



**BOARD OF ZONING APPEALS / PROPERTY
REVIEW COMMISSION MEETING AGENDA
Tuesday, November 19, 2024 at 6:30 PM**

15 East Franklin Street Bellbrook, Ohio 45305
T (937) 848-4666 | www.cityofbellbrook.org

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF THE MINUTES**
 - A. Approval of the October 15, 2024, Board of Zoning Appeals/Property Review Commission Meeting Minutes
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - A. BZA 24-03: 63 West Maple Street (Rancurello): Variances of Bellbrook Zoning Code Section 18.05A to allow the construction of a 768-square-foot accessory building that is twenty feet in height and four feet from the side yard property line
 - B. BZA 24-04: 44 North West Street (McWilliams): Variances of Bellbrook Zoning Code Section 18.05A to allow the construction of a 1,680-square-foot accessory building at a height not to exceed twenty-five feet
- 6. OPEN DISCUSSION**
- 7. ADJOURNMENT**

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
October 15, 2024

Item A. Section 3, Item

1. CALL TO ORDER

2. ROLL CALL

PRESENT

Mrs. Meredith Brinegar

Mr. Philip Ogrod

Mrs. Sharon Schroder

LaKeisha Taylor

3. APPROVAL OF THE MINUTES

A. Approval of the June 18, 2024, Board of Zoning Appeals/Property Review Commission Meeting Minutes

4. OLD BUSINESS

5. NEW BUSINESS

A. PRC 24-01: 4068 Eckworth Drive in violation of Property Maintenance Code Sections 1450.32 Exterior Structure (g) and 1450.31 Exterior Property Areas (j)

Mr. Ogrod introduced the case and asked for the staff report.

Ms. Grant reviewed the staff report as attached for case PRC24-01 noting the property maintenance violations at 4068 Eckworth Drive. She noted there was a 30-day extension given for the homeowner to provide a plan to remedy the violation, considering it likely involved a major roof repair. She noted as of today, the tarps on the roof have been removed; however it appears the roof still has damage, and there has been no update from the property owner.

Mrs. Bronegar noted she viewed the property and also noted the tarps were removed but could not tell if any repairs were done.

Mr. Ogrod also noted he drove by the property and, without an update from the homeowner, cannot tell if repairs have been done. He noted a concern that if tarps were removed that were over skylights, there could still be damage occurring to the interior and structure.

Mrs. Schroder asked if there was an update on the trash at the property and Ms. Grant indicated the items are still on the property.

Mr. Ogrod asked if the tarps were removed and if there was still a violation. Ms. Grant indicated the roof is still required to be in good repair to prevent intrusion of weather into the structure. Mr. Ogrod noted again without an update from the property owner, there is nothing else to go by.

Mr. Ogrod mentioned the woodpile visible on the property is an additional violation. Ms. Grant noted that it is included in the outside storage violation. He asked if there had been any communication about a remedy for the woodpile and outside storage and trash violations. Ms. Grant noted there had not been any contract from the property owner since August when he was asked to submit a plan to resolve the violations.

Mrs. Brinegar asked about apparently abandoned vehicles visible on the property and if they were in violation. Mrs. Grant noted the vehicles are parked on a hard surface and screened and are likely not a violation of the inoperable vehicle code.

Mr. Ogrod suggested separating the two violations and noted he was disappointed the property owner was not present to help explain the situation.

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
October 15, 2024

Item A. Section 3, Item

Motion to approve abatement of 4068 Eckworth Drive for the violation of Section 1450.31 (j) of the Bellbrook Property Maintenance code as described in Bellbrook Violation No. 2024093 and the Staff Report dated October 7, 2024.

Motion made by Mrs. Brinegar, Seconded by Mrs. Schroder.

Voting Yea: Mrs. Brinegar, Mr. Ogrod, Mrs. Schroder, Taylor

Motion to approve going forward with the prosecution process for 4068 Eckworth Drive for the violation of Section 1450.32 (g) as described in Bellbrook Violation No. 2024094 and the Staff Report dated October 7, 2024, after verification of the same violation still existing.

Motion made by Taylor, Seconded by Mr. Ogrod.

Voting Yea: Mrs. Brinegar, Mr. Ogrod, Mrs. Schroder, Taylor

6. OPEN DISCUSSION

7. ADJOURNMENT

Hearing no further business coming before the Board, Mr. Ogrod declared the meeting adjourned at 6:59 pm.

Philip Ogrod, Chairperson

Rob Schommer, Clerk of Council

To: BZA/PRC
From: Michaela Grant, Community Development Administrator
Date: November 14, 2024
Subject: Staff Report for BZA 24-03: 63 West Maple Street (Rancurello)

Summary of the Request

The applicant and property owner, John Rancurello, is requesting approval for variances of Zoning Code Section 18.05A to allow the construction of an accessory structure at 63 West Maple Street, measuring approximately 0.28 acres. The accessory structure is proposed to be 768 square feet (24 feet by 32 feet), 20 feet in height, and 4 feet from the eastern side yard property line (three variances of 18.05A total). The main building material is planned to be wood with tongue-and-groove wood boards with a man door, garage door, and multiple windows. The location of the proposed accessory structure is in the rear yard facing west, with access from West South Street to the back of the lot. The structure's garage doors, man door, and windows are proposed to face west.

Zoning Code for reference (with applicable portions to the request bolded):

18.05A Accessory Buildings

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

When located at least sixty (60) feet from the front property line and completely to the rear of the main dwelling, the accessory building may be erected not less than eight (8) feet from the side or rear lot lines. Provided that when access to a garage is from an alley, such garage shall be located not less than ten (10) feet from the alley.

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. 7.10, Yard and Lot Requirements.

*No detached accessory building measuring up to three hundred (300) square feet in Residential and B-1 Districts shall exceed one (1) story or twelve (12) feet in height and **no detached***

accessory building in Residential and B-1 Districts measuring from 301-600 square feet shall exceed one (1) story or 15' in height.

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

Applicant Information

John Rancurello, Owner

Current Zoning District

R-1B, One-Family Residential

Parcel Identification

L35000100020010500, Lot 13

Additional Actions or Next Steps to be taken by the City

The Board of Zoning Appeals will make a final decision on the variance requests at the November 19, 2024, meeting.

Applicant's Reason for the Request

The applicant wishes to construct the accessory building at the requested size, height, and side yard setback as he feels it is the optimal size for two vehicles and storage/workshop/craft space and to align it with the current 200 square foot outbuilding on the property.

The applicant's statement regarding the request is included in the packet.

Surrounding Land Use within 1,000 Feet

The surrounding land uses within 1,000 feet include various Residential (R-1B, R-1A, R-3), Office Building (O-1), Central Business District (B-4), and Agricultural (A-1).

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

BZA Case #17-02 was approved on April 26, 2017, to allow the placement of a 200-square-foot accessory building (shed) 4 feet from the side yard property line. A Special Flood Hazard Area (SFHA) Development Permit was also submitted at that time; however, the property is no longer within the floodplain area. A Home Occupation Registration form was submitted in 2009 for the disposal of wood/cutting firewood not for sale to the public.

Comprehensive Plan Applied to the Geographical Area

The Comprehensive Plan encourages development in the Old Village District.
Existing Public Utilities
Existing public utilities include water, storm, sanitary sewer, gas, and electric.
Soil Survey Data
N/A
Classification of Streets, Traffic Volumes & Direction, Planned Improvements
N/A
Floodplain Information
The property is not in the floodplain.
Comments from City and County Agencies
The Village Review Board formally recommended approval of the request as submitted at their November 6, 2024, meeting.
Supporting Maps & Graphics
Supporting documents are attached.
Staff Recommendation
Staff recommends that the Board of Zoning Appeals consider the request.





CITY OF BELLBROOK

APPLICATION FOR ZONING VARIANCE

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

DATE RECEIVED 9 / 16 / 2024 STAFF USE APPLICATION # 2024-148

APPLICANT INFORMATION

PROPERTY OWNER John Rancurello PHONE NUMBER 937-689-4355
OWNER ADDRESS 63 W Maple Bellbrook
APPLICANT NAME same PHONE NUMBER same
APPLICANT ADDRESS same
APPLICANT EMAIL johnrancurello@gmail.com

REQUEST INFORMATION

PROPERTY ADDRESS 63 W Maple Bellbrook ZONING DISTRICT R-1B
SUBDIVISION McElure LOT NUMBER 13 PARCEL ID L35000100020010500
DESCRIBE THE GENERAL NATURE OF THE VARIANCE 1 place garage 4 ft from side
property line - 2 Build garage a + 768 sq.ft
Height at 20' 24x32
#3 Total height higher

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 John Rancurello DATE 9 / 16 / 2024

OFFICE USE ONLY		
APPLICATION FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ 200.00	CASH <input type="checkbox"/> CHECK <input checked="" type="checkbox"/> # 6124	ADMINISTRATIVE, BOARD OF ZONING APPEALS
BOARD OF ZONING APPEALS	MEETING DATE / /	APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> CONDITIONS <input type="checkbox"/>

VRB: 11/6/2024
BZA: 11/19/2024

- ① I am asking to build my garage 4 foot from the eastern property line. Having been granted a variance in 2017 for the placement of an outbuilding I don't see a problem with aligning my garage to the same
- ② A 24 x 32 garage is an optimal size, enough room for 2 vehicles and or storage/workshop
- ③ Asking to build the garage with a storage/workshop/craft room above the bottom floor I am getting ready to retire and can't just sit around - this space would be optimal for me and my wife and grandchildren for crafts and projects
- ④ The old village district is full of unique buildings and homes. Most probably had barns behind the main structure. I think there is 2 barns still standing downtown. I am trying to build what might of been a period building with authentic wood siding.
- ⑤ I have noticed some properties have garages that are similar in size including a property on west south street just east of my property
- ⑥ I think this will enhance my property and the neighborhood as a whole
- ⑦ No adverse affects of services

Payment For

- Utility Billing
- Permit - type: Variance

DATE

Item A. Section 5, Item

Name

Rancurello

SEP 20 REC'D

Service Address

63 W. Maple St.

Payment Type

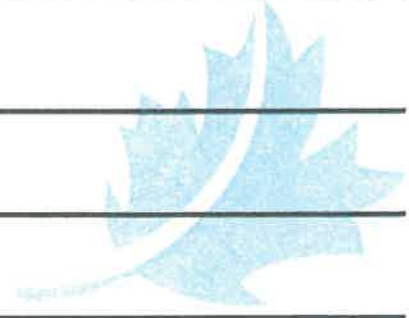
- Cash
- Check - #: 6124

Amount Paid

\$ 200.00

Date Paid

9/20/2024





CITY OF BELLBROOK

ZONING PERMIT – ACCESSORY BUILDINGS

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305

(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

DATE RECEIVED 9 / 16 / 2024 STAFF USE APPLICATION # 2024-147

APPLICANT INFORMATION

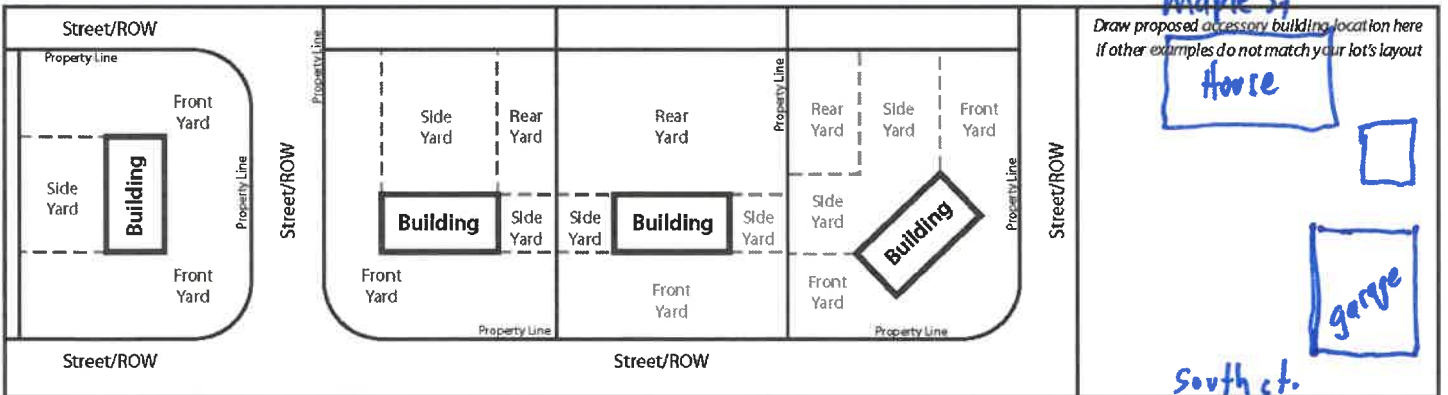
PROPERTY ADDRESS 63 W Maple St. Bellbrook ZONING DISTRICT R-1B
 PROPERTY OWNER John Rancurello PHONE NUMBER 937-689-4355
 APPLICANT NAME John Rancurello PHONE NUMBER same
 APPLICANT EMAIL johnrancurello@gmail.com

REQUEST INFORMATION

TYPE OF LOT CORNER INTERIOR OTHER ACCESSORY BUILDING TYPE SHED GARAGE POOL OTHER
 DIMENSIONS OF STRUCTURE HEIGHT 20 WIDTH 24 LENGTH 32 FLOOR AREA 768 SQUARE FEET
 PROPOSED LOCATION SIDE YARD REAR YARD *DISTANCE FROM PROPERTY LINES SIDE YARD 4 REAR YARD 8
 WIDTH OF RECORDED EASEMENTS ON LOT SIDE YARD _____ REAR YARD _____ PLEASE DENOTE LOCATION ON LOT TYPES BELOW
 PROPOSED USE OF STRUCTURE garage storage work shop
 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



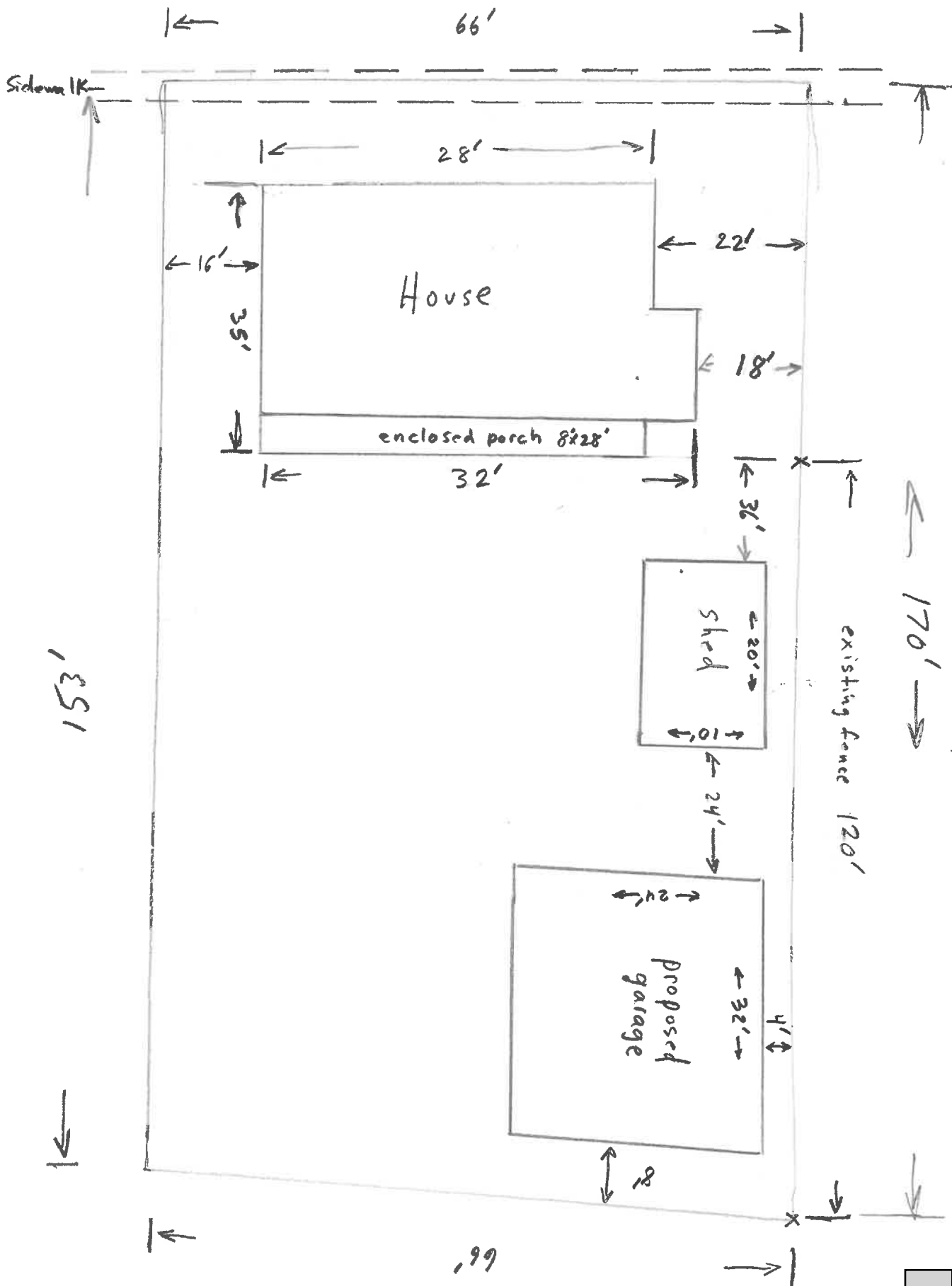
I HEREBY CERTIFY THAT THE INFORMATION AND STATEMENTS GIVEN ON THIS APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT IF THE INFORMATION IN THIS APPLICATION IS NOT CORRECT OR COMPLETE, ANY PERMIT ISSUED MAY BE INVALID WITH THE RESULT BEING THAT I MAY BE REQUIRED TO TAKE THE 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 [Signature] DATE 9 / 16 / 2024

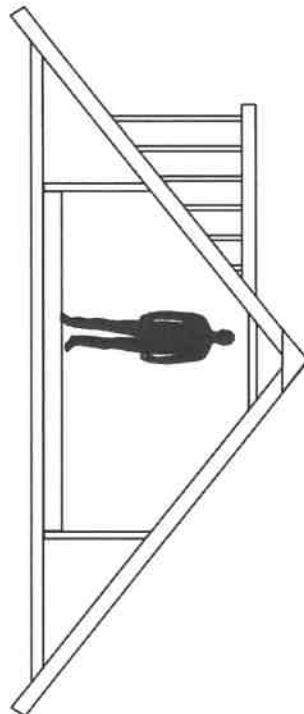
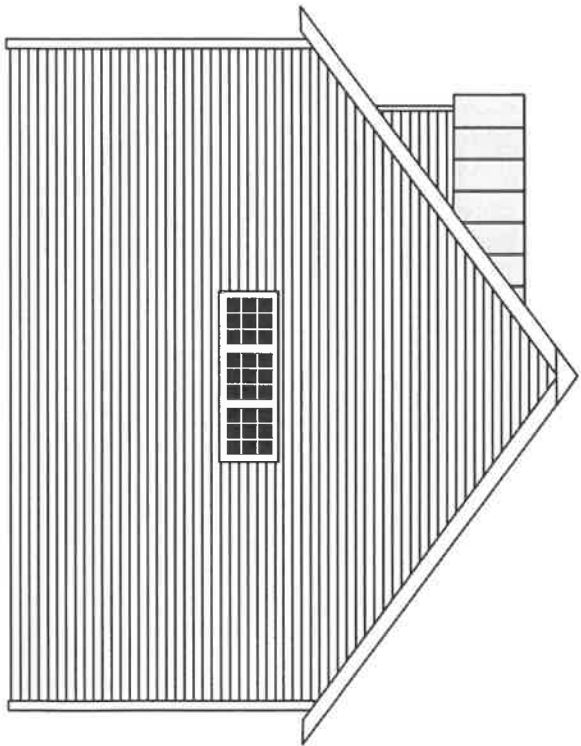
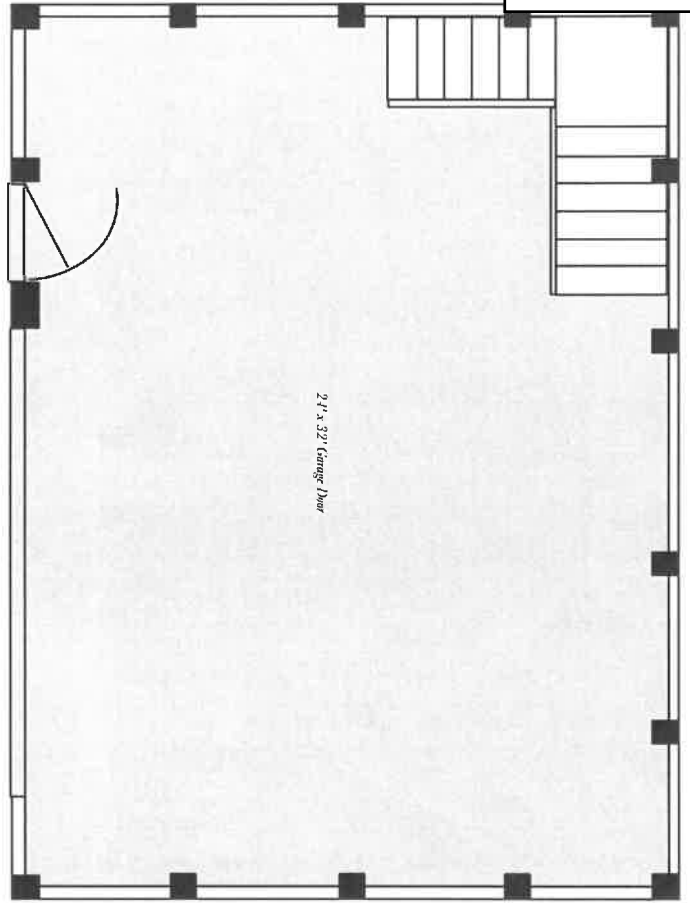
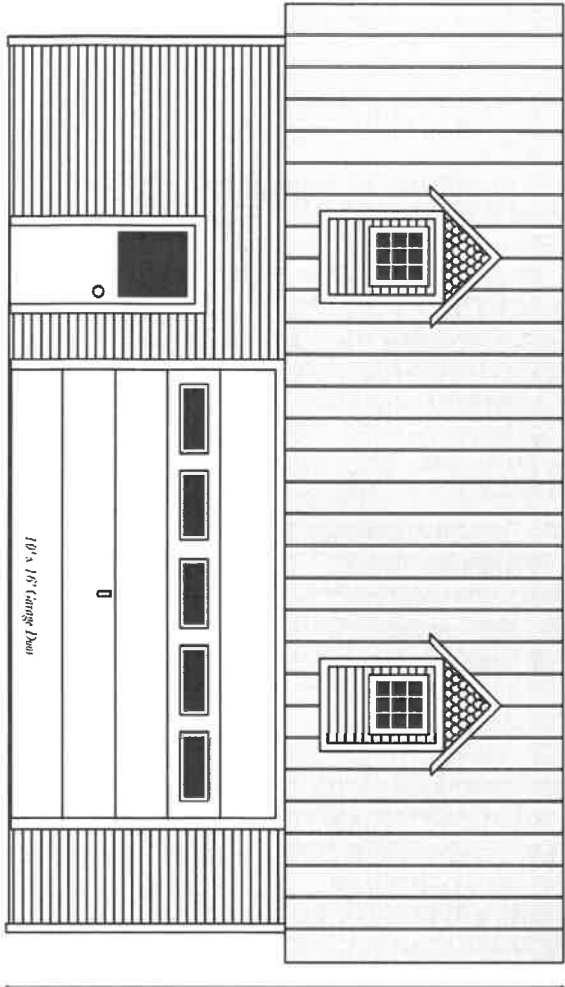
OFFICE USE ONLY		
PERMIT FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ <u>60.00</u>	CASH <input type="checkbox"/> CHECK <input type="checkbox"/> # _____	ADMINISTRATIVE <input type="checkbox"/> BZA <input checked="" type="checkbox"/> VRB <input checked="" type="checkbox"/>
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	STAFF SIGNATURE _____ DATE _____ / _____ / _____	
APPROVED-CONDITIONS <input type="checkbox"/>		

63 West Maple St.

Item A. Section 5, Item









Tongue & groove wood boards



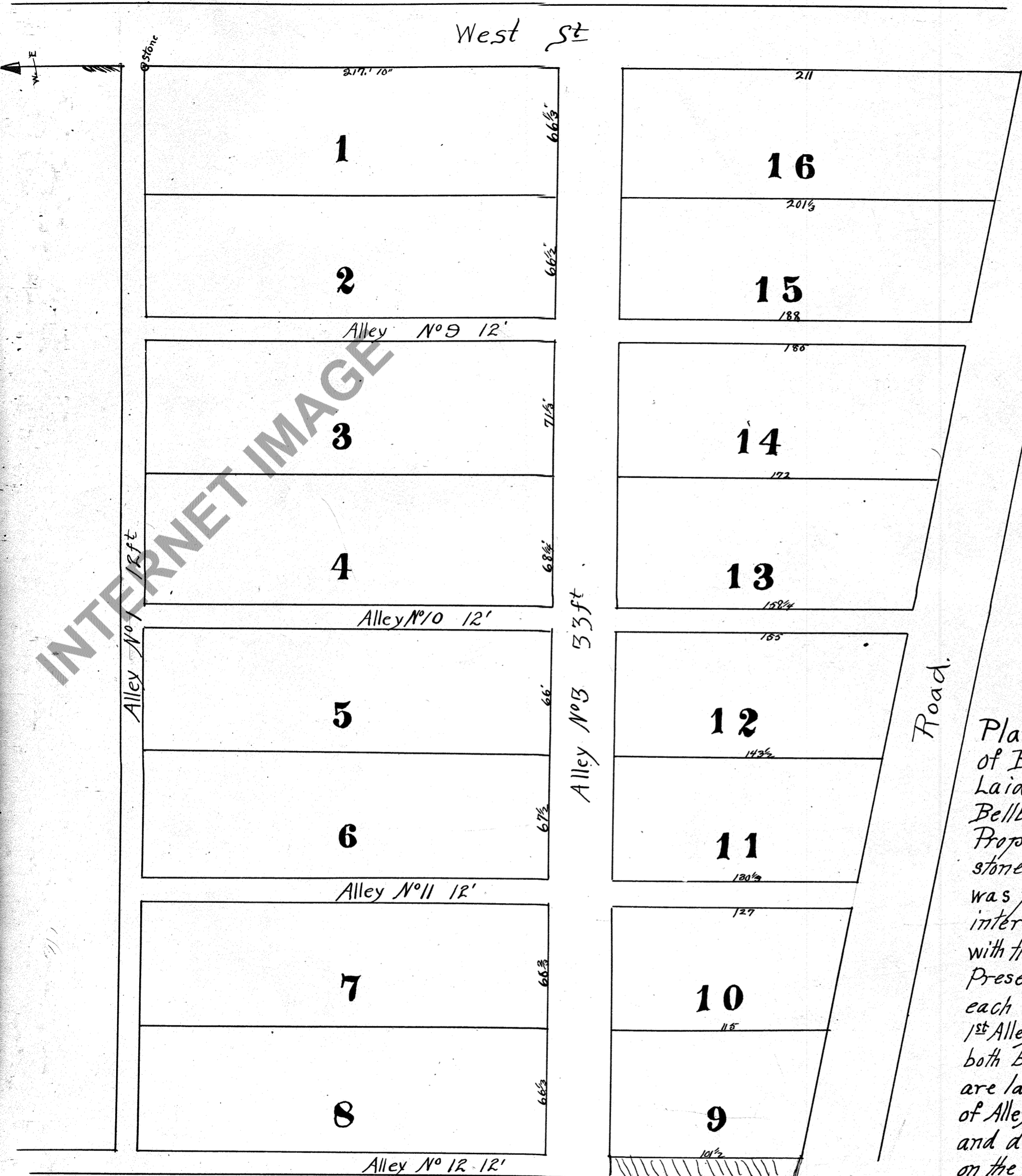
Illustration of building color



Tongue & groove wood



Illustration of building color



*McClures Add
TO
Bellbrook*

Plat of Mc Clures Addition to the town of Bellbrook. Laid out and adjoining the town of Bellbrook in Greene Co by John McClure Proprietor. the Plat commences at a stone at the NE corner of Lot No 1 which was planned by my direction at the intersection of the south line of 1st Alley with the west line of West Street of the Present Town. Alleys No 9, 10, 11, & 12 are each 12ft wide and run North + South 1st Alley is 12ft wide and 3rd Alley is 33ft wide both bearing East and West all the alleys are laid out corresponding to as extension of Alleys of the present Town the front and depth of each lot is indicated by feet on the plat the lots lying South of 3rd Alley corresponding in width to those lying opposite. Given under my hand this 12th day of June 1841 Moses Colier Surveyor G.C.O.

SEE COPY OF ORDINANCE No. 33
VILLAGE OF BELLBROOK, OHIO
FOR VACATING THIS ALLEY, RECORDED
IN DEED RECORDS VOL. 377 - PAGE 289

State of Ohio Greene Co. Personally came before me Ed Bennet as justice of the Peace John McClure and acknowledged the above Plat to be his act and deed as an addition to the Town of Bellbrook and desired me to Certify the same. this 14th day of August 1841 E. Bennett J.P. Received for Record Aug 14th 1841 and Recorded Sept 2nd 1841

J. H. McPherson
Recorder G.C.O.



APPLICATION FOR VARIANCE

City of Bellbrook
15 E. Franklin Street
Bellbrook, Ohio 45305

T (937) 848-4666
F (937) 848-5190

www.cityofbellbrook.org

Application #: 17-02

Name of Applicant: John Rancurello

Mailing Address: 63 West Maple St.

City: Bellbrook State: Ohio Zip: 45305

Telephone Number: Home: 937 689 4355 Business: _____

1. Locational Description: Subdivision Name: _____ Section: _____

Township: _____ Range: _____ Block: _____ Lot #: _____ Address: _____
(If not in a platted subdivision, attach a legal description)

2. Nature of Variance: Describe generally the nature of the variance:

placement of shed 4 feet from side
property line

In addition, two (2) copies of the plans drawn to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings or alterations and any natural or topographic peculiarities of the lot in question.

3. **Justification of variance:** In order for a variance to be granted, the applicant must prove to the Board of Zoning Appeals that the provisions of the Bellbrook Zoning Ordinance, Section 20.13.2 pertain.

PLEASE ATTACH COMMENTS ON A SEPARATE SHEET - SEE BACK OF FORM.

I certify that the information contained in this application and its supplement is true and correct.

John Rancurello
Applicant Signature

4-10-17
Date

PLEASE FILE ONE COPY WITH THE BELLBROOK ZONING OFFICE, 15 E FRANKLIN STREET, BELLBROOK.

Paid \$100 ck #5203 4/11/17

- ① property is a narrow 66' foot lot having an outbuilding closer to the property line would allow more use of the property
- ② I don't believe it is a substantial request to ask for a four foot setback from the property line
- ③ the character of the neighborhood in my mind would be enhanced due to the addition of an outbuilding that looks like it has always belonged there. I don't see any detriment to existing properties adjoining mine.
- ④ No adverse affects of services
- ⑤ I had no knowledge of any type of restrictions prior to purchase
- ⑥ No - I would be left with 8 foot of property essentially unusable because it would be behind the building.
- ⑦ The spirit and intent is to replicate what might have been there going back many years


4-11-17

**APPLICATION FOR ZONING PERMIT/ZONING COMPLIANCE CERTIFICATE
CITY OF BELLBROOK, OHIO**

Item A. Section 5, Item

PERMIT NO.: 17-32

RECEIVED DATE: 04/10/17

1. PROPERTY LOCATION

FLOOD ZONE: Y N

ADDRESS 63 West Maple Street, Bellbrook, OH 45305
 SUBDIVISION Old Village District SECTION _____ LOT NO. 13
 PARCEL ID NO. L35-1-2-10500 ZONING R1-B

2. NAME OF PROPERTY OWNER John Rancurello PHONE NO.: 689-4355
 ADDRESS Same

3. APPLICANT NAME Same PHONE NO.: _____
 ADDRESS _____

4. PROPOSED USE:

***REQUIRES DESCRIPTION IN ITEM 8**

<input type="checkbox"/> SINGLE FAMILY RESIDENCE	<input type="checkbox"/> BUSINESS*	<input type="checkbox"/> FENCE*
<input type="checkbox"/> MULTI FAMILY RESIDENCE	<input checked="" type="checkbox"/> ACCESSORY	<input type="checkbox"/> POOL/FENCE
<input type="checkbox"/> NO. OF UNITS	<input checked="" type="checkbox"/> BUILDING	<input type="checkbox"/> GARAGE
<input type="checkbox"/> SIGN*	<input type="checkbox"/> REMODELING	<input type="checkbox"/> ATTACHED
<input type="checkbox"/> FREE-STANDING	<input type="checkbox"/> ADDITION	<input type="checkbox"/> DETACHED
<input type="checkbox"/> WALL/ROOF	<input type="checkbox"/> DECK /REPLACEMENT	<input type="checkbox"/> OTHER

5. FURNISH MAP OR SKETCH OF LOT, SHOWING EXISTING BUILDINGS AND PROPOSED CONSTRUCTION OR USE FOR WHICH THE APPLICATION IS MADE.

LOT WIDTH _____ LOT DEPTH _____ LOT AREA _____ PERCENT OF OCCUPATION _____ FRONT YARD _____
 REAR YARD _____ SMALL SIDE YARD _____ SUM OF SIDES _____ BLDG. HEIGHT _____

6. SQUARE FOOTAGE

RESIDENTIAL _____ GARAGE _____ BASEMENT _____ ACC. BLDG 200 OFFICE _____ COMMERCIAL _____

7. ACCESSORY BUILDING

HEIGHT _____ WIDTH 10' LENGTH 20' SIDE YARD SETBACK 4' REAR YARD 58'

8. *REMARKS* New shed in rear yard. Variance approval by the Board of Zoning Appeals required.

Special Flood Hazard Area Development Permit Application required. 32A PH on 4/26/17; approved 4-0.

THE UNDERSIGNED HEREBY APPLIES FOR A ZONING PERMIT FOR THE ABOVE USE, TO BE ISSUED ON THE BASIS OF THE REPRESENTATION CONTAINED HEREIN, ALL OF WHICH THE APPLICANT AFFIRMS TO BE TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE.

[Signature] 4-11-17
 APPLICANT'S SIGNATURE

DATE

ZONING PERMIT/COMPLIANCE CERTIFICATE

Based upon the statements found in the above application, the proposed zoning permit application is found to comply with the City of Bellbrook Zoning Ordinances and the permit is hereby granted.

[Signature]
 City of Bellbrook Zoning Inspector Date

Based upon the statements found in the above application, the proposed zoning compliance certificate is found to comply with the City of Bellbrook Zoning Ordinances and the certificate is hereby granted.

City of Bellbrook Zoning Inspector Date

Greene County Building Permit Required: Y ___ N

Total fee paid: \$ 15.00 Park Dev Fee: \$ _____ Cash / Check # 5263 White: File/Yellow: Customer/Pink: Finance

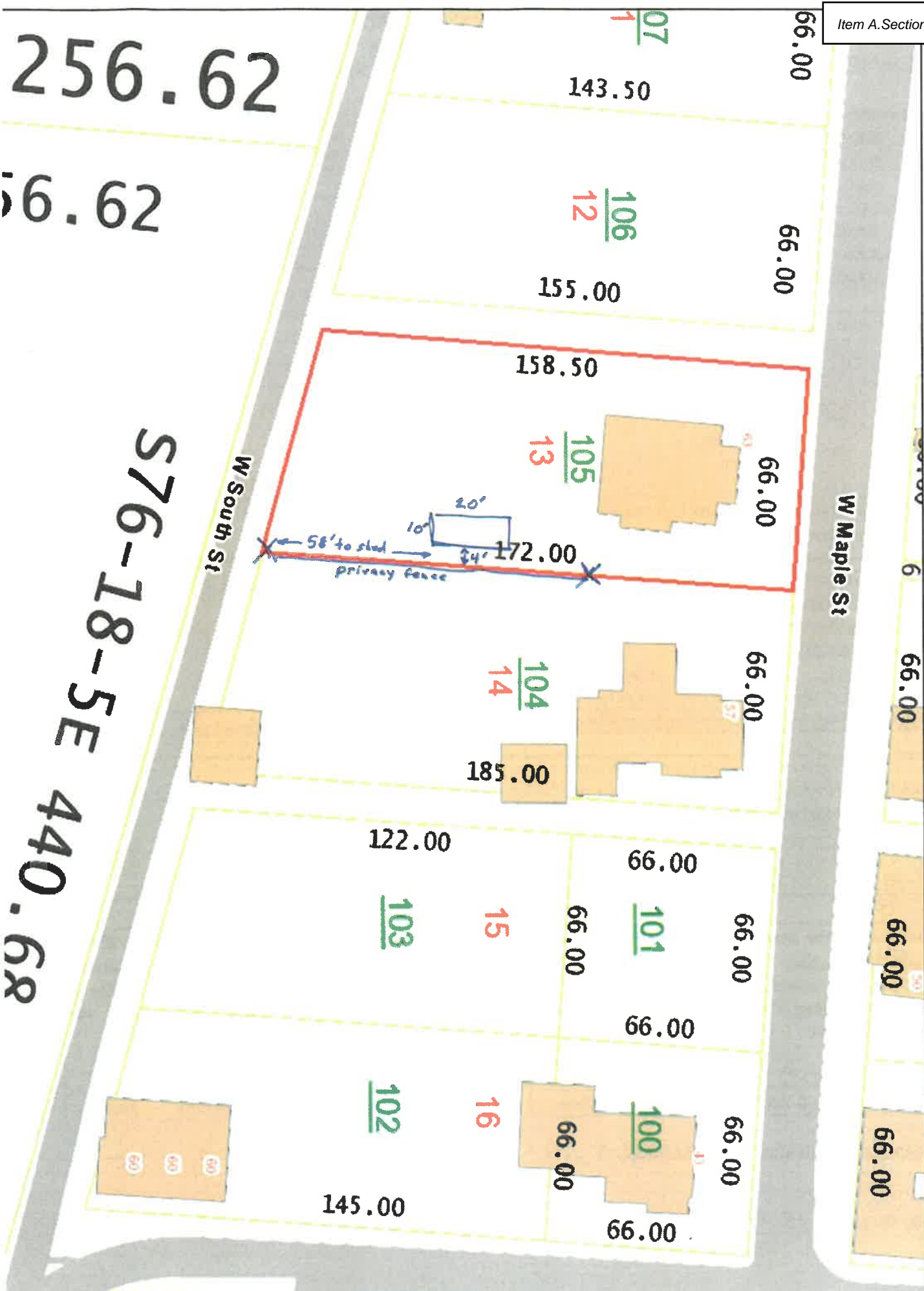
256.62

56.62

S76-18-5E 440.62

W South St

W Maple St



Greene County, Ohio



April 20, 2017

Memorandum for the Board of Zoning Appeals

City of Bellbrook
15 East Franklin Street
Bellbrook, Ohio 45305

T (937) 848-4666
F (937) 848-5190

www.cityofbellbrook.org

Subject: Public Hearing on April 26, 2017

This is to confirm that the Board of Zoning Appeals will conduct a public hearing on **April 26, 2017** at **6 PM** to review two (2) variance requests. Please find enclosed an agenda for the meeting. The prior minutes of September 20, 2016 were electronically approved by the board and will also be publicly approved at this meeting.

BZA Case #17-01: 4443 Bellemeade Drive Open Lot (Martin)

The property owner is requesting a variance to the lot size allowed under the current Zoning Code requirements in order to make this a buildable lot. The lot is 11,076 square feet and the minimum lot size for this zoning district (R1-B) is 16,000 square feet. The Zoning Code requirements were established after the lot was platted in 1963. The owner contends that 98% of the lots in the subdivision do not meet the current Zoning Code minimum lot size requirements. The owner has supplied a survey which details the required setbacks, which do meet the code, and where a one to one and a half story house could be built on this lot. Without a variance, the owner could not build on the lot.

Please find enclosed the Application for Variance, the justification narrative, one GIS map, one map supplied by the owner, one survey of the lot, one survey of the lot to scale, an excerpt from the Comprehensive Plan, and the excerpt from the Zoning Code regarding the R1-B district and lot size requirements.

BZA Case #17-02: 63 West Maple Street (Rancurello)

This request for variance is to allow the construction of an accessory building measuring 10' X 20' (200 square feet) to be located 4' from the side lot line instead of the required 8' from the side lot line at 63 West Maple Street, Bellbrook. The distance from the rear lot line is 58'. The applicant, John Rancurello, states that the property is narrow at 66' wide and this would allow him more use of his rear yard.

Please find enclosed the Application for Variance, the justification narrative, the Application for Zoning Permit, one GIS map, and the excerpt from the Zoning Code regarding accessory buildings.

Please let me know if you have any questions on this material.

Sincerely,

Don Buczek
Assistant to the City Manager



BELBROOK BOARD OF ZONING APPEALS PUBLIC HEARING

APRIL 26, 2017 6 PM

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF PRIOR MINUTES OF SEPTEMBER 20, 2016**
- 4. OLD BUSINESS:**
- 5. NEW BUSINESS:**
 - BZA Case #17-01: 4443 Bellemeade Drive Open Lot (Martin)**
 - BZA Case #17-02: 63 West Maple Street (Rancurello)**
- 6. OPEN DISCUSSION**
- 7. ADJOURNMENT**



BELLBROOK BOARD OF ZONING APPEALS
PUBLIC HEARING MINUTES
APRIL 26, 2017

PRESENT: Ms. Meredith Glick-Brinegar
Mr. Robert Middlestetter
Ms. Sharon Schroder
Chairman Robert Guy

ABSENT: Mr. Philip Ograd

GUESTS: Mr. Mark Bolton
Mr. Ron Coleman
Ms. Terry Karras
Mr. Todd Martin
Mr. John Rancurello

CALL TO ORDER:

Chairman Guy called the meeting of the Board of Zoning Appeals to order at 6:03 PM and requested a motion regarding the prior minutes of September 20, 2017. Chairman Guy moved to approve the prior minutes; Ms. Glick-Brinegar seconded the motion. A voice vote of all “ayes” and no “opposed” approved the prior minutes. It is noted for the record that Ms. Eileen Minamy, City Board Secretary, was also present at this public hearing.

Chairman Guy requested that those individuals who wished to speak at the hearing this evening to stand and be sworn in at this time. Once the witnesses were duly sworn, Chairman Guy opened the public hearing.

OLD BUSINESS: NONE

NEW BUSINESS:

BZA CASE #17-01: 4443 BELLEMEADE DRIVE (MARTIN)

This request for variance is to vary the lot size allowed under the current Zoning Code requirements in order to make this a buildable lot. The lot is 11,185 square feet and the minimum lot size for this zoning district (R1-B) is 16,000 square feet. The Zoning Code requirements were

**Board of Zoning Appeals
April 26, 2017**

established in 1972 after the lot was platted in 1963. The owner has supplied a survey which details the required setbacks, which do meet the code, and where a one to one and a half story house could be built on this lot. Without a variance, the owner could not build on the lot.

Chairman Guy requested those individuals that are in favor of the request for variance to come to the podium, state their name and address for the record and to present their comments to the board.

Mr. Todd Martin, 229 Estates Drive, Dayton, stated that he purchased the lot about 2 years ago and at the time of purchase, he was not informed that there would be any kind of zoning problem with the development of the lot. Mr. Martin then put the lot on the market and that was when he found out about the variance requirements needed prior to building a home on the lot. Mr. Martin stated in his research of the plat, he found that 98% of the lots in the subdivision do not meet the current Zoning Code minimum lot size requirements. Mr. Martin stated that he cannot build on the lot without a variance and therefore it would render the lot useless. Mr. Martin reviewed his justification for variance for the board.

Chairman Guy questioned whether Mr. Martin is planning to build on the lot. Mr. Martin stated that his original intent was to build on it himself as an investment property, but he now intends to sell the lot to a third party. He cannot add acreage to the lot as it is bounded on all sides by existing homes. Mr. Middlestetter questioned the status of this lot as being similar to a "grand-fathered" or legal non-conforming lot of record. The secretary agreed and stated that when this subdivision was platted in Sugarcreek Township, it met the zoning requirements of the time. Subsequently, the subdivision was annexed to the city and a new zoning district was established which was different than the original regulations. The existing lots and houses may remain as they are constructed; however, if there is a change to the structure or the lot, the current code must be met. In a broad historic timeline of communities, this situation can be rather typical: an owner has a legally recorded lot that does not meet an overlay zoning district requirement for lot area and/or setbacks. This is actually a classic case for an approval of a variance since the existing valid recorded lot does not have enough acreage and additional acreage cannot be added to it in order to meet the current code requirements. Chairman Guy requested additional individuals who wished to speak to do so at this time.

Ron Coleman, 4440 Bellemeade Drive, Bellbrook, stated that he lived directly across the street from this lot and he has become very accustomed to the green space. Mr. Coleman questioned the type of home that could be built there since the homes in that area are all one story homes of @ 1,800 square feet or less and a concern is the space between neighbors. At this time, Mr. Coleman stated that he would be opposed to approving the variance.

The secretary stated that the zoning of the property is R-1B, One Family Residential District. The setbacks for the property are 30' for the front yard, 40' for the rear yard, 8'/20' side yard/total side yards for a one to one and a half story home, 10'/25' side yard/total side yards for a two to two and a half story home. The zoning requirement for the minimum house size is 1,200 square feet so that is not a large home.

**Board of Zoning Appeals
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A home that is similar to the majority of homes in the neighborhood is very feasible and would blend very well with the existing neighborhood. The secretary stated that in discussing this case with Don Buczek, Assistant to the City Manager, in some cases of a lot area lack, there may also be setback issues, so that along with a variance for lot area, a variance for the setbacks may be required as well. This does not seem to be the case here since a single story home with a full basement would not require any further variances for setbacks, such that the new home would be very similar to existing homes in the neighborhood.

Ms. Schroder clarified that if the property is sold and the variance is granted, the variance then transfers to the new owner. Conversely, if the variance is not granted and Mr. Martin sells the property, then the new owner would be required to seek the variance before building a home on the lot. The secretary agreed with Ms. Schroder's statements. Chairman Guy requested that any variance approval and its details be provided to the realtor and/or the new owner at the sale of the property.

There being no further discussion, Chairman Guy closed the public hearing and requested a motion. Mr. Middlestetter made a motion to approve the variance; Chairman Guy seconded the motion. Roll was called. Ms. Glick-Brinegar, yes; Mr. Middlestetter, yes; Ms. Schroder, yes; Chairman Guy, yes. The motion carried 4-0; the variance is granted.

BZA CASE # 17-02: 63 W MAPLE STREET (RANCURELLO)

This request for variance is to allow the construction of an accessory building measuring 10' X 20' (200 square feet) to be located 4' from the side lot line instead of the required 8' from the side lot line at 63 West Maple Street, Bellbrook. The distance from the rear lot line is 58'. The property is narrow at 66' wide and this would allow the owner more use of his rear yard.

Chairman Guy requested those individuals that are in favor of the request for variance to come to the podium, state their name and address for the record and to present their comments to the board.

John Rancurello, 63 W Maple Street, Bellbrook, stated that he bought this home 3 years ago from the Meredith family after renting it for about 7 years. His plans are to improve the property greatly and at this time, he is planning to construct a privacy fence on the east side property line from the back of the house to the back property line. He is also requesting the placement of a shed to be 4' from the side property line. Mr. Rancurello stated that he originally asked about putting the shed on the property line since many of the sheds in the neighborhood are on the lines. When he staked it out, however, he decided to request the 4' side lot line distance, thinking that half of the distance still left room to mow between the shed and the property line.

Chairman Guy requested the size of the shed to be constructed. Mr. Rancurello stated that it will be 200 square feet (10' X 20'). He also wants to put a garage on the property in the future. He understands that the total square footage for the shed and the garage is 600 square feet. Because of

**Board of Zoning Appeals
April 26, 2017**

that, he made the shed smaller so the garage could be a little larger.

Chairman Guy requested board discussion. Mr. Middlestetter questioned whether there was any neighborhood response to this request. The secretary stated that there have not been any neighborhood responses to date. Since there was no further discussion, Chairman Guy requested a motion.

Ms. Glick-Brinegar made a motion to approve the variance, Ms. Schroder seconded the motion. Roll was called. Ms. Glick-Brinegar, yes, Mr. Middlestetter, yes; Ms. Schroder, yes; Chairman Guy, yes. The motion carried 4-0; the variance is granted.

OPEN DISCUSSION:

Chairman Guy requested any open discussion. Hearing none, Chairman Guy requested a motion for adjournment.

ADJOURNMENT:

There being no further business to discuss, the meeting adjourned at 6:25 PM.

Robert Guy, Chairman Date

Eileen Minamy, Secretary Date



**CITY OF BELLBROOK SPECIAL FLOOD HAZARD AREA (SFHA)
DEVELOPMENT PERMIT APPLICATION (Sept 2009)**

Application is hereby made for a Development Permit as required by the City of Bellbrook Zoning Ordinance, Article # 15, Flood Damage Prevention for development in an identified flood hazard or floodplain area. All activities shall be completed in accordance with the requirements of the Zoning Ordinance. The development to be performed is described below and in attachments hereto. The applicant understands and agrees that:

- This permit is issued on the conditions and facts described;
- Any permit may be revoked if conditions or facts change;
- Permit is void if the activity has not begun within 180 days of the issuance date;
- The permit is valid for one year from date of issuance.

Project Property Address: 63 West Maple Street, Bellbrook OH 45305

Property Owner Name: John Rencurello Builder Name: Some

Address (if different): NA Address: NA

Phone: 937-689-4355 Phone: NA

Note: In addition to completion of this form, the applicant agrees to submit any additional information required by the administrator in order to determine that the proposed development is compliant with the local and federal flood damage prevention criteria of the National Flood Insurance Program. Additional information may include but is not limited to: site specific plans to scale showing the nature, location, dimensions and elevations of the area and structure(s) in question.

DESCRIPTION OF WORK

1. Location Description (PID# or Subdivision, Lot #): L35-1-2-10500 Lot 13

2. Type of Development proposed:

New building _____ Existing structure: _____ Filling/Grading _____ Residential: _____
 Non-Residential: _____ Remodeling: _____ Addition _____ Accessory Bldg X
 Filling/Grading _____ Watercourse Alteration _____ Other _____

Remarks New shed 10' x 20' (200 sf)

3. If the proposed development is remodeling, addition or improvement to an existing structure, indicate the cost of the proposed construction

\$ 2,215

4. The estimated market value of the existing structure

\$ 2,215

Note: An existing structure must comply with the flood protection standards if it is substantially improved (an improvement equal to or greater than 50% of the market value of the structure) before the start of construction of the improvement. This term does not include any improvement to a structure that is considered new construction, any project for improvements to correct existing violations of state or local health, sanitary or safety code specifications, or any alteration of a historic structure.

5. Does the proposed development involve a subdivision or other development containing at least 50 lots or 5 acres (whichever is less)

Yes _____ No X

Note: if yes, base flood elevation data is required from applicant if it has not been provided by FEMA.

I AGREE THAT ALL STATEMENTS IN AND ATTACHMENTS TO THIS APPLICATION ARE A TRUE DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSED DEVELOPMENT ACTIVITY. I UNDERSTAND THE DEVELOPMENT REQUIREMENTS FOR SPECIAL FLOOD HAZARD AREA ACTIVITIES PER ARTICLE # 15, FLOOD DAMAGE PREVENTION, AND AGREE TO ABIDE THERETO. I UNDERSTAND IT IS MY RESPONSIBILITY TO OBTAIN ALL APPLICABLE FEDERAL, STATE AND LOCAL PERMITS.

APPLICANT'S SIGNATURE [Signature]

DATE: 4-11-17

The following to be completed by the local floodplain administrator. All references to elevations are in feet mean sea level (m.s.l.). The term base flood elevation means the same as the 100-year elevation.

- 1. Is the proposed development located in:
 - an identified floodway
 - a flood hazard area where base flood elevations exist with no identified floodway
 - an area within the floodplain fringe
 - an approximate flood hazard area (Zone A). If yes, complete only 2a in the following question. See #6.

Note: Floodway development must demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice, that no increase in base flood elevation will result during occurrence of the base flood discharge. If base flood elevations exist with no floodway delineation, hydrologic and hydraulic analysis is required to demonstrate not more than one foot increase at any point to the water surface elevation of the base flood.

- 2. Does proposed development meet NFIP and local General Standards at Section 15.09(1) of the regulations?
 - a) Construction materials and methods resistant to flood damage
 - b) Subdivision designed to minimize flood damage
 - c) Anchored properly
 - d) Utilities safe from flooding
- 3. Does proposed development meet NFIP and local Specific Standards at Section 15.09(2) and 15.10 of the regulation?
 - a) Encroachments- proposed action will not obstruct flood waters (15.10(1))
 - b) Proposed site grade elevations if fill or topographic alteration is planned
 - c) Proposed lowest floor elevation expressed in feet mean sea level (15.09(2)(a) / 15.09(2)(b))
 - d) Proposed flood-proofed elevation expressed in feet mean sea level (nonresidential only) (15.09(2)(b))
- 4. Base flood elevation (100-yr) at proposed site _____ feet msl
 Data source: Flood Insurance Rate Map Map effective date: / /
 Community-Panel # _____
- 5. Does the structure contain basement? Y N Enclosed area other than basement lowest floor? Y N
- 6. For structures located in approximate A zones (no BFE available) the structure's lowest floor is _____ feet above the highest grade adjacent to the structure.
- 7. The proposed development is in compliance with applicable flood plain standards.
 PERMIT ISSUED ON _____
- 8. The proposed development is not in compliance with applicable floodplain standards.
 PERMIT DENIED ON _____

Note: All structures must be built with the lowest floor, including the basement, elevated or flood-proofed to or above the base flood elevation (100-yr) unless a variance has been granted. Only nonresidential structures may be flood-proofed.

- 9. The proposed development is exempt from the floodplain standards per Section 15.07 (1)(b) of the Flood Damage Prevention Ordinance or cite other standard *Accessory Structure 15.09(2)(c).

ADMINISTRATOR'S SIGNATURE: [Signature] DATE: 4/11/17

- 10. The certified engineer's as-built elevation of the structure's lowest floor is _____ feet above msl (cert atchd)
- 11. The certified engineer's as-built flood-proofed elevation of the structure is _____ feet above msl (cert atchd)

estimation of cost

frame of building-joist	255.00
hardware etc for frame	300.00
wall framing - ash 2x4	value 240.00
flooring - ash 2x6	value 200.00
rafters - ash 2x6	value 240.00
sub siding	value 120.00
sub roofing	value 80.00
roofing	350.00
misc hardware	150.00
2 windows	200.00
Door	value 80.00
	<hr/>
	total 2205.00

John Smith
4-11-17



CITY OF BELLBROOK

Founded 1816

Item A. Section 5, Item

Received
6.1.09

HOME OCCUPATION REGISTRATION

Home Occupations are permitted as an accessory use in a single family residential districts only (R-1AA, R-1A and R-1B) **PROVIDED** the occupation conforms in its entirety to the following definition:

"Any occupation operated in its entirety within the principal dwelling and only by the person or persons maintaining a dwelling therein; not having a separate entrance from outside the building; not involving alteration or construction not customarily found in dwellings; not utilizing more than twenty-five percent (25%) of the total actual floor area of any one story; not utilizing any equipment except that which is used normally for purely domestic or household purposes; not displaying, or creating outside the structure any external evidence of the operation of the home occupation, except, for one unanimated non-illuminated, name plate having an area of not more than one (1) square foot attached to the building entrance. Signs advertising or bearing the name of the home occupation are also prohibited on any vehicle or other portable stand on or off the premises on which the home occupation is being conducted.

In addition, no commodity may be sold upon the premises, no person may be employed other than a member of the immediate family residing on the premises, and no mechanical or electrical equipment may be used except of a type that is similar in size, capacity, style, and character to that which is normally and customarily used for purely domestic or household purposes; a professional person may use his residence for infrequent consultation, emergency treatment or performance of religious rites, but not for the general practice of his profession; no occupation, activity or profession shall be deemed to constitute a permitted home occupation if and to the extent it causes or results in the arrival or entrance at or upon the premises of more than five persons upon any given day for the purposes of, or in connection with, such occupation, activity, or profession. In no event may any home occupation cause or result in persons arriving at or entering the premises before 7:00 a.m. or after 8:00 p.m. This would include employees of the homeowner meeting and/or parking at his residence on a regular basis to prepare for working either on or off the premises. " Bellbrook Zoning Ordinance, Article # 3, Definitions, (58), Home Occupation.

Name of Business: N/A

Property Owner Name: Cheryl Lowry - Jan Meredith

Business Owner Name: John Rancurello 937-689-4355
(if different)

Property Address: 63 W Maple , Bellbrook OH 45305

Property Owner Phone(s): _____

Business Owner Phone(s): _____
(if different)

Property Owner E-Mail: _____

Business Owner Email: _____
(if different)

Type of Business: firewood - not for sale to public
(Explain in detail, i.e., service sold, hours, etc. Use additional page if necessary))
disposing of wood for 3 independent owners!
hopefully 90% of wood will be

gone by end of July into Aug

Sawmill not operated on site;lg truck to come & go for transportation of wood off site.

Please return completed form to the City of Bellbrook Zoning Office, 15 E Franklin Street, 2nd floor, Bellbrook OH 45305, (937) 848-8477. No registration fee or permit fee required. Please contact the Greene County Auditor at (937) 562-5065 for information regarding any county licensing requirements for home occupations.

**City of Bellbrook
State of Ohio**

Board of Zoning Appeals Decision Record BZA 24-03

WHEREAS, the owner of 63 West Maple Street has requested three variances of the Bellbrook Zoning Code Section 18.05A to allow the construction of an accessory structure that is 768 square feet, 20 feet in height, and 4 feet from the side yard property line; and

WHEREAS, the Village Review Board reviewed the variance requests in an open public meeting on November 6, 2024, and by formal motion recommends to the Board of Zoning Appeals the variances be approved; and

WHEREAS, the City of Bellbrook Board of Zoning Appeals has reviewed the owner’s request and agrees that the variances of the Zoning Code for this use are appropriate.

NOW, THEREFORE, BE IT RESOLVED by the City of Bellbrook Board of Zoning Appeals that:

Section 1. There was a valid motion placed on the floor to approve the variances of Zoning Code Section 18.05A for case BZA 24-03 after reviewing the procedures and requirements for said variances in accordance with Article 20, Sections 20.13 and 20.13.1 of the Bellbrook Zoning Code, which have been met.

Section 2. That it is found and determined that all formal actions of the Board of Zoning Appeals relating to the adoption of this Decision Record Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Revised Code of the State of Ohio.

MOTION STATED BY: _____ and SECONDED BY: _____

Roll call vote showed _____ Yeas; _____ Nays.

Motion to approve is PASSED this 19th day of November 2024.

AUTHENTICATION:

Philip Ogrod, Chairperson

Rob Schommer, Clerk of Council

To: BZA/PRC
From: Michaela Grant, Community Development Administrator
Date: November 14, 2024
Subject: Staff Report for BZA 24-04: 44 North West Street (McWilliams)

Summary of the Request

The applicant, Bradley McWilliams, is requesting approval for variances of Zoning Code section 18.05A to allow the construction of an accessory structure at 44 North West Street, measuring approximately 2.376 acres. The accessory structure is proposed to be 1,680 square feet (42 feet by 40 feet) with a side wall height of 16 feet and a roof pitch of 4":12"—total height not to exceed 25 feet (two variances of 18.05A total). The main building material is planned to be metal with two garage doors, two pedestrian doors, five double-hung windows, and an attached lean-to/porch measuring 160 square feet (20 feet by 8 feet). The flooring material is concrete. The location of the proposed accessory structure is in the rear yard facing east, with access from the driveway on North West Street. The structure's attached lean-to/porch is proposed on the left side of the structure facing south, and the garage doors are proposed to face east. Drainage is planned to be adequate to the building size with gutters and downspouts.

Zoning Code for reference (with applicable portions to the request bolded):

18.05A Accessory Buildings

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

When located at least sixty (60) feet from the front property line and completely to the rear of the main dwelling, the accessory building may be erected not less than eight (8) feet from the side or rear lot lines. Provided that when access to a garage is from an alley, such garage shall be located not less than ten (10) feet from the alley.

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. 7.10, Yard and Lot Requirements.

*No detached accessory building measuring up to three hundred (300) square feet in Residential and B-1 Districts shall exceed one (1) story or twelve (12) feet in height and **no detached accessory building in Residential and B-1 Districts measuring from 301-600 square feet shall exceed one (1) story or 15' in height.***

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

Applicant Information

Bradley McWilliams, Applicant

Mary Lou McWilliams, Owner

Current Zoning District

R-1A, One-Family Residential

Parcel Identification

L35000100020006600

Additional Actions or Next Steps to be taken by the City

The Board of Zoning Appeals will make a final decision on the variance requests at the November 19, 2024, meeting.

Applicant's Reason for the Request

The applicant wishes to construct the accessory building at the requested size and height to accommodate recreational vehicle storage.

The applicant's statement regarding the request is included in the packet.

Surrounding Land Use within 1,000 Feet

The surrounding land uses within 1,000 feet include various Residential (R-1B, R-1A, R-3, PD-1), Office Building (O-1), Central Business District (B-4), and Agricultural (A-1).

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

In October 2014, a Village Review Board work session was held to discuss options for the property (demolition and rebuild, addition, driveway relocation). The details of this meeting are included in the packet.

Comprehensive Plan Applied to the Geographical Area

The Comprehensive Plan encourages development in the Old Village District.
Existing Public Utilities
Existing public utilities include water, storm, sanitary sewer, gas, and electric.
Soil Survey Data
N/A
Classification of Streets, Traffic Volumes & Direction, Planned Improvements
N/A
Floodplain Information
The property is not in the floodplain.
Comments from City and County Agencies
The Village Review Board formally recommended approval of the request as submitted at their November 6, 2024, meeting. As a point of clarification, where the original submittal listed the accessory structure height at 16 feet, it was understood at that time that this was the total height from the roof apex to the foundation; however, that figure was for the side wall height. The building's roof pitch is 4":12" and will exceed the originally submitted 16-foot accessory structure height (not to exceed 25 feet).
Supporting Maps & Graphics
Supporting documents are attached.
Staff Recommendation
Staff recommends that the Village Review Board consider the request.



CITY OF BELLBROOK

APPLICATION FOR ZONING VARIANCE

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

DATE RECEIVED 10 / 15 / 2024 STAFF USE APPLICATION # 2024-171

APPLICANT INFORMATION

PROPERTY OWNER Mary Lou McWilliams PHONE NUMBER 937-848-2838
OWNER ADDRESS 44 N West St.
APPLICANT NAME Bradley McWilliams PHONE NUMBER 937-478-4125
APPLICANT ADDRESS 44 N West St.
APPLICANT EMAIL brad@mbmind.com

REQUEST INFORMATION

PROPERTY ADDRESS 44 N West ZONING DISTRICT R-1A
SUBDIVISION G-2-2 E 1/2 LOT NUMBER N/A PARCEL ID L35000100020606400
DESCRIBE THE GENERAL NATURE OF THE VARIANCE see attached

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 Bradley McWilliams DATE 10 / 14 / 24

OFFICE USE ONLY		
APPLICATION FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ <u>200.00</u>	CASH <input type="checkbox"/> CHECK <input checked="" type="checkbox"/> # <u>1031</u>	ADMINISTRATIVE, BOARD OF ZONING APPEALS
BOARD OF ZONING APPEALS	MEETING DATE / /	APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> CONDITIONS <input type="checkbox"/>

VRB: 11/6/2024
BZA: 11/19/2024

a) Brad McWilliams
44 N West St
Bellbrook, OH 45305

b) See attached

c) We are requesting a variance for building a 1680 sq ft (42X40) garage and increase the height of 16' due to RV storage.

d)

- 1) The variance will not have affected the use of the property and will have a reasonable return.
- 2) We don't believe the variance is substantial as the structure will be surrounded by trees on three sides, providing a natural buffer.
- 3) We believe the proposed addition of a garage will not negatively impact any neighboring properties as this property is 2.375 acres with woods creating privacy.
- 4) The variance will not affect the delivery of governmental services.
- 5) When the property was purchased, there was no need for the structure.
- 6) Yes, this could be obtained by attaching to house through a breeze way however, we would like to keep the structure a separate building.
- 7) We believe if the variance is granted it would add to the property without affecting any of the neighbors due to the distance off the road along with all of the natural coverage.

Payment For

- Utility Billing
- Permit - type: *Variance*

DA Item B. Section 5, Item

Name

McWilliams

OCT 15 REC'D

Service Address

44 N. West St.

Payment Type

- Cash
- Check - #: *1031*

Amount Paid

\$ 200.00

Date Paid

10/15/2024



CITY OF BELLBROOK

ZONING PERMIT – ACCESSORY BUILDINGS

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

DATE RECEIVED 10 / 9 / 2024 STAFF USE APPLICATION # 2024-164

APPLICANT INFORMATION

PROPERTY ADDRESS 44 N West St. ZONING DISTRICT R-1A
PROPERTY OWNER Mary Lou McWilliams PHONE NUMBER 937-848-2838
APPLICANT NAME Bradley McWilliams PHONE NUMBER 937-479-4125
APPLICANT EMAIL brad@mbmind.com

REQUEST INFORMATION

TYPE OF LOT CORNER INTERIOR OTHER ACCESSORY BUILDING TYPE SHED GARAGE POOL OTHER
DIMENSIONS OF STRUCTURE HEIGHT 16 WIDTH 42 LENGTH 40 FLOOR AREA 1680 SQUARE FEET
PROPOSED LOCATION SIDE YARD REAR YARD *DISTANCE FROM PROPERTY LINES SIDE YARD _____ REAR YARD _____
WIDTH OF RECORDED EASEMENTS ON LOT SIDE YARD _____ REAR YARD _____ PLEASE DENOTE LOCATION ON LOT TYPES BELOW
PROPOSED USE OF STRUCTURE storage / RV storage

OTHER COMMENTS _____

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

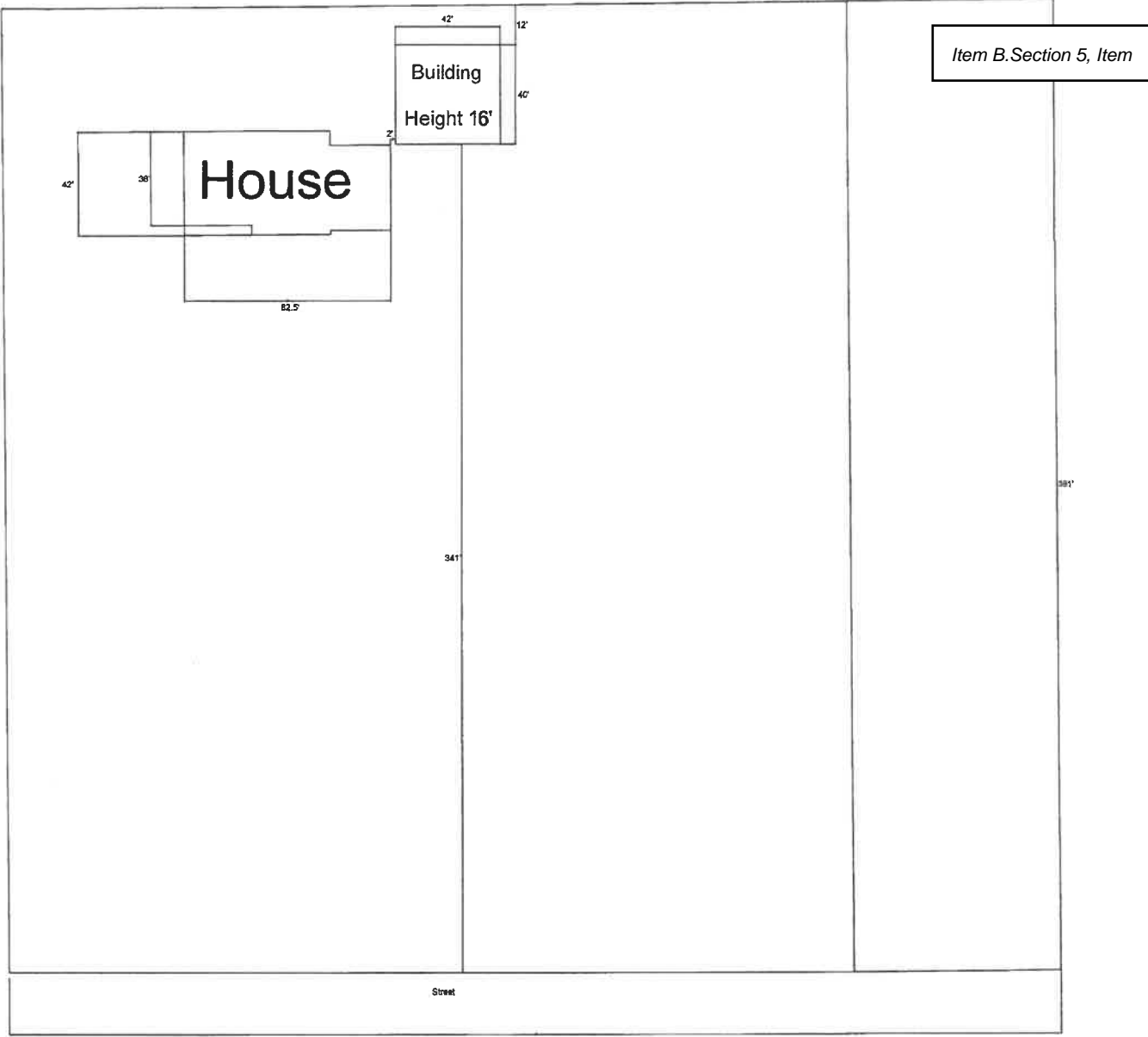
SHOW PROPOSED ACCESSORY BUILDING LOCATION ON CORRESPONDING LOT TYPE



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 Bradley McWilliams DATE 10 / 14 / 24

OFFICE USE ONLY		
PERMIT FEE <u>\$105.00</u>	PAYMENT TYPE CASH <input type="checkbox"/> CHECK <input type="checkbox"/> # _____	REVIEW AUTHORITY ADMINISTRATIVE <input type="checkbox"/> BZA <input checked="" type="checkbox"/> VRB <input checked="" type="checkbox"/>
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	STAFF SIGNATURE _____ DATE _____/_____/_____	
APPROVED-CONDITIONS <input type="checkbox"/>		





Building Specs

Width: 42'
 Length: 40'
 Height: 16'
 Roof Type: Gabled
 Roof Pitch: 4":12"
 Truss Style: Standard
 Post Footing: Morton Foundation System
 Skirt Board: Standard

Colors

Roof Color: Black
 Wall Color: Charcoal
 Trim Color: Charcoal
 Walk Doors: Black
 Overhead Doors: Black
 Sliding Doors: Black
 Gutters: Black

Downspouts: Black
 Wainscot Color: Black

Wainscot

Wainscot: Yes
 Wainscot Height: 3'

Interior

Walls

Roof Options

Front Endwall Overhang: 1'
 Back Endwall Overhang: 1'
 Left Sidewall Overhang: 1'
 Right Sidewall Overhang: 1'
 Weathervane: Morton

Lean-tos

Porches

L Porch Width: 20, Height: 9.75',
 Porch Depth: 8', Porch Roof Pitch: 4',
 Porch Overhang: 1',

Windows & Doors

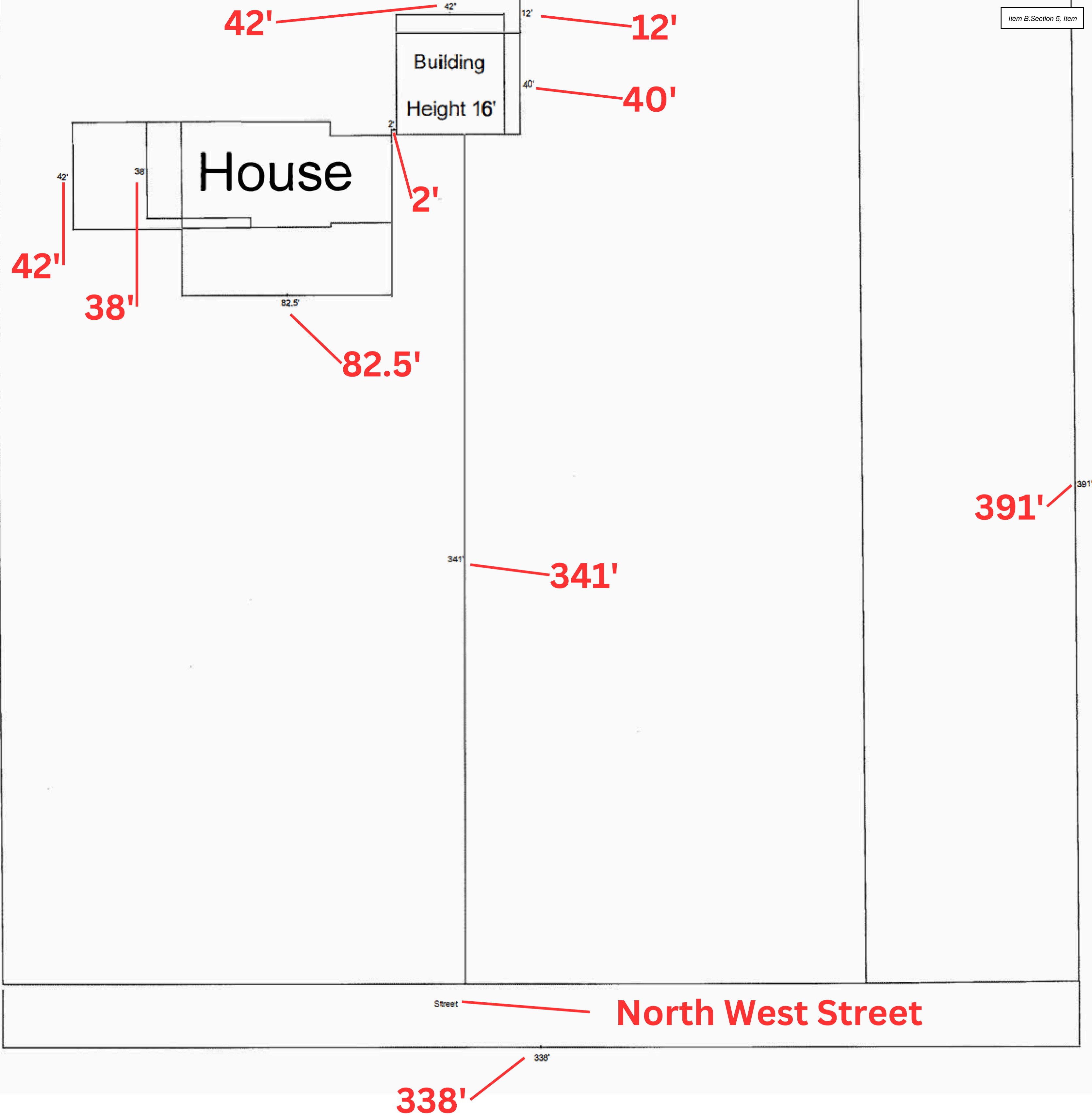
Double Hung Window Qty: 5
 Walk Door Solid Qty: 2
 Overhead Panel Door Qty: 2

Item Sizes:

Overhead Panel Door: w14' x h14'
 Overhead Panel Door: w14' x h14'
 Double Hung Window: w3' 4" x h3'
 Walk Door Solid: w3' x h6' 8"
 Walk Door Solid: w3' x h6' 8"
 Double Hung Window: w3' 4" x h3'
 Double Hung Window: w3' 4" x h3'
 Double Hung Window: w3' 4" x h3'
 Double Hung Window: w3' 4" x h3'

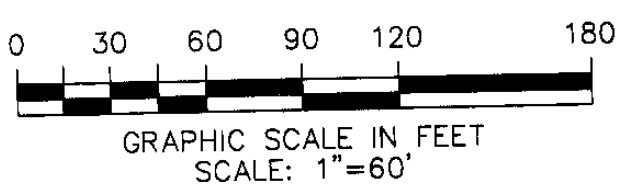


44 North West Street



Item B, Section 5, Item

PLAT OF SURVEY
For
Virginia R. Kable
2.376 Ac. Tract
(Deed Book 203, Page 590)



William C., Jr. and Deanna D. Johnson
6.505 Ac. Tract
O.R.G.C. Vol. 0998, Page 0100

First Presbyterian Trustees
3.75 Ac. Tract
Deed Book , Page

N00°55'45" E 330.91'

N 89°05'00" E 307.80'

2.376 Ac. Tract

S00°43'00" E 251.00'

S00°43'00" E 331.45'

West Street 33' R/W

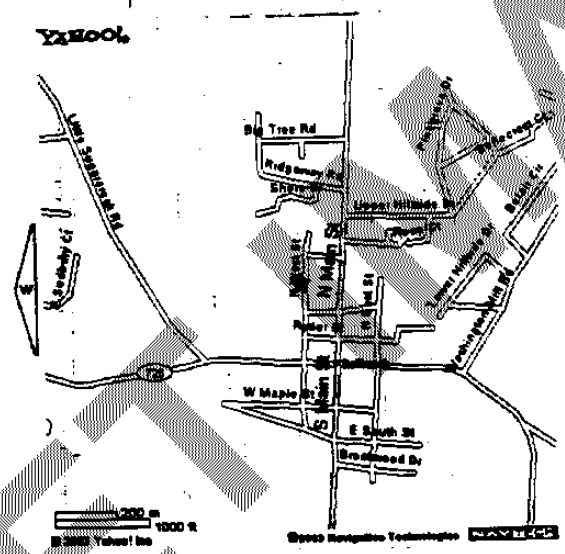
High Street

Walnut Street

S 89°12'36" W 317.30'

Yenema V. Webb Fernandez
0.42 Ac. Tract
Deed Book 551, Page 620

Yenema V. Webb Fernandez
0.716 Ac. Tract
Deed Book 551, Page 620



- MONUMENT LEGEND**
- Iron Pin found
 - Iron Pin set with yellow plastic cap stamped: "KLINE ENG LS-6590"
 - ▲ Spike found
 - ⊕ Magnail set
 - ⊕ P.K. nail found

Basis of bearings is the south line (SOUTH 89DEGREES 05MINUTES 00SECONDS WEST, a distance of 307.80 feet) of a 6.505 Acre Tract as recorded in O.R.G.C. Vol. 0998, Page 0100.

Note: This plat of survey represents a new survey of an existing parcel (Remaining part of an original 4.5 Acre Tract).

Vicinity Map

SURVEYED BY:
Michael L. Smith
Reg. Surveyor No. 6590
APPROVED GREENE COUNTY ENGINEER
By DMB Date 2-18-03



APPROVED BY:

GRANTOR Virginia R. Kable
GRANTEE _____

LOCATION:
Section 2, Town 2, Range 6
or Survey No. _____

City of Bellbrook
GREENE COUNTY, OHIO
DATE December 15, 2003



THE CITY OF BELLBROOK
Founded 1816

October 21, 2014

Dear Brad and Katrina,

Please find enclosed the minutes of the Village Review Board work session held on October 8th for your information. The minutes, approved by the board members electronically, detail the board's discussion regarding demolition of your property at 44 N West Street in the Old Village District.

In summary, the board stated that there were no objections to the demolition of the existing structure at 44 N West St, since it was not built in conformance to reflect the requirements of The Bellbrook Village Plan, nor is it historic in nature. There was also discussion that should demolition take place, new construction should then conform to these standards as set forth in the Zoning Ordinance, Article # 14 and the Guidelines for the Old Village. We will be glad to answer any questions you may have as this portion of the process unfolds.

I spoke with Brady Harding, Sr VP, Architecture, *Interbrand Design Forum*, who was not present at the meeting on the 8th. However, he informally concurred with the other board members opinions and stated that he would be happy to work with you regarding architectural controls and the appearance of a new structure, if you felt that you would like some assistance in this area. It is not required that you do so, but if you so choose, you may reach Mr. Harding at (937) 829-1510 (cell) at your convenience.

Please feel free to contact me at the Zoning Office, 848-8477, or stop in to visit if you have additional questions or concerns as you proceed with your project.

Eileen F. Minamy
Secretary, Village Review Board



CITY OF BELLBROOK

Founded 1816

15 E FRANKLIN ST, 2ND FLOOR
BELLBROOK OH 45305-0285
(937) 848-4666
FAX: (937) 848-5190
www.cityofbellbrook.org

September 30, 2014

MEMORANDUM FOR THE VILLAGE REVIEW BOARD

SUBJECT: PUBLIC MEETING SCHEDULED ON OCTOBER 8, 2014

This is to confirm that the Village Review Board will conduct a public meeting on October 8, 2014 at 6 PM in the City Council Chambers, 15 E. Franklin St., 2nd floor, Bellbrook. Please find enclosed an agenda for the evening's meeting as well as the subject matter to be discussed. Also enclosed are the prior minutes of October 24, 2012, which will be publicly approved at this meeting.

NEW BUSINESS:

WORK SESSION: 44 N WEST STREET (MCWILLIAMS)

The purpose of the work session is to discuss with the owner, Mrs. Mary Lou McWilliams and her son, Brad McWilliams, options for the property, which may include demolition of the existing structure with a re-building of a larger home on the site, or building an addition(s) on the existing house to accommodate a larger family unit. There was also a brief discussion of the re-location of the existing driveway entrance to the south portion of the lot, still with access from N. West Street.

Please refer to Article # 14 and the Guidelines, which provide the process for demolition. As I look at the Guidelines in more detail regarding demolition, it seems that the certifications and appraisals are considered an **optional tool** in determining whether there are feasible **alternatives** to demolition for properties within the Old Village (pg A-3). If you, as a board and after discussion at the work session, believe the existing structure should be preserved, then the appraisals, certifications, etc. would become an avenue for such preservation. If, however, you decide you are **not** opposed to this demolition, either in theory or in fact, then this paperwork becomes unnecessary. In either event, a Village Review Board public hearing would ensue with board review and a subsequent decision rendered regarding such demolition. If demolition is approved by the board, a Certificate of Appropriateness and a zoning permit for demolition would be issued to the owner.

I requested that Mr. McWilliams bring a photo or rendering of a structure similar in size that could replace the existing structure in the event of demolition and re-building, simply as an idea for the board in discussion. I believe there was a concern among the board about the exterior architectural appearance of any new structure. A discussion of this matter may be part of this initial work session so that all parties are aware of any requirements you would eventually like incorporated into a new home site. Please take some time to read Article # 14, The Bellbrook Village Plan and the Guidelines for the Old Village, which govern, among other things, demolition and new construction, including mandatory standards for new construction.

Please note that you are not required to render any decisions at this work session, since it is simply a discussion of property options.

Please find enclosed several items for your review prior to the board meeting:

- 1) Article #14, The Bellbrook Village Plan and Guidelines for the Old Village;
- 2) Location of 44 N West St on Old Village District map;
- 3) A photo of the existing structure; and
- 4) Aerial photo from the Greene County GIS website

Please advise of any additional material you would like to review or any questions that you may have regarding this work session and/or the material; otherwise I will see you on October 8th at 6 PM.

/S/

Eileen F. Minamy
Secretary, Village Review Board

Encl



CITY OF BELLBROOK

FOUNDED 1816

BOX 285
BELLBROOK OH 45305-0285
(937) 848-4666
FAX (937) 848-5190

BELLBROOK VILLAGE REVIEW BOARD
PUBLIC HEARING
OCTOBER 8, 2014
AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF PRIOR MINUTES OF OCTOBER 24, 2012**
- 4. OLD BUSINESS: NONE**
- 5. NEW BUSINESS:**
WORK SESSION : 44 N WEST ST (MCWILLIAMS), OPTIONS FOR PROPERTY
- 6. OPEN DISCUSSION**
- 7. ADJOURNMENT**



BELLBROOK VILLAGE REVIEW BOARD
PUBLIC HEARING MINUTES
OCTOBER 24, 2012

PRESENT: Mr. George Simmons
Mr. Dan Tieman
Mrs. Amy Wikstrom
Chairman Tim Lee

ABSENT: Mrs. Pat Campbell

GUESTS: Mr. Brad Kenney

CALL TO ORDER:

Chairman Lee called the meeting of the Village Review Board to order at 6:05 PM and requested a motion regarding the prior minutes of August 1, 2012. Chairman Lee requested any comments or clarifications regarding the minutes. Hearing none, Chairman Lee requested a motion. Mr. Simmons moved to approve the prior minutes; Mr. Tieman seconded the motion. Roll was called. Mr. Simmons, yes; Mr. Tieman, yes; Mrs. Wikstrom, yes; Chairman Lee, yes. The motion passed 4-0; the prior minutes stand approved.

OLD BUSINESS: None

NEW BUSINESS:

VRB CASE # 12-02: 62 N MAIN STREET (KENNEY)

Chairman Lee stated that this request for Certificate of Appropriateness is to re-build an accessory building in a required side yard to replace an existing legal non-conforming accessory building built circa 1900. The accessory building was damaged in recent adverse weather and requires extensive repair. Chairman Lee requested that Mr. Kenney, the owner and applicant come to the podium and summarize his request to the board.

Brad Kenney, 62 N Main Street, Bellbrook, stated that he would like to request a recommendation from the Village Review Board to the Board of Zoning Appeals for a waiver to the underlying zoning so that an accessory building can be re-constructed on a separate lot at his residential property in the Old Village District. Mr. Kenney stated that the shed was badly damaged by a tree that fell on it in the June 30th windstorm. Both the insurance company and the contractor recommends that the shed be removed at the foundation and be re-built with new materials. Mr. Kenney stated that this project requires a building permit and therefore a zoning permit, which in turn requires the Village Review Board and Board of Zoning Appeals approval for the re-built accessory building in a required side yard.

Chairman Lee questioned whether the footprint would be a facsimile of what is currently on site. Mr. Kenney stated that he would like the shed to look as nearly identical both in shape, size and materials on which the estimate by the insurance company was based. Mr. Kenney stated that one of his goals, which does not increase the slope or length of the roof, is to enlarge the concrete carport in order to park a car in this space. Mr. Kenney stated that presently, the space is not large enough to accommodate a car. He stated that he needs and would like a covered parking space on his property. Mr. Kenney stated that he has a garage but it is located all the way to the rear of the property at the top of a hill, which is not able to be used. The attached garage on the house has a wood floor and a car is not able to be parked in it. Mr. Kenney stated that this additional square footage proposed for the accessory building is still within the required size for a city residential lot.

Mr. Tieman clarified that the look of the accessory building would appear similar. Mr. Kenney stated that the roof already extends beyond the edge of the concrete and he would only like to add that difference (3') of concrete to the existing footprint.

The secretary questioned what the siding materials would be for this project. Mr. Kenney stated that the siding is currently redwood and so it may be replaced with redwood, if available, otherwise it would be replaced with cedar siding. The wood will be painted but both these woods would be able to withstand rotting and humidity, which is needed in this locale. The secretary questioned whether the lattice work would be replaced. Mr. Kenney stated that the lattice work would be replaced with either new lattice or a similar material that would be more period-appropriate in order to screen the contents of the carport from public view. Mr. Tieman questioned whether the period cited was circa 1900. Mr. Kenney stated that the shed sits on a limestone wall foundation which probably dates to the 1800's. The carport portion is not that old but in any event, the screening will be identical to today or a similar screening. There was some discussion that the lattice work dates to only about 20-30 years ago and was most likely added by the previous owner.

Mr. Tieman questioned the landscaping in terms of aesthetics. The goal is have landscaping that enhances the property and there is a need to make sure that this is part of the project as it evolves. Mr. Kenney provided photos of the property to the board and indicated that existing stone walls and landscaping will be preserved on site. Mr. Kenney stated that there is no way to move the building anywhere else on the lot due to existing walls and paths on the lot. Mr. Kenney stated that none of the landscaping should be affected; if it is, it would be restored to the way it looks today. Mr. Kenney stated that his goal is to make his property look identical to today.

Chairman Lee stated that Mr. Kenney's proposal preserves the historic integrity of the structure and his property and thanked Mr. Kenney for his diligence in implementing the Old Village Ordinance and Guidelines.

Mr. Tieman moved to recommend approval of the requested variance to the Board of Zoning Appeals; Mrs. Wikstrom seconded the motion. Roll was called. Mr. Simmons, yes; Mr. Tieman, yes; Mrs. Wikstrom, yes; Chairman Lee, yes. The motion carried 4-0; the Village

**Village Review Board
October 24, 2012**

Review Board recommended approval to the Board of Zoning Appeals for the project as submitted.

The secretary stated that the Board of Zoning Appeals will conduct a public hearing on October 29th at 6 PM and that the board would be in receipt of the VRB's recommendation.

OPEN DISCUSSION:

Mr. Tieman commented that the building across the street (26 E Franklin St) looks wonderful with the new siding and window trim treatments. The board agreed that it will last a long time and adds a lovely view on the streetscape.

Mr. Tieman questioned whether any of the board had visited downtown Miamisburg recently and noted that their main street has undergone a major transition with new restaurants, businesses, parking and an improved streetscape. Mr. Tieman stated that it may be interesting for the board members to look into this improvement to see if something similar could be implemented in Bellbrook.

ADJOURNMENT:

There being no further business to discuss, Mrs. Wikstrom moved to adjourn the meeting at 6:20 PM.

Tim Lee, Chairman Date

Eileen Minamy, Secretary Date

ARTICLE 14

BELLBROOK VILLAGE PLAN

14.01

GENERAL

This section is intended to create the Bellbrook Village Plan and to establish procedures for control, development and regulation of this district along with a master design plan and architectural controls. These controls are to be in addition to existing planning and zoning controls and do not replace the underlying zoning pattern, but are supplemental in nature. Where there is conflict between these controls and those of the underlying district, the regulations of this section shall prevail.

It is also the intent of this ordinance to recognize the history of the area as well as human values and basic property rights. No attempt is made to create a situation of undue financial strain upon any business or resident.

As such, the intent of this ordinance is to regulate demolition and guide new development and construction in the Village District. In no manner is this ordinance to be interpreted to interfere with the day to day activities and normal periodic maintenance of any home or structure.

Council shall adopt a resolution containing guidelines (hereinafter referred to as the "Guidelines") for implementing this ordinance and carrying out its intent. A board to be known as the Village Review Board, established in accordance with Article 14.13 hereof, shall administer this ordinance in accordance with the Guidelines as adopted by Council and as amended from time to time. In case of conflict between the Guidelines and any provision of this ordinance, the ordinance provision shall prevail.

14.02

DESIGNATION OF DISTRICT

The area to be covered by these regulations is shown on the zoning map. The boundaries are generally described as follows: bounded on the west by Little Sugarcreek, the south by the centerline of West South Street and East South Street, the east by the existing corporate line and the north by a line running along the southern and western boundary of Bellbrook Farms Subdivision just south of Upper Hillside Drive, extending across Main Street approximately 1300 feet west of Main Street then south to a point approximately 500 feet north of

Article # 14, The Bellbr

the centerline of Franklin Street, then west to the Little Sugarcreek.

Where any question arises as to exact location of the district boundaries, the City Council shall interpret the district boundaries.

14.03 **PERMITTED PRINCIPAL USES**

All uses permitted within the underlying zoning district.

14.04 **ACCESSORY USES**

All accessory uses allowed in the underlying zoning districts are permitted.

14.05 **CONDITIONAL USES**

All conditional uses allowed in the underlying zoning districts are permitted.

14.06 **NON-CONFORMING BUILDING**

The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of enacting this zoning ordinance or amendment thereto, may be continued, although such use does not conform with the provisions of such ordinance or amendment, but if any such non-conforming use is voluntarily discontinued for two years or more, any future use of such land shall be in conformity with Article 14 of the Zoning Regulations.

14.07 **YARD REQUIREMENTS**

The regulations of the underlying zoning districts shall apply.

14.08 **PARKING REQUIREMENTS**

Space shall be provided in accordance with the provisions of Section 18.16.

14.09 **OFF-STREET LOADING**

Space shall be provided in accordance with the provisions of Section 18.15.

14.10

SIGNS

Signs shall be regulated in accordance with provisions of Section 18.20B.

14.11

STANDARDS

The significant architecture of the Bellbrook Village District is generally classified as a simple Victorian with modifications.

There are numerous buildings that do not fall within this broad description, but the general architectural character of Bellbrook is Victorian in nature and the standards are aimed at preserving existing examples and establishing perimeters which will allow acceptable and pleasing contemporary interpretation of the standards.

(1) Structural Proportion:

Bellbrook architecture is characterized by two story buildings with tall, narrow doors and windows and in earlier examples, slightly squatter proportions. New buildings shall conform generally to the proportions of adjoining buildings and all buildings, either new or remodeled shall have windows and doors of proportions similar to adjoining buildings. Roof slopes shall also be similar to adjoining buildings.

(2) Foundations:

Foundation walls of the mid 19th century were of local limestone. Acceptable foundation materials shall be limited to limestone, brick, poured concrete or other material which is similar in appearance to the original foundation material.

(3) Exterior Walls:

The exterior walls of the period were of brick or narrow wood siding. Wall surface construction shall employ these materials or a modern construction material which creates the same effect. Cosmetic treatment using such materials as asphalt shingles which simulate brick or stone is prohibited.

Article # 14, The Bellbrook Village Plan

(4) Roof Materials:

Roofing materials may consist of metal, slate, asphaltic shingles or wood shingles. Prohibited materials include aluminum shingles formed to look like wood, asphalt roll roofing and simulated cosmetic materials.

(5) Chimneys:

Chimneys and flues shall be of brick or stucco masonry or other material which is compatible with the architecture of the period. Metal chimneys simulating masonry construction are prohibited.

(6) Windows and Door Lintels:

Original lintels were stone, wood or brick. Where feasible, lintels shall be restored or compatible stone, brick or wood shall be used in remodeling, additions or new construction(s).

(7) Porches and Outbuildings:

The construction of porches or outbuildings which do not conform to these standards or to the character of the main building is prohibited.

14.12

EXCLUSIONS AND CONTROLS NOT APPROPRIATE

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any property, area or object within the Village District. For the purposes of this ordinance, a modification of a window or door which causes the area of the opening to vary by no more than ten percent from its original size shall be considered to be ordinary maintenance or repair, and is not regulated.

Neither the exterior color nor the interior arrangement of the building and the use to be made thereof, shall be considered by the Village Review Board in determining whether an application complies with the provisions of this ordinance, provided such use is permitted by the applicable zoning designation.

14.13

VILLAGE REVIEW BOARD

The Board shall consist of five members to be appointed by Council.

(1) One member shall be a resident of said district.

(2) One member shall own real property at a location within the district and operate a business at that location. This member need not be a City resident. If a qualified person cannot be found to fill this position, then Council may fill the position by appointing any City resident who has the requisite interest and skill.

(3) Three members shall be residents of the City who shall serve in at-large positions. They need not live in the district.

The Manager shall retain the services of a registered architect to advise the Village Review Board. The Manager shall confer with the Village Review Board and obtain the approval of Council before making the appointment.

The first members appointed and each succeeding member shall be appointed to specific capacities on the Board to be designated as: at-large member, resident member, business member.

The terms shall be three years. However, the first members appointed shall serve respectively for the following terms: two for one year; two for two years and two for three years.

Vacancies on the Village Review Board shall be filled for the unexpired terms of the members whose offices have become vacant in the same manner as is provided for the appointment of such members.

In the event a Board member ceases to meet his designated qualifications of his appointment, his membership on the Board is automatically terminated and a successor member meeting those qualifications shall be appointed by the Council. Board members serve at the pleasure of Council.

14.14

APPLICATION FOR VILLAGE DISTRICT PERMIT AND INFORMATION REQUIRED

(1) Application for Village District Permit:

Village District permits are required as set forth in Section 14.16 hereof. This Village District permit shall be obtained by application to the Zoning

Article # 14, The Bellbr

Inspector prior to commencement of construction and is required in addition to any other required zoning permit or building permit.

(2) In addition to any other information required by the Zoning Regulations, a scale drawing in duplicate of all affected exterior elevations accompanied by a written description setting forth details of work to be done, materials to be used, brick or accurate color photographs or facsimilies to be used in the modifications and an appropriate presentation showing such proposed details as door and window designs shall accompany the applications.

These documents as amended and accepted shall be official. Any deviation without written permission by the Village Review Board shall be cause for revocation of all permits including any building permit. Such presentation of material shall be no larger than 18" X 24" but may contain any number of such sized units as deemed necessary by the applicant.

14.15

REVIEW PROCEDURE

(1) Application Review by Zoning Inspector:

The Zoning Inspector shall determine whether the subject property meets all other requirements of this ordinance and shall present his findings to the Village Review Board.

(2) Application Review by Village Review Board:

(a) Hearing: The Village Review Board shall notify the applicant of a time and place of a hearing on the application not less than ten (10) days before the date of the hearing. The hearing shall be held within fourteen (14) days after delivery of the application and supportive materials to the Zoning Inspector. Public notice shall be required.

(b) Action on Application: The Board is encouraged to make a decision on the night of the hearing; however, it is required that

(1) Within seven (7) days after the hearing the Board shall approve, approve with modifications, or disapprove the application. This decision shall be based upon a careful

review of the record and application, considering the Guidelines and purposes of this ordinance and shall comply with the following standards:

(A) If the Village Review Board finds that the proposed changes conform with the Guidelines then the application shall be approved.

(B) If the Village Review Board finds that the proposed changes are not in conformance with the Guidelines and that strict application of the Guidelines would deprive the applicant of substantially all economically viable use of the property, then the Village Review Board shall approve the application with such modifications as will permit reasonable use of the property while conforming as closely with the Guidelines as prudence permits.

(C) If the Village Review Board finds that the proposed changes are not in conformance with the Guidelines and that full conformance would not cause the applicant to lose substantially all economically viable use of the property, then it shall disapprove the application.

(2) Written notification of such action shall be given to the Zoning Inspector, applicant and Clerk of Council. In the case of approval with modifications, a list of these modifications shall be forwarded to the Zoning Inspector and the Clerk of Council. If the applicant accepts these suggested modifications, he shall revise his application and supportive material accordingly and file them with the Zoning Inspector who shall then issue the necessary permits.

(3) A majority of the decision making members of the Village Review Board shall constitute a quorum; however, no application shall be denied except by the affirmative vote of a majority of the entire Board.

(4) If an application is denied, the Village Review Board shall set forth the reasons for such denial in writing. The Village Review Board shall also make recommendations as to what changes would be required for approval.

(5) If the application is denied, the application may be re-filed upon written certification by the applicant that such resubmission is based upon modification of the proposal with the objective of:

(A) Conforming with Village Review Board recommendations, or

(B) Proposing significant change in conditions or other pertinent factors which were not present during the previous reviews.

Such resubmission shall be heard at the earliest convenience by the Village Review Board.

Signs meeting the provisions of Article #18, Section 18.20B, Permitted Signs (Old Village District) shall be exempt from a public hearing but shall require the written approval of the majority of the Village Review Board members, which may be obtained either by mail, facsimile or electronically. A zoning permit will be issued within seven (7) days upon receipt of such approval.

14.16

PERMIT REQUIRED

Permits are required for the following activities within the Village District:

- (1) Demolition of all or part of a main building
- (2) Structural modifications which substantially destroy a significant exterior architectural feature of a main building constructed prior to 1945
- (3) Construction of a new main building
- (4) Erection of any sign regulated by Article 18, Section 18.20B of these Zoning Regulations.

14.17

APPEALS PROCEDURE

(1) If the application is denied or approved with modifications, the applicant may request a hearing before the City Council. The request for a hearing shall be made in writing directly to the Clerk of Council within 45 days of the Village Review Board's decision. The City Council may reverse, affirm or modify the action of the Village Review Board by a simple majority vote of the entire Council.

(2) Council shall attempt to schedule appeal hearings at time reasonably convenient to the applicant. Unless the applicant shall otherwise request, all appeals hearings shall be held within thirty (30) days of receipt of the hearing request.

(3) An applicant who is dissatisfied with the action of Council may have further appeals to the courts, as provided by the general law of the State of Ohio.

14.18

SPECIAL PROCEDURE FOR DEMOLITION APPLICATIONS

In its deliberations upon an application for demolition of all or part of a main building within the Village District, the Village Review Board shall consider alternatives to demolition. If the Village Review Board finds cause to believe that there are feasible and prudent alternatives to demolition, then the Village Review Board shall so inform the applicant and delay its decision on the application for no more than 180 days. During the period of the delay, the applicant shall make a good faith investigation of such alternatives and submit a written report to the Village Review Board. Thereafter the Village Review Board shall consider the entire record and make its decision. If the Village Review Board finds that there are feasible and prudent alternatives to demolition and that the proposed demolition would be contrary to the intent of this ordinance, then the application shall be denied. Otherwise, the application shall be approved.

14.19

REVIEW OF REQUESTS FOR A VARIANCE

The Village Review Board shall review all applications for a variance from underlying zoning regulations for properties within the District and shall advise the Board of Zoning Appeals regarding the applicability of the Guidelines. The Village Review Board shall also give its recommendation regarding disposition of the

JUNE 1997

Article # 14, The Bellbrook Village Plan

request. If the request requires a permit under Section 14.16 hereof, then that requirement is cumulative to the requirement for a variance, and work may not proceed until approvals have been received from both the Village Review Board and the Board of Zoning Appeals.

GUIDELINES FOR THE OLD VILLAGE BELLBROOK, OHIO

1.0 Introduction

The "Old Village of Bellbrook" is one of the most attractive villages in southwestern Ohio, an identity which has been important in attracting new residents and businesses. Facing rapid growth and expansion possibilities, the City of Bellbrook wants to retain that identity while encouraging a strong, healthy economy and a secure, desirable place to live. Through the review process embodied in Article 14 of the Zoning Code and these guidelines, the City accomplishes both goals. Bellbrook has maintained a review process since adopting the 1972 Zoning Code; these guidelines are part of the updating of those original zoning provisions.

The following guidelines are the interpretive explanation and the decision-making guide for Bellbrook Zoning Code Article 14. They are designed to assist owners, residents, architects, interested citizens, and the Village Review Board determine the appropriateness and the direction of the physical growth in a very special district: the Old Village of Bellbrook District. Important to these goals is the proper maintenance of existing properties, guidance in new construction, and the coherent development of the District.

2.0 The Old Village of Bellbrook District

The Old Village District is a distinct geographical area (see map) set roughly between Little Sugar Creek, the flood plains and the northern hill. This district contains a harmonious combination of 1800's and post-World War II development that forms the unique character of Bellbrook.

3.0 The Village Review Board

The Board consists of five (5) people who are convened to serve two general functions:

- 1) provide guidance and assistance in the development of the District and the accomplishment of the purposes listed in Article 14, and 2) preserve the historic architecture found within the District. The Village Review Board is distinct from the Planning and Zoning Commission and the Board of Zoning Appeals which serve other purposes. Both the VRB and the City Zoning Inspector are ready with help and assistance for all property owners.

4.0 Certificate of Appropriateness

The Old Village Ordinance requires the issuance of a Certificate of Appropriateness prior to undertaking certain types of activities within the Old Village District. The Zoning Inspector makes an initial determination of the necessity for a Certificate of Appropriateness at the time that an application is made for a zoning permit. If the Zoning Inspector believes that a Certificate of Appropriateness is required, then he/she will provide the applicant with a form VRB-1 (See Appendix for copies of Forms VRB-1 and VRB-2) and will explain the requirements. The Certificate is required for the following activities in the Old Village District:

Demolition of all or part of a main building.

Structural modifications which substantially destroy a significant exterior architectural feature of a main building constructed prior to 1945.

Construction of a new main building.

Erection of any sign regulated by Article 18.20B of the Zoning Regulations.

4.1 Demolition

Under Section 19.01 of the Zoning Code, no demolition is permitted within the City of Bellbrook without a zoning permit. When an application for such a zoning permit indicates that the property is located within the Old Village District, the Zoning Inspector will inform the applicant that a Certificate of Appropriateness is required from the Village Review Board.

It is the intent of the Old Village Ordinance to discourage demolitions. If the Village Review Board finds cause to believe that there are feasible and prudent alternatives to demolition, then the request for a Certificate of Appropriateness will be denied. The Village Review Board may consult with an appraiser, a building contractor and/or other professional person, for information required in making its determination. Form VRB-2 is available as an optional form to assist the Village Review Board in that regard. If the information supplied on the Form VRB-2 indicates that the property could be repaired and leased at an annual rent which would produce a gross return of ten percent on the owner's investment, then the Village Review Board may conclude that there is at least one feasible and prudent alternative to demolition.

If the Village Review Board determines that there are feasible and prudent alternatives to demolition, it will so inform the applicant and will afford the applicant a period of 180 days to file a written response. Upon receiving that response the Village Review Board shall reconsider the matter based upon the entire record then on file. If the Village Review Board makes a final

determination that there are feasible and prudent alternatives to demolition, then it will inquire into any new use to which the applicant may propose to put the property following demolition. If the Village Review Board determines that the objectives of Article 14 of the Zoning Code would be served best by a conversion of the land to the proposed use, then it may approve demolition, subject the posting of a bond in such amount as the Village Review Board deems adequate for insuring that the conversion will occur.

4.2 Structural Modifications

A Certificate of Appropriateness is required for structural modifications of main buildings constructed in the Old Village District prior to 1945, if a significant exterior architectural feature will be substantially destroyed. At the time of an application for a zoning permit, the Zoning Inspector will make an initial determination as to whether a Certificate of Appropriateness is required. If it is deemed to be required, then the Zoning Inspector will issue a Form VRB- I for completion by the applicant. Issuance of the zoning permit will be withheld pending approval of the Certificate of Appropriateness.

The Village Review Board will approve the request only in case it finds that a denial would deprive the applicant of substantially all economically viable use of the property. In such a case the Village Review Board will approve the request with such conditions as it believes appropriate for minimizing the loss to the Old Village District. If the Village Review Board finds that the proposed change would not substantially destroy a significant exterior architectural feature of a main building, it will find that a Certificate of Appropriateness is not required.

A modification to a window or door which would cause the area of the opening to vary by more than ten percent from its original construction size will be deemed to substantially destroy a significant exterior architectural feature and therefore requires a Certificate of Appropriateness. It will be assumed that the original size was the same as the size at present unless there is evidence to show otherwise.

If the Village Review Board should refuse a request for a structural modification, it shall provide the applicant with a written finding describing the feature involved and stating how the proposed modification would destroy that feature.

4.3 Construction of a New Main Building

Upon receipt of a request for a zoning permit for construction of a new main building in the Old Village District, the Zoning Inspector will furnish the applicant with a Form VRB- I and a copy of these guidelines. The applicant will be advised regarding the mandatory standards of Section 14. 11 of the Bellbrook Zoning Regulations (Sec 4.3. 1 hereof) and the voluntary guidelines set forth in Sec. 4.3.2 below. If the request meets the mandatory standards, then the Village Review Board will approve the Certificate of Appropriateness.

4.3.1 Mandatory Standards

The general architectural character of Bellbrook is Victorian, and the standards are aimed at preserving existing examples and establishing parameters which will allow acceptable and pleasing contemporary interpretation of the standards.

1. Structural Proportions

Bellbrook architecture is characterized by two story buildings with tall, narrow doors and windows and in earlier examples slightly squatter proportions. New buildings shall conform generally to the proportions of adjoining buildings and all buildings, either new or remodeled shall have windows and doors (or] of proportions similar- to adjoining buildings. Roof slopes shall also be similar to adjoining buildings.

2. Foundations

Foundation walls of the mid 19th century were of local limestone. Acceptable foundation materials shall be limited to limestone, brick, poured concrete or other material which is similar in appearance to the original foundation material,

3. Exterior Walls

The exterior walls of the period were of brick or narrow wood siding. Wall surface construction shall employ these materials or a modern construction material which creates the same effect, Cosmetic treatment using such materials as asphalt shingles which simulate brick or stone are prohibited.

4. Roof Materials

Roofing materials may consist of metal, slate, asphaltic shingles or wood shingles. Prohibited materials include aluminum shingles formed to look like wood, asphalt roll roofing and Simulated cosmetic materials.

5. Chimneys

Chimneys and flues shall be of brick or stucco masonry or other material which is compatible with the architecture of the period. Metal chimneys simulating masonry construction are prohibited.

6. Windows and Door Lintels

Original lintels were stone, wood, or brick. Where feasible, lintels shall be

restored, or compatible stone, brick or wood shall be used in remodeling, additions or new construction.

7. Porches and Outbuildings

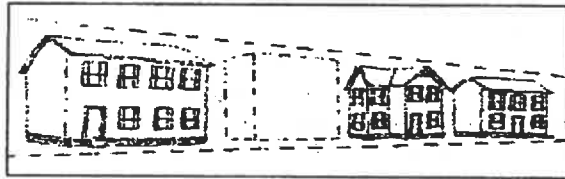
The construction of porches or outbuildings which do not conform to these standards or to the character of the main building are prohibited.

4.3.2 Voluntary Compliance

Owners of properties within the Old Village District are encouraged to observe the following voluntary guidelines when building or remodeling.

1. Scale.

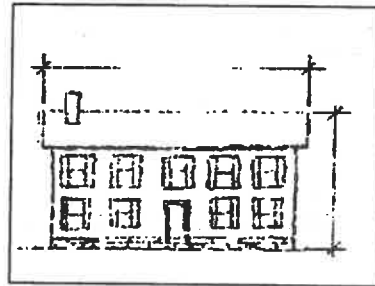
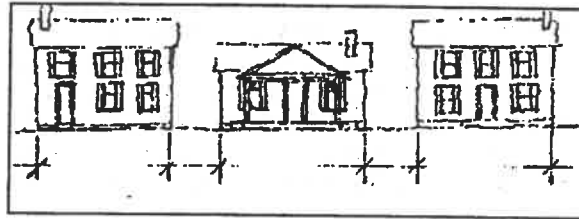
The buildings within the Old Village Historic District are small to medium-sized residential, institutional, and commercial structures. Bellbrook, as a particularly pedestrian community, needs to maintain the sizing of building elements that enhances the "human" scale of the District. The scale of new work and its constituent parts should be compatible with the original buildings of the town and the rest of the District.



2. Massing

The buildings within the District are situated on small to medium-sized lots. New construction and work should be compatible with the existing forms found in the older buildings. Care should be taken to avoid crowding too large of a building on the lot when the aesthetic elements of orientation and spacing will be sacrificed. A similar ratio of building footprint to lot area should be maintained

from property to property. The wall surface/opening ratio found in older buildings is encouraged and desirable. Glass curtain walls ("picture windows" or "display windows") should be avoided as they detract from the character of the District. Similarly, large, flat walls which are unbroken by openings or setbacks/articulations on the front facade are not desirable and are much less likely to enhance the particular characteristics of the District.

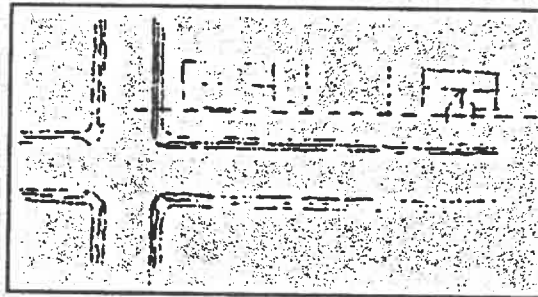


3. Height

The height of an addition should not exceed the height of the original building- usually, additions should be lower in height than the main building. The height of a newly constructed building should be comparable to the height of existing' adjacent buildings. New buildings constructed in undeveloped areas should complement and be relatively consistent with the height of existing buildings in the district such that the character and appearance of the District is maintained and extended.

4. Setback

The setback of new buildings or new work should be comparable to the streetscape setback of the original adjacent buildings. Example: if the building on lot A has a setback of 5 feet from the sidewalk and the building on lot C has a setback of 15 feet from the sidewalk, a new building constructed on lot B should be set either 1) equal to that of lot A, or 2) equal to that of lot C, or 3) between 5 and 15 feet from the sidewalk. The building on lot B should not be set directly at the sidewalk line or at a distance greater than 15 feet from the sidewalk. The main entrance of a building should "face" and open onto the main thoroughfare; historically, buildings in Bellbrook were accessed from the streets, therefore, buildings which cannot be oriented to the main street are discouraged.



5. Architectural Detail

New buildings should use architectural details that are similar to surrounding buildings or which were featured on buildings in Bellbrook historically.

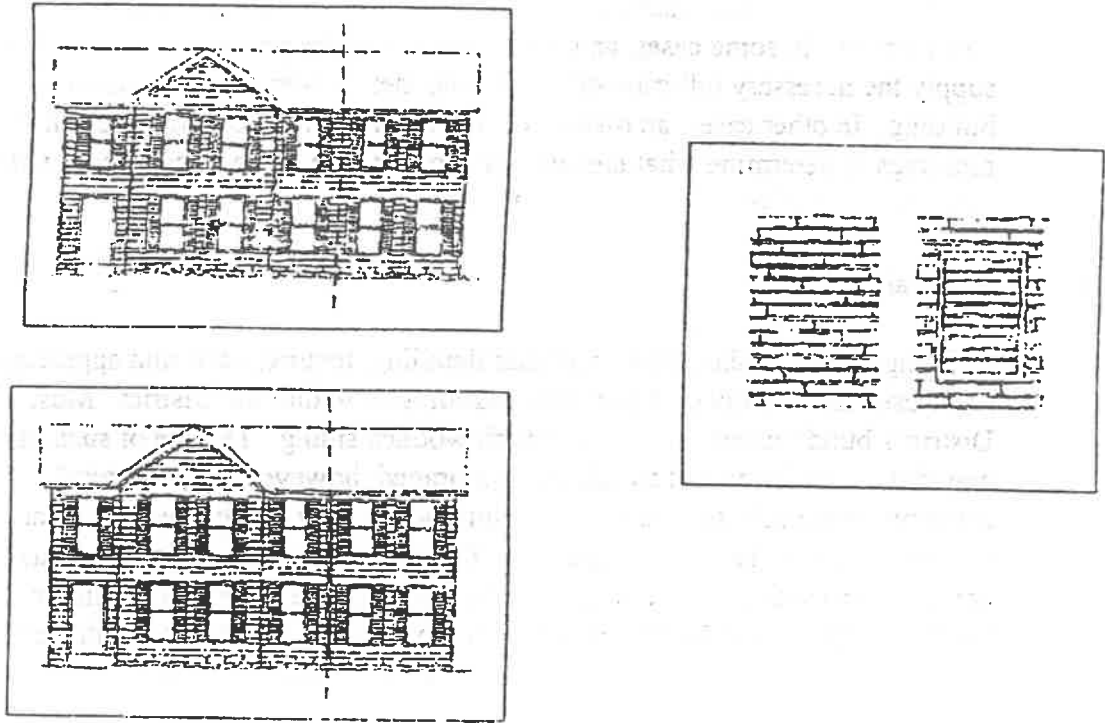
Basically, architectural details need to have a historic reason for being used, whether they are being added to an existing building or are part of new construction. In some cases, an old photograph of the property in question will supply the necessary information about what details were appropriate to the building. In other cases, an owner will have to refer to photographs of other buildings to determine what elements will maintain a sense of continuity with the surrounding architecture.

6. Materials

Building materials should be of similar detailing, texture, scale and appearance to those used historically on a particular building or within the District. Most of the District's buildings are wood frame with wooden siding. The use of such natural materials is preferred and should be encouraged- however, where natural appearing materials, such as vinyl or aluminum siding, are the only prudent alternative for the landowner, they may be used. Generally, if the materials appear to be synthetic or are highly reflective, they are inappropriate in the District. When possible, masonry/brick colors should be matched to that existing on a building. Siding can cause problems (mildew, water, damage) even though the aesthetic problems are hidden. When only a portion of a wall needs to be re-sided, materials matching the original should be used, instead of covering the whole building in new siding.

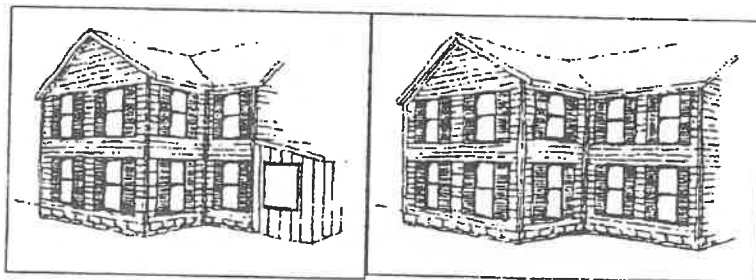
7. Integrity of the District/building

Compatibility of new work with the original work is highly desirable. New work should look new; it should not pretend to be historic. At the same time, it should complement, not contradict, the existing structures around it. Where an addition meets an existing building, the connection should be carefully designed so that the new work does not detract from what was already there. .Example: a new addition to an existing brick building may use vinyl siding, doors, and windows. However, a sky-light on the front of the addition would be inappropriate. Example: if original openings are filled in, the outline of the original opening should remain apparent by setting new in-fill material back from the surface and leaving original sills and lintels in place. Door openings should be treated similarly.



8. New construction—Additions.

In general, additions should follow the guidelines above relating to scale, massing, height, detail, materials and integrity. The design of an addition should respond or reflect the architectural style of the original building. The design should also respond, in a general way, to surrounding buildings. The additions should respect the original and not overpower it in any way. The connection between addition and original should be designed so that it does not detract from either structure. Significant or prominent architectural features of the original building should not be destroyed, removed or obscured by the addition.



9. New Construction—Infill

The general aim of the guidelines for new construction is to encourage compatibility with the character and quality found in 19th and early 20th century buildings of the District. In-fill construction projects should follow the guidelines above relating to scale, massing, height, detail, materials and integrity.

10. Site Improvements—Fences

The District is characterized by open space and landscaping. Constricting the open space by erecting fences is discouraged. Privacy fences are not characteristic of the District and are particularly offensive. If a privacy fence is necessary, it should be contained to the rear of the principal building on the property. All new fences should not extend beyond the front edge of the principal building. Existing retaining walls and fences should be repaired and retained whenever possible. All fences should consider style, color, massing and the other considerations listed above. Historically, Bellbrook was not developed as or with “gated” properties. The complete enclosure of a property or grouping of properties should be avoided.

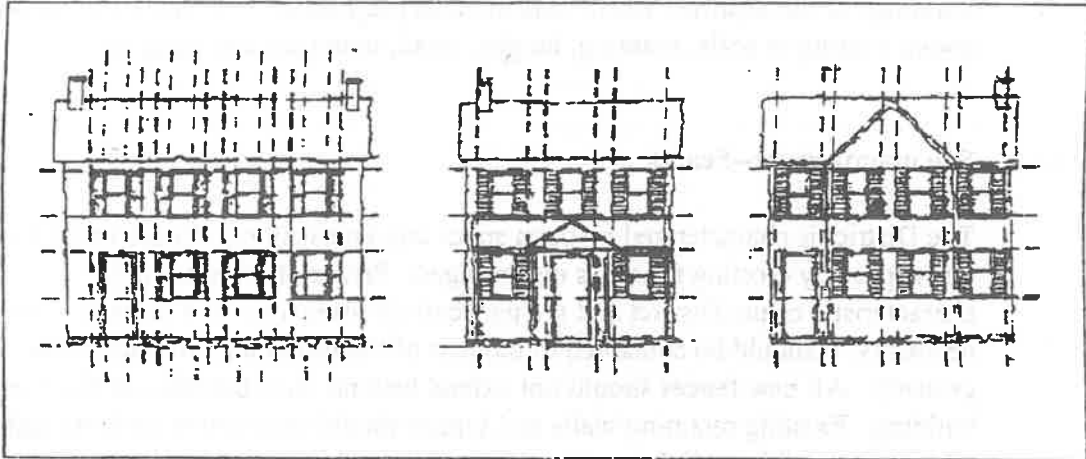
11. Site Improvement—Landscaping

The District is characterized by landscaping and green space. Reducing green space by adding additional pavement for driveways or parking areas should be limited whenever possible. Parking areas in front yards should be permitted in extreme situations only. New driveways and parking areas should respect existing land and street contours or minimize the view of parked cars. Landscaping design should be compatible with the surrounding buildings and landscape elements. Landscaping, special lighting, seating, and decorative paving should be designed to be simple and complimentary to the District. Antique or historic reproductions may be used with discretion. Mature trees should be retained as should other significant features, such as large rocks or ground-swells.

12. Alterations—Doors and Windows

Possibly the most important features of any building are the doors and windows. The size and location of openings are an essential part of the overall design and an important element of architectural styling. Original openings should not be altered. Original doors and window sashes should be repaired rather than replaced, whenever possible. When replacement is necessary, the new door or window should match the original in size and style as closely as possible. Metal or plastic window frames are

generally unacceptable unless they are painted. Screens and storm windows should be as inconspicuous as possible. Metal storm windows or doors are not appropriate unless they are painted.



13. Alterations—Roofs

The existing roof line and architectural features which give the building its character (towers, roof shape, dormers, cornices, brackets and chimneys) should be retained whenever possible. The addition of features such as vents, sky-lights, decks and roof-top utilities should be avoided or should be inconspicuously placed and screened where necessary. Generally, rolled roofing, built-up tar and gravel, plastic or fiberglass roofing material is inappropriate. However, on flat or low pitched roofs which are not visible from public areas, these roof materials may be considered. Where original roofing materials are existent, efforts should be made to retain as much as possible if repairs will meet the needs of the owner.

14. Alterations—Building Details

Architectural features such as window hoods, cornices, brackets, bay windows, door surrounds (side lights), railings, shutters, porches and other ornamental elements should be preserved. Porches should not be enclosed in a permanent fashion. Missing materials should be replicated and replaced if possible; however, it is better for a building to be missing one decorative element than to remove those remaining for the sake of appearances. If replacement of an element with new is necessary, every effort should be made to match the original as closely as practicable. These kinds of distinctive features help identify and distinguish the character of the Old Village of Bellbrook.

15. Alterations—Utility Installation

The installation of utility and mechanical systems, such as water or gas meters, antennas and central air conditioning units should be inconspicuously placed, avoiding installation on the street façade whenever possible. Television reception antennas and satellite dishes should be located where they are not visible, on the front façade or other public areas. Mechanical equipment on the ground should be screened with a fence or plant materials or housed in a structure that is in harmony with the surroundings. Mechanical equipment attached to the side or roof of a building should be kept as low as possible and covered, or painted, to blend with the background. Wall or window air conditioning units should not be placed on the street façade if possible.

4.4 Signs

The Village Review Board reviews all requests for erection of new signs within the Old Village District. The Board applies the standards of Article #18., Sec. 18.20B in its deliberations and approves a Certificate of Appropriateness when those standards have been met.

4.4.1 Voluntary Guidelines for Signs

1. Signs should be designed for clarity, legibility and compatibility with the building or property on which they are located. They should be neat and “professional” in appearance.
2. Signs should be located above the storefront, on storefront windows or on awnings. Signs should not cover any architectural features. They should capitalize on the special character of the building and reflect the nature of the business contained therein. (Billboards, internally illuminated signs, and temporary illuminated signs are prohibited by the Zoning ordinance.
3. Free-standing signs should not be sized in such a way as to obstruct views and detract from the character of the District. Signs made of natural materials (such as wood) are encouraged; plastic and other synthetic materials are inappropriate. Standardized pole signs should be avoided.
4. Other outside attachments to the building, such as light fixtures, should be compatible. Ultra-contemporary and bright lights directly against the building surface are less desirable. Distinctive lights which stand away from the building wall and are only as bright as necessary are preferred.

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

Item B. Section 5, Item

This application should be used for demolitions (Section 4.1 of the Guidelines, structural modifications (Section 4.2), construction of a new main building (Section 4.3), and erection of a sign (Section 4.4) . A separate application must be completed for each property involved in the proposed change. Each blank must be filled; if a question does not apply, write "N/A" in the blank. If the provided space is insufficient for an answer, attach additional pages identifying the address of the property affected and the question number to which the answer relates. Attach any required plans or drawings. PRINT LEGIBLY OR TYPE. THE APPLICATION MUST BE SIGNED BY THE OWNER AND THE APPLICANT.

GENERAL INFORMATION

ADDRESS OF PROPERTY AFFECTED:

1. OWNER: _____ PHONE: _____
ADDRESS: _____
CITY: _____ ST: _____ ZIP: _____

2. APPLICANT: _____ PHONE: _____
ADDRESS _____
CITY _____ ST: _____ ZIP: _____

3. ARCH FIRM : _____ PHONE: _____
CONTACT PERSON: _____
ADDRESS: _____
CITY _____ ST: _____ ZIP: _____

4. CONTRACTOR: _____ PHONE: _____
CONTACT PERSON _____
ADDRESS: _____
CITY: _____ ST: _____ ZIP: _____

5. REASON FOR APPLICATION:

_____ DEMOLITION _____ FULL _____ PART

REASON WHY DEMOLITION IS DESIRED:

PROPOSED USE FOLLOWING DEMOLITION

_____ STRUCTURAL MODIFICATION

NATURE OF MODIFICATION

EXTENUATING CIRCUMSTANCES (IF ANY)

_____ SIGN (ADDITION, REDESIGN OR LIGHTING)

_____ CONSTRUCTION OF A NEW MAIN BUILDING

6. TYPE OF BUILDING (CHECK ONE) _____ RESIDENTIAL _____ INDUSTRIAL
 _____ COMMERCIAL _____ INSTITUTIONAL
 _____ OTHER _____

7. PRESENT TYPE OF USE (PER ZONING ORDINANCE LISTING)

8. PROPOSED TYPE OF USE (PER ZONING ORDINANCE LISTING)

9. PRESENT ZONING DISTRICT (CHECK ONE):

_____ R-1AA _____ R-1A _____ R-1B _____ R-2
_____ R-3 _____ O-1 _____ B-1 _____ B-2
_____ B-3 _____ B-4 _____ A-1

10. BESIDES THE OLD VILLAGE DISTRICT PLAN OVERLAY, OTHER OVERLAY ZONES WHICH APPLY TO THE AFFECTED PROEPRTY ARE (CHECK ALL THAT APPLY):

_____ WP OR WO _____ FLOODPLAIN _____ NONE

11. AGE OF BUILDING _____

12. PRIMARY TYPE OF CONSTRUCTION (CHECK ONE):

_____ WOOD FRAME	_____ BRICK BEARING WALL
_____ STRUCTURAL STEEL	_____ MASONRY/STONE BEARING WALL
_____ REINFORCED CONCRETE	_____ OTHER _____

13. BUILDING SIZE (APPROXIMATE): _____ WIDTH _____ DEPTH

A. NUMBER OF STORIES _____

B. HEIGHT (GRADE TO ROOF CREST) _____

C. WINDOW OR DOOR CHANGES

(1) ORIGINAL SIZE OF WINDOW _____

(2) PROPOSED SIZE OF WINDOW _____

(3) ORIGINAL SIZE OF DOOR _____

(4) PROPOSED SIZE OF DOOR _____

14. LOT SIZE: WIDTH _____ DEPTH _____

AREA OF LOT: _____

ATTACH A WRITTEN DESCRIPTION OF DETAILS OF PROPOSED WORK ALONG WITH THE FOLLOWING:

CONSTRUCTION PLANS, SITE PLAN(S) OR DRAWING(S) SHOWING THE STRUCTURE, THE LOT LINES, THE PROPOSED PROJECT AREA, INCLUDING SETBACKS FOR THE ZONING DISTRICT.

FOR NEW SIGNS, SIGN RE-DESIGNS OR CHANGES IN SIGN LIGHTING, SUBMIT A DIAGRAM OR SCHEMATIC OF THE PROPOSED SIGN INCLUDING DIMENSIONS AND THE PROPOSED PLACEMENT ON STRUCTURE OR LOT.

FOR STRUCTURAL MODIFICATIONS WHICH REPLACE EXISTING DOORS, WINDOWS, OR SIMILAR FEATURES WITH NO SIZE CHANGES OR STYLE CHANGES ON STRUCTURES CONSTRUCTED PRIOR TO 1945, SUBMIT CUT SHEETS OR DRAWING OF PROPOSED REPLACEMENT ITEMS.

FOR STRUCTURAL MODIFICATIONS WHICH CHANGE OR ADD ARCHITECTURAL FEATURES ON A STRUCTURE CONSTRUCTED PRIOR TO 1945, PLEASE PROVIDE A DETAILED DRAWING SHOWING THE ARCHITECTURAL FEATURES AFFECTED OR ADDED AND THE PLACEMENT OF SUCH ARCHITECTURAL FEATURES ON THE STRUCTURE.

FOR ARCHITECTURAL FEATURES PROPOSED TO BE REMOVED, PROVIDE A WRITTEN JUSTIFICATION WHY SUCH ARCHITECTURAL FEATURES SHOULD BE REMOVED, INCLUDING A DRAWING OF BOTH THE EXISTING AND PROPOSED AREA(S) OF WORK.

THE OWNER AND THE APPLICANT DO HEREBY CERTIFY THAT THE INFORMATION AND STATEMENTS CONTAINED HEREIN AND IN THE ACCOMPANYING MATERIALS ARE, TO THE BEST OF THEIR KNOWLEDGE, TRUE AND CORRECT AND ACCEPT RESPONSIBILITY FOR THE SAME.

OWNER: _____ DATE: _____

PRINTED NAME: _____

APPLICANT: _____ DATE: _____

PRINTED NAME: _____

WORK SHEET FOR DEMOLITION REQUEST

Certification of Appraiser (*Individual must be Certified Appraiser*)

The undersigned hereby certifies that:

- (1) I am generally familiar with real estate values and leasing rates within the City of Bellbrook.
- (2) I have inspected the property located in the City of Bellbrook at _____
- (3) It is my opinion that the property at that location has a present market value of _____
- (4) I believe that the property should have the following repairs in order to have reasonable prospects of being leased for its present or most recent use:

- (5): If the above repairs were made, I believe that the fair amount of an annual lease would be: _____

Signature

Date

Certification of Contractor

The undersigned hereby certifies:

- 1) That I am

_____ of _____
 (Title) (Company Name)

a General Contractor who regularly undertakes construction projects in and around Bellbrook, Ohio.

- 2) I have inspected the property described in the attached Certificate of Appraisal and I am competent to provide an estimate of a fair charge for performing the repairs which the appraiser mentions.

- 3) I estimate that a fair charge for performing the stated repairs would be _____

Signature

Date

City Manager's Report

1) I have reviewed the attached certifications, and I (do / do not) have reason to believe that either may be biased. If any such reason exists, it is attached to this report.

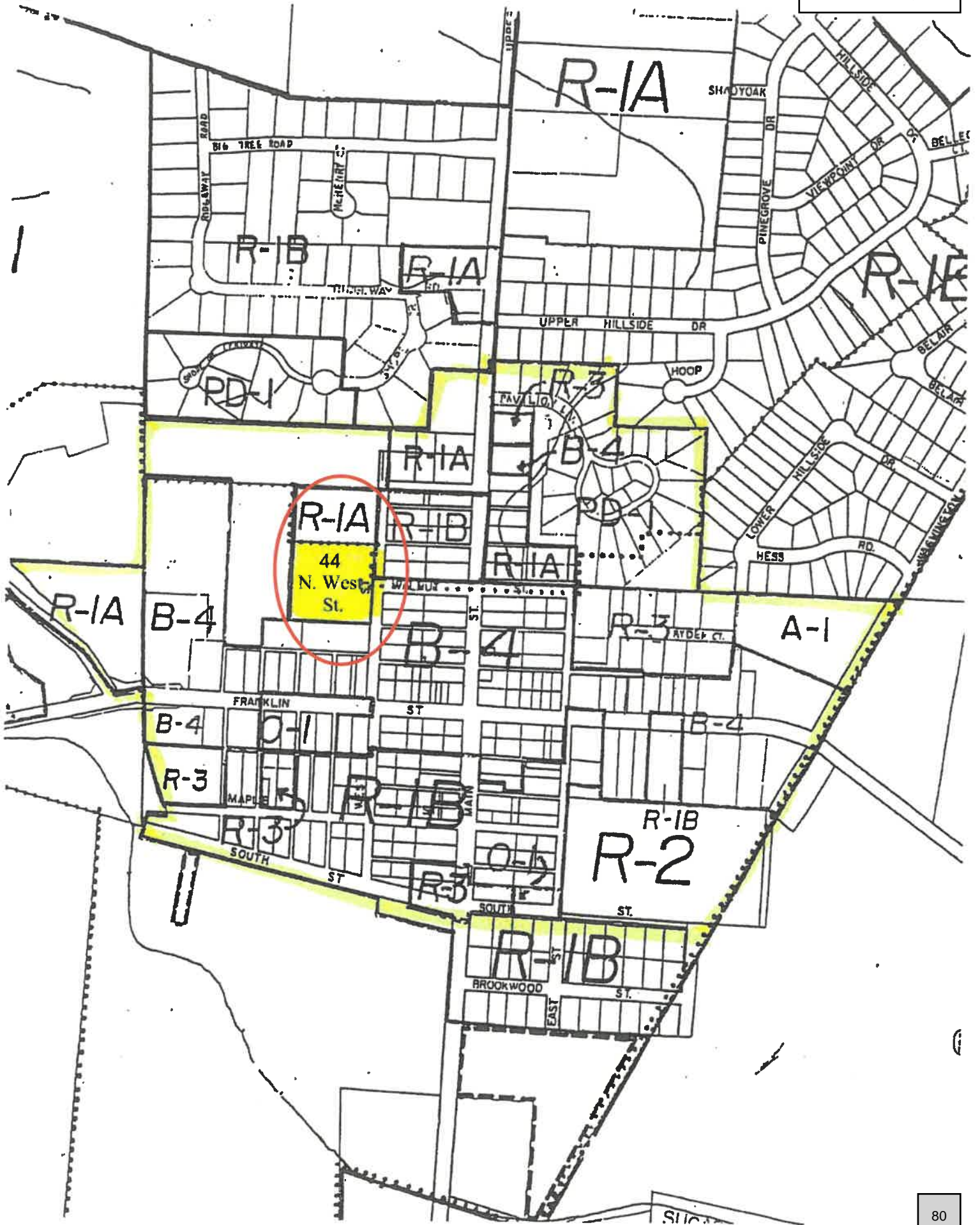
2) I have calculated the expected gross investment return based upon the attached certifications, and it (is / is not) greater than 10 percent per annum.

3) The expected gross investment return is calculated as follows:

GIR = [(annual lease)] / [(property value) + (repair cost)] = _____

City Manager

Date





L35000100020006600 03/16/2012

44 N WEST ST., BELLBROOK OH 45305

Item B. Section 5, Item

- Search
- Search Results
- Map Layers
- Property Information

Additional Property Information

Parcel ID: 135000100020006100
 Owner Name: MC WILLIAMS G MICHAEL
 4 MARY LOU
 Property Address: 44 N WEST ST
 Mailing Address: 44 N WEST ST
 BELLBROOK OH 45305
 Description: 1-2-2 E 1/2
 2.376 AC
 48N WEST ST
 RESIDENTIAL
 511
 Acres: 2.376
 Appraised Bldg: \$126,250.00
 Appraised Land: \$85,130.00
 Appraised Total: \$212,380 Tentative 2014
 Total Taxes: \$4,074.78
 Taxes Owed: \$0.00
 Dating System: 50.00
 Sale Date: 12/29/2003
 Sales Amount: \$225,000.00
 Neighborhood: 00148000
 Zoning: 015 / R15
 Survey Record: /
 Cabinet Vol/Pg: /
 Taxing District: BELLBROOK CITY
 Deed Information: [View](#)



Click Here To View Map



Click Here To View [Additional Property Information](#)

State Plane 1525340.610, 600359.831

**City of Bellbrook
State of Ohio**

Board of Zoning Appeals Decision Record BZA 24-04

WHEREAS, the applicant has requested two variances of the Bellbrook Zoning Code Section 18.05A to allow the construction of an accessory structure at the property located at 44 North West Street that is 1,680 square feet and at a height not to exceed twenty-five feet; and

WHEREAS, the Village Review Board reviewed the variance requests as originally submitted in an open public meeting on November 6, 2024, and by formal motion recommended to the Board of Zoning Appeals that the variances be approved; and

WHEREAS, the City of Bellbrook Board of Zoning Appeals has reviewed the applicant’s revised request and agrees that the variances of the Zoning Code for this use are appropriate.

NOW, THEREFORE, BE IT RESOLVED by the City of Bellbrook Board of Zoning Appeals that:

Section 1. There was a valid motion placed on the floor to approve the variances of Zoning Code Section 18.05A for case BZA 24-04 after reviewing the procedures and requirements for said variances in accordance with Article 20, Sections 20.13 and 20.13.1 of the Bellbrook Zoning Code, which have been met.

Section 2. That it is found and determined that all formal actions of the Board of Zoning Appeals relating to the adoption of this Decision Record Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Revised Code of the State of Ohio.

MOTION STATED BY: _____ and SECONDED BY: _____

Roll call vote showed _____ Yeas; _____ Nays.

Motion to approve is PASSED this 19th day of November 2024.

AUTHENTICATION:

Philip Ogrod, Chairperson

Rob Schommer, Clerk of Council