



**BOARD OF ZONING APPEALS / PROPERTY
REVIEW COMMISSION MEETING AGENDA
Tuesday, August 19, 2025 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 January 21, 2025 Meeting Minutes.
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - A. BZA Case 25-02 -Variance request for Fence.
 - B. 2025-03 - Variance request - Steps
- 6. OPEN DISCUSSION**
- 7. ADJOURNMENT**

RECORD OF PROCEEDINGS

Item A. Section 3, Item

City of Bellbrook Board of Zoning Appeals and Property Review Commission
January 21, 2025

CALL TO ORDER:

Mr. Philip Ogrod called the meeting of the Bellbrook Board of Zoning Appeals & Property Review Commission to order at 6:36 pm.

ROLL CALL:

PRESENT

Mr. Philip Ogrod
Dr. Meredith Brinegar
Mrs. Sharon Schroder
Ms. LaKisha Taylor

ABSENT

ALSO PRESENT

Mr. Rob Schommer, City Manager
Ms. Michaela Grant, Community Development Administrator

APPROVAL OF THE MINUTES:

Mr. Ogrod asked if anyone had additions or corrections to the minutes of the December 17, 2024, meeting. Hearing none, Mr. Ogrod declared the minutes approved.

OLD BUSINESS:

None

NEW BUSINESS:

Nomination and Selection of Chairperson:

Dr. Brinegar nominated Mr. Ogrod, and Mrs. Schoder seconded the nomination. Ms. Taylor nominated Dr. Brinegar; Mr. Ogrod seconded the nomination. With no other nominations, nominations were closed for Chairperson.

Nomination and Selection of Vice Chairperson:

Ms. Taylor nominated herself; Dr. Brinegar seconded the nomination. Mr. Ogrod nominated Dr. Brinegar; Mrs. Schoeder seconded the nomination. With no other nominations, nominations were closed for the Vice Chairperson.

Voting for Chairperson occurred by ballot. With a vote of 3 to 1, Mr. Ogrod was voted Chairperson.

Voting for Vice Chairperson occurred by ballot. The vote ended in a tie; Mr. Schommer stated that with a tie vote, a revote is taken by ballot. With a vote of 4 to 4, Dr. Brinegar was voted Vice Chairperson.

RECORD OF PROCEEDINGS

Item A. Section 3, Item

City of Bellbrook Board of Zoning Appeals and Property Review Commission
January 21, 2025

Mr. Ogrod swore in individuals who would like to speak on any matters of the evening.

Case BZA 25-01: 2451 Lakeview Drive (Stephens): Variance of Bellbrook Zoning Code Section 18.05A to allow the construction of an accessory structure in the property's side yard.

Ms. Grant began the staff report attached to the meeting packet and stated the facts of the case and request.

Mr. Ogrod asked if anyone had questions.

Dr. Brinegar asked if it was normal shingles. Mr. Ogrod asked which way the opening would face, and Ms. Grant replied to the street.

Mr. Ogrod closed the questioning and asked the applicant to approach the podium.

Jacob Stephens, 2451 Lakeview Drive, stated that it was outlined in the application. He said that he has a two-car garage now, and there was just enough space for the cars, and he needed more space for lawnmowers and such by putting up a prefabricated shed.

Dr. Brinegar asked for the color since it will be visible from the side of the property.

Mr. Ogrod asked if any neighbors had given any feedback. Ms. Grant indicated that they had not. Ms. Grant mentioned that the notices of the variance request were sent to neighbors within a 300-foot radius per code and did not receive any feedback.

Stephens stated that there is a thick brush and wooded area separating the properties.

Mr. Ogrod questioned the side yard, and Ms. Grant stated she included a sketch of the placement based on the foundation of the home.

With no other questions from the Board members or audience, Mr. Ogrod closed the public hearing and began the Board discussion.

Dr. Brinegar mentioned that she walks by the property multiple times a week and feels it makes sense and is straightforward on the placement of the structure.

Mr. Ogrod and Mrs. Schoder agreed with Dr. Brinegar.

Mr. Ogrod closed the Board discussion.

Dr. Brinegar made a motion to accept the variance as presented. Mr. Ogrod seconded the motion.

Voting "yea": Mr. Ogrod, Dr. Brinegar, Mrs. Schroder, and Ms. Taylor. The motion carries.

Discussion Topic: Update to the Boards and Commissions Orientation Handbook Regarding Rules

Mr. Ogrod opened discussion within the Board. Mr. Ogrod had a question about when the handbook was developed. Ms. Grant stated that, to her knowledge, between 2017 and 2019. She also noted two types of updates: administrative housekeeping items and rules for the Boards and Commissions. She stated that some things are addressed in the handbook and some things are not.

Ms. Grant clarified items of discussion, such as the definition of terms, looking at limits of terms for boards and updating the website, public comments section and public records section.

The Board discussed items to address and update.

RECORD OF PROCEEDINGS

Item A. Section 3, Item

City of Bellbrook Board of Zoning Appeals and Property Review Commission
January 21, 2025

OPEN DISCUSSION:

None

ADJOURNMENT:

Hearing no further business before the Board, Mr. Ogrod declared the meeting adjourned at 7:21 pm.

Philip Ogrod, Chairperson

Rob Schommer, Clerk of Council



To: BZA/PRC
 From: Cathi Spaugy, Community Development Administrator
 Date: August 13, 2025
 Subject: Staff Report for BZA Case #25-02: 2214 Tampico Trail

Summary of the Request

The applicant and property owner Denise Tanka is requesting approval for a variance of Zoning Code section 18.06 1(A) to allow the construction of a privacy fence with the support posts facing the exterior of the lot. The current privacy fence is set four inches inside the property line (both side yards and backyard). Neighbor to the west (2210 Tampico) has a chain link fence which traverses inside, on and over the property line. None of the contractors will work "through" the neighbor's chain link fence – all stating it is not possible. All are requesting that the supporting fence posts be allowed to be placed facing the neighbors chain link fence to enable proper placement, construction, and warranty of the replacement fence. The desired construction/placement of the new fence is the reason for the variance request as all fences shall be constructed with supporting fence posts placed facing the interior of the lot. The replacement fence is of the same materials and same footprint of the existing fence, and this request only affects the west "run" of the replacement fence. The rest of the project complies with the zoning requirements.

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

18.06 Fences & Walls

*(1) Non corner lots: (a) Side and rear yards: No fence or wall shall exceed six (6) feet in height unless it is ten (10) or more feet from the property line. In residential zones, chain link, wire or wire mesh fences shall not exceed five (5) feet in height unless ten (10) or more feet from the property line. Side yard fences and walls shall not extend forward of the house or front setback line. **All fences shall be constructed with supporting fence posts placed facing the interior of the lot.***

Applicant Information

Denise Tanka, Applicant and Property Owner

Current Zoning District
R-1B, One-Family Residential
Parcel Identification
L35-0002-0012-0-0193-00
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 19, 2025.
Applicant's Reason for the Request
<p>The applicant wishes to construct the replacement privacy fence with the support posts facing the exterior of the lot (west side only).</p> <p>The applicant's statement regarding the request is included in the packet.</p>
Surrounding Land Use within 1,000 Feet
The surrounding land use within 1,000 feet includes Residential (R-1B).
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.

(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

eagle view fr south 2214 /2210



03/09/2025



CITY OF BELLBROOK

ZONING PERMIT – FENCES

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305

(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

DATE RECEIVED ____/____/____

STAFF USE

APPLICATION # _____

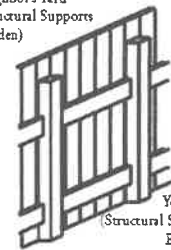
APPLICANT INFORMATION

PROPERTY ADDRESS 2214 Tampico Trail, Bellbrook, OH 45305 ZONING DISTRICT Winter Haven Block MPROPERTY OWNER Denise TankaPHONE NUMBER 937-848-0692APPLICANT NAME Denise TankaPHONE NUMBER 937-848-0692APPLICANT EMAIL dtanka12@gmail.com

REQUEST INFORMATION

TYPE OF LOT CORNER ☐ INTERIOR ☒ OTHER ☐FENCE TYPE CHAIN LINK ☐ ^{Wooden} PRIVACY ☒ SPLIT RAIL ☐ PICKET ☐OTHER ☒ This is a replacement fence. Maximum replacement= west side, west rear, and back rear.
Same materials: wood. Existing footprint. All sides 4-inches inside property line.FENCE LOCATION (CHECK ALL THAT APPLY) FRONT YARD ☐ SIDE YARD ☒ REAR YARD ☒FENCE HEIGHT (FILL IN ALL THAT APPLY) FRONT YARD _____ SIDE YARD 6 ft REAR YARD 6 ftFENCE MATERIAL(S) Pressure-treated wood for posts. Cedar rails and dog-eared pickets.OTHER COMMENTS Contractor TBA, in process of collecting quotes. Variance also submitted regarding orientation of structural supports along west side.

Fence Orientation

Neighbor's Yard
(Structural Supports
Hidden)Your Yard
(Structural Supports
Exposed)

SHOW PROPOSED FENCE LOCATION ON CORRESPONDING LOT TYPE

		<p>Draw proposed fence location here if other Examples do not match your lot's layout</p> <p>Auditor's plot map also submitted with this form.</p> <p> = scope of project</p>
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I HEREBY CERTIFY THAT THE INFORMATION AND STATEMENTS GIVEN ON THIS APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT IF THE INFORMATION IN THIS APPLICATION IS NOT CORRECT OR COMPLETE, ANY PERMIT ISSUED MAY BE INVALID WITH THE RESULT BEING THAT I MAY BE REQUIRED TO TAKE THE ABOVE-DESCRIBED ACCESSORY STRUCTURE DOWN AT MY OWN EXPENSE. ANY APPROVAL GRANTED BY THE CITY SHALL EXPIRE IF THE WORK HAS NOT BEGUN WITHIN ONE (1) YEAR FROM THE DATE OF APPROVAL.

APPLICANT SIGNATURE Denise A. TankaDATE 7 / 11 / 25

OFFICE USE ONLY

PERMIT FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ _____	CASH <input type="checkbox"/> CHECK <input type="checkbox"/> # _____	ADMINISTRATIVE <input type="checkbox"/> BZA <input type="checkbox"/> VRB <input type="checkbox"/>
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	STAFF SIGNATURE _____ DATE ____/____/____	
APPROVED-CONDITIONS <input type="checkbox"/>		

ZONING PERMIT – FENCES

OCTOBER 2017

eagle view fr south 2214 /2210



03/09/2025

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CITY OF BELLBROOK

APPLICATION FOR ZONING VARIANCE

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305

(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

DATE RECEIVED ____/____/____

STAFF USE

APPLICATION # _____

APPLICANT INFORMATION

PROPERTY OWNER Denise Tanka PHONE NUMBER 937-848-0692OWNER ADDRESS 2214 Tampico Trail, Bellbrook, OH 45305APPLICANT NAME Denise Tanka PHONE NUMBER 937-848-0692APPLICANT ADDRESS 2214 Tampico Trail, Bellbrook, OH 45305APPLICANT EMAIL dtanka12@gmail.com

REQUEST INFORMATION

PROPERTY ADDRESS 2214 Tampico Trail, Bellbrook, OH 45305 ZONING DISTRICT City of BellbrookSUBDIVISION Winter Haven Block M LOT NUMBER 294 PARCEL ID L35-0002-0012-0-0193-00

DESCRIBE THE GENERAL NATURE OF THE VARIANCE BLUF: Requesting permission, via zoning variance, to allow replacement wooden privacy fence posts along "west" side to be set facing neighbor's chainlink fence. Please see attached sheet for details.

SEE THE REVERSE OF THIS PAGE FOR ADDITIONAL INFORMATION TO BE INCLUDED WITH AN APPLICATION FOR ZONING VARIANCE.

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 Denise Tanka DATE 7 / 11 / 25

OFFICE USE ONLY

APPLICATION FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ _____	CASH <input type="checkbox"/> CHECK <input type="checkbox"/> # _____	ADMINISTRATIVE, BOARD OF ZONING APPEALS
BOARD OF ZONING APPEALS	MEETING DATE ____/____/____	APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> CONDITIONS <input type="checkbox"/>

Details in support of Zoning Variance Application:

1. I currently have 17 y/o wooden privacy fence, set 4-inches inside the property line (both side yards, and backyard). Permit pulled at time of construction in 2008.
2. Due to age and extreme storm damage, much of this fence is now in dire need of replacement. (Same style: 6ft wooden privacy fence, same footprint).
3. Neighbor to the "west" side (2210 Tampico) has a chain link fence— which traverses inside, on, and over the property line. Since my fence is a uniform 4-inches inside the property line, and the neighbor's chainlink is "all over", the distance between the two fences is not uniform. (In 2008, before I had my fence originally installed, I hired a surveyor to locate all four property pins. He informed me of, and documented, the placement of this neighbor's chainlink fence on the side in question.)
4. I'm now in the process of having multiple fencing contractors visit my property to quote replacement of my broken wooden privacy fence.
5. NONE of the contractors will work "through" this neighbor's chain fence. ALL say it's physically-impossible. ALL are requesting that the supporting fence posts be allowed to be placed *facing* the neighbor's chainlink fence to enable proper placement, construction, and warranty of a replacement fence.
6. I, therefore, am requesting permission (via this APPLICATION FOR ZONING VARIANCE) from the City of Bellbrook to have my fence replacement structural posts set *facing* the neighbor's chainlink fence on the side in question.

Answers to Zoning Variance Application Questions:

Without the ability to provide permitted construction access to the structural posts along that "west" side, I will be unable to select and hire a trustworthy, qualified, seasoned fencing professional who will properly build a structurally-sound replacement backed by a warranty-- as voiced by all of these contractors. As such, my fence will remain in disrepair, and will continue to degrade-- causing me to suffer: lack of security for my property, loss of enjoyment of my yard, and strained neighborly relations. I'd be placed in an uncomfortable position of legally-pressuring an 87-year-old neighbor to remove her fence, which she has voiced that she is quite intent in keeping in place.

I believe the request to be a simple, straightforward solution to a multifaceted problem-- the future-selected contractor can work unimpeded, provide excellent service, and produce an aesthetically-pleasing product; my elderly neighbor will not be filled with stress or worry and can continue to enjoy her yard as is; and, I will be afforded the ability to maintain my property to the standards set by the City and expected by the neighborhood.

Since this is a replacement fence, with the same materials and same footprint, government services (e.g. water, sewer, trash removal) would not be adversely affected by this variance. The spirit behind the zoning requirement, as is, will continue to be observed on the rest of the project (ie. side yard gate facing the street, as well as along the back rear line). The "east" side section (not to be replaced at this time) continues to abide by the zoning requirement as written.

I thank you for your time and consideration.

Most Sincerely, Denise Tanka  # # #

eagle view fr south 2214 /2210



03/09/2025

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Notice of Public Hearing

**The Bellbrook Board of Zoning Appeals
will conduct a public hearing on
Tuesday, August 19, 2025, at 6:30 p.m.
City Council Chambers (second floor)
15 East Franklin Street, Bellbrook, Ohio 45305.**

BZA Case #25-02: 2214 Tampico Trail

The Bellbrook Board of Zoning Appeals will hold a public hearing on a variance request for 2214 Tampico Trail. The variance request of Bellbrook Zoning Code Section 18.06 1(A) is for the construction of a privacy fence with the support posts facing the exterior of the lot.

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

This publication was mailed July 31, 2025

**City of Bellbrook
State of Ohio**

Board of Zoning Appeals Decision Record BZA 25-02

WHEREAS, the applicant has requested a variance of the Bellbrook Zoning Code Section 18.06 1A to allow the construction of a privacy fence with the support post facing the exterior of the lot of the property located at 2214 Tampico Trail; and

WHEREAS, the City of Bellbrook Board of Zoning Appeals has reviewed the applicant's request and agrees that the variance of the Zoning 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 the variance of Zoning Code Section 18.06 1A for case BZA 25-02 after reviewing the procedures and requirements for said variance in accordance with Article 20, Sections 20.13 and 20.13.1 of the Bellbrook Zoning Code, which 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 PASSED this 19th day of August 2025

AUTHENTICATION:

Philip Ogrod, Chairperson

Rob Schommer, Clerk of Council



To: BZA/PRC
 From: Cathi Spaugy, Community Development Administrator
 Date: August 13, 2025
 Subject: Staff Report for 3868 W. Franklin Steet

Summary of the Request

The applicant and property owner Patrick and Sylvia Shediack are requesting approval for a variance of Zoning Code section 18.11 to allow for construction of concrete landscape steps along the existing driveway that will exceed the maximum ten (10') requirement. The steps will start where the east edge of the existing driveway meets the front porch walk, align to the east edge of the existing driveway and end at the curb. The steps will run 25 ½ 'in length. Presently, this area is part of the front lawn. The desired construction of the concrete landscape steps is the reason for the variance request as no structure may project into a required front yard; however, unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten (10) feet.

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

18.11 Projections into Required Yards

2) Front yards: No structure may project into a required front yard; however, unroofed porches and steps may extend from the dwelling into the required front yard to a maximum of ten (10) feet.

Applicant Information

Patrick & Shelia Shediack – Applicant & Property Owner

Current Zoning District

PD-1 – Planned Residential

Parcel Identification

L35-0001-0008-0-0018-00

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 19, 2025.
Applicant's Reason for the Request
The applicant wishes to construct concrete landscape steps extending 25 ½ 'along the existing driveway that will exceed the 10' maximum. 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' includes various Residential (PD-1, R1-A, R1-B)
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.



CITY OF BELLBROOK

ZONING PERMIT – NEW CONSTRUCTION

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305

(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

DATE RECEIVED ____/____/____

STAFF USE

APPLICATION # _____

APPLICANT INFORMATION

PROPERTY ADDRESS 3868 W. FRANKLIN ST

ZONING DISTRICT PD-1 PLANNED RESIDENTIAL

PROPERTY OWNER PATRICK D. AND SYLVIA J. SHEDIACK

PHONE NUMBER 937-709-9055

APPLICANT NAME PATRICK D. AND SYLVIA J. SHEDIACK

PHONE NUMBER 937-709-9055

APPLICANT EMAIL PAT@BLUEJEANSPLACE.COM AND SYLVIA@BLUEJEANSPLACE.COM

REQUEST INFORMATION

TYPE OF LOT CORNER ☐ INTERIOR ☒ OTHER ☐ CONSTRUCTION TYPE ADDITION ☐ PATIO/DECK ☐ RESIDENCE ☐

DIMENSIONS OF LOT WIDTH _____ DEPTH _____ LOT AREA _____ SQUARE FEET

STRUCTURE SF RESIDENTIAL _____ BASEMENT _____ GARAGE _____ ADDITION/PATIO/DECK _____ TOTAL SF _____

YARD SETBACK FRONT YARD _____ REAR YARD _____ SUM OF SIDES _____ BUILDING HEIGHT _____ FEET

DISTANCE FROM PROPERTY LINES FOR ADDITIONS AND PATIOS/DECKS SIDE YARD _____ REAR YARD _____

WIDTH OF RECORDED EASEMENTS ON LOT SIDE YARD _____ REAR YARD _____ PLEASE DENOTE LOCATION ON PLOT PLAN

PROPOSED USE OF STRUCTURE Construct concrete landscape steps (36" W x 18" D) which will (1) start where the east edge of the driveway meets the front porch walk, (2) align to the east edge of the existing driveway and (3) end at the curb. The steps will run 25 ½ feet in length.

OTHER COMMENTS These steps will eliminate the present high-risk situation of walking to the street across a frosted, icy or snowy driveway which was constructed with an 11.56% pitch (Rise of 48" and Run of 34' 6"). The winter weather experience since our purchase of the home in December 2018 has shown walking down and up the steep driveway due to the lack of steps to the street is extremely hazardous and no longer an acceptable risk, especially to Mr. Shediack, a disabled veteran with military service-connected spinal injuries.

SEE THE REVERSE OF THIS PAGE FOR ADDITIONAL INFORMATION TO BE INCLUDED WITH A ZONING PERMIT FOR NEW CONSTRUCTION.

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.

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

APPLICANT SIGNATURE

DATE JULY 20, 2025

OFFICE USE ONLY

PERMIT FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ 100	CASH <input type="checkbox"/> CHECK <input checked="" type="checkbox"/> # 1182	ADMINISTRATIVE <input checked="" type="checkbox"/> BZA <input checked="" type="checkbox"/> VRB <input type="checkbox"/>
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>		
APPROVED-CONDITIONS <input type="checkbox"/>	STAFF SIGNATURE	DATE ____/____/____

Call before you Dig 1-800-362-2764

REGULATION OF NEW CONSTRUCTION INCLUDING ADDITIONS, DECKS, AND PATIOS

A. PERMIT REQUIRED

NO BUILDING OR OTHER STRUCTURE SHALL BE ERECTED, MOVED, ADDED TO, STRUCTURALLY ALTERED, NOR SHALL ANY BUILDING, STRUCTURE OR LAND BE ESTABLISHED OR CHANGED IN USE WITHOUT A PERMIT ISSUED BY THE ZONING INSPECTOR. ZONING PERMITS SHALL BE ISSUED ONLY IN CONFORMITY WITH THE PROVISIONS OF THIS ORDINANCE UNLESS THE ZONING INSPECTOR RECEIVED A WRITTEN ORDER FROM THE BOARD OF ZONING APPEALS OR FROM THE CITY COUNCIL, AS PROVIDED BY THIS ORDINANCE.

B. PLOT PLAN REQUIRED

- a) LOCATION AND DIMENSIONS OF ALL PROPERTY BOUNDARIES AND EASEMENTS.
- b) LOCATION AND DIMENSIONS OF ALL EXISTING AND PROPOSED BUILDINGS, DECKS, STAIRS, AND PATIOS.
- c) DIMENSIONS OF ALL EXISTING AND PROPOSED BUILDING SETBACKS FROM PROPERTY LINES.
- d) LOCATION AND DIMENSION OF ALL EXISTING AND PROPOSED DRIVEWAYS, FIRE LANES, AND PARKING SPACES.
- e) LOCATION, HEIGHT, AND BUILDING MATERIALS OF ALL EXISTING AND PROPOSED FENCING AND WALLS.
- f) LOCATION, HEIGHT (INCLUDING TOP AND BOTTOM ELEVATION MEASUREMENTS), AND BUILDING MATERIALS OF ALL EXISTING AND PROPOSED RETAINING WALLS.
- g) LOCATION OF DRAINAGE WAYS, WETLANDS, AND FLOODPLAINS.

C. SITE DEVELOPMENT PLAN (MUNICIPAL CODE: 1226.05) REQUIRED IF THE PROJECT INCLUDES GRADING

- a) GENERAL LOCATION MAP THAT SHOWS THE AREA PROPOSED FOR DEVELOPMENT AND PERTINENT ADJACENT AREAS AND FEATURES;
- b) A DESCRIPTION OF THE NATURE AND TYPE OF THE EARTH DISTURBING/CONSTRUCTION ACTIVITY (E.G. RESIDENTIAL, COMMERCIAL, HIGHWAY, ETC.) ;
- c) A PHOTOCOPY OF THE APPROPRIATE SOIL SURVEY SHEET FOUND IN THE USDA SOIL SURVEY OF GREENE COUNTY WITH LOCATION OF SITE IDENTIFIED;
- d) A SITE PLAN MAP THAT SHOWS THE LOCATION OF EXISTING FEATURES AND PROPOSED IMPROVEMENTS ON THE SITE INCLUDING:
 - i) FOR SITES WITH RELIEF LESS THAN FIFTY (50) FEET, THE SCALE PROVIDED SHALL BE 1" = 60'; FOR SITES WITH GREATER THAN FIFTY (50) FEET RELIEF, THE SCALE PROVIDED SHALL BE 1" = 40';
 - ii) TOTAL AREA OF THE SITE AND THE AREA OF THE SITE THAT IS EXPECTED TO BE DISTURBED (I.E. GRUBBING, CLEARING, EXCAVATION, FILLING OR GRADING, INCLUDING OFF-SITE BORROW AREAS);
 - iii) SURFACE WATER LOCATIONS, INCLUDING SPRINGS, WETLANDS, STREAMS, LAKES, WATER WELLS, ETC., ON OR WITHIN TWO HUNDRED (200) FEET OF THE SITE, INCLUDING THE BOUNDARIES OF WETLANDS OR STREAM CHANNELS AND FIRST SUBSEQUENT NAMED RECEIVING WATER(S) THE APPLICANT INTENDS TO FILL OR RELOCATE FOR WHICH THE APPLICANT IS SEEKING APPROVAL FROM THE ARMY CORPS OF ENGINEERS AND/OR OHIO EPA;
 - iv) THE GENERAL DIRECTIONS OF SURFACE WATER FLOW OVER THE ONE HUNDRED 100 YEAR FLOODPLAIN, THE LIMITS OF THE ONE HUNDRED 100 YEAR FLOODPLAIN AND THE FLOODWAY; AND
 - v) ALL IMPROVEMENTS, INCLUDING BUILDINGS, RETAINING WALLS, SIDEWALKS, STREETS, PARKING LOTS, DRIVEWAYS, UTILITIES AND STORMWATER BASINS, DRAINAGE IMPOUNDMENTS, CHANNELS AND OUTLETS, ETC.
- e) AN ESTIMATE OF THE IMPERVIOUS AREA AND PERCENT IMPERVIOUSNESS CREATED BY THE EARTH DISTURBING ACTIVITY.

D. EASEMENTS

BE AWARE THAT YOUR PROPERTY MAY INCLUDE RECORDED EASEMENTS, INCLUDING BUT NOT LIMITED TO UTILITY EASEMENTS, AND THE PROPERTY OWNER IS SOLELY RESPONSIBLE FOR LOCATING ALL RECORDED EASEMENTS. THE PROPERTY OWNER ASSUMES ALL RISK WHEN CONSTRUCTING A BUILDING WITHIN A RECORDED EASEMENT. SUCH BUILDING MAY REQUIRE RELOCATION OR REMOVAL AT THE OWNER'S EXPENSE FOR SCHEDULED OR EMERGENCY MAINTENANCE, REPAIR, OR REPLACEMENT WITHIN THE EASEMENT. CONTACT THE COUNTY AUDITOR OR RECORDER'S OFFICE FOR A COMPLETE LISTING OF RECORDED EASEMENTS ON YOUR PROPERTY.



CITY OF BELLBROOK

APPLICATION FOR ZONING VARIANCE

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305

(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

DATE RECEIVED ____/____/____

STAFF USE

APPLICATION # _____

APPLICANT INFORMATION

PROPERTY OWNER PATRICK D. AND SYLVIA J. SHEDIACK

PHONE NUMBER 937-709-9055

OWNER ADDRESS 3868 W. FRANKLIN ST, BELLBROOK

APPLICANT NAME PATRICK D. AND SYLVIA J. SHEDIACK

PHONE NUMBER 937-709-9055

APPLICANT ADDRESS 3868 W. FRANKLIN ST, BELLBROOK

APPLICANT EMAIL PAT@BLUEJEANSPLACE.COM AND SYLVIA@BLUEJEANSPLACE.COM

REQUEST INFORMATION

PROPERTY ADDRESS 3868 W. FRANKLIN ST

ZONING DISTRICT PD-1

SUBDIVISION GREENE MEADOW RANCH LOT NUMBER LOT 14 PARCEL ID GREENMEADOW RANCH SEC TWO LOT 14 0.2850AC SR 725

DESCRIBE THE GENERAL NATURE OF THE VARIANCE

Construct concrete landscape steps (36" W x 18" D) which will (1) start where the east edge of the driveway meets the front porch walk, (2) align to the east edge of the existing driveway and (3) end at the curb. The steps will run 25 ½ feet in length. Presently, this area is part of the front lawn.

These steps will eliminate the present high-risk situation of walking to the street across a frosted, icy or snowy driveway which was constructed by the builder (Drees) in 2004 for the original property owner with an 11.56% pitch (Rise of 48" and Run of 34' 6"). The builder operated under a 1995 city- and -county-approved record of description for Green Meadow Ranch Subdivision, Section 2.

SEE THE REVERSE OF THIS PAGE FOR ADDITIONAL INFORMATION TO BE INCLUDED WITH AN APPLICATION FOR ZONING VARIANCE.

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 JULY 20, 2025

OFFICE USE ONLY

APPLICATION FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ 2.00	CASH <input type="checkbox"/> CHECK <input checked="" type="checkbox"/> # 1183	ADMINISTRATIVE, BOARD OF ZONING APPEALS
BOARD OF ZONING APPEALS	MEETING DATE ____/____/____	APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> CONDITIONS <input type="checkbox"/>

AMENDING THE ZONING CODE

A. PROCEDURES AND REQUIREMENTS FOR VARIANCES (ZONING CODE 20.13)

TO VARY THE STRICT APPLICATION OF ANY OF THE REQUIREMENTS OF THIS ORDINANCE IN THE CASE OF EXCEPTIONALLY IRREGULAR, NARROW, SHALLOW OR DEEP LOTS, OR OTHER EXCEPTIONAL PHYSICAL CONDITIONS, WHEREBY SUCH STRICT APPLICATION WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP - NOT ECONOMIC IN NATURE – THAT WOULD DEPRIVE THE OWNER OF REASONABLE USE OF THE LAND OR BUILDING INVOLVED BUT IN NO OTHER CASE. THE FACT THAT ANOTHER USE WOULD BE MORE PROFITABLE IS NOT A VALID BASIS FOR LEGALLY GRANTING A VARIANCE. NO NONCONFORMING USE OF NEIGHBORING LANDS, STRUCTURES, OR BUILDINGS IN THE SAME DISTRICT, AND NO PERMITTED USE OF LANDS, STRUCTURES OR BUILDINGS IN OTHER DISTRICTS SHALL BE CONSIDERED GROUNDS FOR THE ISSUANCE OF A VARIANCE. THE VARIANCE REQUESTED SHALL NOT ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY, NOR BE IN CONFLICT WITH THE COMPREHENSIVE MASTER PLAN. IN MAKING THIS DETERMINATION, THE BOARD OF ZONING APPEALS SHALL BE ADVISED BY THE RECOMMENDATION OF THE PLANNING BOARD. IN CASES INVOLVING PROPERTIES SITUATED WITHIN THE VILLAGE DISTRICT, AS DEFINED BY ARTICLE 14, SECTION 14.02 OF THE BELLBROOK ZONING CODE, THE VILLAGE REVIEW BOARD SHALL, WHEN POSSIBLE, MAKE A RECOMMENDATION TO THE BOARD OF ZONING APPEALS REGARDING THE DISPOSITION OF THE VARIANCE REQUEST.

B. APPLICATION AND STANDARDS FOR VARIANCES (ZONING CODE 20.13.2)

A VARIANCE FROM THE TERMS OF THIS ORDINANCE SHALL NOT BE GRANTED BY THE BOARD OF ZONING APPEALS UNLESS AND UNTIL A WRITTEN APPLICATION FOR A VARIANCE IS SUBMITTED TO THE ZONING INSPECTOR AND THE BOARD OF ZONING APPEALS CONTAINING:

- a) NAME, ADDRESS AND PHONE NUMBER OF APPLICANTS;
- b) LEGAL DESCRIPTION OF PROPERTY; AND A SITE PLAN BASED ON AN ACCURATE SURVEY SHOWING EXISTING AND/OR FUTURE BUILDING LOCATIONS AND THE LOCATIONS OF BUILDINGS ON ADJACENT PROPERTIES. THIS SITE PLAN SHOULD BE PREPARED BY A REGISTERED SURVEYOR ATTESTING TO THE ACCURACY OF SAME;
- c) DESCRIPTION OF NATURE OF VARIANCE REQUESTED;
- d) VARIANCES FROM THE TERMS OF THE ZONING ORDINANCE SHALL BE GRANTED ONLY WHERE THE PROPERTY OWNER SHOWS THAT THE APPLICATION OF A ZONING REQUIREMENT TO THE PROPERTY IS INEQUITABLE CAUSING THE PROPERTY OWNER PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY. FACTORS TO CONSIDER INCLUDE, BUT ARE NOT LIMITED TO:
 - 1) WHETHER THE PROPERTY IN QUESTION WILL YIELD A REASONABLE RETURN OR WHETHER THERE CAN BE ANY BENEFICIAL USE OF THE PROPERTY WITHOUT THE VARIANCE;
 - 2) WHETHER THE VARIANCE IS SUBSTANTIAL;
 - 3) WHETHER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD WOULD BE SUBSTANTIALLY ALTERED OR WHETHER ADJOINING PROPERTIES WOULD SUFFER A SUBSTANTIAL DETRIMENT AS A RESULT OF THE VARIANCE;
 - 4) WHETHER THE VARIANCE WOULD ADVERSELY AFFECT THE DELIVERY OF GOVERNMENTAL SERVICES SUCH AS WATER, SANITARY SEWER OR GARBAGE REMOVAL;
 - 5) WHETHER THE PROPERTY OWNER PURCHASED THE PROPERTY WITH KNOWLEDGE OF THE ZONING RESTRICTION;
 - 6) WHETHER THE PROPERTY OWNER'S PREDICAMENT FEASIBLY CAN BE OBIATED THROUGH SOME METHOD OTHER THAN A VARIANCE; AND
 - 7) WHETHER THE SPIRIT AND INTENT BEHIND THE ZONING REQUIREMENT WOULD BE OBSERVED AND SUBSTANTIAL JUSTICE DONE BY GRANTING THE VARIANCE. THE BOARD SHALL DETERMINE, AFTER AND WEIGHING THE FACTORS DESCRIBED ABOVE AND ANY OTHER FACTORS THE BOARD DEEMS RELEVANT, WHETHER THE PROPERTY OWNER HAS SHOWN PRACTICAL DIFFICULTIES SO INEQUITABLE AS TO JUSTIFY GRANTING A VARIANCE TO THE PROPERTY OWNER.

C. THE BOARD ASKS THE APPLICANT TO ANSWER ITEMS 1-7 ABOVE IN WRITING TO BE INCLUDED WITH THIS APPLICATION.

Property owners' responses to Items 1 through 7: Please see attached answers.

LIST OF ATTACHMENTS

Attachment 1

Current View - Steep Driveway - Front Walk-Missing Railings - Jun 2025

Attachment 2

Overhead view - 3868 W Franklin St - from county GIS

Attachment 3

Overview - City- and -County-approved Record Plan – 1995

Attachment 4

Lot and Easement Info - 3868 W Franklin St – 1995

Attachment 5

Property Survey - June 2020 - 3868 W Franklin St

Attachment 6

Current View - Driveway - N to S and W to E

Attachment 7

Points of Reference - Edge of Front Walk and Distances

Attachment 8

HOA Project Clearance Approval - 07-08-2025

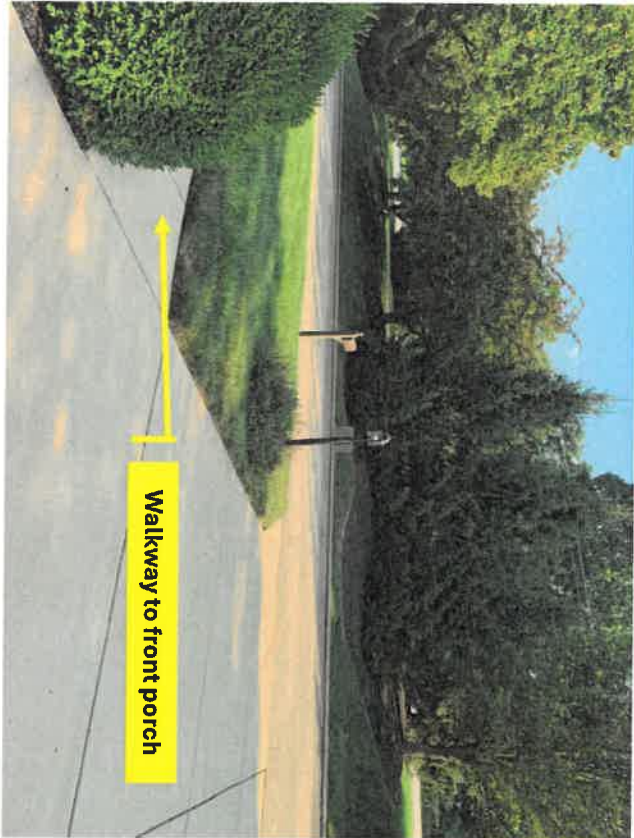
Attachment 9

Post-Project View - New Sidewalk-Steps-Railings - Sep - Oct 2025

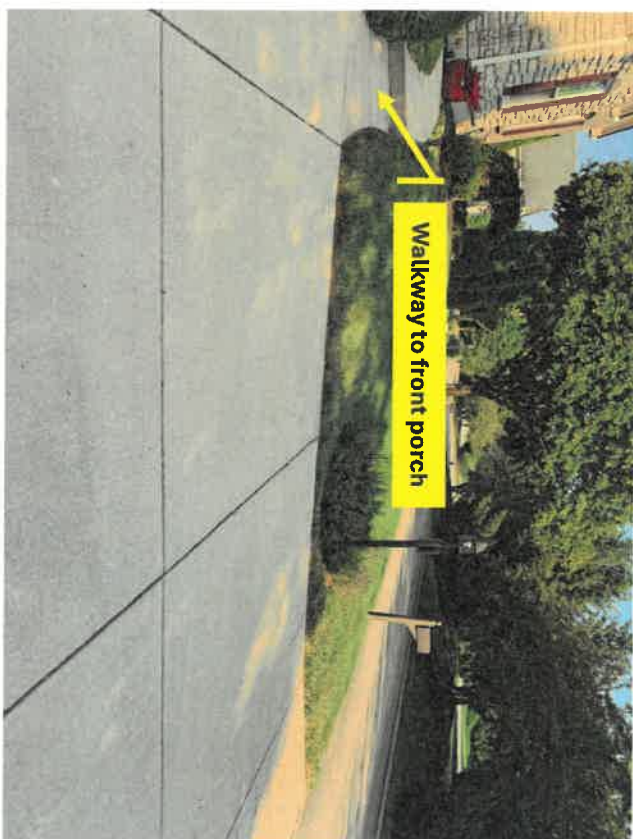
Attachment 10

Property Owners Responses to Zoning Application Questions - 07-16-2025

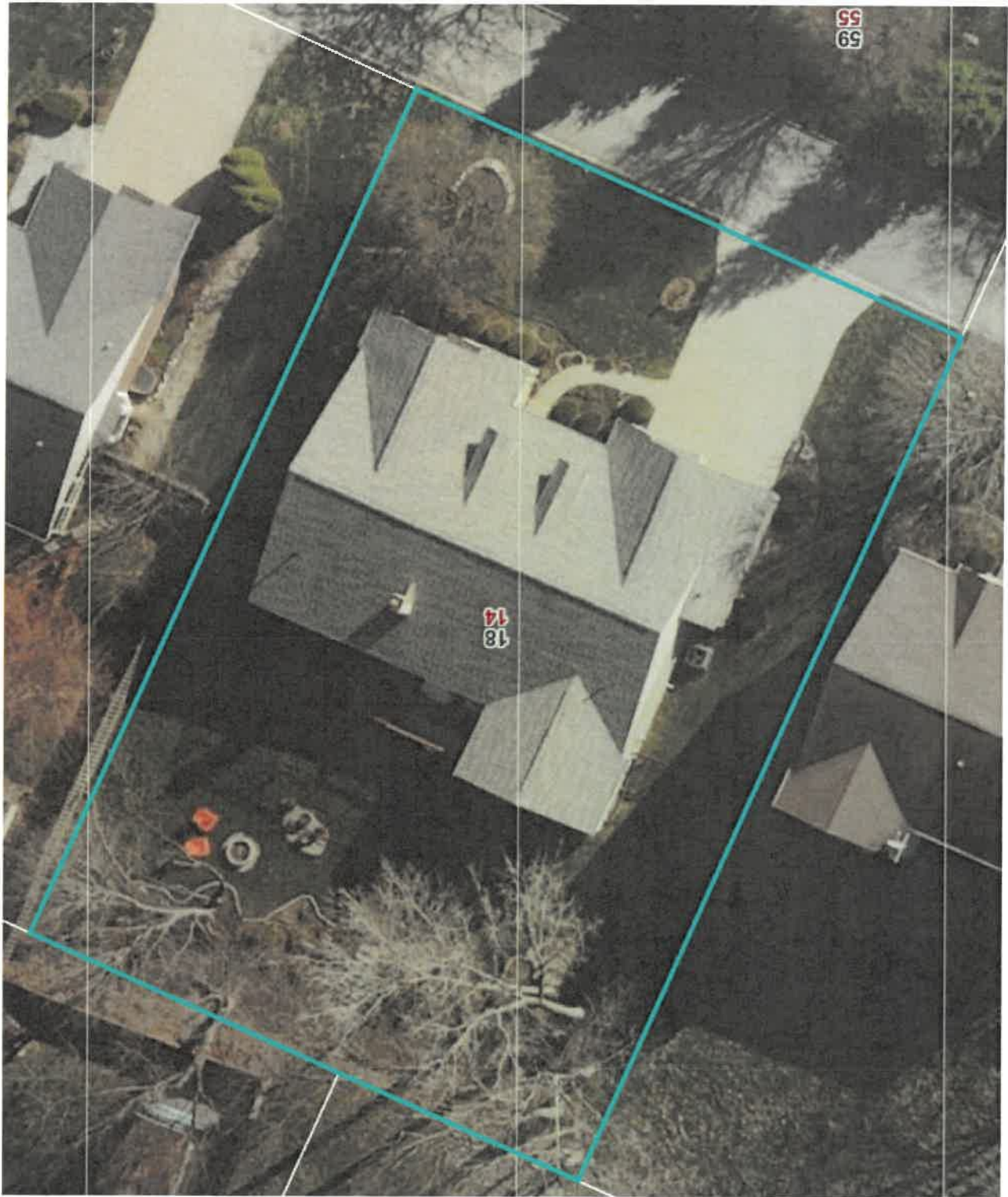
CURRENT VIEWS - JUNE 2025
3868 W. FRANKLIN ST
(North to South & West to East)



VIEW LOOKING SOUTH
FROM GARAGE DOORWAY

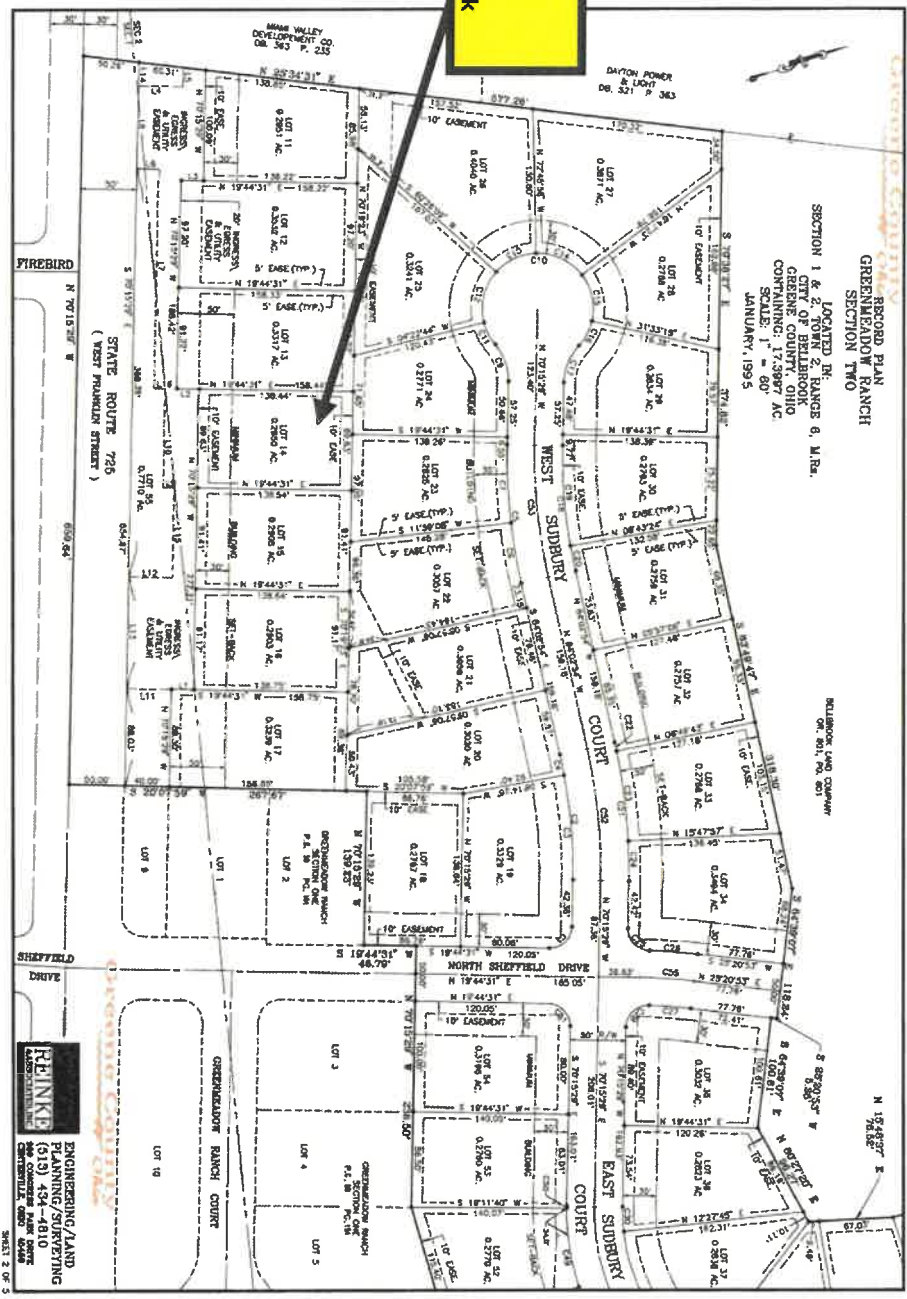


VIEW LOOKING EAST
FROM WEST EDGE OF DRIVEWAY

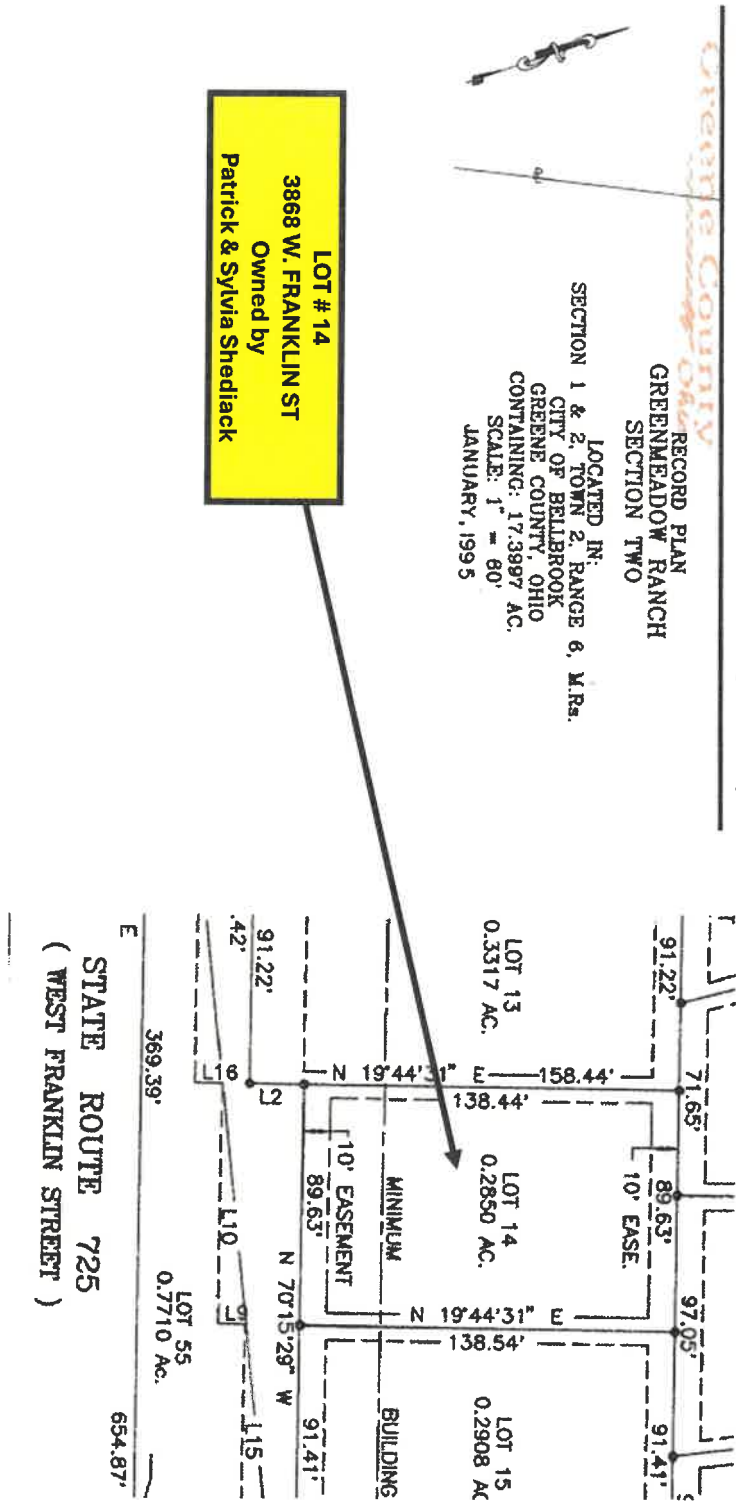


Overview - City- & County-approved Record Plan – 1995

Green Meadow Ranch Subdivision Section 2

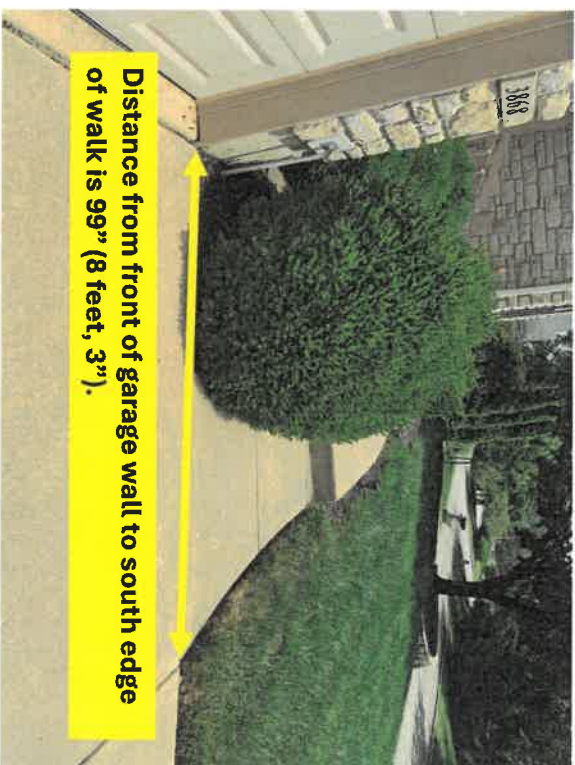
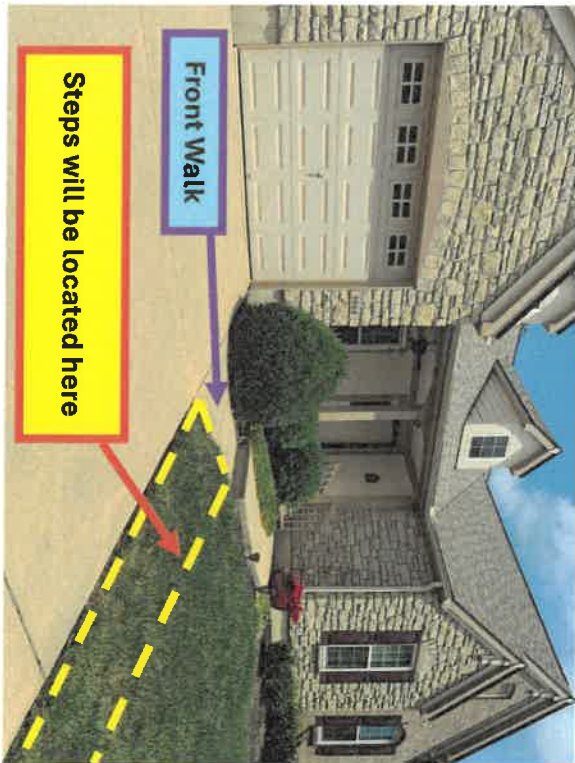


**LOT AND EASEMENT INFORMATION TAKEN FROM
CITY- AND COUNTY-APPROVED RECORD PLAN - 1995
GREEN MEADOW RANCH SUBDIVISION SECTION 2
FOR 3868 W. FRANKLIN ST**



POINTS OF REFERENCE

1. LOCATION OF PROPOSED STEPS IN RELATION TO FRONT WALK
2. LOCATION OF PROPOSED STEPS IN RELATION TO HOME'S STRUCTURE



Pat Shediack

From: Robert Johnson <petepuma01@yahoo.com>
Sent: Tuesday, July 8, 2025 9:33 AM
To: Pat Shediack
Cc: Sylvia Shediack
Subject: Re: HOA Covenants Question About Adding New Steps in Front Yard and Porch Railing

Hi Pat

I don't see any conflicts with the covenants. Good luck with your project!

Rob Johnson

On Jul 7, 2025, at 8:15 PM, Pat Shediack <pat@bluejeansplace.com> wrote:

Hi, Rob,

Sylvia and I wanted to check with you regarding any HOA covenants issues involved with an exterior project at our house.

Over the last two winters, but especially during the last one, we found it very dangerous to walk up or down our steeply pitched driveway during frosted, icy, or snowy conditions, even after it was cleared by a workman. We want to mitigate that risk by having some 36" wide X 18" deep concrete steps poured at the same time when we have the driveway to the front porch walk replaced this September or October.

We will also have a railing installed across the front porch since it has a 22" drop-off. If someone slips off the porch, they're going to break a leg, a hip or both, so we're eliminating that risk, too. (We recently learned the reason the home builder didn't install a porch railing back in 2004 was the building code only required it if there was a 24" drop-off to the ground.)

While we didn't see any issues in the covenants about adding these steps and the porch railing, we wanted to get an "HOA OK" on it just to be safe. We learned this afternoon we must submit

"new construction" building permit and zoning variation applications to the city for the steps plus have a county inspection when the work is finished.

I'm enclosing two views to give you the current and post-project views of our house.

Would you let us know if this looks OK from an HOA point of view?

Thank you.

Pat Shediack
3868 W. Franklin St

<Current View - Sidewalk-Missing Railings - Jun 2025.pdf>

<Post-Project View - New Sidewalk-Steps-Railings - Sep - Oct 2025.pdf>

POST-PROJECT VIEW - 3868 W. FRANKLIN ST



**Property Owners' Answers to Questions
in
City of Bellbrook Zoning Application, Section B, Paragraph d), Items 1 through 7**

The following answers address how the application of the zoning requirement is inequitable and creates difficulties in use of the property.

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance:

Property Owner's Response:

While the property can be used without the variance, the builder (Drees) created a high-risk situation by not including steps to the street. The driveway was constructed by the builder (Drees) in 2004 for the original property owner with an 11.56% pitch (Rise of 48" and Run of 34' 6"). Such a rise is just under the threshold for the typical "maximum pitch" residential driveway range of 12 to 15%.

The builder operated under a 1995 city- and -county-approved record of description for Green Meadow Ranch Subdivision, Section 2. That document does not address any city- or -county-imposed restrictions on steps aligned to the driveway nor does it address pitch of any driveway in the subdivision.

The winter weather experiences since our purchase of the home in December 2018 have shown walking down and up the steep driveway to the street is extremely hazardous during frost, ice, or snow conditions, even after snow clearance or application of precipitation melting materials.

For similar reasons, trudging across frost- or snow-covered grass is not an acceptable alternative solution to avoiding the hazardous winter driveway conditions.

The driveway's winter precipitation situation presents an elevated risk to Mr. Shediack, a disabled veteran with military service-connected spinal injuries.

2. Whether the variance is substantial:

Property Owner's Response:

No; it is simply a set of steps 36" wide by 18" deep aligned to the east side of the driveway.

We are using a design of the steps starting at the southwest edge of the front walk, aligning to the east edge of the driveway, and ending at the street's curb.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance:

Property Owner's Response:

No. We are not changing the architecture or physical size of the home, removing trees or otherwise changing the current residential character of the neighborhood.

4. Whether the variance would adversely affect the delivery of governmental services such as water, sanitary sewer or garbage removal:

Property Owner's Response:

No. The steps will *improve* ingress and egress of the property and home *including emergency services* during hazardous winter weather.

5. Whether the property owner purchased the property with knowledge of the zoning restriction:

Property Owner's Response:

No. There were no notices on the (1) November 2018 real estate sale announcements, (2) December 2018 deed, (3) 1995 covenants, or (4) the 1995 city- and -county-approved record of description for Green Meadow Ranch Subdivision, Section 2 stating there were any restrictions on building steps from south edge of the front walk to the street.

We only learned of the zoning restriction when we inquired with the city's planning department in July 2025 if we needed a construction permit for the steps. It appears to us the variance need is based upon Section 18.1 of the Zoning Code dealing with "Projections into required yards," Paragraph (2) Front Yards which states:

"No structure may project into a required front yard; however, unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten (10) feet."

The steps we want to install will not extend from the house's structure. The proposed steps will be aligned to the south side of front walk where it meets the

east side of the driveway.



6. Whether the property owner's predicament can feasibly be obviated through some method other than a variance:

Property Owner's Response:

Our consultations with the general construction company could not identify any other solution to eliminate the winter walking risk besides the proposed 36" wide x 18" deep D steps.

The idea behind the deeper steps is twofold, namely,

1. Provide a better walking surface in the winter or even rainy weather
2. Avoid a utilitarian stairway appearance.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The Board shall determine, after weighing the factors described above and any other factors the Board deems relevant, whether the property owner has shown practical difficulties so inequitable as to justify granting a variance to the property owner.

Property Owner's Response:

We are the second owners of this property; not the original owners who commissioned its construction. It appears to us that this driveway steep pitch situation originated in the builder's design upon which the home's construction permit was issued in 2004.

This situation may be related to the builder's site design of the frontage street serving this home and the other four on it. The paved portion of frontage street serving these five

homes' driveways is only 16 (sixteen) feet wide, the width of two parking spaces, not the typical 24 to 28 feet width of paved roadway.

We are using a minimal impact project approach by:

1. Combining these new steps with the replacement of the front walk and its two steps to the front porch
2. Designing the new steps to align with the east edge of the driveway instead of locating them across the central part of the front yard
3. Using a general construction company to install these new steps to ensure a resulting professional appearance rather than attempting to use a do-it-yourself steppingstone solution.

Further observations on the builder's 2004 design:

1. The front porch floor has a height of 22" but lacks a builder-installed railing.
2. Our research found if the builder's design used a front porch height of 24" instead of 22" the building code would have required railings to prevent accidental falls and injuries.

We are mitigating the risk of a fall from the porch by having the general construction company install brown composite railings as part of this project.

Notice of Public Hearing

**The Bellbrook Board of Zoning Appeals
will conduct a public hearing on
Tuesday, August 19, 2025, at 6:30 p.m.
City Council Chambers (second floor)
15 East Franklin Street, Bellbrook, Ohio 45305.**

BZA Case #25-03: 3868 W. Franklin St.

The Bellbrook Board of Zoning Appeals will hold a public hearing on a variance request for **3868 W. Franklin St.** The variance request of the Bellbrook Zoning Code Section 18.11(Projections into Required Yards) is for the construction of concrete landscape steps along the existing driveway that will exceed the maximum 10' requirement.

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

This publication was mailed August 7, 2025

**City of Bellbrook
State of Ohio**

Board of Zoning Appeals Decision Record BZA 25-03

WHEREAS, the applicant has requested a variance of the Bellbrook Zoning Code Section 18.11 to allow for the construction of concrete landscape steps along the existing driveway that will exceed the maximum 10' requirement at the property located at 3868 W. Franklin Street.

WHEREAS, the City of Bellbrook Board of Zoning Appeals has reviewed the applicant's request and agrees that the variance of the Zoning 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 the variance of Zoning Code Section 18.11 for case BZA 25-03 after reviewing the procedures and requirements for said variance in accordance with Article 20, Sections 20.13 and 20.13.1 of the Bellbrook Zoning Code, which 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 PASSED this 19th day of August 2025

AUTHENTICATION:

Philip Ogrod, Chairperson

Rob Schommer, Clerk of Council