GREYSTOKE CT	XENIA OH 45385
LORI HALLMARK	2628 GREYSTOKE CT	XENIA OH 45385
MATTHEW HUNT	2625 GREYSTOKE CT	XENIA OH 45385
JOHN CALDWELL	2620 GREYSTOKE CT	XENIA OH 45385
DANA BALLARD	2612 GREYSTOKE CT	XENIA OH 45385

Public Notice

Board Zoning Appeals

The Xenia Township Board Zoning Appeals, Greene County, Ohio gives notice that a Public Hearing will be held on June 17, 20026 at 6:00 p.m. on the application received from EVP PropCo CO LLC, owner of 893 Lower Bellbrook Road, Xenia, OH 45385 (Parcel # M36000200240000200), requesting a Conditional Use Variance of Section 400.4.7 for Veterinary Animal Hospital or Clinic. 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 Veterinary Animal Hospital or Clinic.

XENIA TOWNSHIP BOARD ZONING APPEALS

Darren Jones, Vice Chair
Alan D. Stock, Clerk
8 Brush Row Road
Xenia, OH 45385

893 Lower Bellbrook Road BZA Sign

2026.06.05



Staff Report for Public Hearing Conditional Use 893 Lower Bellbrook Road

SECTION 400.4.7 Veterinary Animal Hospital or Clinic

893 Lower Bellbrook Road M36000200240000200

Zoned AG, Agricultural District

June 17, 2026



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:

<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's answer has satisfied this question.</p>	<p>The property cannot yield a reasonable return, and there is no other beneficial use of the property, without continuation of the veterinary hospital use. The building was designed and built out specifically as a veterinary facility, including treatment rooms, surgery suite, kenneling and boarding areas, specialized ventilation, and waste-handling infrastructure. Converting the structure to any other permitted use would require demolition of substantial improvements and a costly retrofit that the prior operator's financial collapse demonstrates the market will not bear. Denying the requested approval would effectively render the property economically unusable and would force the closure of an established business that serves the surrounding community.</p>
<p>2. Whether the variance is substantial</p> <p>The Petitioner's answer has satisfied this question.</p>	<p>The requested approval is not substantial. The Applicant is not asking to expand, intensify, or change the use of the property in any way. The veterinary hospital has operated continuously at this location for years; the only</p>

	<p>change is the identity of the owner of the real estate. No dimensional variance, setback variance, parking variance, or expansion is being requested. The request is administrative in nature; to recognize and continue an existing, lawful use following a change in ownership made necessary to prevent the bankruptcy and closure of the prior operator.</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 Petitioner's answer has satisfied this question.</p>	<p>The essential character of the neighborhood will not be altered in any respect, and no adjoining property will suffer any detriment. The veterinary hospital is already part of the neighborhood's established character and has been for years. The same building, the same parking lot, the same signage, the same hours of operation, and the same level of vehicle and client traffic will continue exactly as before. Adjoining property owners will see no observable change of any kind. Denying the request, by contrast, would risk closure of the facility and leave a vacant commercial building; an outcome that would be materially worse for adjoining property values and neighborhood character.</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>The requested approval will have no adverse effect on the delivery of any governmental service. Water, sewer, electric, refuse, fire, police, and emergency medical services are already provided to the property at current demand levels and will continue at the same levels. There will be no increase in traffic, no increase in utility demand, no change in stormwater characteristics, and no new burden on schools or any other public service. The use, occupancy, and impact on infrastructure are identical to what existed before the change in ownership.</p>
<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>The Applicant acquired the property under exigent circumstances to prevent the bankruptcy of the prior corporate operator and the loss of an established community veterinary service. The acquisition was structured as a rescue of an operating, real-estate-backed business, not as a speculative purchase or an attempt to introduce a new use. The veterinary hospital use predates the Applicant's ownership by many years. While the Applicant of course recognizes that the property is subject to the Xenia Township Zoning Resolution, the Applicant did not create the condition giving rise to this application; the condition is simply that the property changed hands, and the Township requires formal acknowledgment of the continuing use. The Ohio Supreme Court has held that this factor is not, standing alone, a basis to deny a variance, and it should be given limited weight where, as here, the use was already lawfully established at the time of purchase.</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>There is no other feasible method to obviate the predicament. The property was built as a veterinary hospital and is presently operating as one. Any alternative; selling the property, converting it to another use, or ceasing operations; would result in the closure of</p>

	<p>an established business, loss of jobs, loss of a community service, and a vacant, single-purpose commercial structure that the prior operator's bankruptcy shows is not readily marketable for other uses. Granting the requested approval is the only path that preserves the existing use, protects the value of adjoining properties, and avoids unnecessary economic waste.</p>
<p>7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance The Petitioner's answer has satisfied this question.</p>	<p>Granting the requested approval fully honors the spirit and intent of the Xenia Township Zoning Resolution and produces substantial justice. The purpose of zoning is to protect the public health, safety, and welfare and to maintain orderly, compatible land uses within established districts. The veterinary hospital use has co-existed compatibly with the surrounding neighborhood for years and presents no health, safety, or welfare concern. Approving the application allows a long-established, compatible use to continue uninterrupted; denying it would punish the Applicant for stepping in to rescue a failing business, would eliminate a valued community service, and would leave a vacant commercial building in the district. Substantial justice plainly favors approval.</p>

BZA Zoning Resolution Standard Questions

<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. The Petitioner's answer has satisfied this question.</p>	<p>The conditions and circumstances peculiar to this land and structure are that the building was purpose-built as a veterinary hospital and has operated as such for many years. The interior layout, mechanical systems, fixtures, and site improvements are all designed around veterinary use and are not readily adaptable to other permitted uses without substantial expense. In addition, the unique circumstance giving rise to this application is the recent change in ownership; necessitated by the prior corporate operator's impending bankruptcy; which the Township requires be formally documented even though nothing about the property, the structure, or the use is changing. These conditions are particular to this parcel and are not shared by other properties in the same district.</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. The Petitioner's answer has satisfied this question.</p>	<p>A literal interpretation of the zoning provisions that would prevent continuation of the existing veterinary hospital use following the change in ownership would deprive the Applicant of property rights commonly enjoyed by other owners in the same district. Other owners in the district are able to continue lawfully established uses on their properties without disruption when ownership changes. To bar the Applicant from doing the same; and to require closure of an operating veterinary facility solely because the real estate changed hands; would treat this Applicant differently from similarly situated owners and would deny the Applicant the reasonable beneficial use of the property.</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. The Petitioner's answer has satisfied this question.</p>	<p>Granting the requested approval confers no special use or privilege on the Applicant. The veterinary hospital use is one that is contemplated for and compatible with this district, and it has been openly and lawfully operating at this location for years. The Applicant is asking only to be permitted to continue what has long been in place. Any other owner in the same district seeking to continue an identical, established use under identical circumstances would be entitled to the same treatment. No new right, privilege, or expansion is being requested.</p>
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Conditional Use for Veterinary Animal Hospital or Clinic

The Xenia Township Zoning Resolution by definition states: Conditional Use Permit, definition:

A permit granted by the Board of Zoning Appeals to allow certain specific uses that would not otherwise be allowed in that particular zoning district where the land is located. These permits are issued only after the applicant has followed the procedures as stated in this Resolution. Conditional use differs from a zoning change in that it is much more specific. The applicant submits plans and, if approved, he must follow those plans exactly or reapply for a permit before deviating from that plan. Conditional Use is held by the property owner and is void when the property ownership changes or the conditional use ceases for a period of two years.

Veterinary Animal Hospital or Clinic, definition:

A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such use may include overnight accommodations on the premises for treatment, observation, and/or recuperation.

The Xenia Township Zoning Resolution allows for a Veterinary Animal Hospital or Clinic conditional use in the "A" Agricultural District. While the Zoning Resolution allows it, it is by a case-by-case basis allowable only if the Board of Zoning Appeals grants permission [with guidelines]. SECTION 400 - A - AGRICULTURAL DISTRICT, 400.4.7 Conditional Uses, Veterinary Animal Hospital or Clinic.

STAFF FINDINGS

Two previous conditional use permits were granted for this parcel on June 14, 1994, and September 14, 2022, allowing the operation of a veterinary animal hospital or clinic.

When there is a change to a new owner, operator, controller, the previous conditional use is null and void.

This parcel has 7.021 acres and has 4,089 square foot building with the required setbacks and number of parking spaces.

The variance requested is a stated, conditional use already specified as allowable within the Zoning Resolution.

The use of this facility will not change with the new applicant.

The Staff does not see this conditional use request exceeding the approved allowable language in Section 200. The request is only asking for what is permissible, by definition, to all property owners within the Agricultural District under 400.4.7 Conditional Uses, Veterinary Animal Hospital or Clinic.

Respectfully,

Alan D. Stock
Zoning Inspector



Xenia Township Board of Zoning Appeals

Public Hearing Area Variance

Section 400.4.7 Conditional Use for Veterinary Animal Hospital or Clinic

893 Lower Bellbrook , Parcel Number M36000200240000200

Zoned AG, Agricultural

June 17, 2026 6:00 P.M.

Call To Order with Opening Remarks:

Vice Chair Darren 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:

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

Confirmation to Proceed with Appeal:

- 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

Open Petitioner Presentation:

- Presentation of Petitioner, 15 minutes
- Clarifying questions from the Board

Public Discussion:

- Opening Public Discussion at _____
- Those desiring clarification questions or provide a general statement
- Those in Opposition of the Area Variance
- Those in Favor of the Area Variance
- Any final clarification from Board members
- Public Discussion Closed _____

Board Members Open Discussion or Executive Session for Discussion:

Board Vote with Explanation:

Motion by _____ Seconded by _____

Board of Zoning Appeals Vote:

Board Member:	Vote:
Nathan Anthony, Chair	Absent
Virgil Ferguson	
Janis James	
Darren Jones	
Aidan Kolbe	

Adjournment or Continuation:

Meeting Continued until: _____, 2026, _____ p.m. at 8 Brush Row Rd

Meeting Adjourned: _____ pm