

### Planning Board Meeting March 18, 2021, 6:00 pm Agenda

### REMOTE TELECONFERENCE MEETING\*\*

Due to COVID-19, this meeting will be held via Zoom teleconferencing. Live streaming of the meeting is available on the City's YouTube channel (Bellbrook City Hall).

Comments and/or questions for the Board's consideration may by made by joining the Zoom meeting or by emailing the Clerk of Council at p.timmons@cityofbellbrook.org by 3 p.m. on 3/18/2021.\*\*\*

- 1. Call to Order
- 2. Roll call
- 3. Approval of prior minutes of February 25, 2021
- 4. Old Business
  - 18.05a Accessory Buildings
  - 18.05b Swimming Pools
  - 18.05c Breezeways
- 5. New Business
  - Replat 21-01 Highview Terrace Lots 53 and 54
- 6. Open Discussion
- 7. Adjournment

Webinar ID: 889 7470 0946

Webinar Passcode: 904824

h



### PUBLIC MEETING MINUTES February 25, 2021 6:00 PM

**PRESENT:** Mr. Tim Tuttle

Mr. Ed Stangel Mr. Brady Harding Mr. Denny Bennett

Mr. Mitchell Thompson

Jessica Hansen Planning and Zoning Administrative Assistant was also in attendance.

### **CALL TO ORDER**

<u>Chairman Thompson</u> called the meeting of the Planning Board to order at 6:00 PM. The Clerk called the roll. Mr. Tuttle, yes; Mr. Stangel, yes; Mr. Brady, yes; Mr. Bennett, yes; Mr. Thompson, yes.

### **FORMAL APPROVAL OF MINUTES**

<u>Chairman Thompson</u> asked if there were any corrections or additions to the minutes of January 21, 2021. <u>Mr. Bennett</u> made a motion to approve the minutes and it was seconded by <u>Mr. Stangel</u>. All were in favor. The minutes are approved as written.

### **OLD BUSINESS**

Commercial Vehicles: 3.02 Definition

Mrs. Hansen explained that last month the board approved the Recreational Vehicles code last month.

There were some changes that the board requested concerning commercial vehicles. Within the definitions there was talk about further defining what constitutes a commercial vehicle or trailer.

Mr. Harding pointed out that the current wording: "used to transport goods or passengers" would apply to every vehicle. He suggested adding "used to commercially transport goods or passengers." He asked for clarification of "A vehicle that is leased and under the name of a financial institution that owns it." Mrs. Hansen agreed that she is not sure that this is necessary or adds anything to the code. She referred to the first consideration that says, "A vehicle that is owned by a company or business."

<u>Mr. Thompson</u> asked if the context of this section is commercial semi-trailers, tractor-trailers, and trucks or any commercial vehicle? <u>Mrs. Hansen</u> answered that it is both. <u>Mr. Harding</u> agreed that the wording would apply to any passenger car.

Mr. Tuttle pointed out that the definition, "a vehicle that is used for business but is in an individual's name" could include anyone who uses their vehicle could claim it was for business. For instance, some people can claim their mileage for tax purposes as a business expense. On the other hand, we don't want people trying to avoid the rules by putting their commercial vehicle in their personal name. Mrs. Hansen agreed that it could be written differently. Mr. Thompson clarified that these codes are just where the City chooses to make distinctions and what to enforce. With that being the purpose, the particular wording does not need to be nitpicked. Mrs. Hansen agreed and suggested just striking the wording that is unclear and is not necessary.

Mr. Bennett made a motion to approve **3.02 Definition: Commercial Vehicles and 18.22 Trailer,**Commercial Semitrailer, and Truck with the deletion of the definition line three: "A vehicle that is used for business but is in an individual's name." Mr. Stangel seconded the motion. The Clerk called the roll. Mr. Bennett, yes; Mr. Stangel, yes; Mr. Tuttle, yes; Mr. Harding, yes; Chairman Thompson, yes. The motion passed 5-0.

### **NEW BUSINESS**

18.05a Accessory Buildings and 18.05c Breezeways

Mrs. Hansen introduced this section of code to the board. This is a first pass through this section of code. There is still more being added that will be included soon. One item to be added is Solar Panels. Points will identify depending on if the panels are on a roof or on the ground. Staff has been unsure of where to put it in the code. She asked the board if there were items the board was ready to discuss.

Mr. Harding commented that under prohibited accessory structures the City should look at adding semi-trailers or shipping containers used for storage. Mr. Thompson asked how to capture the temporary nature of PODs or connex type containers that people rent to store things for a short period such as remodeling or moving. Mrs. Hansen answered that those are exempt from the code, but it should be clearly stated. Council Member Hoke interjected that there might be some wording in neighborhood HOA restrictions that would cover the topic.

Mr. Thompson asked for clarification where it states under "detached accessory buildings" this would imply that the other items are "attached accessory buildings". How do restrictions on setbacks and code come into play when someone wants to add a second garage to their house. Mrs. Hansen answered that even if it is attached it must meet setback and easement restrictions. Mr. Harding added that he had added on a storage room to his house. It sits on a concrete pad but did not have any plumbing and was not a conditioned space, so it was considered an accessory structure. It was delineated from being considered an addition because it did not have power or conditioned air. Mrs. Hansen thought it would be a good idea to state that more clearly. Mr. Tuttle said he thought the way the code reads an attached garage would not fall under this criteria. But Section C concerning breezeways states if it meets the requirements of a true breezeway then it is not considered a detached accessory structure so none of those limitations matter. Mrs. Hansen explained that in 2006 the code was changed to limit the square footage of accessory structures to limit the number of oversized garages. The reason a limit on breezeways is being added is because there needs to be a definition that reasonably limits the size of a breezeway. Mr. Tuttle agrees with Mr. Thompson that either all accessory buildings are detached or draw a clear line for structures that are "attached".

### • 18.05b Swimming Pools

Zoning Administrator Hansen explained that she struggled with the definition of swimming pools when considering smaller inflatable pools. These are only temporary, but they still pose a risk. How should these be regulated? She does not want the City to over-regulate the residents. Mr. Stangel asked if hot tubs should be considered too. Chairman Thompson asked that if the pool is temporary does the City need to regulate it. Mrs. Hansen answered that she is not sure that we do, but the City does receive calls about these frequently asking if a fence is required. Some of these new inflatable and temporary pools can be up to four foot deep. At what point should there be a fencing requirement? Mr. Hoke asked if the smaller ones could allow for some kind of covering to make it safer and in the township an auto-cover on an inground pool precludes a need for a fence. Mr. Tuttle stated that he has an auto-cover but also has a fence for added security. He also does not know if the small temporary pools have cover options. Mr. Stangel remembers a case from a few years ago where a resident wanted to forgo a fence because they had an automatic cover. The board disallowed it due to some wording somewhere in the code. Mrs. Hansen will research that case. Mr. Thompson looked quickly at some for sale, and they can be deep. Would wording referring to the depth of the pool versus the depth of the water make sense? Mrs. Hansen said that make sense. She explained that she looked the codes of some of the nearby municipalities for wording. Some do regulate these pools the same as regular pools. She came up with the wording from looking at these including the stipulation of a pool that is left out for more than 24 hours.

Mr. Tuttle added that he does not think hot tubs need to be included since almost all of them have covers that latch. Mrs. Hansen agrees that they should possibly adding the stipulation that the hot tub have a latching cover. She will also research this topic.

### **OPEN DISCUSSION**

Chairman Thompson asked if viewers on YouTube could ask questions of the board. The Clerk explained that they cannot comment through YouTube. If anyone wants to participate, they need

webpage.	
<u>ADJOURNMENT</u>	
Mr. Bennett made a motion to adjourn the meeting	g at 8:55 PM. <u>Mr. Tuttle</u> seconded the motion
and all were in favor.	
Mitchell Thompson, Chair	Date
Pamela Timmons, Secretary	Date

to log in to Zoom. The login information is included in the packet and several places on the City

### 18.05A ACCESSORY BUILDINGS:

### (1) Location:

In a residential zone, no garage or other accessory building shall be erected within a required side yard or front yard.

All accessory structures that require a Zoning certificate and that do not exceed 15 feet in height shall be set back a minimum of ten feet from the principal building and eight feet from all side and rear lot lines unless otherwise specified in the use-specific regulations or as established in an PUD. This shall not apply to fences, porches, unenclosed patios, or decks.

When located less than sixty (60) feet from the front property line and not completely to the rear of the dwelling, garages shall be constructed as a part of the main building or connected thereto by a covered breezeway.

Corner lot accessory buildings must be placed within the boundaries of the required rear yard as governed by Article #7, Sec. 7.09, Yard & Lot Requirements or Article #17, Sec. 17.05, PD-1 Planned Residential Development and not less than 8' from the side and rear lot lines.

Accessory structures shall not be located in any conservation, utility, or other public easement unless deemed to not be an obstruction.

### (2) Size

### a. Height

The maximum height of accessory structures on lots less than five acres in size shall be one story or 15 feet, whichever is less. An accessory structure shall not exceed the height of the principal structure.

### b. Footprint/Size

Detached accessory buildings (including garages) constructed on a one-family lot shall not exceed, in the aggregate, six hundred (600) square feet.

The maximum footprint/floor area: for all accessory buildings and structures on a lot in all districts except those in the Industrial, Agricultural, and Planned Business Districts shall be 30 percent of the required rear yard area.

Accessory buildings and structures that shall be counted as part of this maximum floor area calculation shall include but is not limited to detached garages, storage/utility sheds, detached decks, gazebos and similar structures, tennis courts or other ball courts, above ground pools (but not inground pools) and other accessory buildings (but not other accessory structures such as playsets).

### 18.05B BREEZEWAYS

If an accessory structure is attached to a principal structure by a breezeway, it shall not be considered part of the principal structure, unless said breezeway meets all of the following criteria:

- (1) The accessory structure and the principal structure are no more than 10 feet apart.
- (2) The breezeway and the accessory structure are constructed of building materials and color consistent with the principal structure and shall be fully enclosed.
- (3) The breezeway and the accessory structure are designed, in terms of height and roof pitch, consistent with the principal structure.

If the structure does not meet the above criteria, it shall not be considered part of the principal structure, and must meet all setbacks and size requirements of accessory structures.

Breezeways that are longer than 10 feet, or are not architecturally compatible with the principal structure, shall be considered an accessory structure, and will be counted toward maximum accessory structure square footage.

### 18.05C SWIMMING POOLS:

- (1) Any swimming pool that has water with a depth of 18 inches or more and is left out more than 24 hours at a time shall be subject to the standards of this subsection including pools that are designed to be temporary in nature.
- (2) The swimming pool shall be set back a minimum of 10 feet from all lot lines as measured from the edge of the water.
- (3) Every outdoor swimming pool, or the entire rear yard of the property on which it is located, shall be completely fenced or walled to prevent uncontrolled access. The fence or wall shall be not less than five (5) feet in height and shall be maintained in good condition with a gate or device that shall be self-locking and secured when not in use. Fences surrounding pools shall meet the requirements of section 18.06(1)(a). A dwelling, house or accessory building may be used as part of such an enclosure; and
- (4) Above ground pools, the circumference of which are decked and completely fenced and the top of the fence is not less than five (5) feet above the ground level are considered to meet the fence height requirements. All other provisions in Section 18.05(B)(1) apply.
- (5) Hot Tubs shall be exempt from this ordinance if they are equipped with an automated/manual cover capable of being locked and having a load capacity at least equal to 275 lbs.

### 18.05D PROHIBITTED STRUCTURES AND EXEMPTIONS:

- (1) Accessory structures related to agricultural uses that are exempt from the zoning requirements shall also be exempt from these zoning requirements.
  - c. Prohibited accessory structures. Quonset huts, steel arch buildings, inflatable garages, and portable garages, temporary garages, portable carports, temporary carports, and semi-tractor trailers used for storage (with or without wheels) except as in 18.22, are prohibited accessory structures in residential and commercial districts. All carports shall be prohibited in commercial districts.

d. PODS, temporary moving trailers and/or rentable garbage receptacles shall be exempt.

### Definition to be added to Section 3.02

**ATTACHED.** A building or structure otherwise complete in itself, which depends for structural support or complete enclosure, upon a division wall or walls shared in common with an adjacent building or structure. In addition, one that shares power, HVAC, or plumbing. Detached garages shall be exempt so long as they meet the requirements of 18.05B of this Zoning Ordinance.

**BREEZEWAY**. A roofed passageway, whether fully enclosed or not, less than ten feet long, in cases where fully enclosed from exterior wall to the opposite exterior wall, or in cases where not enclosed from drip edge to drip edge, constructed for the purposes of connecting and accessing a detached garage or other accessory structure to the principal structure.

**DETACHED.** a building or structure which is physically separated and not dependent on any other building or structure for structural support or enclosure.

**POOL, SWIMMING:** A structure constructed or placed below ground or above ground, which is capable of containing water in excess of eighteen inches (18") of depth. For yard placement and setback purposes only, in-ground and above ground swimming pools are considered accessory buildings.



To: Planning Board

From: Jessica Hansen, Planning & Zoning Assistant

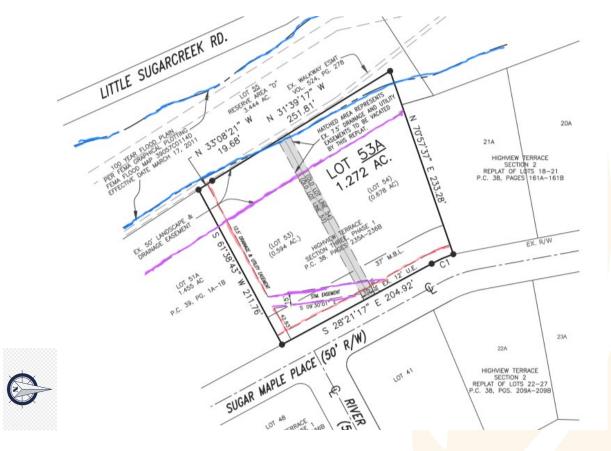
Date: March 15, 2021

Subject: Staff Report Re-plat- Highview Terrace Sec. Three Phase One Re-plat of Lots 53 & 54 into Lot 53A

### **Summary**

Lots 53 and 54 in Highview Terrace along Sugar Maple Place would be combined allowing the owner to place a structure more central between the two parcels.

The re-plat also proposes to vacate the existing 15 feet of drainage and utility easements that existed between the two lots. Additionally, a drainage and utility easement will be established on the southern side of the property at 12.5 feet in size.



Red = Utility Easements, Blue = Flood Plain, Purple = Storm Water/Drainage

### **Applicant Information:**

• Applicant Name: Brumbaugh Engineering & Surveying, Matthew Heis

Owner: Brian Wentzel

Property Owner Address: 1923 and 1915 Sugar Maple Place

### **Location:**



The property is located where directly across from the intersection of River Birch Drive and Sugar Maple Place in the City of Bellbrook.

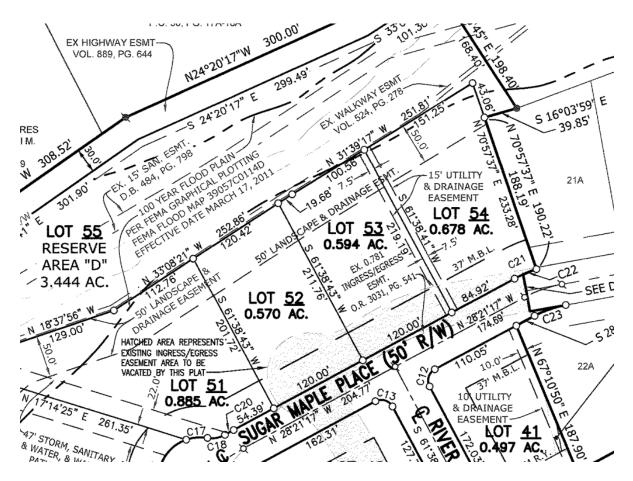
### Zoning:

Planned Unit Residential: Planned Development zoning is of a substantially different character than other types of zoning.

(2) To recognize to the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, while maintaining control through the application of defined policies and procedures.

**Recorded Easements:** 50' Landscape & Drainage Easement along the western side of the property and a 15' Utility and Drainage Easement located centrally between lot 53 and 54.

**Proposed Easements:** 12.5 Drainage & Utility Easement along the southern side of the property and a 15-foot storm easement that runs diagonally from the southern side of the property until it intersects the center of the parcel.



**Request Information/Discussion:** The proposed re-plat is to allow the owner to build centrally between the two parcels. It would vacate the storm sewer easement and establish a new one along the southern side of the property. Staff sees no issues in moving forward with the proposed re-plat.



### **CITY OF BELLBROOK**

### **SUBDIVISION** LOT SPLIT/COMBINATION

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305 (937) 848-4666 WWW.CITYOFBELLBROOK.ORG

DATE RECEIVED 3 1 12 12021 STAFF USE APPLICATION # PP 21-01
APPLICANT INFORMATION
NAME OF SUBDIVISION HIGHVIEW TERRACE SECTION THREE PHRSE ONE SECTION, TOWN, RANGE, 2, 2, 6
LOCATION CITY OF BELLBROOK, GREENE COUNTY, STATE OF OHID DEED BOOK NO. 38 PG. 235A-236B
SUBDIVIDER NAME BRIAN WENTZEL PHONE 610 - 763 - 1839 NUMBER
ADDRESS(SUBDIVIDER) 1381 HIGHLAND LANE
EMAIL(SUBDIVDER) brignwentzel C yahoo. com
NAME OF ENGINEER/SURVEYOR BRUMBAUGIL ENCINEERING + SURVEYING PHONE NUMBER 937 - 698 - 3000
ADDRESS(ENG./SUR.) 2270 S. MIAMI ST. WEST MILTON, OH 45383
EMAIL(ENG./SUR.) JOHN C BES-ENGINEER. COM
REQUEST INFORMATION
NUMBER OF LOTS Z ARE THERE PUBLIC UTILITIES? GAS YES ELECTRIC YES WATER YES
SANITARY SEWER YES STORM SEWER YES
IS THERE AREA IN THE FLOOD PLAIN? ON THE WEST EDGE OF PROPERTY PER EXISTING RECURD PLAN
IS THE AREA SUBJECT TO PERIODIC FLOODING? NO
IS THERE A FEDERAL LAND PROGRAM INVOLVED? NO
PROPOSED USE OF SPLIT/COMBINATION COMBINE TWO EXISTING LOTS INTO ONE NEW LOT/LOTS 53+5
OTHER COMMENTS
I HEREBY CERTIFY THAT THE INFORMATION AND STATEMENTS GIVEN ON THIS APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT COMPLETING THIS APPLICATION DOES NOT GRANT APPROVAL OF THE PROPOSED LOT SPLIT AND/OR COMBINATION, I UNDERSTAND THAT IT IS THE DUTY OF THE PLANNING BOARD AND CITY COUNCIL TO DO SO.  OWNER/ENGINEER SIGNATURE  DATE  O 3 1 0 9 1 2 1  DATE
OFFICE USE ONLY
FEE PAYMENT TYPE REVIEW AUTHORITY
\$ 150.00 CASH CHECK #2052 COUNCIL PB
FIRE DEPT APPROVAL SERVICE DEPT APPROVAL POLICE DEPT APPROVAL
APPROVED DENIED STAFF SIGNATURE DATE

## DEDICATION

WE, THE UNDERSIGNED, BEING ALL THE OWNERS AND LIENHOLDERS OF THE LANDS HEREIN PLATTED, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AS SHOWN HEREON, AND DO DEDICATE EASEMENTS AS SHOWN HEREON TO THE PUBLIC USE FOREVER. EASEMENTS SHOWN ON THE WITHIN PLAT ARE RESERVED FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF WATER, GAS, SEWER, ELECTRIC, TELEPHONE OR OTHER UTILITIES OR SERVICES, AND FOR THE EXPRESS PRIVILEGE OF REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID UTILITIES AND FOR THE PROVIDING OF INGRESS AND EGRESS TO THE PROPERTY FOR SAID PURPOSES, AND ARE TO BE MAINTAINED AS SUCH FOREVER.

SIGNED AND ACKNOWLEDGED	OWNER LOTS 53 AND 54
IN THE PRESENCE OF:	
WITNESS	BY: BRIAN PAUL WENTZEL
WITNESS	BY: SHELLY RUSTAGI
STATE OF OHIO, S.S.:	
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME	LEDGED BEFORE ME
THIS DAY OF SHELLY RUSTAGI.	, 20, BY BRIAN PAUL WENTZEL AND
NOTARY PUBLIC	

STATE OF OHIO, S.S.: BRIAN PAUL WENTZEL AND SHELLY RUSTAGI, BEING DULY SWORN, SAYS THAT ALL PERSONS AND CORPORATIONS TO THE BEST OF THEIR KNOWLEDGE INTERESTED IN THIS DEDICATION, EITHER AS OWNERS OR LIENHOLDERS, HAVE UNITED IN ITS EXECUTION.

SHELLY RUSTAGI	E ON	, 20	
BRIAN PAUL WENTZEL	SWORN TO AND SIGNED IN MY PRESENCE ON	THISDAY OF	NOTARY PUBLIC

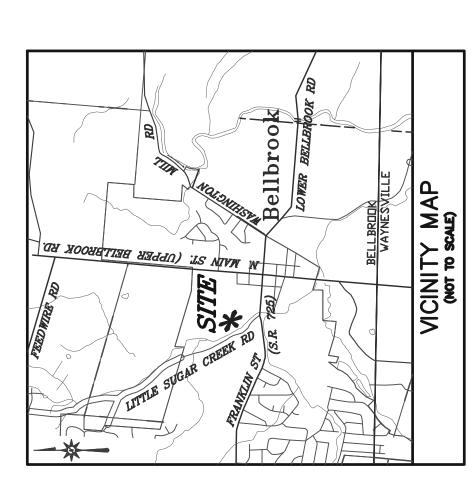
COVENANTS, CONDITIONS AND RESTRICTIONS:
THE LOTS OF THE WITHIN RE-PLAT ARE GOVERNED BY THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, ASSESSMENTS, ARTICLES OF INCORPORATION AND BY-LAWS OF THE "HIGHVIEW TERRACE SUBDIVISION HOMEOWNERS ASSOCIATION", ALL OF WHICH ARE RECORDED ON HIGHVIEW TERRACE SECTION ONE, O.R. VOL. 2782, PG'S 450-483 & O.R. VOL. 2795, PG'S 619-637 OF THE DEED RECORDS OF GREENE COUNTY, OHIO AND SHALL BE IN EFFECT FOR HIGHVIEW TERRACE LOT 53A OF THIS PLAT.

### ONE AND TERRACE PHASE53A 53 **TOLS** LOTTHREE VIEWINTOOF HICH SECTION -PLAT RE-

BRIAN PAUL WENTZEL AND SHELLY RUSTAGI LOCATED IN ON 2, TOWN 2, RANGE 6 MRS CITY OF BELLBROOK GREENE COUNTY, OHIO 1.272 ACRES FEBRUARY 24, 2021 FORSECTION

## DESCRIPTION

THE WITHIN RE—PLAT IS A SUBDIVISION CONTAINING 1.272 ACRES AND BEING ALL OF LOTS 53 AND 54 AS RECORDED IN HIGHVIEW TERRACE SECTION THREE PHASE ONE, PLAT CABINET 38, PAGES 235A—236B AS ACQUIRED BY BRIAN PAUL WENTZEL AND SHELLY RUSTAGI THROUGH INSTRUMENTS RECORDED IN 2019—009528 AND 2020—010468 OF THE DEED RECORDS OF GREENE COUNTY, OHIO.



# BELLBROOK PLANNING BOARD:

J SECRETARY	BELLBROOK COUNCIL:	CLERK OF COUNCIL	GREENE COUNTY AUDITOR:	WE HEREBY APPROVE AND ACCEPT THIS PLAT AND RECOMMEND THAT THE SAME BE RECORDED SUBJECT TO THE INCLUDED AGREEMENTS.	'HIS	RRED THIS
CHAIRMAN	BELLBROOK	MAYOR	GREENE CO	WE HEREBY APPI RECORDED SUBJI	SIGNED THIS	TRANSFERRED THIS_

### RECORDER: COUNTY GREENE

PLAT CABINET VOL.

FILE NO.

DAY OF	_M.	
RECEIVED FOR RECORD THIS_	AT	DAY OF
FEE:	,20	RECORDED THIS

## GREENE COUNTY

CERTIFICATION

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, THAT THIS PLAT REPRESENTS A
FIELD SURVEY OF JUNE, 2020 PERFORMED UNDER THE DIRECT SUPERVISION OF JOHN OF BRUMBAUGH AND THE MONUMENTS, THEIR LOCATION, SIZE & MATERIAL SHOWN HEREON EXIST AS LOCATED OR WILL BE SET AS INDICATED, ALL DIMENSIONAL DETAILS ARE BELIEVED CORRECT AND THAT THE SUBDIVISION RULES FOR THE CITY OF BELLBROOK, OHIO HAVE BEEN COMPLIED WITH.

DATE	
JOHN J. BRUMBAUGH. P.S.	ICE



