



**BOARD OF ZONING APPEALS / PROPERTY
REVIEW COMMISSION MEETING AGENDA
Tuesday, August 18, 2026 at 6:30 PM**

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

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF THE MINUTES**
 - A. Approval of the Regular Meeting Minutes from June 23, 2026
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - A. BZA - 26-04 - 63 N. West Street (Earley) - Variance request of Bellbrook Zoning Code section 18.05A to allow the construction of a detached garage (16'H/816SF) in the side yard of the property.
- 6. OPEN DISCUSSION**
- 7. ADJOURNMENT**

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
June 23, 2026

Item A. Section 3, Item

CALL TO ORDER

- Mr. Ogrod called the City of Bellbrook Board of Zoning Appeals and Property Review Commission meeting to order at 6:30pm.

ROLL CALL

- Members Present:
 - Mrs. Brinegar
 - Mr. Ogrod
 - Mr. Schroder
 - Ms. Taylor
- Members Absent:
 - None

APPROVAL OF MINUTES

- The minutes from the January 20, 2026 meeting were presented for approval.
 - Minutes were approved as submitted.

OLD BUSINESS

- **Board Member Resignation**
 - Presentation/Staff Report:
 - Staff noted that board member Randy Bridge had submitted his resignation due to no longer being a resident of the city.
 - Board Discussion:
 - No additional comments were recorded.
 - Motions:
 - No motions were recorded.

NEW BUSINESS

- BZA 26-01: Variance Request of Zoning Code 18.06 1A and B at 2005 Regent Park Drive
 - Presentation/Staff Report:
 - The applicant, Richard Bosard, requested a variance to allow construction of a six-foot privacy fence extending ten feet, four inches from the side-front of the house on a corner lot. Zoning code sections 18.06 1A and 1B limit fences in a front yard to four feet in height and prohibit extension forward of the house. Staff recommended consideration of the request.
 - Board Discussion:
 - The applicant stated the six-foot height was necessary due to a pool and noted the ten-foot, four-inch extension aligned with a walkway and a neighbor's house for aesthetics.
 - The final eight-foot segment would taper from six feet down to four feet to transition to the existing fence.
 - Board members found the request straightforward and agreed the corner lot's unique characteristics justified the proposal.
 - Motions:
 - Motion: To grant the variance as stated for BZA 26-01.
 - Maker: Mr. Ogrod

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Item A. Section 3, Item

- Second: Mrs. Brinegar
 - Vote: Passed 4–0 (Yes: Mrs. Brinegar, Mr. Ogrod, Mrs. Schroder, Ms. Taylor)
- BZA 26-02: Variance to Request a Zoning Code 18.05 A at 3883 Upper Bellbrook Road
 - Presentation/Staff Report:
 - The applicant, Scott Carlson, requested a variance to construct a 320-square-foot shed in the side/front yard. Zoning code section 18.05 A prohibits accessory buildings in a required side or front yard. Staff noted the property is set far back from the road and the proposed shed would have minimal visibility, and recommended consideration.
 - Board Discussion:
 - The applicant described a heavily wooded 5.8-acre lot at the end of a long private lane and used aerial photos to show a proposed shed location near the garage, away from the road, largely unseen.
 - The backyard has steep drop-offs to a creek, making construction there unsuitable.
 - Board members referenced familiarity with the lane from a prior case and agreed the topography, lot size, and wooded nature created a hardship warranting a variance.
 - Motions:
 - Motion: To grant the variance as stated for BZA 26-02.
 - Maker: Mrs. Schroder
 - Second: Ms. Taylor
 - Vote: Passed 4–0 (Yes: Mrs. Brinegar, Mr. Ogrod, Mrs. Schroder, Ms. Taylor)
- BZA 26-03: Variance Request of Zoning Code Section 18.05 A at 2109 South Bellevue
 - Presentation/Staff Report:
 - The applicant, Brady Harding, requested a variance to construct a detached garage of approximately 1,200 square feet with a height of 16 feet in the rear yard. Section 18.05 A limits aggregate detached accessory building area to 600 square feet and sets height limits based on size (maximum 15 feet). The property is zoned R-1A. Staff noted the garage exceeds both square footage and height limits. The applicant also has an existing 200-square-foot shed, bringing the total accessory structure area to 1,400 square feet. Staff clarified that a single variance under section 18.05 A would cover both height and square footage.
 - Staff further explained the board’s variance purview is limited to dimensional and placement criteria and does not include grading or drainage design review. Staff noted ongoing city efforts to evaluate drainage issues in the larger swale/creek corridor from Maxwell downstream and that, absent a stormwater utility and easements, routine maintenance in the corridor is generally the adjacent property owners’ responsibility.
 - Applicant/Owner Summary:
 - The applicant, an architect, described the proposed garage as aesthetically compatible with the main house, with charcoal walls and a black roof, and screened by mature trees and landscaping on the one-acre lot.

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Item A. Section 3, Item

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- The requested size and height were needed to store a 32-foot motorhome and support classic car projects; a 12-foot door and matching roof pitch resulted in a 16-foot height.
- The existing 200-square-foot shed would eventually be removed. A new concrete driveway would be installed to access the garage.
- The applicant indicated substantial evergreen screening (tall arborvitae) and a six-foot privacy fence, with the rear fence line set back from the swale/creek area; no known floodplain impacts, minimal standing water observed, and conventional roof overhangs with gutters/downspouts planned.
- Public Comment Summary:
 - Melissa Jones, 4091 Nedra Drive:
 - Opposed the variance, citing two utility easements on the subject property and concern that screening vegetation within an easement could be removed by utilities, increasing visibility of the garage from her patio and backyard and impacting neighborhood aesthetics and property value.
 - Raised existing drainage and creek erosion issues affecting her property and fence; expressed concern that additional impervious area could worsen runoff and erosion.
 - Noted utility access issues under power lines due to vegetation, with past attempts by tree trimmers to access through her property; questioned easement dimensions and setback from easements.
 - Expressed concerns about potential future noise, light, and nuisance if ownership changes; cited variance standards relating to hardship rather than preference.
 - Referenced uncertainty about parcel lines as shown on GIS versus fences on the ground and mentioned another neighbor's written opposition letter.
- Board Discussion:
 - Members discussed whether the variance met hardship criteria, with mixed views on RV storage constituting hardship.
 - Considered the proposed structure's scale relative to the lot and surrounding context and prior approvals for similar buildings.
 - Acknowledged current drainage conditions as an existing corridor-wide issue affecting multiple properties and debated whether the garage would materially worsen those conditions.
 - Emphasized the distinction between variance criteria (size, setbacks, placement) and stormwater/grading issues outside the board's purview under current code.
 - Suggested potential future code updates to require development plan submissions for larger accessory structures.
 - Discussed maintenance responsibility for the rear swale/creek and concern regarding a fence that appears to cross or impede flow in the swale/creek.
 - Clarified that GIS parcel depictions are approximate and the recorded plat governs boundaries; questions regarding surveys and fence placement were noted.
 - Considered water retention approaches, noting that allowing roof water to disperse onto grassy areas may improve absorption compared to gutters concentrating outflow.

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Item A. Section 3, Item

- Discussed amending motions to include conditions related to maintaining existing landscape buffers (arborvitae along the fence line).
- Motions:
 - Motion: To approve the variance for BZA 26-03 as requested.
 - Maker: Mrs. Schroder
 - Second: Ms. Taylor
 - Discussion on Motion: A member inquired about adding drainage-related conditions; staff advised that such conditions were not applicable to variance criteria. Members acknowledged separate city efforts to assess corridor drainage and potential enforcement regarding impediments in the swale.
 - Action: The motion was withdrawn to allow for a modified motion including landscape buffer conditions.
 - Motion: To approve the variance for BZA 26-03 with stated conditions for landscape buffers, including maintaining the existing arborvitae trees along the fence line as a buffer.
 - Maker: Mrs. Schroder
 - Second: Mr. Ograd
 - Vote: Passed 4–0 (Yes: Mrs. Brinegar, Mr. Ograd, Mrs. Schroder, Ms. Taylor)

OPEN DISCUSSION

- Officials/Board Members:
 - Members discussed the increasing frequency of large accessory structure requests and suggested considering future code updates to address thresholds that may trigger development plan review and drainage considerations.
 - Members expressed appreciation for the discussion involving the property owner and neighbors and noted the usefulness of staff's visual aids showing property lines and easements.
- Staff:
 - Staff reiterated that the city is exploring formation of a stormwater utility and related access mechanisms to address corridor-wide maintenance and improvements, including review of obstructions such as fences within the swale/creek corridor.
- Citizens:
 - Melissa Jones summarized ongoing drainage and erosion issues affecting her rear yard and fence and concerns about potential incremental runoff from new impervious surfaces.

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Item A. Section 3, Item

ADJOURNMENT

- The meeting adjourned at 7:10pm

Philip Ogrod, Chair Person

Rob Schommer, Clerk of Council



To: BZA/PRC
 From: Cathi Spaugy, Community Development Administrator
 Date: August 17, 2026
 Subject: Staff Report for BZA Case #26-04: 63 N. West Street

Summary of the Request

The applicant and property owner Brad Earley is requesting approval for a variance of Zoning Code section 18.05A to allow the construction of a detached garage (16' high/ 816 sq. ft.) in the side yard of the property. The desired construction of the detached garage is the reason for the variance request as 18.05 – Accessory Buildings states the following:

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

18.05A – Accessory Buildings

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

Brad Earley, Applicant and Property Owner

Current Zoning District

R-1B – One Family Residential

Parcel Identification

L35-0001-0002-0-0055-00

Additional Actions or Next Steps to be taken by the City

The Board of Zoning Appeals will decide on the variance request at its meeting on August 18, 2026.

Applicant's Reason for the Request

The applicant wants to construct a 16' high/816 sq. ft. detached garage in the side yard.
The applicant's statement regarding the request is included in the packet.

Surrounding Land Use within 1,000 Feet

The surrounding land use within 1,000 feet includes Residential (R-1A, R-2, R-3, PD-1), A-1 and B-4.

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

N/A

Comprehensive Plan Applied to the Geographical Area

N/A

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

Flood Plain Information

N/A

Comments from City and County Agencies

N/A

Supporting Maps & Graphics

Supporting documents are attached.

Staff Recommendation

Staff recommend that the Board of Zoning Appeals consider the request.

Record Report for Zoning Variance #VAR-26-0004

Record Overview

Record Number: VAR-26-0004

Record Type: Zoning Variance

Record Status: In Progress

Record Submitted At: Monday July 27, 2026

Record Address: 63 N WEST ST, BELLBROOK, OH 45305

Record Owner: Cathi Spaugy

Record Applicant: Brad Earley

Form Submission

Property Address:

63 N WEST ST, BELLBROOK, OH 45305

Parcel Number: L35-0001-0002-0-0055-00

Lot: -

Subdivision: City of Bellbrook

Contractor:

Joe Earley

jkearley76@gmail.com, (937) 219-1436

Property Owner:

Brad Earley

bradcearley@gmail.com, (937) 776-2347

Business:

JK Earley Construction LLC

9394 Kenrick Rd.

Dayton, OH 45458

Existing Use:

Concrete 24'x24' basketball pad

Proposed Use:

covered pavilion/garage/shed

Description:

I would like to build a 24' wide x 34' deep covered pavilion which includes a 10'x24' shed.

I understand that approval of this application does not constitute approval for any administrative review, 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

Record Report for Accessory Building #ACCS-26-0012

Record Overview

Record Number: ACCS-26-0012

Record Type: Accessory Building

Record Status: In Progress

Record Submitted At: Tuesday July 28, 2026

Record Address: 63 N WEST ST, BELLBROOK, OH 45305

Record Owner: Cathi Spaugy

Record Applicant: Brad Earley

Form Submission

Property Address:

63 N WEST ST, BELLBROOK, OH 45305

Parcel Number: L35-0001-0002-0-0055-00

Lot: Half acre

Subdivision: City of bellbrook

Contractor:

Joe Earley

jkearley76@gmail.com, (937) 219-1436

Property Owner:

Brad Earley

bradcearley@gmail.com, (937) 776-2347

Type of Lot: Corner

Construction Type: Garage

Height (Feet): 16

Width (Feet): 34

Length (Feet): 24

Total Square Feet: 816

Distance from Property Lines - Side Yard (Feet): 45

Distance from Property Lines - Rear Yard (Feet): 75

Width of Recorded Side Yard Easements (Feet): 0

Width of Recorded Rear Yard Easements (Feet): 0

Proposed Use of Structure:

I would like to build a covered pavilion/garage/shed. The actual depth will be 34' and the width will be 24'. Included in this at the back will be a 10' x 24' shed.

Other Comments:



Notice of Public Hearing

**The Bellbrook Board of Zoning Appeals
will conduct a public hearing on
Tuesday, August 18, 2026, at 6:30 p.m.
City Council Chambers (second floor)
15 East Franklin Street, Bellbrook, Ohio 45305.**

BZA Case #26-04: 63 N. West Street

The Bellbrook Board of Zoning Appeals will hold a public hearing on a variance request for **63 N. West St.** The variance request of the Bellbrook Zoning Code Section 18.05A (Accessory Buildings) is for a detached pavilion/garage/shed (34' x 24' x 16') to be constructed in the side yard, which exceeds in aggregate six hundred (600) square feet and also exceeds the 15' height requirement.

If you have questions, please contact the City of Bellbrook Community Development Department at (937) 848.4666 or cathi@bellbrook.gov

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