



**BOARD OF ZONING APPEALS / PROPERTY  
REVIEW COMMISSION MEETING AGENDA  
Tuesday, October 17, 2023 at 6:30 PM**

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

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- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF THE MINUTES**
  - A. Approval of Minutes from the May 16, 2023 BZA/PRC Meeting
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
  - A. BZA 23-01: 129 W Franklin Street. A variance request of Zoning Code Section 18.20 B(2)(a) Number of Signs Permissible in the Old Village District
  - B. PRC 23-02 85 S Main Street in violation of Property Maintenance Code 1450.31 (d)(2) Vegetation and Property Maintenance Code 1450.31 (j) Outdoor Storage
- 6. OPEN DISCUSSION**
- 7. AJOURNMENT**

# RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission  
May 16, 2023

Item A. Section 3, Item

## **CALL THE MEETING TO ORDER:**

Mr. Burke called the meeting of the Bellbrook Board of Zoning Appeals & Property Review Commission to order at 6:30pm

## **ROLL CALL:**

### **PRESENT**

Mr. Boehmer

Mr. Burke

Mr. Ogrod

### **ABSENT:**

Mrs. Schroder

Mrs. Brinegar

## **ALSO PRESENT:**

Jason Foster, Community Development Administrator

## **APPROVAL OF MINUTES:**

Mr. Burke asked if anyone had comments or corrections to the minutes of the February 21, 2023, meeting. Hearing none, the minutes were declared, approved.

## **OLD BUSINESS:**

None

## **NEW BUSINESS:**

**PRC 23-01:** 7410 Wilmington Pike in violation of Property Maintenance Code for sanitation and vegetation

Mr. Foster summarized the property at 7410 Wilmington Pike as vacant or abandoned property.

-mowing of grass

-large tree (fallen in backyard)

-junk items on premises

# RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission  
May 16, 2023

Item A. Section 3, Item

Mr. Foster stated staff would recommend the approval of the removal of all junk and cutting and removal of the fallen tree.

Mr. Burke asked about the history of the case, the warnings, and the notices, have you heard from the owner.

Mr. Foster stated all the letters were returned to the city.

Mr. Boehmer asked if the owners are the ones occupying the property.

Mr. Foster replied, as far as we know.

Mr. Ogrod asked if the fence in the photo is this the one repaired or is there another fence.

Mr. Foster replied it was another property owners' fence and has been repaired.

Mr. Ogrod asked about the white vinyl fence laying.

Mr. Foster will have the contractor remove the fencing. It was not stable and was removed so the yard was able to be mowed.

Mr. Ogrod asked if it is an abandoned property, is the city fee applicable.

Mr. Foster replied, yes, it will be once a bank takes over.

Mr. Ogrod made a Motion for the abatement for 7410 Wilmington Pike,  
Seconded by Mr. Boehmer

Voting Yea: Mr. Boehmer, Mr. Ogrod, Mr. Burke  
Motion Carries

## **OPEN DISCUSSION:**

Mr. Ogrod asked if there was anything else coming down the pike.

Mr. Foster replied, no, not at this time.

Mr. Boehmer mentioned quilted lawns in an article seen in the Dayton Daily News.

Mr. Foster replied, hadn't heard of this yet, however, they could install a quilted lawn and it can grow to eight inches before having to cut.

Mr. Forest Greenwood who resides at 42 S. West St. commended the Property Review Commission Board for their work.

# RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission  
May 16, 2023

Item A. Section 3, Item

## **ADJOURNMENT:**

Hearing no further business coming before the Board, Mr. Burke declared the meeting adjourned.

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Aaron Burke, Chair Person

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Robert Schommer, Clerk of Council



# CITY OF BELLBROOK

Item A. Section 5, Item

## ZONING PERMIT - SIGNS

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305  
(937) 848-4666 [WWW.CITYOFBELLBROOK.ORG](http://WWW.CITYOFBELLBROOK.ORG)

DATE RECEIVED 9 / 14 / 23

STAFF USE

APPLICATION # BZA 23-01

### APPLICANT INFORMATION

PROPERTY ADDRESS 129 W. FRANKLIN ST. ZONING DISTRICT OLD VILLAGE  
PROPERTY OWNER Greg Dart PHONE NUMBER 937-321-3278  
APPLICANT NAME Kelley ANDARY PHONE NUMBER 937-545-8278  
APPLICANT EMAIL kelleya@live.com

### REQUEST INFORMATION

BUSINESS NAME THE BLUE BERRY CAFE  
BUSINESS MAILING ADDRESS 72 Bellbrook Plaza, Bellbrook 45305  
SIGN REQUEST NEW PERMANENT SIGN ☒ SIGN REFACE ☐ TEMPORARY ☐ OTHER ☐  
SIGN TYPE GROUND ☐ PROJECTING ☐ ROOF ☐ WALL ☒ SANDWICH BOARD ☐ BANNER ☐ OTHER ☐  
SIGN DIMENSIONS HEIGHT 32" WIDTH 96" AREA 21.33 SQUARE FEET BUILDING FRONTAGE      LINEAR FEET  
SIGN LOCATION FRONT YARD ☒ SIDE YARD ☐ REAR YARD ☐ SIGN HEIGHT      FEET (FROM GROUND TO TOP OF SIGN)  
SIGN MATERIALS SEE RENDERINGS  
ADDITIONAL COMMENTS     

PLEASE PROVIDE AN ILLUSTRATION WHICH INCLUDES A COLOR RENDERING OF THE SIGN AND THE LOCATION OF THE SIGN ON THE BUILDING AND/OR PROPERTY.

I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL FOR ANY ADMINISTRATIVE REVIEW, CONDITIONAL USE PERMIT, VARIANCE, OR EXCEPTION FROM ANY OTHER CITY REGULATIONS WHICH ARE NOT SPECIFICALLY THE SUBJECT OF THIS APPLICATION. I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL OF A BUILDING OCCUPANCY PERMIT. I UNDERSTAND FURTHER THAT I REMAIN RESPONSIBLE FOR SATISFYING REQUIREMENTS OF ANY PRIVATE RESTRICTIONS OR COVENANTS APPURTENANT TO THE PROPERTY.


I CERTIFY THAT I AM THE APPLICANT AND THAT THE INFORMATION SUBMITTED WITH THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT THE CITY IS NOT RESPONSIBLE FOR INACCURACIES IN INFORMATION PRESENTED, AND THAT INACCURACIES MAY RESULT IN THE REVOCATION OF THIS ZONING CERTIFICATE AS DETERMINED BY THE CITY. I FURTHER CERTIFY THAT I AM THE OWNER OR PURCHASER (OR OPTION HOLDER) OF THE PROPERTY INVOLVED IN THIS APPLICATION, OR THE LESSEE OR AGENT FULLY AUTHORIZED BY THE OWNER TO MAKE THIS SUBMISSION.

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

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

APPLICANT SIGNATURE 

DATE 9 / 12 / 23

OFFICE USE ONLY		
PERMIT FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ <u>200.00</u>	CASH <input type="checkbox"/> CHECK <input checked="" type="checkbox"/> # <u>    </u>	ADMINISTRATIVE <input type="checkbox"/> BZA <input checked="" type="checkbox"/> VRB <input type="checkbox"/>
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	STAFF SIGNATURE <u></u> DATE <u>9 / 14 / 23</u>	
APPROVED-CONDITIONS <input type="checkbox"/>		

ZONING PERMIT - SIGNS

OCTOBER 2017







Aluminum Backer w/ Channel and Dimensional Lettering 32"H x 96"W Overall

- Aluminum Reverse Pan 2" Depth, Non-Illuminated, Painted White w/ Blue Outline
- Copy: Bars 2x "THE" (Flat Cut Out Dimensional Lettering, Painted, To Match Depth of Main Lettering)
- Copy: Blue (logo) Berry (Reverse Fabricated Channel Letters, Digital print for the "blueberry" logo)
- Copy: CAFE (Non-Illuminated Light Capsule to Match Depth of Letters, Applied Vinyl graphics)
- Sign 1 to Wall Mount, Sign 2 Setup for Roof Mount Brackets (by others)

Quantity (2)



To: BZA/PRC  
 From: Jason Foster, Community Development Administrator  
 Date: September 18, 2022  
 Subject: Staff Report for BZA 23-01 129 W Franklin Street

### Summary of the Request

The applicant, Kelley Andary, is requesting approval to allow a variance of Zoning Code section 18.20 B(2)(a) to allow an additional wall/roof sign at 129 W Franklin Street. The additional wall/roof sign is proposed to be located on the west facing wall (facing the parking lot). The proposed sign measures 32 inches in height and 96 inches in width for a total square footage of 21.33 square feet.

#### *18.20.B PERMITTED SIGNS (OLD VILLAGE-DISTRICT)*

#### *(2) NUMBER OF SIGNS PERMISSIBLE*

#### *(a) Single Occupant-Buildings*

*Single occupant buildings are permitted one (1) sign of each sign type (free-standing, wall/roof or projecting) no larger than the permissible size (see Section (4) below) for each frontage on a public street. One (1) additional sign no greater than one (1) square foot in area is permitted for each entrance, when flush mounted near the entrance for purposes of pedestrian information. No other exterior signs are permitted unless they are identified as a permitted exception in Section (7) "Exceptions."*

### Applicant Information

Kelley Andary

### Current Zoning District

B-4, Central Business District

### Parcel Identification

L35000100020012700



<b>Additional Actions or Next Steps to be taken by the City</b>
The Board of Zoning Appeals will make a final decision on the variance request at the October 17, 2023, BZA meeting.
<b>Applicant's Reason for the Request</b>
The applicant wishes to construct an additional wall sign for greater visibility.
<b>Surrounding Land Use within 1,000 Feet</b>
Commercial, single-family residential, multi-family residential
<b>Previous Related Development Decisions in the Immediate Area (3-5 Years)</b>
N/A
<b>Comprehensive Plan Applied to the Geographical Area</b>
The Comprehensive Plan encourages development in the Old Village District.
<b>Existing Public Utilities</b>
Water, Gas, Electric, Sanitary Sewer
<b>Soil Survey Data</b>
N/A
<b>Classification of Streets, Traffic Volumes &amp; Direction, Planned Improvements</b>
N/A
<b>Flood Plain Information</b>
N/A
<b>Comments from City and County Agencies</b>
N/A
<b>Supporting Maps &amp; Graphics</b>
See attached

### Staff Recommendation

Staff recommends approval of the variance request from the Board.

**City of Bellbrook  
State of Ohio**

**Board of Zoning Appeals Decision Record BZA 23-01**

WHEREAS, the applicant/tenant on behalf of the owner of 129 W. Franklin Street has requested a variance of Zoning Code Section 18.20 (B)(2) to allow an additional wall/roof sign on the building; and

WHEREAS, the Village Review Board reviewed this variance in an open public meeting on October 3, 2023 and by formal motion recommends to the Board of Zoning Appeals the variance be approved; and

WHEREAS, The Bellbrook Board of Zoning Appeals has reviewed and agrees a variance to the code for this use is 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 a variance of Zoning Code 18.20 (B)(2) for case # BZA-23-01 after reviewing the procedures and requirements for said variance in accordance with Article 20, Section 20.13 and 20.13.1 of the Bellbrook Zoning Code 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 APPROVED this 17<sup>th</sup> day of October, 2023

AUTHENTICATION:

\_\_\_\_\_  
Aaron Burke, Chair

\_\_\_\_\_  
Rob Schommer, Clerk of Council

Case #: 2023099

Item B.Section 5, Item

Case Date: 07/21/23

Description: Vegetation growing over sidewalk and overgrowth throughout yard

Status: PRC

Assigned To: Jason Foster

### Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
L35000200050000100	85 S MAIN ST	BARNETT 1 ALL LOT 1 85 S MAIN ST	DAVOUST RICHARD & MELANIE		R-1B One-Family Residential

### Activities

Date	Activity Type	Description	Employee	Status
07/21/2023	Warning Notice	07/21/2023: Vegetation overgrowth throughout property and growing over sidewalk. Causing blighting influence of community. JF	Jason Foster	Completed
07/28/2023	2nd Letter	Reinspection of warning notice (overgrowth) 07/28/2023: Nothing done. Sending second letter extending until August 31. JF	Jason Foster	Completed
08/31/2023	24 Hour Notice	Reinspection of 2nd letter (overgrowth) 08/31/2023: Overgrowth remains in rear yard. Sending 24-hour notice. JF	Jason Foster	Completed
10/05/2023	Re-Inspection	Reinspection of 24-hour notice (overgrowth)  Placed on PRC agenda for October meeting	Jason Foster	Completed

### Violations

Date	Violation	Description	Notes	Status
07/21/2023	Vegetation	1450.31 (d)(2) All lawns, hedges, bushes, trees, and other vegetation shall be kept trimmed and shall no be permitted to become overgrown and unsightly where exposed to public view or where such vegetation may constitute a blighting influence on adjoining property.		Active

### Uploaded Files

Date	File Name
07/21/2023	

07/21/2023





Item B.Section 5, Item

Case #: 2023098

Item B.Section 5, Item

Case Date: 07/21/23

Description: junk and other items being on property again

Status: PRC

Assigned To: Jason Foster

### Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
L35000200050000100	85 S MAIN ST	BARNETT 1 ALL LOT 1 85 S MAIN ST	DAVOUST RICHARD & MELANIE		R-1B One-Family Residential

### Activities

Date	Activity Type	Description	Employee	Status
07/21/2023	Warning Notice	07/21/2023: Large amount of junk, trash, discarded items and debris piled throughout property. Sending letter to owner. JF	Jason Foster	Completed
07/28/2023	2nd Letter	Reinspection of warning notice (outdoor storage) 07/28/2023: Nothing done. Sending 2nd letter extending until August 31. JF	Jason Foster	Completed
08/31/2023	24 Hour Notice	Reinspection of 2nd letter (outdoor storage) 08/31/2023: Items remain in rear yard and on front porch. Sending 24 hour notice	Jason Foster	Completed
10/05/2023	BZA/PRC	Reinspection of 24-hour notice (outdoor storage)  Placed on PRC agenda for October meeting	Jason Foster	Completed

### Violations

Date	Violation	Description	Notes	Status
07/21/2023	Outside Storage-Residential	1450.31 (j) Outside Storage. In residential zones, all items shall be stored within an enclosed structure, unless the item is traditionally used for outdoor activity or use cannot be readily stored inside a structure (e.g., swing sets, trampolines, basketball hoops). No person shall accumulate, cause to be accumulated, or allow to be accumulated junk upon any property located within the City.		Active

### Uploaded Files

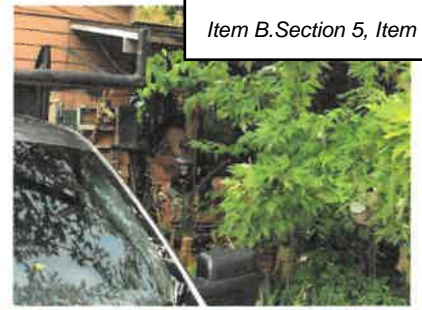
Date	File Name
07/21/2023	





07/21/2023

Item B.Section 5, Item



07/21/2023



07/21/2023





To: BZA/PRC  
 From: Jason Foster, Community Development Administrator  
 Date: October 10, 2023  
 Subject: Staff Report for PRC 23-02 85 S Main Street

### Summary of the Request

The property at 85 S Main Street was placed in violation of Property Maintenance Code Section 1450.31 (d)(2) Vegetation and 1450.31 (j) Outdoor Storage on July 21, 2023. This is a repeat violation of the same code sections from the prior year. The property owner has made some progress in cleaning up the property, however, items still remain in the driveway and a large number of items remain on the front porch. Besides the obvious blighting influence the property is having on the neighborhood, the items on the front porch cause a hazard for any emergency service required at the property.

### Applicant Information

Richard and Melanie Davoust

### Current Zoning District

R-1B

### Parcel Identification

L35000200050000100

### Additional Actions or Next Steps to be taken by the City

If approved by this Board, the City will request a Court order to remedy the violations and assess the property

### Applicant's Reason for the Request

N/A

<b>Surrounding Land Use within 1,000 Feet</b>
Residential
<b>Previous Related Development Decisions in the Immediate Area (3-5 Years)</b>
N/A
<b>Comprehensive Plan Applied to the Geographical Area</b>
N/A
<b>Existing Public Utilities</b>
N/A
<b>Soil Survey Data</b>
N/A
<b>Classification of Streets, Traffic Volumes &amp; Direction, Planned Improvements</b>
N/A
<b>Flood Plain Information</b>
N/A
<b>Comments from City and County Agencies</b>
N/A
<b>Supporting Maps &amp; Graphics</b>
See Attached
<b>Staff Recommendation</b>
Staff recommends the approval of staff to seek a Court order to enter the property and remedy all violations.

Decision Record No. PRC 23-02

October 17, 2023

## City of Bellbrook State of Ohio

### Property Review Commission Decision Record PRC 23-02

WHEREAS, the City of Bellbrook has brought forward a case involving the property at address 85 S Main Street Parcel ID No: L35000200050000100 currently in violation of the Bellbrook Property Maintenance Code Section 1450.31(d)(2) and 1450.31(j); and

WHEREAS, The Bellbrook Property Review Commission has reviewed and recommends abatement of the issues creating the violations of the referenced Codes.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Bellbrook Property Review Commission that:

Section 1. There was a valid motion placed on the floor to approve abatement of 85 S Main Street for violations of Section 1450.31(d)(2) and 1450.31(j) of the Bellbrook Property Maintenance code as described in Bellbrook Violation No. 2023098 and the Staff Report dated October 17, 2023.

Section 2. That it is recognized City Staff will seek legal guidance and a court order for the abatement process.

Section 3. That it is found and determined that all formal actions of the Property Review Commission 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 APPROVED this 1<sup>th</sup> day of October, 2023

AUTHENTICATION:

\_\_\_\_\_  
Aaron Burke, Chair

\_\_\_\_\_  
Rob Schommer, Clerk of Council



City of Bellbrook  
Fire Department  
35 N. West Street  
Bellbrook, Ohio 45305

T (937) 848-3272  
F (937) 848-5196

[www.cityofbellbrook.org](http://www.cityofbellbrook.org)

October 10, 2023

Jason Foster -Community Development Administrator  
15 E. Franklin Street  
Bellbrook, Ohio 45305

Dear: Mr. Foster,

It has been brought to my attention that at 85 S. Main Street, gaining access to this property poses a real concern in the event of an emergency. Those concerns include but are not limited to, the front walk to the front door not being passable with a cot, also providing a trip hazard to First Responders during the day or especially at night with limited visibility do to all the growth and vegetation and not being able to make out where the front steps are. When the First Responders show up for a medical emergency call, they often carry heavy first in-bags and other equipment that can obstruct their view of their feet, the last thing that they need to worry about is hiking over all the ivy.

As I drove by the residence, I was unable to locate a second access point other than the main garage door, since the front door is not accessible safely. During an emergency, time can make the difference in life-or-death outcomes. I would hate for this to be a reason for delayed emergency care to the residents of this address.

If there is anything that I can do to assist you in making sure our First Responder's are safe and are able to provide rapid emergency care to our residents, please do not hesitate to reach out, 937-848-3272.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Bizzarro', with a long horizontal line extending from the end of the signature.

Anthony Bizzarro -Fire Chief