

BELLBROOK VILLAGE REVIEW BOARD
PUBLIC HEARING
January 6, 2021
AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF PRIOR MINUTES OF NOVEMBER 4, 2020

4. OLD BUSINESS:

- Information about LED sign at 79 W Franklin

5. NEW BUSINESS

- **VRB 20-163 Projecting Sign (9 E Franklin)**
 - Staff Summary
 - Property Owner
- **VRB 20-161 Projecting Sign (15 W Franklin)**
 - Staff Summary
 - Property Owner

6. OPEN DISCUSSION

7. ADJOURNMENT

Zoom Webinar Info

ID: 850 3883 2734

Password: 638614

RECORD OF PROCEEDINGS
Minutes of Bellbrook Village Review Board Meeting
November 4, 2020

PRESENT: Thad Camp
Jen Bowersock
Jackie Greenwood
Jeff Owens, Chair

Also present was Planning and Zoning Administrator Jessica Hansen.

CALL TO ORDER: Chairman Owens called the meeting to order at 6:00 pm.

ROLL CALL: Mr. Camp, yes; Mrs. Bowersock, yes; Mrs. Greenwood, yes; Chairman Owens, yes.

Mr. Camp made a motion to excuse Mrs. McGill from the meeting. Mrs. Bowersock seconded the motion. All were in favor. The motion passed 4-0.

FORMAL APPROVAL OF MINUTES:

After polling members of Board, as there were no corrections or additions to the regular meeting minutes of October 13, 2020, Mr. Owens declared the minutes approved as written.

OLD BUSINESS – none

NEW BUSINESS

- **VRB 20-147 Conditional Use (7 E Franklin)**

Mrs. Hansen presented the staff report for the request for a conditional use to operate a microblading/permanent makeup studio at 7 E Franklin. The business will be open Monday through Friday from 9 AM until 5 PM by appointment only. The property is owned by Bella Hart. The board heard and approved a similar business last year. Microblading is a form of semi-permanent tattooing with very fine strokes. The use fits with the intent of the B-4 district and staff recommends approval to the Planning Board.

Mrs. Greenwood stated she thinks this sounds like a good business for downtown.

Kyle Walbly and Shaunice Moore, the owners were present and stated they were excited to be opening soon.

Mr. Camp made a motion to approve **VRB 20-147, Conditional Use (7 E. Franklin Street)**. Mrs. Greenwood seconded the motion. The clerk called the roll. Mr. Camp, yes; Mrs. Greenwood, yes; Mrs. Bowersock, yes; Mr. Owens, yes. The motion passed 4-0.

RECORD OF PROCEEDINGS

Minutes of Bellbrook Village Review Board Meeting

November 4, 2020

OPEN DISCUSSION

Mrs. Greenwood explained that she watched the video of the last meeting in which permits for signs at 129 W Franklin were being approved. The signs were put up before a permit was even requested. She recalls at least four other times when signs were installed before getting approval from the board. Awareness needs to be raised of the process. Staff is creating information for businesses.

Mr. Owens asked if something can be done when a business closes but a sign is still posted. Mrs. Hansen explained that the new Sign code does address this issue. This code will most likely be put in place the beginning of 2021.

Mr. Owens also commented on the electronic sign at the Presbyterian Church. The board had approved that sign with a limitation to the amount of motion allowed. He saw that recently the sign included some movement, and he would like to know if that is allowed. Staff will review the sign and approval. Mrs. Greenwood also commented that she had not considered that the light would be on throughout the night.

ADJOURN

Being no further business to come before this regular session of the Chairman declared the meeting adjourned at 6:20 pm.

Jeff Owens, Chairman

Pamela Timmons, Clerk of Council

RECORD OF PROCEEDINGS
Minutes of Bellbrook Village Review Board Meeting
June 4, 2019

PRESENT: Jennifer Bowersock
Jacquelin Greenwood
Karen McGill
Jeff Owens, Chair

ABSENT: Dana Duckro

Also present was Jeff Green Planning and Zoning Administrative Assistant.

CALL TO ORDER: Chairman Owens called the meeting to order at 6:00 pm.

ROLL CALL: Mrs. Bowersock, yes; Mrs. Greenwood, yes; Mrs. McGill, yes; Chairman Owens, yes.

FORMAL APPROVAL OF MINUTES:

After polling members of Board, as there were no corrections or additions to the regular meeting minutes of April 16, 2019, Mr. Owens declared the minutes approved as written.

OLD BUSINESS - none

NEW BUSINESS:

- **VRB Case #19-2: New Sign at 72 W Franklin Street**

The Bellbrook Presbyterian Church is requesting a variance to replace the church's sign with an internally lit LED sign. Zoning Administrative Assistant Jeff Green reported that according to the Bellbrook Zoning Code internally illuminated signs are not allowed in the old village district. There have been three variances previously granted by the VRB for Dot's Market, Road Dog Marathon, and Dollar General.

Michael Seiler, 3897 Conference Road, spoke on behalf of the church. The new sign will be approximately the same size as the current sign. The new sign will allow for providing much more information than the current manually changed sign. Each message will be displayed for five minutes before changing. Mr. Seiler reported that the church is used for many community functions including the library, Boy Scouts, and historical museum committee. He shared a letter from the head librarian in favor of the new sign. The other LED signs in downtown have set a precedence for allowing variances to the zoning code. An estimated 6,000 vehicles pass the sign each day.

The board members discussed the request including that it is important that the sign not have any motion or flashing. Mrs. Greenwood recalled that the Dot's Market and Marathon signs had been grandfathered.

RECORD OF PROCEEDINGS

Minutes of Bellbrook Village Review Board Meeting

June 4, 2019

Mr. Green reiterated that approval of the request adds to the precedence set by other LED signs in the old village district. If the request is approved by the VRB it will then go before the Board of Zoning Appeals.

Mrs. McGill made a motion to approve **VRB Case 19-2 New Sign at 75 W. Franklin Street.** Mrs. Bowersock seconded the motion. The Clerk called the roll. Mrs. McGill, yes; Mrs. Bowersock, yes; Mrs. Greenwood, yes; Chairman Owens, yes. The motion passed 4-0.

- **Sidewalks Downtown**

Mr. Green announced that sidewalk inspections will be starting soon. Notices will be sent to owners of properties with sidewalks in need of repair. In 2014 the city sent letters asking for voluntary sidewalk repairs. The city is looking to do more including giving owners time to complete repairs. The first area of focus will be along the main stretch of Franklin Street with the commercial properties. Staff is working on defining standards.

- **CDBG Grant – Results**

Bellbrook was awarded the CDBG Grant to build the curbs, ramps, and sidewalks along the west side of the Road Dog Marathon Station on West Street. This will improve safety and accessibility along West Street where there is currently no sidewalk.

- **Revitalization Reboot – June 13, 6:00 PM at Sugarcreek Elementary**

Mr. Green invited the Board to the Revitalization meeting on June 13 with consultant Jeff Siegler.

OPEN DISCUSSION

Mr. Owens asked what the status was with the signage for Bellbrook Plaza. The information on the sign is not current. Mr. Green answered the owner has stated that the sign will be updated but that is outside of Zoning's control

Mr. Green gave an update on the house at 72 E. Franklin Street. A permit was requested, and the gables are being added to the structure.

Mrs. Greenwood asked about the blocking of the driveway by the Dairy Shed. Mr. Green explained the owner is Mr. Koch who is permanently removing that access point and replacing the asphalt and curb. This was a dangerous driveway.

Mrs. Greenwood expressed her surprise about the bike racks that the City purchased. She thought they would have depth and you pull your bike into it. Mr. Green explained that bikes get leaned against the rack. She asked why there not a bike rack in front of the bike store. Mr. Green explained that the sidewalk is not wide enough there for a rack.

RECORD OF PROCEEDINGS
Minutes of Bellbrook Village Review Board Meeting
June 4, 2019

ADJOURN

Being no further business to come before this regular session of the Chairman declared the meeting adjourned at 7:46 pm.

Jeff Owens, Chairman

Pamela Timmons, Clerk of Council

BELLBROOK BOARD OF ZONING APPEALS
PUBLIC HEARING MINUTES
JUNE 18, 2019

PRESENT: Mr. Aaron Burke
Ms. Schroder arrived at 6:20 PM
Mr. Philip Ograd
Mr. Robert Middlestetter
Chairperson Brinegar

CALL TO ORDER:

Chairman Brinegar called the meeting of the Board of Zoning Appeals to order at 6:15 PM. The Clerk called the roll. Mr. Burke, yes; Mr. Middlestetter, yes; Mr. Ograd, yes; Ms. Schroder, yes; Chairman Brinegar, yes.

Mr. Ograd moved to approve the prior minutes of May 21, 2019. Mr. Middlestetter seconded the motion. Roll was called. Mr. Ograd, yes; Mr. Middlestetter, yes; Mr. Burke, yes; Ms. Schroder, yes; Mrs. Brinegar, yes. The motion carried 5-0.

It is noted for the record that Mr. Jeff Green, Planning and Zoning Assistant was in attendance.

NEW BUSINESS:

- **BZA Case V19-02: Variance Request – 72 West Franklin Street**

Michael Seiler (on behalf of the owner, Bellbrook Presbyterian Church) outlined the request for a variance to allow for an internally illuminated LED sign. Per section 18.20.B(4)(a)(7) of the Bellbrook Zoning Code, no sign in the Old Village District can be internally illuminated. Mr. Seiler explained that the church allows various organizations such as the Boy Scouts and Library to use their space and promote their events. There is an average of 20 activities/meetings a week which need to be advertised via the sign making it very time consuming. Mr. Seiler believes that the variance would not be considered substantial and would not negatively impact adjoining properties as two LED internally illuminated signs (Dot's and Road Dog) have previously been approved in the Old Village. He added that the new sign is programmable but with no animation or scrolling.

Mr. Middlestetter asked what the difference is in size of the old versus new signs. He also asked if the brightness can be adjusted. Mr. Seiler replied that the new sign is about a foot taller.

Mr. Ograd asked how many lines of type would be on the sign. Mr. Seiler explained that it depends on the font size.

Mr. Burke asked who was in charge of the messages being displayed. Mr. Seiler said that the Pastor has the final decision. The sign will promote church and local meetings and events.

Mr. Steve Berryhill, 1901 Bellbrook Woods, said that the Seniors meet there. The current sign is old and difficult to update the message. He also submitted a letter from the Historical Society who also use the church's meeting rooms.

Ms. Tony Davis, 3936 Kim Court, asked if a lighted sign would be a distraction to drivers. She also asked about the aesthetics of the sign stating that she does not think that a square sign is not as pleasing as the current one with decorative edges. Mr. Green pointed out that the sign will not include motion or blinking and so should not be a distraction to drivers. He also explained that the Village Review Board has already approved the design of the sign.

Mr. Middlestetter recounted being part of the Board that originally drafted the sign ordinances. Dozens of meetings were held then City Council made it more functional respecting the needs of businesses. At the time LEDs had not been invented. He voiced his concern that this case could end up requiring Council to reconsider the ordinances. Mr. Green explained that any changes to ordinances have to go to the Planning Board first and then City Council.

Mrs. Brinegar stated she believes some of the ordinances are out of date. But she is not concerned about the safety of the sign in question and believes it will be an asset.

Mr. Burke asked if the Village Review Board had concerns about the signs to which Mr. Green answered that they did not have concerns. Mr. Burke commented that this decision will set a precedence and variance requests will keep coming.

Mrs. Schroeder stated that she prefers the aesthetics of the old sign better. She also agrees that the codes should be reviewed to look at all the aspects and parts.

Mrs. Schroder made a motion to approve BZA Case V19-02 Variance Request for 72 W. Franklin Street. Mr. Ograd seconded the motion. The Clerk called the roll. Mrs. Schroder, yes; Mr. Ograd, yes; Mr. Burke, yes; Mr. Middlestetter, yes; Mrs. Brinegar, yes. The motion passed 5-0.

- **PRC Case 19-01:** Request for Prosecution – 2088 Dane Lane

Mr. Green began by explaining that this is an extension of Case 18-05. This property has been the subject of numerous citations since 2012. Of all the maintenance violations only the shed has been removed. The property is deterioration. There are paths made by rodents that are inhabiting the house. On May 24, 2019 Mr. Green sent a letter to Sia, the sister concerning the fines. Mr. Green shared an email from the property owner's sister that he had received at 5:30 PM this day. Mr. Green recommends that the case move on to prosecution.

Mr. Middlestetter opined that this situation has gone on for a very long time. Mr. Green explained that the City has to go through certain steps.

Mrs. Schroder and Mr. Ograd read the email, and both stated that the owners are making the same excuses they have made in the past. There has been plenty of opportunity to complete the work the property requires.

Mr. Green added that he tried to contact the attorney that the owner had used last year but could not find the person. There had been no work done and no communication from the owner between July 2018 through May 2019. He added that the next step is to send the case to prosecution by the County.

Mrs. Brinegar opened the floor to the owner, but no one was present. She then allowed the public to speak.

Mr. Richard Davis, 2122 Dane Lane, relayed his agitation that another year has passed with no improvement. He accused the Board of dragging its feet. He recently measured the height of the grass at 38". He requested the Board do something immediately.

Mr. Green shared an email from Mr. O'Rourke who lives on Dane Lane and is planning to put his home on the market. He is angry that the state of the Elias property hurts the value of his home.

Jim Loeb, 2089 Firebird Drive, explained that his property is directly behind 2088 Dane Lane. He recounted seeing racoons and other rodents in the house. He opined that the City should do something.

Matt Porter, 2076 Dane Lane, lives next door to the Elias property. He has tried to offer to help the property owners, even bringing his youth group over to do yard work. He stated that his son saw a dog-sized ground hog. Last year the owner purchased some wood, pavers, and other repair supplies. These have been left lying in the backyard and are rotting. Mr. Porter relayed conversations with contractors who have offered \$60,000 to \$80,000 for the property. The owner declines all offers. He also stated that contractors have refused to work for her after she has called their work, "shoddy", or quits paying for their services. He added that he agrees that the owner should be prosecuted.

Tom Davis, 3936 Kim Court, explained that they have watched the condition of the property decline since 2000. The house is without water or heat. He opined that it is a public nuisance and feels it should be condemned and torn down.

Jane Worth, 3524 Dane Court, asked if the taxes have been paid and if the City could use eminent domain as a legal way to take control of the property or condemn it. Mr. Green answered that the taxes have been paid but eminent domain would not apply. He added that to legally condemn it the City would have to hire a contractor to prove that the cost to repair the property is more than the value of it. Ms. Worth added that the overgrowth of plants like poison hemlock and the rodents are a nuisance.

Gail Longo, 3930 Dane Court, expressed her concerns about damages caused by 2088 Dane Lane to her property. Drainage issues caused her to lose two trees. Invasive plants are constantly crossing into her yard as are rodents. She cares about her property and wants the City to do something now.

Toni Davis, 3936 Kim Court, said that they love their home but never had a good relationship with the owners of 2088 Dane Lane. She added that the state of this property reflects poorly on our City. She added that she originally questioned the Dollar General store being allowed to open in Bellbrook.

Chairwoman Brinegar stated that the City has assessed the maximum fines which still have not been paid. The next step is to send the case for prosecution.

Mr. Green explained that the case file will be sent to the County Prosecutor who will present it to a judge. If the Judge agrees, the Court will give orders to serve the property owner who will need to appear before the Judge. Failure to do so could be jail time.

Mr. Middlestetter stated that everyone has to follow the property maintenance guidelines. He then made a motion to approve **PRC Case 19-01 Request for Prosecution** of the property at 2088 Dane Lane. Mrs. Schroder seconded the motion. The Clerk called the roll. Mr. Middlestetter, yes; Mrs. Schroder, yes; Mr. Burke, yes; Mr. Ograd, yes; Mrs. Brinegar, yes. The motion passed 5-0.

OLD BUSINESS:

OPEN DISCUSSION:

ADJOURNMENT:

There being no further business to discuss, Mr. Ograd made a motion to adjourn. Mrs. Schroder seconded the motion. With unanimous consent, the meeting adjourned at 7:20 PM.

Meredith Brinegar, Chairman

Date

Pamela Timmons, Secretary

Date

To: Village Review Board
From: Jessica Hansen, Planning & Zoning Assistant
Date: December 31, 2020
Subject: VRB Staff Report for VRB Case 20-163, 11 East Franklin Projecting Sign

Summary

The request is to install a projecting sign on the property located at **9 East Franklin Street, Bellbrook, OH 45305**.

Applicant Information:

- **Applicant Name:** Bill Baglio/Big Splash Graphics
- **Applicant Address:** 9 East Franklin Street, Bellbrook, Ohio 45305
- **Property Owner:** Bella Hart
- **Property Owner Address:** 6 West Franklin Street, Bellbrook, Ohio 45305



Figure 1 Location Map

Sign Information:

The request is to place a 42'' diameter dibond projecting sign at 9 E Franklin Street.

“Dibond is the brand name of brushed Aluminum composite sheeting. ... Lightweight and rigid, this cut plastic material consists of a flexible polyethylene core covered with a thin aluminum sheet on each side, and is finished with a high quality lacquer.”

Size: 9.62 Sq. Ft. per side. πr^2

Height: 13.5 Feet from ground to top of sign, 10 feet to bottom of sign from sidewalk.

Thickness: 6 millimeters

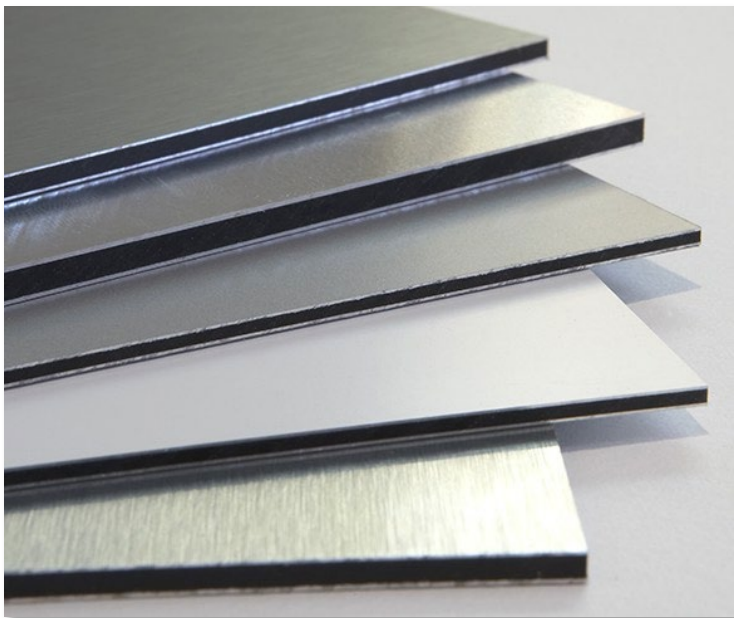


Figure 2 Dibond Example

Per section:

18.20B(3)(b), *In no case should the sign or its supports extend above the highest point of the building supporting the sign. A sign may project from a building beyond the property line and over a public sidewalk providing:*

- (1) it does not intrude more than 3/4 of the sidewalk width; and*
- (2) it clears the sidewalk by ten (10) feet.*



Figure 3 Height Example

18.20 (4)(a)(1)

No projecting sign shall be larger than thirty-six (36) square feet total exposed faces, except at the corner of two (2) public streets. Projecting signs attached to corners of buildings facing two (2) public streets may be of a size equivalent to the total size allowed for projecting signs on the two (2) sides forming the corner (a total 72 square feet), in which case, no other sign shall be permitted. If less than the allowable area is used, the remaining allowable area may be used to establish one (1) other projecting or flat sign on the respective intersecting building faces.

Discussion

The sign meets all regulations. Staff sees no issue in the Village Review Board approving the proposed sign.

To: Village Review Board
From: Jessica Hansen, Planning & Zoning Assistant
Date: December 31, 2020
Subject: VRB Staff Report for VRB Case 20-161, 15 West Franklin Projecting Sign

Summary

The request is to install a projecting sign on the property located at **15 West Franklin Street, Bellbrook, OH 45305**.

Applicant Information:

- **Applicant Name:** Cheri Hathaway
- **Applicant Address:** PO Box 118, Bellbrook, Ohio 45305
- **Property Owner:** Paula Desalvo
- **Property Owner Address:** 108 S Main St, Bellbrook, Ohio 45305



Figure 1 Location Map

Sign Information: The request is to place a 2' by 3' projecting sign at 15 W. Franklin St. The sign will be made of wood and be hung from an iron or metal frame.

Size: 6 Sq. Ft. per side.

Length: 3 feet

Height of sign: 2 feet

Height: _____ Feet from ground to top of sign, _____ feet to bottom of sign from sidewalk.

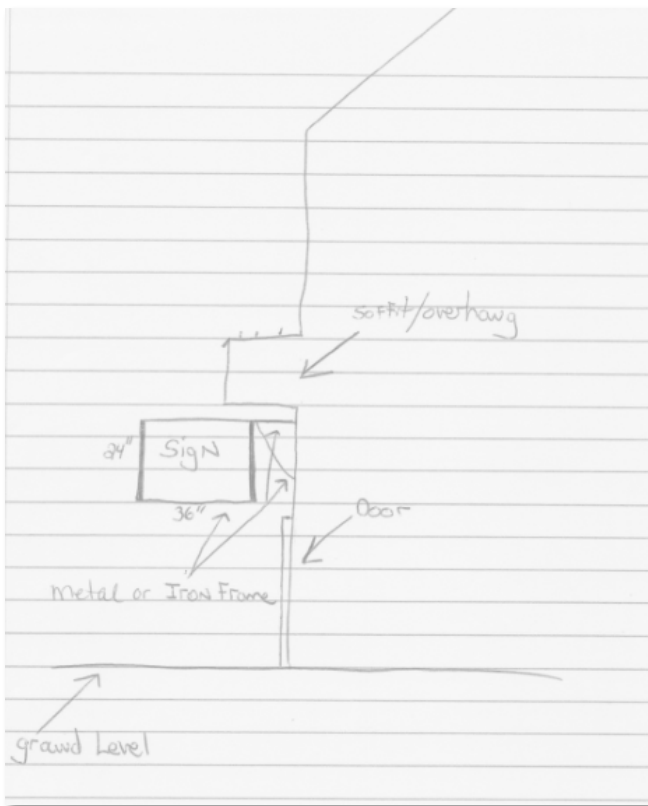


Figure 2 Applicant Provided Example

Per section:

18.20B(3)(b), *In no case should the sign or its supports extend above the highest point of the building supporting the sign. A sign may project from a building beyond the property line and over a public sidewalk providing:*

- (1) it does not intrude more than 3/4 of the sidewalk width; and*
- (2) it clears the sidewalk by ten (10) feet.*

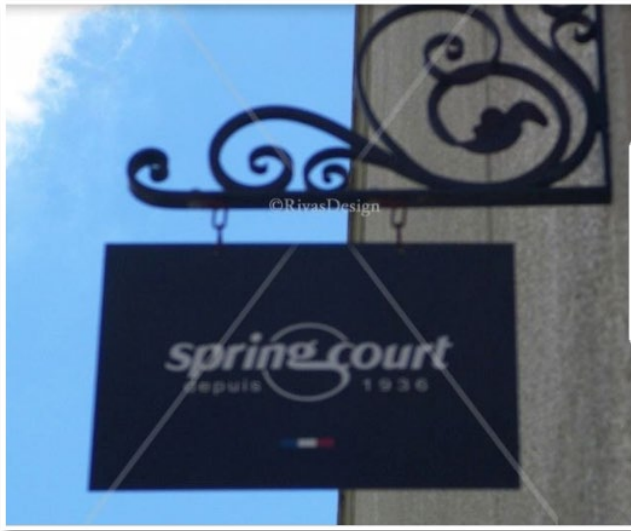


Figure 3 Applicant provided Examples

18.20 (4)(a)(1)

No projecting sign shall be larger than thirty-six (36) square feet total exposed faces, except at the corner of two (2) public streets. Projecting signs attached to corners of buildings facing two (2) public streets may be of a size equivalent to the total size allowed for projecting signs on the two (2) sides forming the corner (a total 72 square feet), in which case, no other sign shall be permitted. If less than the allowable area is used, the remaining allowable area may be used to establish one (1) other projecting or flat sign on the respective intersecting building faces.

Discussion

The sign meets all regulations however, staff tried on numerous occasions to obtain the height of the sign from the sidewalk to the bottom of the sign. The Applicant never provided us with this information. Staff suggest if the applicant doesn't provide the information in the meeting that VRB to deny the permit for incompleteness.



CITY OF BELLBROOK

ZONING PERMIT - SIGNS

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

DATE RECEIVED 12 / 3 / 2020 STAFF USE APPLICATION # 20-161

APPLICANT INFORMATION

PROPERTY ADDRESS 15 W. Franklin ZONING DISTRICT _____
PROPERTY OWNER Paula DeSalvo PHONE NUMBER 937-848-4819
APPLICANT NAME Bellbrook Fine Art Gallery - Chen PHONE NUMBER 937-418-0072
APPLICANT EMAIL Chen177@yahoo.com

REQUEST INFORMATION

BUSINESS NAME Bellbrook Fine Art Gallery
BUSINESS MAILING ADDRESS ~~XXXXXXXXXXXX~~ P.O. Box 118, Bellbrook
SIGN REQUEST NEW PERMANENT SIGN SIGN REFACE TEMPORARY OTHER
SIGN TYPE GROUND PROJECTING ROOF WALL SANDWICH BOARD BANNER OTHER
SIGN DIMENSIONS HEIGHT 2' WIDTH 3' AREA 6' SQUARE FEET BUILDING FRONTAGE _____ LINEAR FEET
SIGN LOCATION FRONT YARD SIDE YARD REAR YARD SIGN HEIGHT _____ FEET (FROM GROUND TO TOP OF SIGN)
SIGN MATERIALS iron or metal frame / wood insert
ADDITIONAL COMMENTS (See drawing)

PLEASE PROVIDE AN ILLUSTRATION WHICH INCLUDES A COLOR RENDERING OF THE SIGN AND THE APPLICANT'S UNDERSTANDING OF THE SIGN'S APPEARANCE. I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL OF A VARIANCE, OR EXCEPTION FROM ANY OTHER CITY REGULATIONS WHICH ARE NOT SPECIFICALLY APPROVED BY THE CITY. APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL OF A BUILDING OCCUPANCY PERMIT OR FOR SATISFYING REQUIREMENTS OF ANY PRIVATE RESTRICTIONS OR COVENANTS APPURTENANT TO THE PROPERTY. I CERTIFY THAT I AM THE APPLICANT AND THAT THE INFORMATION SUBMITTED WITH THIS APPLICATION IS TRUE AND BELIEF. I UNDERSTAND THAT THE CITY IS NOT RESPONSIBLE FOR INACCURACIES IN INFORMATION PROVIDED. REVOCATION OF THIS ZONING CERTIFICATE AS DETERMINED BY THE CITY. I FURTHER CERTIFY THAT I AM THE OWNER OF THE PROPERTY INVOLVED IN THIS APPLICATION, OR THE LESSEE OR AGENT FULLY AUTHORIZED BY THE OWNER. I CERTIFY THAT STATEMENTS MADE TO ME ABOUT THE TIME IT TAKES TO REVIEW AND PROCESS AN APPLICATION HAVE BEEN ATTEMPTED TO REQUEST EVERYTHING NECESSARY FOR AN ACCURATE AND COMPLETE REVIEW OF THE APPLICATION. SUBMITTED AND REVIEWED BY CITY STAFF, I UNDERSTAND IT MAY BE NECESSARY FOR THE CITY TO REQUEST ADDITIONAL INFORMATION. I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT ALL THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

Needs
VRB
approval -
asked for sign
rendering 12/16/2020

APPLICANT SIGNATURE Chen

OFFICE USE ONLY		
PERMIT FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ <u>50.00</u>	CASH <input type="checkbox"/> CHECK <input checked="" type="checkbox"/> # <u>1125</u>	ADMINISTRATIVE <input checked="" type="checkbox"/> BZA <input type="checkbox"/> VRB <input checked="" type="checkbox"/>
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	STAFF SIGNATURE <u>Jessica Hanson</u>	DATE _____
APPROVED-CONDITIONS <input type="checkbox"/>		

