



**BOARD OF ZONING APPEALS / PROPERTY
REVIEW COMMISSION MEETING AGENDA
Tuesday, July 19, 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 the minutes from the June 21, 2022 BZA/PRC meeting
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - A. BZA 22-05: 4047 Clarkston Drive. A variance request of Zoning Code Section 18.05A to allow the construction of a swimming pool partially in the side yard.
- 6. OPEN DISCUSSION**
- 7. AJOURNMENT**

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
June 21, 2022

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

ABSENT

Mrs. Sharon Schroder

ALSO PRESENT:

Jason Foster, Community Development Administrator

APPROVAL OF MINUTES:

Mr. Burke asked if anyone had comments or corrections to the minutes of the May 17, 2022, meeting. Hearing none, the minutes were declared to be approved.

OLD BUSINESS:

None

NEW BUSINESS:

Zoning Appeals Case BZA22-04 is open. Variance for the placement for an accessory building 4116 North Linda Dr.

Mr. Burke opened the public hearing for the zoning case. Mr. Burke administered an oath for testimony to testifying witnesses.

Mr. Foster introduced the case noting the applicant, the Watkins family is requesting a variance of Section 1805 (A) accessory buildings, to allow the construction of a 16 X 12 X 8-foot accessory building in the side yard.

He noted the gas pipeline was recently replaced in the applicant's yard within a utility easement which the energy company will not allow any structure to be placed within. This requires the applicant to place a shed in their side yard requiring a variance. He noted the City has received five letters of support

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Item A. Section 3, Item

from the neighboring properties.

Mr. Foster added Staff recommends the approval of the variance, to allow the construction of the shed at the proposed location.

Mr. Roger Watkins at 4116 North Linda Dr. spoke about his property, placement of shed and the application for a variance.

Mr. Burke asked about a large hill in the yard, and Mr. Watkins noted it was reduced in size at his request during the pipeline replacement. He noted with the easement restriction, there is no place to build a shed in his back yard.

Mr. Ogrod confirmed the shed would be about ten feet from the fireplace on the home.

Mr. Foster added the applicants have been cooperative throughout this process.

Mr. Boehmer commented how beautiful the applicant's lawn was. He also noted the only potential concern from any neighbors has been resolved by the submitted letters of support.

Mr. Ogrod also noted it was impressive they had the recommendation of the neighborhood.

Mrs. Brinegar noted this is a very good use and definition of a variance of this code.

Mr. Ogrod asked about a map that depicts a shed that appears to be within the easement at an adjacent property. Mr. Foster noted Center Pointe moved the shed for the property owner out of the easement and it is no longer obstructing it.

After asking for any comments for or against the variance and hearing no additional, Mr. Burke closed the public hearing.

Motion to approve the variance request for the placement of an accessory building at 4116 North Linda Drive

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

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

Motion Carries

OPEN DISCUSSION

Mr. Ogrod asked Mr. Foster about the property maintenance code status going to city council. Mr. Foster noted it did and the attorney made some grammatical and definition additions and it was passed on May 23, 2022 and will go into effect on June 23, 2022.

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
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Item A. Section 3, Item

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: July 19, 2022
Subject: Staff Report for BZA 22-05 4047 Clarkston Drive

Summary of the Request

The applicant, Mr. and Mrs. Durkin, are requesting to variance of Zoning Code Section 18.05A to allow the construction of a swimming pool. The applicant's property is located at 4047 Clarkston Drive, a corner lot. By definition, a corner has two frontages. In this case, the property fronts on Clarkston Drive and Possum Run Road (Sugarcreek Township). The applicant is also dealing with power lines and a significant grade change (approximately six feet) in the rear yard making the installation of a pool extremely difficult. The variance request is to allow the placement of the pool to be partially in the frontage along Possum Run Road.

Applicant Information

Owner: David and Michelle Durkin

Current Zoning District

R-1A

Parcel Identification

L35000100120006300

Additional Actions or Next Steps to be taken by the City

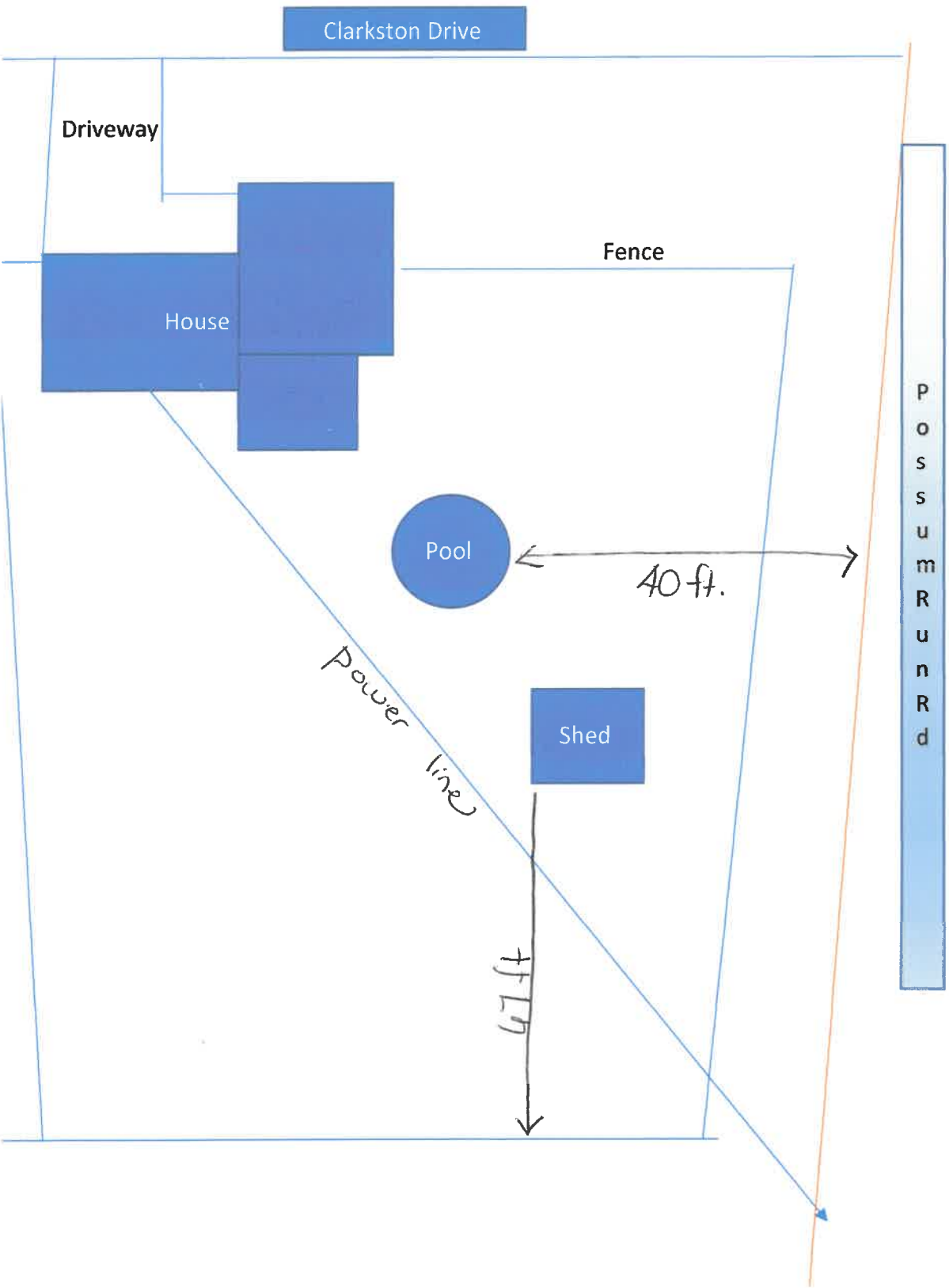
If the variance request is approved, Staff will issue a permit for the construction of a pool.

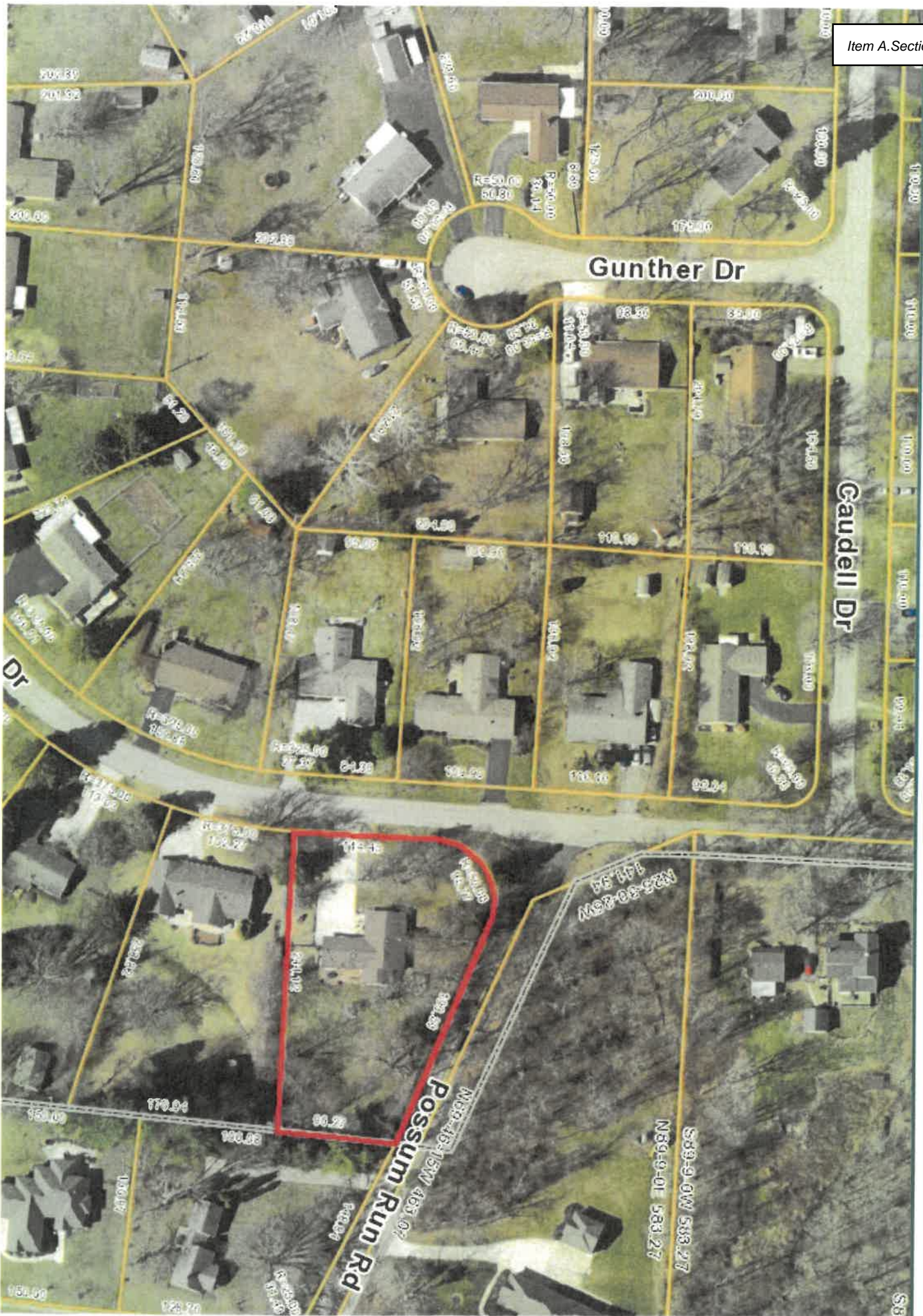
Applicant's Reason for the Request

See letter and supporting documentation

Surrounding Land Use within 1,000 Feet
R-1A, Residential
Previous Related Development Decisions in the Immediate Area (3-5 Years)
N/A
Comprehensive Plan Applied to the Geographical Area
Residential and accessory uses
Existing Public Utilities
The site has existing water, sanitary sewer, electric, and gas.
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
The City's engineering contractor did not have comment on this matter
Supporting Maps & Graphics
See attached
Staff Recommendation
Based on the location of the power lines and terrain difficulty in the rear yard, staff recommends the approval of the variance of Section 18.05A of the Zoning Code to allow the construction of the swimming pool.

David and Michelle Durkin, located at 4047 Clarkston Drive would like to request approval for a zoning variance for installation of a swimming pool. The property is a corner lot which considers parts of the side and rear yard to be classified as frontage. The variance is requested as the location of the property electric line crosses through the center of the rear yard limiting the allowable rear yard space for installation. Additionally, the topography of the yard directly behind the house is a slope that is not conducive to pool construction. The pool to be located behind the house but extends to area considered as frontage.





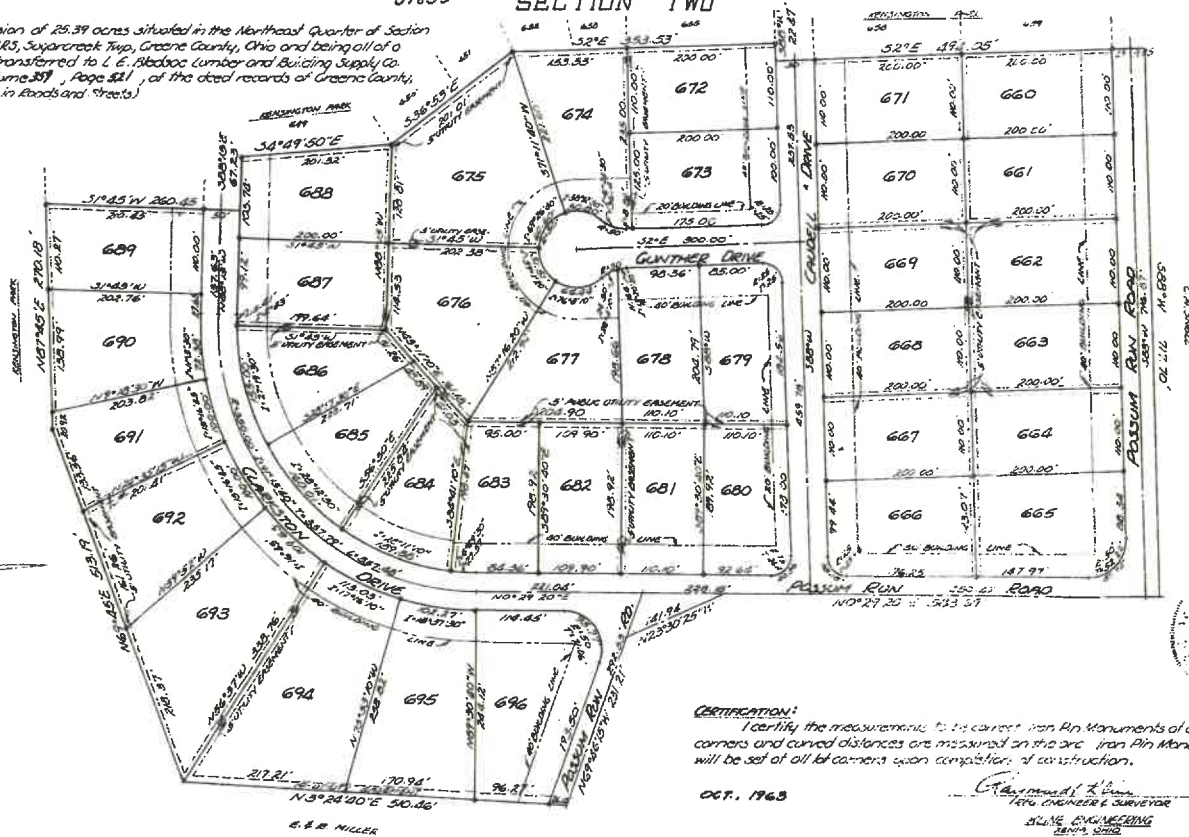
KENSINGTON PARK

37853

SECTION TWO

DESCRIPTION

Being a subdivision of 25.39 acres situated in the Northeast Quarter of Section 8, Town 2, Range 6 MRS. Sugarcreek Twp, Greene County, Ohio and being all of a 25.39 acre tract as transferred to L. E. Blodoo Lumber and Building Supply Co. and recorded in Volume 389, Page 221, of the deed records of Greene County, Ohio. (Note: 3.62 Ac. in Roads and Streets.)



CERTIFICATION:

I certify the measurements to be correct upon the monuments of all lot corners and curved distances are measured on the ground. Iron Pin Monument will be set at all lot corners upon completion of construction.

OCT. 1963

Charles E. Miller
 LEEDS ENGINEER & SURVEYOR
 LEEDS ENGINEERING
 LEEDS, OHIO

Greene County
 Ohio

I, Mary Jane Noble,
address 4049 Clarkston Drive have been advised that my
neighbor David & Michelle Durkin located at 4047 Clarkston Drive are requesting a variance to their property
to permit a pool to be installed on their property. The pool to be located per attached drawing.

I do not have an objection to the installation of pool in the location as described.


Signed,

I, Fence Stacy,
address 4047 Clarkston Dr Bellbrook, Ohio 45305 have been advised that my
neighbor David & Michelle Durkin located at 4047 Clarkston Drive are requesting a variance to their property
to permit a pool to be installed on their property. The pool to be located per attached drawing.

I do not have an objection to the installation of pool in the location as described.

Signed,

Fence Stacy

I, Rick Burdette,
address 4047 Clarkston Drive have been advised that my
neighbor David & Michelle Durkin located at 4047 Clarkston Drive are requesting a variance to their property
to permit a pool to be installed on their property. The pool to be located per attached drawing.

I do not have an objection to the installation of pool in the location as described.

Signed,



I, Derek Thue,
address 4084 Clarkston Drive have been advised that my
neighbor David & Michelle Durkin located at 4047 Clarkston Drive are requesting a variance to their property
to permit a pool to be installed on their property. The pool to be located per attached drawing.

I do not have an objection to the installation of pool in the location as described.

Signed, Naphe
6/24/22

I, Max Long, 4052 Clarkston Dr have been advised that my
address neighbor David & Michelle Durkin located at 4047 Clarkston Drive are requesting a variance to their property
to permit a pool to be installed on their property. The pool to be located per attached drawing.

I do not have an objection to the installation of pool in the location as described.

Signed,

I, Deborah Brown,
address 4050 Clarkston Bellbrook OH have been advised that my
neighbor David & Michelle Durkin located at 4047 Clarkston Drive are requesting a variance to their property
to permit a pool to be installed on their property. The pool to be located per attached drawing.

I do not have an objection to the installation of pool in the location as described.

Signed,



Resolution No. BZA 22-05

July 19, 2022

**City of Bellbrook
State of Ohio**

Board of Zoning Appeals Decision Record BZA 22-05

WHEREAS, the owner of 4047 Clarkston Drive has requested a variance of Zoning Code 18.05 (A) to allow the construction of a swimming pool within a corner lot; and

WHEREAS, The Bellbrook Board of Zoning Appeals has reviewed and agrees a variance to the code for this use is appropriate due to the exceptionally irregular, narrow, shallow or deep lot, or other exceptional physical conditions whereby such strict application of the Code would result in practical difficulty or unnecessary hardship that would deprive the owner of reasonable use of the land.

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 18.05A for case # BZA-22-05 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 ADOPTED this ____ day of ____, 2022

AUTHENTICATION:

Aaron Burke, Chair

Rob Schommer, Clerk of Council