



**BOARD OF ZONING APPEALS / PROPERTY
REVIEW COMMISSION MEETING AGENDA
Tuesday, October 18, 2022 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 minutes from the July 19, 2022 and August 16, 2022 BZA/PRC Meeting
- 4. OLD BUSINESS**
 - A. Update on PRC Case 22-02 204 Belair Circle-Abatement
 - B. Update on PRC Case 22-03 85 S. Main Street
- 5. NEW BUSINESS**
 - A. PRC 22-04 2417 Marcia Drive in violation of Property Maintenance Code 145031 (j) Outdoor Storage and Property Maintenance Code 1450.31 (a) Sanitation
- 6. OPEN DISCUSSION**
- 7. AJOURNMENT**

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
August 16, 2022

Item A. Section 3, Item

CALL THE MEETING ORDER:

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

ROLL CALL:

Mr. Kyle Boehmer
Mrs. Meredith Brinegar
Mr. Aaron Burke
Mr. Philip Ogrod
Mrs. Sharon Schroder

ALSO PRESENT:

Jason Foster, Community Development Administrator
Rob Schommer, City Manager

APPROVAL OF MINUTES:

Minutes were not prepared at the time of the meeting due to technical sound issues.

OLD BUSINESS:

None

NEW BUSINESS:

PRC 22- 03: 85 South Main St. Outdoor Storage Violation. First placed in violation on March 28, 2022, for junk and outdoor storage.

Mr. Foster states the property owner did make progress on the cleanup however, extensions were granted. Once the property maintenance code was changed, other items that aren't fit for outdoor storage reaccumulated on the property.

Mr. Foster states the violation was restarted on June 28, 2022. Significant progress was made on the driveway and front porch. Staff recommends the removal of anything that is not approved to be outdoor storage.

Mrs. Brinegar asks about the vegetation being in violation. Mr. Foster states this was only for outdoor storage; however the overgrowth is a separate violation under current work.

Richard Davoust the property owner of 85 South Main St asked what is specifically in violation and what is considered outdoor storage. He stated if he didn't know what specifically was a violation, how would he correct them.

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
August 16, 2022

Item A. Section 3, Item

Mr. Foster read the definition and expand on it (1450.31 J Outdoor Storage)

Richard Davoust asked how long it is considered storage if an item is left outside. Mr. Foster stated his opinion on storage is if it is on the property outside for more than 1 day it is considered stored. Things come and go on a weekly basis, so it is not compliant.

Mr. Schommer stated the issue is about the items not in an enclosed structure and the property is being used for outdoor storage. The specific items and timeframe for when it is determined to be stored is not in the code.

Mrs. Brinegar asked about the nature of why these items show up and are stored outside. Mr. Davoust stated they started picking up items in Bellbrook that are thrown out and in good shape. Items are then transported to different locations for other people in need, for example Goodwill and scrap metal to scrap yards to keep items out of the landfill.

Mr. Foster states Mr. Davoust has off site storage and the items could be taken to the storage units until distributed, this would solve the violation.

Mr. Schommer states Mr. Davoust is operating almost like a commercial recycling operation and business within your residential and home property, using his property as a storage and transfer station of scrap and discarded items. Mr. Davoust stated he realizes he needs to stop bringing the items to his home.

Mrs. Carmela Carol the property owner of 17 East South took the podium and spoke about her concerns of the sanitation and safety of the property noting the issue has been on going for over 25 years.

Mr. Burke stated the scope on this case is difficult as there is a lot at play for outdoor storage or junk..

Mrs. Brinegar feels this property has been in a chronic state of junkiness for many years and is in full support of abatement.

Mr. Ogrod spoke on his concerns about the number of items coming and going on the property.

Mrs. Schroder spoke on the resolution for proper outdoor storage by installation of a barn or shed on property for items.

Mr. Schommer noted the recommendation for abatement approval is based on the health and safety concerns on the property, and currently Mr. Davoust is making progress, and this process will make sure it is continued.

Mr. Foster noted the concerns brought up in addition to the listed violations for abatement and asked Mr. Davoust permission to view the backyard. Mr. Davoust agreed on record to have his backyard inspected and work with the City to continue removing the violations.

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Bellbrook Board of Zoning Appeals & Property Review Commission
August 16, 2022

Item A. Section 3, Item

Mr. Boehmer stated a concern about operating as a recycling business in a residential area and wanted to make sure Mr. Davoust was clear on what was in violation.

Mr. Ogrod asked who would be conducting the abatement of the property, and Mr. foster stated it would be a hired contractor if Mr. Davoust does not continue cleaning the property up.

Mr. Schommer states it would be hard to put a timeline on this, that hopeful the property owner continues to clean up. He suggested using a reasonable timeframe as they are working on clean up currently.

A Motion to approve abatement of 85 South Main St. for violation of the property maintenance code contingent on successful progress and a reasonable timeframe for the property owner to resolve the violations.

Motion made by Mrs. Brinegar, Seconded by Mr. Ogrod

Voting Yea: Mr. Boehmer, Mrs. Brinegar, Mr. Burke, Mr. Ogrod, Mrs. Schroder

Motion Carries

Mrs. Brinegar states this will be high on the list to be followed up on.

OPEN DISCUSSION:

Mrs. Brinegar understands that the homeowner doesn't want items to go to the landfills. She noted details on the website to help get rid of items unwanted or in violation on the property.

AJOURNMENT:

With no further business coming before the Board, Mr. Burke declared the meeting adjourned at 7:40 pm.

Aaron Burke, Chair Person

Rob Schommer, Clerk of Council

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
July 19, 2022

Item A. Section 3, Item

CALL THE MEETING ORDER:

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

ROLL CALL:

Mr. Burke
Mr. Ogrod
Mr. Boehmer

Absent:
Mrs. Schroder
Mrs. Brinegar

ALSO PRESENT:

Jason Foster, Community Development Administrator
Rob Schommer, City Manager

APPROVAL OF MINUTES:

Mr. Burke asks if anyone had comments or corrections to the minutes of the June 1, 2022, meeting. Hearing none, the minutes were declared to be approved.

OLD BUSINESS:

None

NEW BUSINESS:

BZA 2205: 4047 Clarkston Dr. Variance request to allow a pool partially in the side yard

Mr. Foster presented the staff report.

Mr. Burke asked if the location meet the easement requirements, and Mr. Foster demonstrated it did.

Mr. Boehmer asked is the fence staying, and it was noted the fence will be moved up to the pool or an inner fence will be added around it.

Mr. Ogrod asked if there are plans to have anything around the pool. The property owner stated they were not sure yet until the pool was finished.

Mr. Burke asks if anyone in the audience would like to speak about this property; there were none. He

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
July 19, 2022

Item A. Section 3, Item

the asked if the Board had any questions; there were none.

Mr. Foster noted the neighbors were contacted and state their approval for the pool.

Motion to approve variance of zoning code 18.05A for BZA 2205, property 4047 Clarkston Dr.

Motion made by Mr. Boehmer Seconded by Mr. Ogrod

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

Motion Carries

OPEN DISCUSSION:

ADJOURNMENT:

With no further business coming before the Board, Mr. Burke declared the meeting adjourned at 6:50 pm.

Aaron Burke, Chair Person

Rob Schommer, Clerk of Council



To: BZA/PRC
 From: Jason Foster, Community Development Administrator
 Date: September 27, 2022
 Subject: Staff Report for PRC 22-04 2417 Marcia Drive

Summary of the Request

The property at 2417 Marcia Drive was placed in violation of Property Maintenance Code 1450.31 (j), Outdoor Storage and 1450.31 (a), Sanitation on August 22, 2022. The property was vacated prior to the violation process beginning. Upon inspection, it was discovered that “junk” items were left in the rear yard, a boat was left in the rear yard, and the rear fence is damaged to the point of being dangerous to adjacent properties. No response was given to any notice sent.

Applicant Information

Gary Kohl, Owner

Current Zoning District

R-1B

Parcel Identification

L35000200080006100

Additional Actions or Next Steps to be taken by the City

If approved by this Board, the City will remedy the violations and assess the property

Applicant’s Reason for the Request

N/A

Surrounding Land Use within 1,000 Feet

Residential
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
N/A
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
See Attached
Staff Recommendation
Staff recommends the removal of all items in violation of the Code, moving the boat onto a hard surface, and removing damaged portions of fence.

Case #: 2022117**Case Date:** 08/22/22**Description:** junk on property**Status:** PRC**Assigned To:** Jason Foster**Property**

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
L35000200080006100	2417 MARCIA DR	RAYNETTE 4 ALL LOT 79 2417 MARCIA DR	KOHL GARY ALAN		R-1B One-Family Residential

Activities

Date	Activity Type	Description	Employee	Status
08/22/2022	Warning Notice	08/22/22: Junk and items stored outdoors. Sending letter to owner. JF	Jason Foster	Completed
08/30/2022	Re-Inspection	reinspection of warning notice 08/30/22: Junk remains on property. Sending 2nd letter. JF	Jason Foster	Completed
09/09/2022	24 Hour Notice	Reinspection of 2nd letter 09/08/22: Nothing done. Sending 24 hour notice. JF	Jason Foster	Completed
09/16/2022	Re-Inspection	Reinspection of 24 hour notice 09/16/22: Nothing done. Scheduled for October PRC meeting. JF	Jason Foster	Completed

Violations

Date	Violation	Description	Notes	Status
08/22/2022	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

Notes

Date	Note	Created By:
2022-08-29	Warning notice returned. "forwarding time expired"	Jason Foster

Uploaded Files

Date	File Name
08/22/2022	



08/22/2022



Case #: 2022114

Case Date: 08/17/22

Description: Vacant property. Yard not being maintained. Neighbors had to cut grass weeds. Old truck sitting out front.. Affecting property values. Please contact surviving son James Kohl.hl.

Status: PRC

Assigned Jason Foster

To:

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
L35000200080006100	2417 MARCIA DR	RAYNETTE 4 ALL LOT 79 KOHL GARY 2417 MARCIA DR	ALAN		R-1B One-Family Residential

Activities

Date	Activity Type	Description	Employee	Status
08/22/2022	Warning Notice	08/22/22: Boat parked in rear yard. Sending warning notice. JF	Jason Foster	Completed
08/30/2022	2nd Letter	Reinspection of warning notice 08/30/22: Boat remains in backyard. Sending second letter. JF	Jason Foster	Completed
09/09/2022	24 Hour Notice	Reinspection of 2nd letter 09/08/22: Nothing done. Sending 24 hour notice. JF	Jason Foster	Completed
09/16/2022	Re-Inspection	Reinspection of 24 hour notice 09/16/22: Nothing done. Scheduled for October PRC meeting. JF	Jason Foster	Completed

Violations

Date	Violation	Description	Notes	Status
08/22/2022	18.26 Recreational Vehicles	One RV 25 feet in length or greater but not more than 40 feet in length or a second RV up to 25 feet in length is permitted to be parked on a residential lot provided that it conforms to the following: (a) RVs must be positioned behind the principal building setback line in a side yard or rear yard; (b) Parked or stored RVs shall not be connected to any utilities other than for maintenance purposes; (c) No RV shall be used for living, sleeping or commercial purposes while parked in a residential district, or in any area not approved for such use; (d) RVs are permitted to be parked in a driveway for loading and/or unloading purposes only not to exceed forty-eight (48) hours per occurrence. (e) RVs must be in operable condition and must display a current license and registration, if applicable. There are no restrictions on recreational vehicle storage or parking when the vehicle will be stored or parked inside an enclosed permanent structure on a residential lot; and (f) RVs must be parked on a hard surface, driveway, or compacted gravel		Active

Notes

Date

Note

Created By:

11

Uploaded Files

Date	File Name
08/22/2022	

2417 Marcia Drive



2417 Marcia Drive



2417 Marcia Drive



Resolution No. PRC 22-04

October 18, 2022

**City of Bellbrook
State of Ohio**

Property Review Commission Decision Record PRC 22-04

WHEREAS, the City of Bellbrook has brought forward a case involving the property at address 2417 Marcia Drive Parcel ID No: L35000200080006100 currently in violation of the Bellbrook Property Maintenance Code Section 1450.31(a) 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 2417 Marcia Drive for violations of Section 1450.31(a) and 1450.31(j) of the Bellbrook Property Maintenance code as described in Bellbrook Violation No. 2022011 and the Staff Report dated October 18, 2022.

Section 2. 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 ____this 18th day of October, 2022

AUTHENTICATION:

Aaron Burke, Chair

Rob Schommer, Clerk of Council