



**BOARD OF ZONING APPEALS / PROPERTY
REVIEW COMMISSION MEETING AGENDA
Tuesday, May 17, 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 March 15, 2022 BZA/PRC Meeting
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - [A.](#) PRC 22-02 204 Belair Circle
- 6. OPEN DISCUSSION**
- 7. AJOURNMENT**

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
March 15, 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:

PRESENT

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

ABSENT

Mrs. Sharon Schroder

ALSO PRESENT:

Jason Foster, Community Development Administrator
Rob Schommer, City Manager

APPROVAL OF MINUTES:

Mr. Burke asked if any member had comments or corrections to the minutes of the February 15, 2022 meeting. Hearing none, the minutes were declared approved.

OLD BUSINESS:

None

NEW BUSINESS:

- A. BZA 22-02 3627 River Birch - variance of Zoning Code Section 18.05A for the placement of a swimming pool Public Hearing.

Mr. Burke started by swearing in witnesses who will testify and opened the Public Hearing.

Mr. Foster provided information from the staff report noting the applicant was seeking a variance to allow placement of a swimming pool partially in his side yard due to terrain and grade issues in his rear yard. The applicant purchased the adjoining lot in order to install the pool. Staff recommended approval of the variance.

Mr. Ogrod asked if there was a size limit to a pool in the code. Mr. Foster stated there was not.

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
March 15, 2022

Item A. Section 3, Item

The applicant described the project as noted in the staff report. He noted there was already a fence surrounding the lot as required by the code.

Mr. Burke asked if any other residences have pools in the side yards. The applicant stated it was unique to his lot which is why he purchased the adjacent lot.

Mr. Foster noted there was a letter submitted by the neighbor encouraging approval of the variance.

Hearing no other comments, Mr. Burke closed the Public Hearing.

Mrs. Brinegar stated she drove by the lot and feels the variance makes sense, Mr. Ogrod agreed.

Motion to approve a variance of Zoning Code 18.05A for case # BZA-22-02 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.

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

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

Motion Passed.

B. BZA 22-03 46 E. Franklin St - Variance of Zoning Code Section 18.05A for the construction of an accessory building.

Mr. Burke opened the Public Hearing.

Mr. Foster provided a description of the requested variance as noted in the staff report. The applicant is requesting a variance to construct a 2,400 square foot accessory building on the open portion of the empty lot at 46. E. Franklin.

Mr. Burke asked if the building was for a business. Mr. Foster stated it was for storage and a workshop, as the code does not allow a business to be in an accessory building.

The applicant, Mr. Dwight Bartlett explained the project based on the staff report and original application. He noted he has purchased and renovated several buildings downtown and is invested in making the oldest buildings presentable and preserving downtown.

Mr. Burke noted the variance was approved to be recommended by the Village Review Board. Mr. Bartlett added in that meeting he agreed to include additional stone facia on the building that faces the roadway.

Mrs. Brinegar asked how the size of the new building compares to the current building housing the workshop. Mr. Bartlett stated it had some more floor space, but the footprint of the building was close to the same.

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
March 15, 2022

Item A. Section 3, Item

Motion to approve a variance of Zoning Code 18.05A for case # BZA-22-03 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.

Motion Made by Mrs. Brinegar Seconded by Mr. Ogrod.

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

Motion Passed.

C. PRC Case #22-01 33-35 S. Main St.

Mr. Foster described property maintenance violations for the case based on the staff report. He stated the violations have been issued and have been through the timelines required to be corrected. The homeowner has not responded. Mr. Schommer added there are utility violations at the property as well and the resident was informed in person about the violations. Mr. Foster stated there were multiple opportunities given to the owner to clean the violations.

Mr. Burke asked if the City has spoken to the owner. Mr. Schommer stated at the time of violation, the occupant was notified in person and the owner was at the time incarcerated. Since then, he has spoken to the owner. He added that even though abatement was being sought, there will be additional attempts to work out compliance.

Mrs. Brinegar asked if there had been complaints on the property. Mr. Schommer stated there have been ongoing issues. She asked additionally about the assessment of fines. Mr. Schommer indicated this would be an abatement, and the cost of such will be billed to the property owner, or on the tax duplicate assessment.

Mr. Ogrod asked what the timeline would be for this abatement. Mr. Foster stated 30 days is reasonable, considering the ability to work with the owner.

Mr. Ogrod asked if there had been certified mail sent to the owner for the violations. Mr. Foster stated there was, and there were subsequent in person meetings and conversations.

Mr. Boehmer asked if there were any estimates for the cost to clean the property. Mr. Foster stated no formal estimates, as we would first check on available resources from within the City. He added that due to the time already involved with the owner to remedy, he suggested limiting it to 30 days, then abatement.

Motion to approve abatement of 33 and 35 S. Main Street for violations of Section 1450.31(a) of the Bellbrook Property Maintenance code including junk, trash and debris removal, and Article 18 Section 18.05A of the Bellbrook Zoning Code including removal of a non-permitted and non-compliant accessory building as described in the Staff Report dated March 15, 2022.

Motion Made by Mr. Ogrod Seconded by Mr. Boehmer.

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

Motion Passed.

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
March 15, 2022

Item A. Section 3, Item

OPEN DISCUSSION:

Mrs. Brinegar noted she liked the new system for the agenda packets.

Mr. Ogrod asked the status of the property maintenance code. Mr. Foster stated it has been sent to the Law Director for review, and when it is returned it will go to Council for approval.

ADJOURNMENT:

With no further business coming before the Board, Mr. Burke declared the meeting adjourned at 7:32 pm.

Aaron Burke, Chair Person

Rob Schommer, Clerk of Council

Case #: 2022008

Item A.Section 5, Item

Case Date: 02/25/22

Description: Vacant Property

Status: PRC

Assigned To: Jason Foster

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
L35000100070001800	204 BELAIR CIR	HAROLD 1 ALL LOT 18 204 BELAIR CIR	WIDBY JOHN E		R-1B One-Family Residential

Activities

Date	Activity Type	Description	Employee	Status
03/01/2022	Warning Notice	Vacant Property Inspection	Jason Foster	Completed
03/08/2022	2nd Letter	Nothing Done on the Property. Sending 2nd Letter. JF	Jason Foster	Completed
03/18/2022	2nd Letter	03/18/22: Nothing done on property. Re-sending 2nd letter to bank. JF	Jason Foster	Completed
03/28/2022	24 Hour Notice	Re-inspection of 2nd letter 03/28/22: Nothing done. Sending 24 HR notice to property and email to management company. JF	Jason Foster	Completed
04/04/2022	BZA/PRC	Reinspection of 24 HR Notice 04/04/22: Nothing Done. Sending property to Property Review Commissions next available meeting. JF	Jason Foster	Completed

Violations

Date	Violation	Description	Notes	Status
03/01/2022	Maintenance Standard	All structures and premises shall be maintained in a clean, safe, secure, and sanitary condition as to not cause a blighting influence or adversely affect the public health or safety.	Vacant property totally overgrown, two destroyed sheds, junk, and trash on property.	Active

Notes

Date	Note	Created By:
2022-04-06	24 Hour Notice returned "not deliverable as addressed, vacant"	Jason Foster
2022-03-28	Notice of Violation returned. "Vacant, unable to forward".	Jason Foster
2022-03-01	Inspected property, totally overgrown, two destroyed sheds in rear yard, trash and junk throughout property. Emailed warning notice to bank. JF	Jason Foster

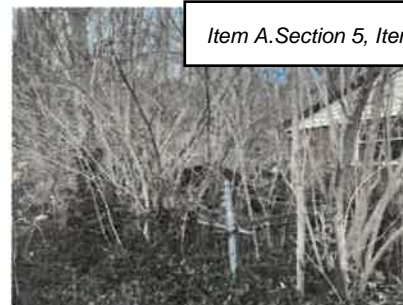
Uploaded Files

Date	File Name
03/01/2022	



03/01/2022

03/01/2022



03/01/2022



03/01/2022



03/01/2022



03/01/2022



02/25/2022



Notice of Violation

City of Bellbrook

15 East Franklin Street

Bellbrook, Ohio 45305

(937) 848-4666

Case Number: 2022008

03/18/2022

WIDBY JOHN E
204 BELAIR CIR
BELLBROOK OH 45305,

Re: 204 BELAIR CIR, BELLBROOK CITY, OH 45305

Parcel: L35000100070001800

Violation Number: 2022008

Dear Property Owner:

An inspection of subject premises conducted on 03/18/2022 revealed violation(s) of the City Code of Bellbrook. The nature of the violation is as follows:

All structures and premises shall be maintained in a clean, safe, secure, and sanitary condition as to not cause a blighting influence or adversely affect the public health or safety.

- Remove all overgrown vegetation
- Remove damaged storage sheds
- Remove all junk and debris from property.

You are hereby ordered to correct these violation(s) no later than the date shown below:

03/28/2022

RIGHT TO REQUEST A REVIEW OR APPEAL

Any person directly affected by a decision of the Code Official, or a notice or order issued under this Code shall have the right to appeal to the Bellbrook Property Review Commission (BPRC), provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.

FAILURE TO CORRECT VIOLATION

If the violations detailed in this letter are not corrected by the date specified above, the owner of the property on which the violation exists may be required to appear in court and/or before the Property Review Commission. The Board may approve correction of the violation with the costs of the correction and an administrative fee to be billed to the owner of the property on which the violation exists.

All decisions and findings of the Property Review Commission shall be the administrative decision and shall be subject to judicial review as may be provided by law.

Sincerely,

Jason Foster
Community Development Administrator
City of Bellbrook
937-848-4666
jfoster@cityofbellbrook.org

Warning Notice

City of Bellbrook

15 East Franklin Street

Bellbrook, Ohio 45305

(937) 848-4666

Case Number: 2022008

03/01/2022

WIDBY JOHN E
204 BELAIR CIR
BELLBROOK OH 45305,

Re: 204 BELAIR CIR, BELLBROOK CITY, OH 45305
Parcel: L35000100070001800

On 03/01/2022 it was observed that an apparent violation(s) of the City Code of Bellbrook exists on your property:

All structures and premises shall be maintained in a clean, safe, secure, and sanitary condition as to not cause a blighting influence or adversely affect the public health or safety.

- Remove all overgrown vegetation
- Remove damaged storage sheds
- Remove all junk and debris from property.

Your voluntary cooperation in correcting this violation by 03/08/2022 will be appreciated. Your timely correction of this issue will make it unnecessary to issue a formal violation letter.

If you are experiencing difficulty making the necessary corrections, an extension may be granted. Please contact the Community Development Department for more information. In addition, you may request an appeal or review of the Code Official's decision.

If you have any questions or desire a hearing before the Property Review Commission, please feel free to contact the Community Development Department at the number provided below.

Thank you in advance for your cooperation.

Sincerely,

Jason Foster
Community Development Administrator
City of Bellbrook
937-848-4666
jfoster@cityofbellbrook.org

24 Hour Notice

City of Bellbrook

15 East Franklin Street

Bellbrook, Ohio 45305

(937) 848-4666

Case Number: 2022008

03/28/2022

WIDBY JOHN E
204 BELAIR CIR
BELLBROOK OH 45305,

Re: 204 BELAIR CIR, BELLBROOK CITY, OH 45305
Parcel: L35000100070001800

An inspection of subject premises conducted on 03/28/2022 revealed violation(s) of the City Code of Bellbrook. The nature of this violation is as follows:

All structures and premises shall be maintained in a clean, safe, secure, and sanitary condition as to not cause a blighting influence or adversely affect the public health or safety.

- Remove all overgrown vegetation
- Remove damaged storage sheds
- Remove all junk and debris from property.

You are further informed that unless this violation is corrected or otherwise made to comply within twenty-four (24) hours, you will be subject to the penalty as provided by the City of Bellbrook Zoning Code.

You are urged to correct the violation(s) to avoid possible appearance in court, a fine, or both. Your timely compliance in rectifying the violation(s) will make it unnecessary to institute legal proceedings against you.

Also, before starting any installations, alterations, repairs and improvements to your property, it is essential that you obtain the proper zoning certificate as required.

If you are not the responsible party, please return this notice to this office with the name and address of the responsible party. If you have questions, please contact this office at 937-848-4666.

Sincerely,

Jason Foster
Community Development Administrator
City of Bellbrook
937-848-4666
jfoster@cityofbellbrook.org

Resolution No. PRC 22-02

May 17, 2022

City of Bellbrook State of Ohio

Property Review Commission Decision Record PRC 22-02

WHEREAS, the City of Bellbrook has brought forward a case involving the property at address 204 Belaire Cir Parcel ID No: L35000100070001800 currently in violation of the Bellbrook Property Maintenance Code Section 1450.31(a); 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 204 Belaire Cir Street for violations of Section 1450.31(a) of the Bellbrook Property Maintenance code including junk, trash and debris removal as described in Bellbrook Violation No. 2022008 and the Staff Report dated May 17, 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 ADOPTED this ____ day of ____, 2022

AUTHENTICATION:

Aaron Burke, Chair

Rob Schommer, Clerk of Council