



Board of Zoning Appeals and Property Review
Commission

July 20, 2021 6:15 PM

Agenda

1. Call to Order
2. Roll Call
3. Approval of prior minutes of February 16, 2021
4. Zoning Appeals
 - **VA 21-04** 1706 N Belleview Dr. Accessory Structure
 - Staff Report
 - Property Owner
 - Public Input
 - Board Discussion/Decision
 - **VA 21-05** 2097 Sheffield Place Accessory Structure
 - Staff Report
 - Property Owner
 - Public Input
 - Board Discussion/Decision
5. Property Maintenance
6. Old Business
7. New Business
8. Adjournment

BELLBROOK BOARD OF ZONING APPEALS AND PROPERTY REVIEW COMMISSION
PUBLIC HEARING MINUTES
February 16, 2021

NOTE: Due to COVID-19 this meeting was held via Zoom.

PRESENT: Aaron Burke
Philip Ograd
Sharon Schroeder
Chairperson Meredith Brinegar

ABSENT: Glenn Costie

CALL TO ORDER:

Chairperson Brinegar called the meeting of the Board of Zoning Appeals to order at 6:15 PM. The Secretary called the roll. Mr. Burke, yes; Mr. Ograd, yes; Ms. Schroeder, yes; Mrs. Brinegar, yes.

Zoning Administrator Jessica Hansen was in attendance.

APPROVAL OF MINUTES:

Mr. Ograd made a motion to approve the prior minutes of December 15, 2020. This was seconded by Mr. Burke. All were in favor. The motion carried 4-0.

ZONING APPEALS

- **VA21-01 Accessory Structure 4184 W Franklin Street**

Zoning Administrator Hansen presented the staff report. Mr. Turner is requesting a zoning variance to install a garage in the rear yard of 4184 W Franklin Street. The size would be 24' by 36' and 864 square foot which exceeds the size limitation stated in Zoning Code section 18.05A. The owner has already adjusted the proposed height of the structure to 15' to meet the code requirement. She noted that the property is on State Route 725 which does not allow for on-street parking. The City has received two responses in support of the structure and one against. Staff recommends approving the variance.

Mike Turner, 4184 W Franklin Street, explained that the current structure only has a narrow one-car garage. The driveway currently includes a lane along the side of the garage. This is where they currently store their boat. Their two cars sit in the driveway. They wish to build the garage to allow for storage of the boat and their two cars. The current garage is only capable of holding children's toys and tools.

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Mr. Ograd asked if the plan was to extend the driveway to the new garage and what would be done with the current shed on the property. Mr. Turner replied that the shed will be demolished, and the driveway extended. No trees will be removed. He added that they are the third generation of their family to live in this house.

Mr. Ograd asked if utilities will be run to the garage. Mr. Turner explained that electric will be run for sconces on either side of the door but no spotlights.

Mr. Ograd also asked how the structure will be sided. Mr. Turner answered that it will be vinyl siding to match the house. It will have a double and a single garage doors plus a service door.

Mrs. Brinegar stated that the owner clearly explained the reason and plan. The lack of on-street parking does make this plan make sense. The only other consideration would be neighbors or future owners.

Mr. Ograd stated that this situation fits the hardship reason for approval.

Ms. Schroeder added that the comment against the garage mainly spoke to precedent, but she opined that the Board does not rely on that when deliberating. This situation is somewhat unique and wouldn't be setting a precedent.

Mr. Burke agreed that there is a concern with the oversized garages but in this situation, he leans to approval. This lot is fairly large and directly behind it is open treed space.

Mr. Burke made a motion to approve variance **VA 21-01 4184 W Franklin Street Accessory Structure** with dimensions of 24' by 36' by 15' height. Mr. Ograd seconded the motion. The Clerk called the roll. Mr. Burke, yes; Mr. Ograd, yes; Ms. Schroeder, yes; Chairperson Brinegar, yes. The motion passed 4-0.

PROPERTY REVIEW COMMISSION

- **Appeal of PRC Case 129 W Franklin Street**

Mrs. Hansen presented the case. In the summer of 2020 staff started receiving complaints regarding shingles being stored outside the front of 129 W Franklin Street beginning in July. By October no construction had been started so staff spoke with Rick Martin, the City's most recent point of contact, and told him that the easiest fix would be to move the shingles behind the

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building. Mr. Martin stated that his understanding was that work would start in November. The City allowed an extension but sent a notice of violation on October 30 in case work did not begin since a large number of complaints had been received.

A response was received by the appellant's attorney on November 19, 2020. The appeal referred to the distinctions of the B-4 Business District and the overlapping Village District for permitted Principle Uses and the use of the vague term "junk." Mrs. Hansen explained that the shingles had been untouched for seven months. The intent of the code is not to define specifics of "junk" but to deter blight. The next point that Attorney Adam Stout stated was that staff had not notified L & L Diversified Development as the property owner. The City had notified Chad Kuhns of LAK Enterprises III LLC as that is the legal property owner per the Greene County Auditor's office. The city could find no record of L & L Diversified Development as the owner of the property. The City also included correspondence to Rick Martin and John Landsiedel.

Chair Brinegar opened the discussion to the property owner adding that there seems to be confusion over who the owner is. She was looking for some clarification since the attorney referred to L & L Diversified Development as the owner. She swore in Mr. Stout and Mr. Dart.

Attorney Adam Stout spoke for the owners. He explained that L & L Diversified Development became the owners in 2019 through a land contract.

Mr. Greg Dart interjected that he believed the City knew they were the property owners and had contacted them before. He asked if the Commission members had received a letter from L & L Diversified Development. Mrs. Hansen said they had been sent the letter, but it had nothing to do with the appeal. Mr. Dart explained that they had viewed previous meetings on the Zoom virtual meeting platform but had asked for a continuance from the previous two meetings due to certain owners being out of town. He commented that the Board had commented at the last meeting that if a response was not received, they should be fined. Chair Brinegar answered that if you appeal the case goes to this Board which meets monthly. The appellant can choose to attend and testify but the Board could potentially consider the appeal based on the written appeal sent to the City. A continuance was granted twice even though there is no policy requiring it.

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Mr. Dart pointed out that the staff report said there had been multiple complaints, but Mrs. Hansen had told him there was only a complaint from a particular individual. He asked who the complaint was from.

Chair Brinegar stopped him and explained that the purpose of the meeting was to address the appeal of the violation saying it was inaccurate.

Mr. Dart again said he wanted to know who made the complaint, so it is public. Mrs. Hansen answered that most complaints are received anonymously by phone. Chair Brinegar directed him to make a public record request but that it is not the jurisdiction of this Board.

Mr. Dart went on stating that he is tired of being harassed and that he is the only person who has received a zoning violation. He blamed a Council Member and then spoke about complaints concerning a car. Mrs. Hansen explained that a violation had been sent to the owner of the car. Chair Brinegar explained that property maintenance violations are based on complaints and this meeting in particular is to hear about the appeal to the violation.

Mr. Stout reviewed their points. He stated that the photos included in the report show that the shingles are wrapped and neatly stacked on pallets. They disagree with them being labeled as junk.

Mr. Martin 80 Linden Avenue, Dayton was sworn in. He believes that what L & L Diversified Development are doing with the property both internally and externally is important in saving a property that had been considered for demolition. The pallets of shingles cannot be moved to the rear of the building due to the slope of the driveway. He also wanted the Board to understand that the shingles were purchased in advance due to shortages of supplies due to the COVID-19 pandemic. The hope had been to put them up in the fall.

Mr. Dart again listed off ways in which he believes he has been singled out. He made accusations against previous staff. He pointed out that other businesses like Dot's have items outside and are not pursued. Mrs. Hansen explained that the difference with those other businesses is that the outside items are products being sold and are customary to those businesses. That is not the same as building materials that are not for sale all around the parking lot of a building. Mr. Stout added that customary use is not relevant under the specific language of the code being cited in

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1450.31 (J). The code states that in residential zones all outside storage shall be effectively screened from view. It does not say anything about customary use in the code or anything referring to preventing blight. It is an interpretation of an arbitrary distinction. If you take the position that in a multi-use district like this central business district it would mean that every commercial property that has any inventory stored externally would have to have it screened. The code does not define any difference.

Mr. Dart again asked about the process that says any complaint will result in a violation being cited. If true, he made a complaint about the City administration building having overgrowth and brush on the sides. He believes the City should be fined the way he was for not maintaining the property.

Chairperson Brinegar commented that Mr. Dart seemed to be suggesting that this was a foregone conclusion. The Board will discuss the merits of the appeal. At this point the public comment segment was ended. She stated that she believes the spirit of the violation was probably correct but that the code is poorly worded. It states that there are two parts to the outside storage, the first concerns outside storage in residential zones and the second has to do with junk and applies to any property. She said they could look at it two ways. If the shingles are considered junk it does not matter if it is commercial or residential. Her opinion is that shingles would not be junk. The other part of the code seems more lenient of storing a variety of things but clearly states “in a residential zone”. As she reviewed the property maintenance codes most of the rest do not state being in a residential zone. The code is not clear and leads her to believe the appellants have a case for appeal.

Mr. Burke thought Mrs. Brinegar summarized the situation well. It comes down to 14.50.30 which then spiderwebs out into these other areas where the wording is ambiguous. He does have a hard time calling the central business district residential. For him it comes down to how do we define junk.

Ms. Brinegar agreed. If they consider it junk the Board has the authority to uphold the violation. She would prefer that they be moved which would she believes is to the spirit of the law more so than saying the materials are junk.

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Mr. Ograd stated that the shingles are not junk but, they have been sitting there for seven and a half months.

Mr. Dart asked to speak again and contrasted the treatment he has received to the support the Dayton Arcade owners have received from the City of Dayton.

Chairperson Brinegar repeated that she was leaning toward believing that the violation was not lawful. Not because the City has singled Mr. Dart out but because it is the Board's function is to interpret the law when there is ambiguity. She also would like to see the shingles moved out of sight and has seen similar comments from other residents on the Facebook community page. The owners could make a goodwill gesture and move the shingles out of sight.

Ms. Schroeder stated that she also does not think the shingles classify as junk. She would not consider this property residential.

All of the members expressed confusion with the zoning district whether it is business or multi-purpose. The property is zoned B-4 but is also part of the Old Village which includes multiple uses.

Mr. Burke made a motion to grant the appeal by reversing the violation on 129 W Franklin Street.

Ms. Schroeder seconded the motion. The Clerk called the roll. Mr. Burke, yes; Ms. Schroeder, yes; Mr. Ograd, yes; Chair Brinegar, yes. The motion passed 4-0.

PROPERTY MAINTENANCE CODE REVIEW

The latest suggestions and edits have not yet been incorporated so this item will be discussed at a later date.

OPEN COMMENT

David Buccalo, 126 Lower Hillside Drive, stated that he had spoken with the Mayor about what kinds of regulations are going to be included in the Property Maintenance Code concerning what people can do in their yards. He explained that his yard and many others in Bellbrook would qualify as a certified wildlife habitat. There must be food, water, safe cover, and sustainable practices. These would include compost heaps. In wooded areas like in a lot of Bellbrook trees

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eventually come down and eventually rot. This should not be considered trash or yard waste. He does not want the City to create a sterile atmosphere when considering yards. He added that using native plants is very important too. He hopes that everyone keeps these things in mind when reviewing the Property Maintenance Code.

ADJOURNMENT

Mr. Ogrod made a motion to adjourn the meeting and it was seconded by Mr. Burke. Chairman Brinegar adjourned the meeting at 8:25 PM.

Meredith Brinegar, Chair

Pamela Timmons, Secretary

To: Board of Zoning Appeals
From: Pamela Timmons, Clerk of Council
Date: July 18, 2021
Subject: Staff Report for VA 21-04 1706 N Belleview Drive

Summary of the Request

This is a request by Robin Snyder, owner of 1706 N Belleview Drive for a variance from zoning code 18.05(A) for an accessory building. The owner wishes to replace a 1040 square foot accessory structure on the existing foundation from a structure that had been on the property.

Applicant Information

Robin Snyder
1706 N Belleview Drive
Bellbrook, Ohio 45305

Current Zoning District

R1-A One Family Residential

Parcel Identification

L35000100110001300

Location



Applicant's Reason for the Request

Intend to rebuild a 1040 square foot accessory building to the rear of the 3.741AC lot for storage of equipment and tools used to maintain the property and storage of recreational items (bikes, kayaks, etc.) to keep property decluttered. A structure of approximate size was previously in the same location on the lot. The foundation and pad still exist.

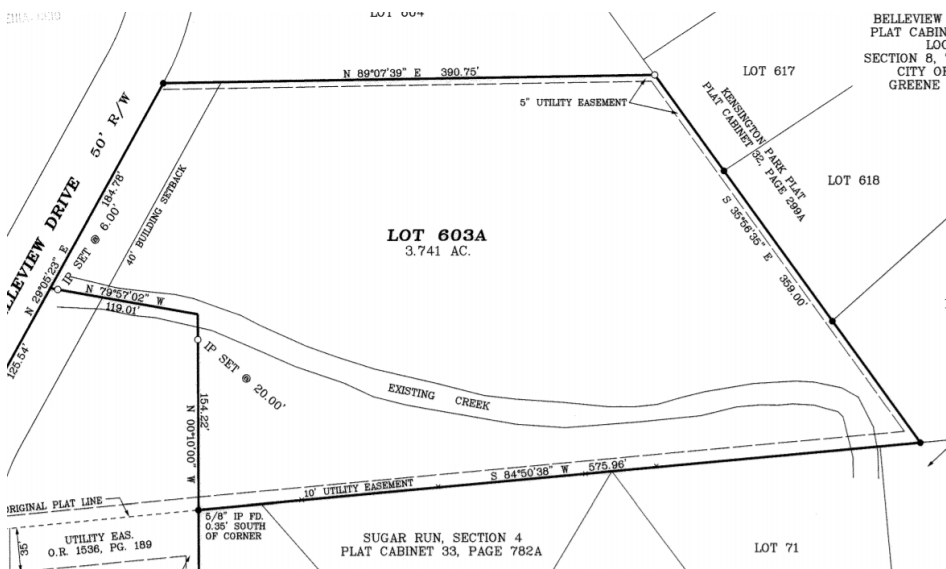
Surrounding Land Use within 1,000 Feet

Residential

Previous Related Development Decisions in the Immediate Area (3-5 Years)

Denial of variance for over-sized accessory structure at 1754 N Belleview in 2020

Existing Public Utilities



Flood Plain Information

The structure site is not in a flood zone

Supporting Maps & Graphics

Enclosed

Staff Recommendation



CITY OF BELLBROOK

APPLICATION FOR ZONING VARIANCE

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

DATE RECEIVED ____/____/____ STAFF USE APPLICATION # _____

APPLICANT INFORMATION

PROPERTY OWNER Robin Snyder PHONE NUMBER 937-848-1128
 OWNER ADDRESS 1706 N Belleview Dr
 APPLICANT NAME Robin Snyder PHONE NUMBER 937-848-1128
 APPLICANT ADDRESS 1706 N Belleview Dr
 APPLICANT EMAIL snyderra@gmail.com

REQUEST INFORMATION

PROPERTY ADDRESS 1706 N Belleview Dr ZONING DISTRICT R-1A
 SUBDIVISION KENSINGTON PARK LOT NUMBER 603A PARCEL ID L35000100110001300

DESCRIBE THE GENERAL NATURE OF THE VARIANCE

Intend to rebuild a 1040 SqFt accessory building to the rear of the 3.741AC lot for storage of equipment and tools used to maintain the property and storage of recreational items (bikes, kayaks, etc) to keep property decluttered. A structure of approximate size was previously in the same location on the lot. The foundation and pad still exists.

Adjoining properties will not be affected, the building will be not be visible from neighboring lots during summer months and only slightly visible to rear neighbors during winter months. It will not be visible from any street. It will be located in the back middle of the lot fully surrounded by trees.

Given the size of the lot, having a 1040 SqFt will not go against the spirit and intent of the current limit. Requesting variance for up to 1200 SqFt to accommodate building code and plan changes, if necessary.

Failure to acquire this variance will result in unnecessary hardship and difficult modifications of existing foundation/pad to accommodate a smaller building as well as requiring some storage outdoors. The option for an attached garage is not possible due to layout and location of the house.

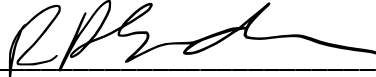
SEE THE REVERSE OF THIS PAGE FOR ADDITIONAL INFORMATION TO BE INCLUDED WITH AN APPLICATION FOR ZONING VARIANCE.

I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL FOR ANY ADMINISTRATIVE REVIEW, CONDITIONAL USE PERMIT, VARIANCE, OR EXCEPTION FROM ANY OTHER CITY REGULATIONS WHICH ARE NOT SPECIFICALLY THE SUBJECT OF THIS APPLICATION. I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL OF A BUILDING OCCUPANCY PERMIT. I UNDERSTAND FURTHER THAT I REMAIN RESPONSIBLE 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 ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT THE CITY IS NOT RESPONSIBLE FOR INACCURACIES IN INFORMATION PRESENTED, AND THAT INACCURACIES MAY RESULT IN THE REVOCATION OF THIS ZONING CERTIFICATE AS DETERMINED BY THE CITY. I FURTHER CERTIFY THAT I AM THE OWNER OR PURCHASER (OR OPTION HOLDER) OF THE PROPERTY INVOLVED IN THIS APPLICATION, OR THE LESSEE OR AGENT FULLY AUTHORIZED BY THE OWNER TO MAKE THIS SUBMISSION.

I CERTIFY THAT STATEMENTS MADE TO ME ABOUT THE TIME IT TAKES TO REVIEW AND PROCESS THIS APPLICATION ARE GENERAL. I AM AWARE THAT THE CITY HAS ATTEMPTED TO REQUEST EVERYTHING NECESSARY FOR AN ACCURATE AND COMPLETE REVIEW OF MY PROPOSAL; HOWEVER, AFTER MY APPLICATION HAS BEEN SUBMITTED AND REVIEWED BY CITY STAFF, I UNDERSTAND IT MAY BE NECESSARY FOR THE CITY TO REQUEST ADDITIONAL INFORMATION AND CLARIFICATION.

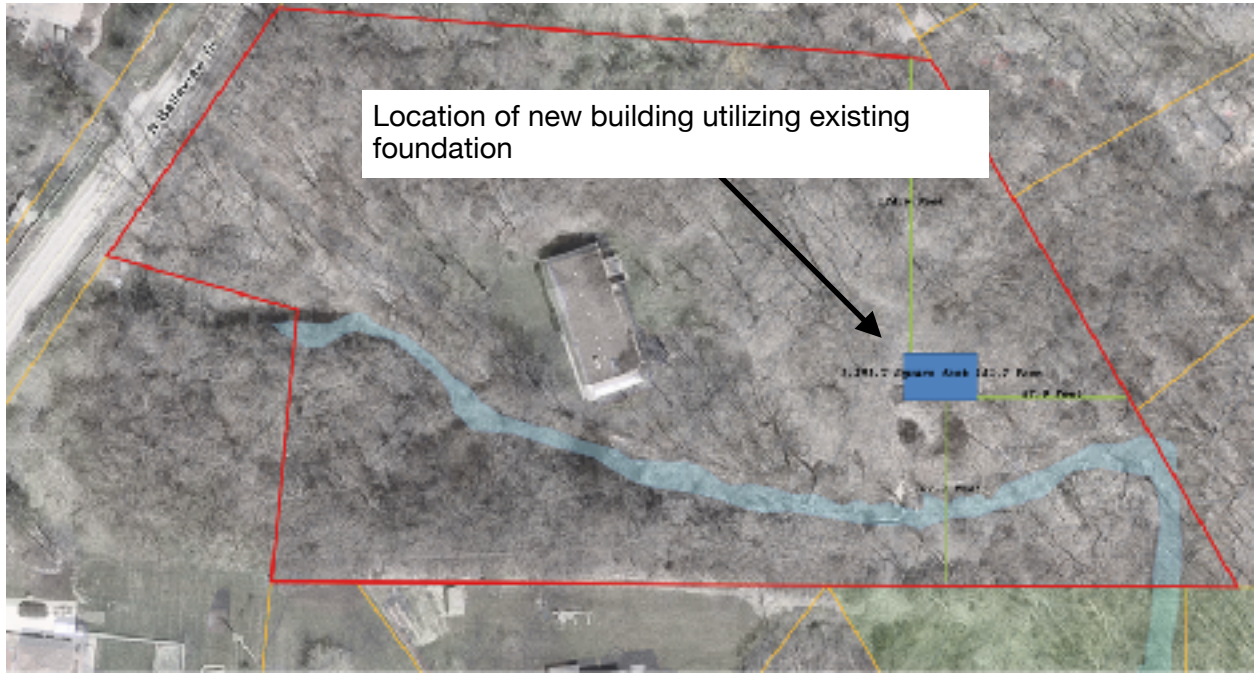
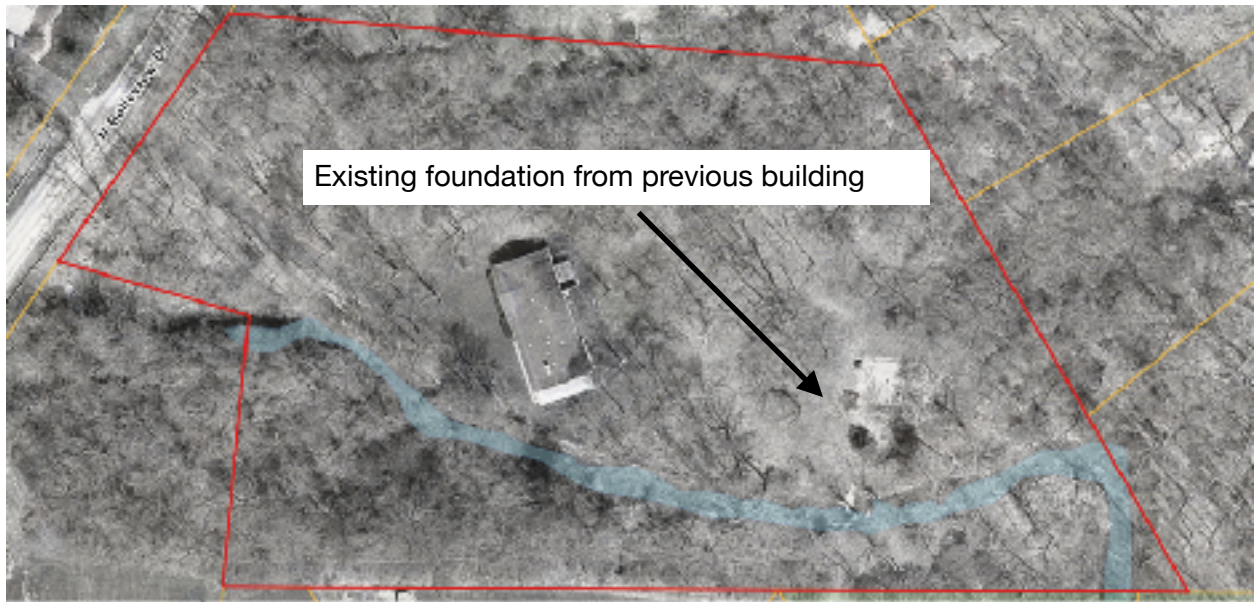
I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT ALL THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

APPLICANT SIGNATURE  DATE 7/ 3 / 2021

OFFICE USE ONLY		
APPLICATION FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ _____	CASH <input type="checkbox"/> CHECK <input type="checkbox"/> # _____	ADMINISTRATIVE, BOARD OF ZONING APPEALS
BOARD OF ZONING APPEALS	MEETING DATE ____/____/____	APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> CONDITIONS <input type="checkbox"/>

APPLICANT ANSWERS TO ITEMS 1-7

1. WHETHER THE PROPERTY IN QUESTION WILL YIELD A REASONABLE RETURN OR WHETHER THERE CAN BE ANY BENEFICIAL USE OF THE PROPERTY WITHOUT THE VARIANCE;
 1. NA. Believe this pertains to a business. This is our home. We will still live here.
2. WHETHER THE VARIANCE IS SUBSTANTIAL;
 1. No. Just seeking an increase in allowable building size.
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;
 1. Given the size of our lot, there will be no impact to neighboring lots. Building is not visible from neighboring lots.
4. WHETHER THE VARIANCE WOULD ADVERSELY AFFECT THE DELIVERY OF GOVERNMENTAL SERVICES SUCH AS WATER, SANITARY SEWER OR GARBAGE REMOVAL;
 1. No affect as building is not located near edge of lot.
5. WHETHER THE PROPERTY OWNER PURCHASED THE PROPERTY WITH KNOWLEDGE OF THE ZONING RESTRICTION;
 1. I was aware of zoning restrictions as I have lived in Bellbrook for more than 10 years. However, given that there is a foundation/pad from a building previously at the location, as well as other similar accessory buildings in the neighborhood, I reasonably believed that a variance could be acquired to rebuild.
6. WHETHER THE PROPERTY OWNER'S PREDICAMENT FEASIBLY CAN BE OBIATED THROUGH SOME METHOD OTHER THAN A VARIANCE; AND
 1. No other methods are available that don't result practical difficulty or unnecessary hardship.
 2. An attached garage is not possible due to layout and location of the house.
7. WHETHER THE SPIRIT AND INTENT BEHIND THE ZONING REQUIREMENT WOULD BE OBSERVED AND SUBSTANTIAL JUSTICE DONE BY GRANTING THE VARIANCE. THE BOARD SHALL DETERMINE, AFTER AND WEIGHING THE FACTORS DESCRIBED ABOVE AND ANY OTHER FACTORS THE BOARD DEEMS RELEVANT, WHETHER THE PROPERTY OWNER HAS SHOWN PRACTICAL DIFFICULTIES SO INEQUITABLE AS TO JUSTIFY GRANTING A VARIANCE TO THE PROPERTY OWNER.
 1. It is believed that the spirit of the requirements are based on typical lot size in Bellbrook, where a large building would be out of place and affect the neighborhood. Given the lot size, this would not be the case.
 2. A building of this size previously existed at the same location.



2003 MAR 21 AM 10:35
 HARRY L. FARRIS
 GREENE COUNTY ENGINEER
 XENIA, OHIO

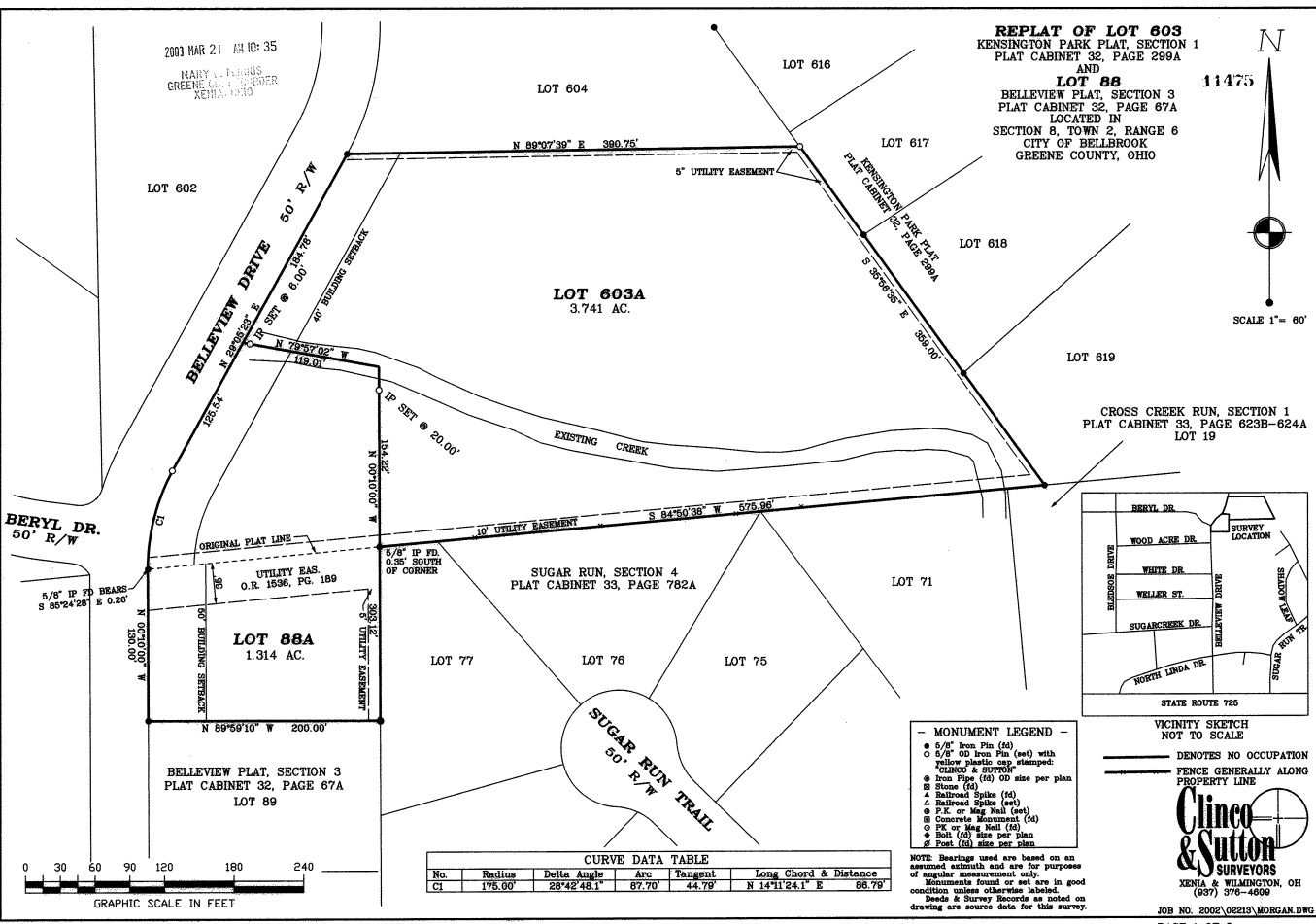
REPLAT OF LOT 603
 KENSINGTON PARK PLAT, SECTION 1
 PLAT CABINET 32, PAGE 298A
 AND
LOT 88
 BELLEVUE PLAT, SECTION 3
 PLAT CABINET 32, PAGE 67A
 LOCATED IN
 SECTION 8, TOWN 2, RANGE 6
 CITY OF BELLBROOK
 GREENE COUNTY, OHIO

11475

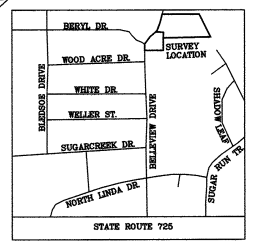
N



SCALE 1" = 60'



CROSS CREEK RUN, SECTION 1
 PLAT CABINET 33, PAGE 623B-624A
 LOT 19



VICINITY SKETCH
 NOT TO SCALE
 DENOTES NO OCCUPATION
 FENCE GENERALLY ALONG
 PROPERTY LINE

- MONUMENT LEGEND**
- 5/8" Iron Pin (6d)
 - 5/8" OD Iron Pin (set) with yellow plastic cap stamped: CLINCO & SUTTON
 - Iron Pipe (6d) OD size per plan
 - Stone (6d)
 - ▲ Railroad Spike (6d)
 - Railroad Spike (set)
 - P.I. or Mag Nail (set)
 - Concrete Monument (6d)
 - PK or Mag Nail (6d)
 - Salt (6d) size per plan
 - Post (6d) size per plan

NOTE: Bearings used are based on an assumed azimuth and are for purposes of angular measurement only. Monuments found or set are in good condition unless otherwise labeled. Deeds & Survey Records as noted on drawing are source data for this survey.

CURVE DATA TABLE					
No.	Radius	Delta Angle	Arc	Tangent	Long Chord & Distance
C1	175.00'	28°42'48.1"	87.70'	44.79'	N 14°11'24.1" E 88.78'

Clinco & Sutton
 SURVEYORS
 XENIA & WILMINGTON, OH
 (937) 376-4609

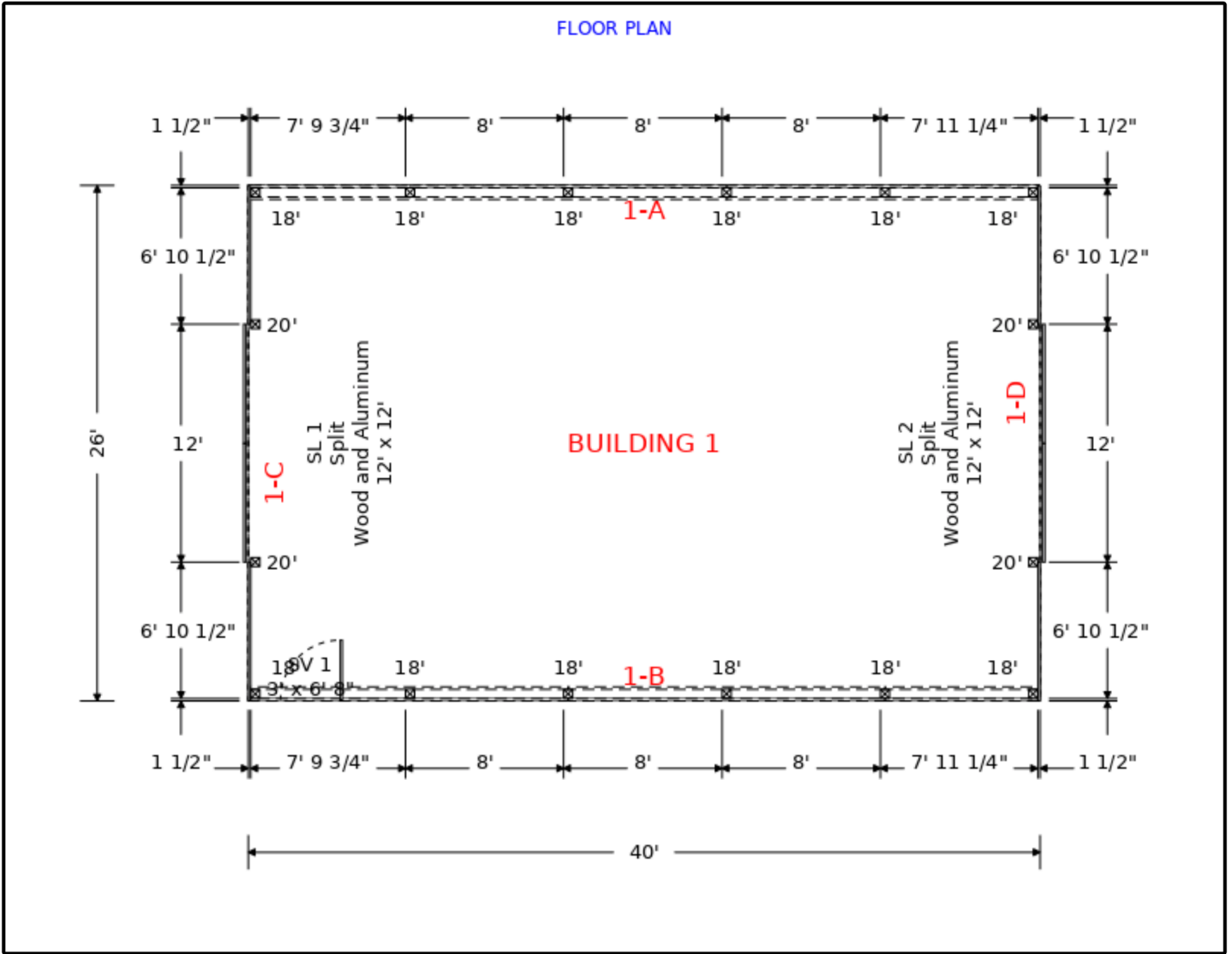
Proposed Building

Subject to non-substantial change



Proposed Floor Plan

Subject to non-substantial change



To: Board of Zoning Appeals
From: Pamela Timmons, Clerk of Council
Date: July 18, 2021
Subject: Staff Report for **VA 21-05** 2097 Sheffield Place

Summary of the Request

This is a request by Timothy Chandler, owner of 2097 Sheffield Place for a variance from zoning code 18.05(A) for an accessory building that would take the aggregate total square footage on the property over the allowed 600 square feet. The property already has a 600 square foot garage.

Applicant Information

Timothy Chandler
2097 Sheffield Place
Bellbrook, Ohio 45305

Current Zoning District

R1-A One Family Residential

Parcel Identification

L35000200020010100

Location



Applicable Code

18.05A ACCESSORY BUILDINGS:

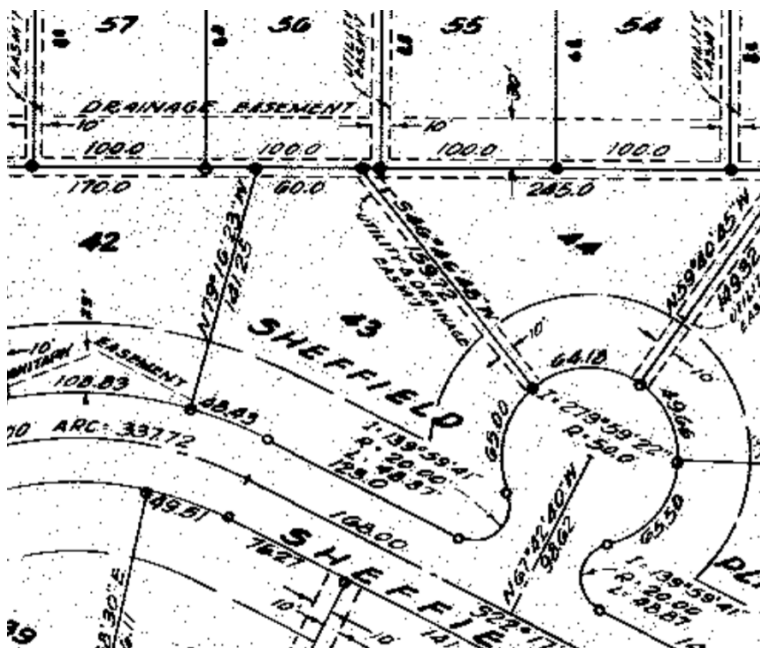
Detached accessory buildings (including garages) constructed on a one-family lot shall not exceed, in the aggregate, six hundred (600) square feet.

Surrounding Land Use within 1,000 Feet

Residential

Previous Related Development Decisions in the Immediate Area (3-5 Years)

Existing Public Utilities



Flood Plain Information

The structure site is not in a flood zone

Supporting Maps & Graphics

Enclosed

Staff Recommendation



CITY OF BELLBROOK

ZONING PERMIT – ACCESSORY BUILDINGS

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305

(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

DATE RECEIVED 7 / 2 / 21 STAFF USE APPLICATION # 21-79

APPLICANT INFORMATION

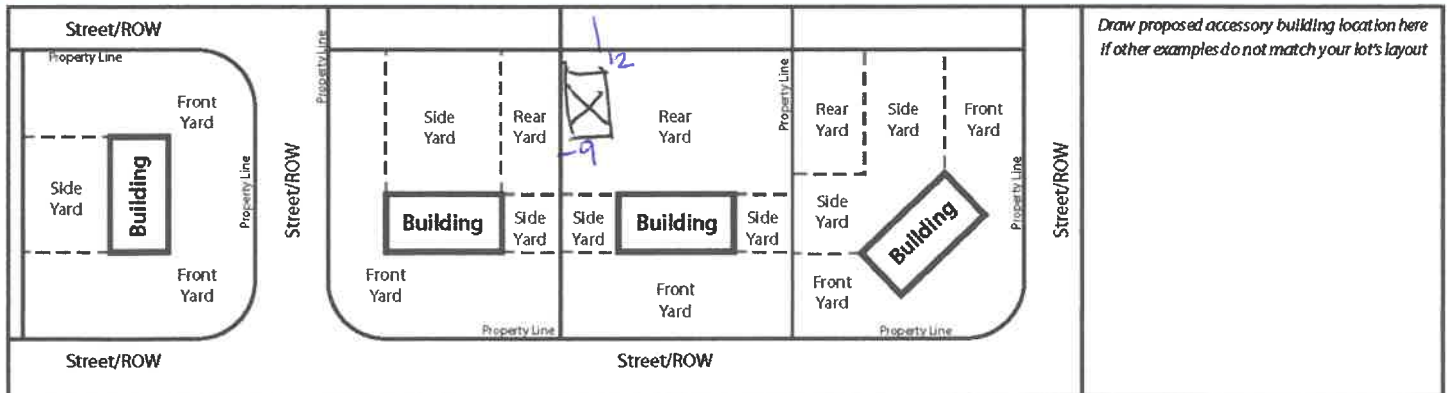
PROPERTY ADDRESS 2097 Sheffield Dr ZONING DISTRICT _____
PROPERTY OWNER Timothy Chandler PHONE NUMBER 937-572-0650
APPLICANT NAME Timothy Chandler PHONE NUMBER _____
APPLICANT EMAIL timchandler97@gmail.com

REQUEST INFORMATION

TYPE OF LOT CORNER INTERIOR OTHER ACCESSORY BUILDING TYPE SHED GARAGE POOL OTHER
DIMENSIONS OF STRUCTURE HEIGHT 12' WIDTH 12' LENGTH 20' FLOOR AREA 240 SQUARE FEET
PROPOSED LOCATION SIDE YARD REAR YARD *DISTANCE FROM PROPERTY LINES SIDE YARD 9' REAR YARD 12'
WIDTH OF RECORDED EASEMENTS ON LOT SIDE YARD _____ REAR YARD _____ PLEASE DENOTE LOCATION ON LOT TYPES BELOW
PROPOSED USE OF STRUCTURE garden tools
OTHER COMMENTS _____

ANY STRUCTURE EXCEEDING 200 SQUARE FEET IN GROSS FLOOR AREA OR POOL SHALL BE REQUIRED TO OBTAIN A BUILDING PERMIT.

SHOW PROPOSED ACCESSORY BUILDING LOCATION ON CORRESPONDING LOT TYPE



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 IF THE INFORMATION IN THIS APPLICATION IS NOT CORRECT OR COMPLETE, ANY PERMIT ISSUED MAY BE INVALID WITH THE RESULT BEING THAT I MAY BE REQUIRED TO TAKE THE ABOVE-DESCRIBED ACCESSORY STRUCTURE DOWN AT MY OWN EXPENSE. ANY APPROVAL GRANTED BY THE CITY SHALL EXPIRE IF THE WORK HAS NOT BEGUN WITHIN ONE (1) YEAR FROM THE DATE OF APPROVAL.

APPLICANT SIGNATURE Timothy Chandler DATE 7 / 2 / 2021

OFFICE USE ONLY

PERMIT FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ <u>35.00</u>	CASH <input type="checkbox"/> CHECK <input type="checkbox"/> # _____	ADMINISTRATIVE <input type="checkbox"/> BZA <input checked="" type="checkbox"/> VRB <input type="checkbox"/>
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	STAFF SIGNATURE _____	DATE _____ / _____ / _____
APPROVED-CONDITIONS <input type="checkbox"/>		

From: [Derek Dreischarf](#)
To: [Pamela Timmons](#); [Melissa Dodd](#); [Jenny Dreischarf](#)
Subject: zoning appeal 21-04 (similar to 20-05 garage)
Date: Thursday, July 15, 2021 11:28:52 AM

Dear Ms Timmons,

First of all, thank you for your time and service. After participating in the various 2020 “board of zoning appeals” meetings, I feel that your roles are difficult and probably underappreciated by many. Please review the following and pass this on to any other key reviewers of the case for appeal 21-04.

I write this as feedback regarding zoning appeal 21-04 for 1706 N Belleview Drive, scheduled for 20July2021. The request is around accessory building size being greater than 600 sq-feet per code 178.05(A). The request happens to be right next door to the property discussed last year (at 1754 Belleview). For your reference, those hearings were 21July2020 and 21Aug2020 for appeal 20-05. The unanimous opinion of a large petition was to follow/enforce the codes. The reviewers at that time also agreed (Costie, Brigegar, Hansen, were all involved to my recollection, but I also see your name in the documentation so you might recollect this). In fact, a finding presented during the 21Aug2020 hearing was the reason for the code 18.05(A) as Jessica investigated the reasons for the ammendment. The following was stated during the 21Aug2020 review by Ms. Jessica Hansen, a key Bellbrook reviewer of the case: “rules are there for a reason, until 1992 there was not limit for on the size of accessory structures, this was limited in 1992 to prevent these oversized garages because they were becoming a problem. The 600 square foot size limit was set so to prevent anyone from operating a business out of the garage, and while (the current resident) may not, who is to say in the future when the property inevitably changes hands that this will not happen? At what point do we not grant a variance for oversized accessory structures?”. Also, there is evidence of similar opinions during other prior documentation, where the case shows that someone named Phillip Hoff was consulted and he stated “I would add that the zoning regulations are very important but frequently overlooked as community protection. They provide a way to preserve the environment that attracts people and families to our community and maintain the property values that support excellent schools, competent administration, and a safe, secure environment”. This aligns with Ms Hansen's statement on 21Aug2020.

I see the current proposal for 21-04 (2021) to be no different than 20-05 (2020). Therefore, I kindly ask the following: Why are we repeating this again? Why is this presented to the neighbors’ to battle and be the “bad guy”, consequently potentially damaging relationships? I would like to hear the board member’s opinions on why this is different than the case that was discussed last July-Aug 2020. If necessary I will follow up with further details of why it doesn’t make sense to continue or initiate deviating for large structures (in this case, a structure of some sort might or might not have existed but there is no evidence of it in the last 20 years minimum and there is only a concrete pad). Instead of fighting codes that exist, I’d rather see the board spending their very valuable time on enforcing codes that are currently being broken around Bellbrook (some example are 1-chickens I listen to ever day in one of the houses behind me 2-there is a house falling apart on Sugar Run trail for over 5 years 3-there are 70-100 wooden pallets stacked in a yard by Stephen Bell on Shadowleaf for years). Those are examples on areas where it takes time to fix things that are already broken, rather than consuming everyone's time on pushing the limits on things where clear definition exists. Continuing to entertain oversized accessory structures is a domino effect and it takes your precious time each time. By allowing this to happen you are opening up the argument every time and it also creates awkward relationships between otherwise friendly neighbors.

I submit this with the utmost respect for the challenges that your team deals with and I really appreciate your service. I also understand the turnover challenges that you are working through and realize that you are doing your best and really appreciate that.

Please let me know if you need any details from me as to why I object to the proposal for building such a large structure behind me. There are a few differences for the property behind me, but I

really don't feel that they change the outcome. I will not be able to join for 20July2021 meeting with such short notice so please let me know if anything is needed.

Best Regards,

Derek Dreischarf

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