



**BOARD OF ZONING APPEALS / PROPERTY
REVIEW COMMISSION MEETING AGENDA
Tuesday, December 17, 2024 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 November 19, 2024, Board of Zoning Appeals & Property Review Commission Meeting Minutes
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - A.** BZA 24-05: 1956 Cabernet Way (Bacca): Variance of Bellbrook Zoning Code Section 18.05A to allow the construction of an accessory structure in the property's side yard
- 6. OPEN DISCUSSION**
- 7. AJOURNMENT**

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
November 19, 2024

Item A. Section 3, Item

1. CALL TO ORDER

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

2. ROLL CALL

PRESENT

Mr. Philip Ogrod
Dr. Meredith Brinegar
Mrs. Sharon Schroder

ABSENT

Ms. LaKisha Taylor

3. APPROVAL OF THE MINUTES

Mr. Ogrod asked if anyone had corrections to the minutes of the October 15, 2024, meeting. Mr. Ogrod noted several typos to be corrected, and the staff acknowledged them. The minutes were declared to be approved with the corrections (“Bronegar” changed to “Brinegar,” “cannt” changed to “cannot,” “occurring” changed to “occurring,” and “contract” changed to “contact”).

Mr. Ogrod swore in all people speaking at tonight’s meeting.

4. OLD BUSINESS

None

5. NEW BUSINESS

Mr. Ogrod asked for an update on Property Review Commission case 24-01 (4068 Eckworth Drive). Mr. Ogrod mentioned the resident had appeared after the meeting on the Eckworth Drive property violations. Ms. Grant reported that the violations were resolved and in compliance at this time. Mr. Ogrod asked if any further action needed to be taken by the Property Review Commission. Ms. Grant confirmed that there was not.

Mr. Ogrod mentioned there were two cases presented to the Board, both Board of Zoning Appeals cases.

BZA Case 24-03 – 63 West Maple Street: variances of the Bellbrook Zoning code 18.05A to allow construction of a 768-square-foot accessory building that is 20 feet in height and 4 feet from the side property line. Mr. Ogrod asked for the staff report.

Ms. Grant began the staff report and stated that the applicant is requesting three variances of the zoning code 18.05A to allow the construction of a 768-square-foot accessory building that is 20 feet

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

in height and 4 feet from the side property line at the lot of 63 West Maple St. She stated it is about 0.28 acres. The accessory structure is planned at 24 feet by 32 feet. The primary building material is wood with tung and grove wood boards. There will be garage doors and windows and a pedestrian entryway facing West. There is currently an accessory structure of 200 square feet on the lot at this time that will remain on the property. The location is in the rear yard facing West with access from West South St to the back of the lot, and the variances are requested for storage, shop space, and craft space. Also, the applicant is present to speak on the case.

Ms. Grant stated that in April 2017, the Board of Zoning Appeals approved a variance to allow the 200-square-foot structure presently on the property to be 4 feet from the side property line. The Village Review Board recommended approval of the variance request at their November 6, 2024, meeting, and the next step would be to pull permits from the City of Bellbrook and the Greene County Building Regulations Department.

Mr. Ograd stated that since they are aggregate, they would be looking at a total of 368 square feet in excess of the 600 square feet limit. This way, it can be documented with the actual numbers. They then moved to the public forum for discussion of the item.

John Rancurello, the property owner, stated that the building is going to match the garage he already has on his property. It looks like the building has been there for 100 years. He stated that it will have lap siding and be stained so it will never peel. He feels the size is optimal for that size of the lot.

Mr. Ograd questioned if the access would be making a driveway. Mr. Rancurello replied that he thought part of the regulations was to have a driveway. Ms. Grant stated she spoke with the Service Department and saw no immediate concern or issue with such a project to add a driveway with access from the street. Mr. Ograd asked if there would be space for two cars or one. It would be for two cars. Mr. Ograd stated there would be 24 feet between the garage and the existing structure. Mr. Rancurello mentioned that it is 8 feet from the alley and his property.

Larry Leingang, 2149 Steward Road, Xenia, Ohio, received the Board of Zoning Appeals meeting notification letter because he owns a building a couple of doors down from 63 West Maple Street and spoke about setting a precedent of what he can put on his lot of the standards of setbacks being flexible and what he can do in the future. He questioned if this was a business on 63 West Maple Street. Ms. Grant stated there was a home occupation application submitted in 2009 but that it was not for the public. It is strictly for the resident. Mr. Rancurello mentioned the sawmill is only for his use, and he went through the process with Eileen, the previous zoning administrator, years ago. Ms. Grant stated that it is not being used as a commercial operation and is on record.

Dr. Brinegar stated that they are wearing two hats today. As the Property Review Commission, she had looked at the property and asked questions about whether the stacks of wood needed to be shielded and might be a separate issue.

Larry Leingang questioned the placement of the driveway if that was an alley. Ms. Grant stated it is a designated street behind the lot. Mr. Leingang mentioned trying for a variance setback for a garage years ago, and the Village Review Board was against it, which Mr. Leingang opined upon. He also stated that getting a variance for the side yard property line was because the accessory structure was not able to be built 8 feet off the side yard property line, but he sees that the resident

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Item A. Section 3, Item

would be able to do that. Mr. Leingang also questioned the alleyways in the city and the problems of doing anything with your building lot when the city does not keep them up. He mentioned possibly deeding the alleyways half and half and having them surveyed with a new PID on them.

Mr. Rancurello requested that the alley at his property be vacated. He mentioned that Forrest Greenwood is the only one who has complained of cars getting in the way. He was advised that he needed to petition his request through the Bellbrook City Council.

Public participation was closed.

Mr. Ograd stated that the Village Review Board has approved the variance and feels the building will be placed in an easily accessible spot for the homeowner. He sees no issue with it. Dr. Brinegar and Mrs. Schroder agreed, referencing the previous variance case from 2017. The Board felt that the building's character would look good from any angle. Mr. Ograd queried whether other neighbors' comments besides Mr. Leingang's were received. Ms. Grant confirmed that no other issues have been brought forward from neighbors.

The discussion was closed by the Board.

Ms. Grant stated that the decision record was submitted as one, stating three variances. Mr. Ograd asked for a motion to approve the variances for the 768-square-foot outbuilding, which is 4 feet from the property line with a height of 20 feet.

Dr. Brinegar made the motion to approve the variances for Case 24-03, and Mrs. Schroder seconded the motion. Voting "yea": Mr. Ograd, Dr. Brinegar, and Mrs. Schroder. The motion carries.

BZA Case 24-04 – 44 North West Street: variances of the Bellbrook Code 18.05A to allow for a 1,680-square-foot accessory building and height not to exceed 25 feet. Mr. Ograd asked for the staff report.

Ms. Grant began the staff report and stated that the applicant is requesting two variances for zoning code section 18.05A, located at 44 North West St, to allow for the construction of a 1,680-square-foot accessory building with a roof pitch ratio of 4:12 at a height not to exceed 25 feet. The structure is planned at 42 feet by 40 feet primary building material is metal with concrete flooring, two garage doors facing east, two pedestrian doors, five double-hung windows and an attached porch measuring 160 feet total (20 feet by 8 feet) proposed on the left side of the structure facing South there are current accessory structures on the lot which will be removed upon approval of the variances. The location is in the rear yard facing East with access from the driveway on North West Street. It is 12 feet from the rear property line and observes the side yards set back of a minimum of 8 feet. The drainage is planned to be adequate for the building size with gutters and downspouts, and the variances are being requested for storage and RV space. The applicant is present to answer any questions. The Village Review Board met in 2014 with the applicant regarding options for the property, including any demolitions or any alterations that might want to be made and what it would look like as far as any City procedure. Dr. Brinegar asked if anything came of it. Ms. Grant answered no, not to her knowledge. As a point of clarification, Ms. Grant stated the Village Review

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Item A. Section 3, Item

Board did recommend approval of the requests on the November 6, 2024, meeting of the project details as submitted at the time when the original submittal listed the accessory structure as 16 feet in height. It was understood at that time that this was the total height from the roof apex to the foundation; however, that figure was for the side wall height in the interior. The roof pitch ratio is 4:12, which will exceed the originally submitted 16 feet in height but not exceed 25 feet. The next steps were explained to be the same as the previous case – if approved, the applicant would go through the City’s permitting process and Greene County Building Regulations. Ms. Grant stated that she would answer any questions and that the applicant was in attendance to answer any questions.

Mr. Ograd asked if the Board had any questions for staff. Dr. Brinegar asked if there would be a shared driveway. Ms. Grant answered that yes, the established driveway would be the access point. Dr. Brinegar stated that she watched the video recording for the Village Review Board meeting for the case property, and the Board concurred that it provided good access to information. Mr. Brad McWilliams, the applicant for 44 North West Street, approached the Board, stating that the use of the proposed building is for vehicles. He explained the total height of the building (4:12 pitch) and that the only people who will be able to see the accessory building are his neighbors, who have indicated that they do not have an issue with it and that it will be relatively hidden from view. Dr. Brinegar asked if a recreational vehicle was currently on the property, which Mr. McWilliams stated not at this time, that it was, but a fallen tree totaled it. He further explained the height necessities of the building and door access. Mr. Ograd confirmed with Mr. McWilliams that the construction is metal, and that the overhead panel doors are 14 feet by 14 feet on both sides, and that both doors are the same size. Mr. McWilliams stated that the property is approximately under two acres, and the accessory structure is planned to be far back from the road.

Mr. Ograd asked the Board for any additional questions from the property owner and then for others who wanted to speak on the BZA case. Hearing none, Mr. Ograd closed the public hearing portion of the meeting.

Mr. Ograd opened the Board discussion. Dr. Brinegar opined that the proposed accessory building is large, and that it is a relatively large variance for RV space, and that it could be argued that the property could be used without approving the variance; however, it is a larger property over two acres with trees on multiple sides, which are mitigating factors. The design looks reasonable. Mr. Ograd commented that it is a large structure and wanted to know the purpose, what it would look like, and how it would fit in the surrounding area. Mr. McWilliams explained the size of the RV is how they came up with the size of the structure, and that they wanted to put other vehicles in the structure as well, which necessitated the size. The Board thanked Mr. McWilliams for the clarification. Mrs. Schroder commented that she had shared similar thoughts to other Board members regarding the structure’s size, but that the larger lot size, wooded area, lack of neighbors’ concerns, and the Village Review Board’s approval leads to her not having concerns with it. Dr. Brinegar referenced a previous case with a larger lot with a functional need for a variance to store a tractor, which Mr. Ograd chimed in and agreed. Mr. Ograd stated that there was no need for an additional driveway. Mrs. Schroder asked where the RV would be stored without the structure, and that the vehicle might look better stored within the structure. Mr. McWilliams further explained their situation with their vehicles and previous iterations of how the vehicles were stored on the

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Item A. Section 3, Item

property. Mr. Ogrod asked where the current accessory structure is, and Mr. McWilliams indicated the location and stated that it would be demolished upon approval and construction of the desired accessory structure. The Board thanked Mr. McWilliams for the clarification. Mr. Ogrod stated that the structure does not overwhelm the lot, which has been a concern for other similar cases. He also referenced Mrs. Schoder's point regarding what the lot would look like without the structure where recreational vehicles would be stored. Dr. Brinegar brought up the point of recreational vehicles being stored on hard surfaces. Ms. Grant explained the length requirements for recreational vehicles on lots and that they had to be operable and properly licensed. Mr. Ogrod pointed out that the accessory structure is two feet from the rear point of the house.

Mr. Ogrod closed the Board discussion portion and asked for a motion to approve the variances for BZA Case 24-04. Mrs. Schroder made a motion to approve the variances for Case 24-04, and Mr. Ogrod seconded the motion. Voting "yea": Mr. Ogrod, Dr. Brinegar, and Mrs. Schroder. The motion carries.

Ms. Grant confirmed with Mr. Ogrod that she and the applicant would work together to complete the next steps. Mr. Ogrod mentioned the Miami Valley Planning and Zoning Workshop on December 6, 2024.

6. OPEN DISCUSSION

7. ADJOURNMENT

Hearing no further business coming before the Board, Mr. Ogrod declared the meeting adjourned at 7:15 pm.

Philip Ogrod, Chairperson

Rob Schommer, Clerk of Council

To: BZA/PRC
From: Michaela Grant, Community Development Administrator
Date: December 2, 2024
Subject: Staff Report for BZA Case #24-05: 1956 Cabernet Way (Bacca)

Summary of the Request

The applicant and property owner, Joshua Bacca, is requesting approval for a variance of Zoning Code section 18.05A to allow the construction of an accessory structure at 1956 Cabernet Way, measuring approximately 0.67 acres. The primary building material is wood with T1-11 siding oriented horizontally with asphalt shingles to match the house. The accessory structure is proposed to be placed in the side yard facing east. Two sides of the house are planned to abut the structure, with two sides facing the side and back yards. The desired placement in the side yard causes the need for the variance request. The structure is planned to be twelve feet in height, ten feet wide, and eight feet long (80 square feet) and used for the storage of pool and yard equipment.

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

18.05A Accessory Buildings

In a residential zone, no garage or other accessory building shall be erected within a required side yard or front yard.

When located at least sixty (60) feet from the front property line and completely to the rear of the main dwelling, the accessory building may be erected not less than eight (8) feet from the side or rear lot lines. Provided that when access to a garage is from an alley, such garage shall be located not less than ten (10) feet from the alley.

When located less than sixty (60) feet from the front property line and not completely to the rear of the dwelling, garages shall be constructed as a part of the main building or connected thereto by a covered breezeway.

Corner lot accessory buildings must be placed within the boundaries of the required rear yard as governed by Article 7, Sec. 7.10, Yard and Lot Requirements.

No detached accessory building measuring up to three hundred (300) square feet in Residential and B-1 Districts shall exceed one (1) story or twelve (12) feet in height and no detached

accessory building in Residential and B-1 Districts measuring from 301-600 square feet shall exceed one (1) story or 15' in height.

Detached accessory buildings (including garages) constructed on a one family lot shall not exceed, in the aggregate, six hundred (600) square feet.

Applicant Information

Joshua Bacca, Applicant and Property Owner

Current Zoning District

PD-1, Planned Residential

Parcel Identification

L35000100050005500

Additional Actions or Next Steps to be taken by the City

The Board of Zoning Appeals will make a decision on the variance request at its meeting on December 17, 2024.

Applicant's Reason for the Request

The applicant wishes to construct the accessory building at the requested location (side yard) due to the configuration of the yard after landscaping updates.

The applicant's statement regarding the request is included in the packet.

Surrounding Land Use within 1,000 Feet

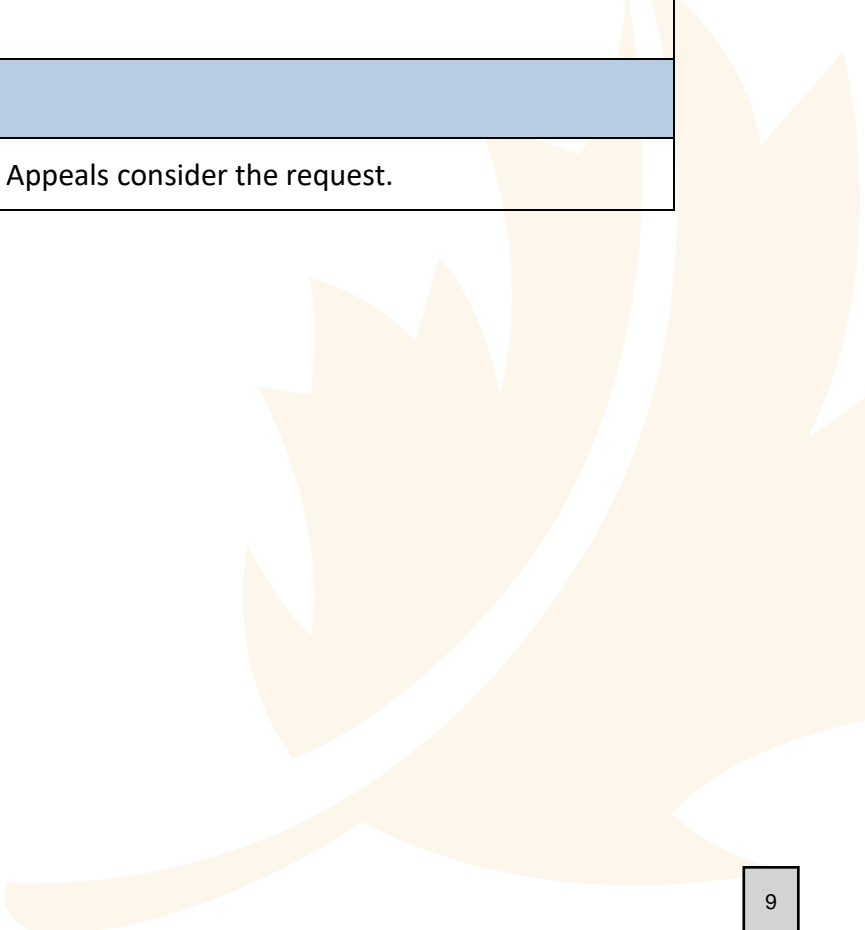
The surrounding land uses within 1,000 feet include various Residential (R-1A, R-1B, PD-1) and Agricultural (A-1).

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

- A fence permit was issued in October 2016 (previous owner).
- An addition permit was issued in June 2017 (previous owner).
- A fence (replacement) and pool permit were issued in August 2024 (current owner).
- An accessory structure permit for a permanent outdoor fireplace was issued in November 2024 (current owner).

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
Floodplain Information
The property is not in the floodplain.
Comments from City and County Agencies
N/A
Supporting Maps & Graphics
Supporting documents are attached.
Staff Recommendation
Staff recommends that the Board of Zoning Appeals consider the request.





Bellbrook

Application

Date: 11/22/2024

Applicant / Owner

Applicant Name: Joshua Bacca
 Address: 1956 Cabernet Way
 City, State, Zip: Bellbrook, OH 45305
 Phone: 619-316-5891
 Email: jbacca76@icloud.com

Owner Name: Joshua and Courtney Bacca
 Address: 1956 Cabernet Way
 City, State, Zip: Bellbrook, OH 45305
 Phone: 619-316-5891
 Email: jbacca76@icloud.com

Project

Site Address: 1956 Cabernet Way
 City, State, Zip: Bellbrook, OH 45305
 Subdivision: Vineyards of Bellbrook
 Lot: 35
 Parcel: L35000100050005500

Current Zoning: PD-1
 Proposed Zoning:
 Present Use:
 Proposed Use:
 Comments:

General Information

Lot Type:
 Side Yard Line:
 Rear Yard Line:
 Front Yard Line:
 Structure Size:
 Height:

Asbestos:
 Structure Use:
 Business Name:
 Mailing:
 City, State, Zip:
 Phone:
 Email:

Accessory Buildings

Building Type:
 Height:
 Width:
 Length:

Floor Area:
 Proposed Location:
 Side Yard Ease:
 Rear Yard Ease:

Fences

Fence Type:
 Front Yard:
 Side Yard:

Rear Yard:
 Fence Materials:

Demolition

Commercial:
 Residential:
 Type:

Units:
 Old Village:

Signs

Sign Request:
 Sign Type:
 Sign Height:
 Sign Width:
 Sign Area:

Build Frontage:
 Sign Location:
 Ground Height:
 Sign Materials:

New Construction

Construction:
Lot Width:
Lot Depth:
Lot Area:
Residential SF:
Basement SF:
Garage SF:
Addition SF:
Total SF:

Front Yard:
Rear Yard:
Sum of Sides:
Building Height:
Side Yard Ease:
Rear Yard Ease:
Purpose:

Special Event

Type of Event:
Other:
Alcohol Served:

Event Date(s):
Event Time:

Brief description of the event and any special public safety or city services needed:

Streets or public areas requesting:

Will signs be placed in the right-of-way?

HOLD HARMLESS: THE PERMITTEE WILL HOLD HARMLESS AND INDEMNIFY THE CITY OF BELLBROOK, ITS ELECTED OFFICIALS, OFFICERS, EMPLOYEES AND AGENTS FROM ANY DAMAGES WHICH MAY ARISE AS A RESULT OF THE CONDUCT OF THE PARADE OR ASSEMBLY FOR WHICH THE PERMIT IS SOUGHT BY PERSONS WHO WERE OR REASONABLY SHOULD HAVE BEEN UNDER THE CONTROL OF THE PERMITTEE.

PRIOR TO THE BEGINNING OF THE EVENT, IT IS IMPORTANT THAT ALL PARTICIPANTS BE ADVISED TO OBEY PEDESTRIAN REGULATIONS AND CROSS ONLY AT INTERSECTIONS OR AS DIRECTED BY THE POLICE.

YOUR ORGANIZATION WILL HAVE TO ARRANGE FOR PAYMENT FOR THE USE OF SERVICES (WATER, ELECTRIC, TRASH PICK-UP) WHETHER PROVIDED BY A PRIVATE OWNER OR PUBLIC ENTITY. EXTRAORDINARY PUBLIC SAFETY SERVICES (EXCESSIVE OVERTIME) MAY ALSO NEED TO BE PAID FOR AT THE DETERMINATION OF THE CITY MANAGER.

IT IS THE EVENT ORGANIZATION'S RESPONSIBILITY TO CLEAN UP DEBRIS LEFT OVER FROM THE EVENT. FAILURE TO CLEAN UP FOLLOWING THE EVENT WILL REST IN A \$500 CLEAN-UP FEE BEING SENT TO THE PERSON AND/OR ORGANIZATION RESPONSIBLE FOR THE EVENT.

Zoning Permit - Temporary Use

Business Name:
Mailing Address:

Proposed Use:
Size (trailers, etc.):

Description - include specific type of use, hours of operation, number of employees, and other pertinent information:

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.

Joshua Bacca

11/22/2024

Name

Date

- 1) With updated landscaping that was completed on the rear yard, the requested location for a storage shed is the ideal location for an accessory building. If a variance is not approved, that specific location will have no other use. It is a relatively small area that is bordered by the main building. The requested location is also the most level portion of the yard, making it ideal for an accessory building.
- 2) The requested variance is for the location of a shed and is not a substantial request. While the requested location is technically considered side yard, it is behind the main building and said shed would not be visible from the street.
- 3) The essential character of the neighborhood would not be substantially altered, nor would adjoining properties suffer a substantial detriment as a result of a variance. Permission to construct the shed in the desired location was obtained from the HOA Board on 18NOV24. Any alternate locations in the rear yard would alter the essential character of the neighborhood more than the requested area, as the requested area would keep the shed more out of view from neighboring properties than would any other location on the property.
- 4) The requested variance would not adversely affect the delivery of governmental services such as water, sanitary sewer or garbage removal.
- 5) We, the property owners, purchased the property with no knowledge of the zoning restriction. We were provided the HOA rules and used those as our guide regarding side yard vs rear yard definitions for our property. As there was a fence already in place on the property, it was our understanding that everything contained within the fence was considered rear yard.
- 6) Due to the grade of the rear yard and the desire to maintain as much usable play space as possible for children, there is not a good alternative location for a storage shed on the property. A pool was installed and the overall plan included constructing a storage shed in the requested location prior to learning of the zoning restriction.
- 7) We believe that the spirit and intent behind the zoning requirement would still be observed if allowed to build an accessory structure in the requested location. No portion of the accessory structure would be closer to the street than the main building, nor would the accessory structure be visible from the street. Therefore, we believe that the requested location could reasonably be considered rear yard and so be in compliance with the spirit and intent of the existing zoning requirement.

Payment For

Utility Billing

Item A. Section 5, Item

Permit - type: **Variance (2024-188)**

DATE RECEIVED

Name

Bacca

NOV 22 REC'D

Service Address

1956 Cabernet Way

Payment Type

Cash

Check - #: **596**

Amount Paid

\$200.00

Date Paid

11/22/2024



Bellbrook

Application

Date: 11/19/2024

Applicant / Owner

Applicant Name:	Joshua Bacca	Owner Name:	Joshua and Courtney Bacca
Address:	1956 Cabernet Way	Address:	1956 Cabernet Way
City, State, Zip:	Bellbrook, OH 45305	City, State, Zip:	Bellbrook, OH 45305
Phone:	619-316-5891	Phone:	619-316-5891
Email:	jbacca76@icloud.com	Email:	jbacca76@icloud.com

Project

Site Address:	Current Zoning:
City, State, Zip:	Proposed Zoning:
Subdivision:	Present Use:
Lot:	Proposed Use: Storage
Parcel:	Comments:

General Information

Lot Type: Interior	Asbestos:
Side Yard Line:	Structure Use:
Rear Yard Line:	Business Name:
Front Yard Line:	Mailing:
Structure Size:	City, State, Zip:
Height:	Phone:
	Email:

Accessory Buildings

Building Type: Interior	Floor Area: 80
Height: 12'	Proposed Location: Rear Yard
Width: 10'	Side Yard Ease: 0
Length: 8'	Rear Yard Ease: 0

Fences

Fence Type:	Rear Yard: <input type="checkbox"/>
Front Yard: <input type="checkbox"/>	Fence Materials:
Side Yard: <input type="checkbox"/>	

Demolition

Commercial: <input type="checkbox"/>	Units:
Residential: <input type="checkbox"/>	Old Village:
Type:	

Signs

Sign Request:	Build Frontage:
Sign Type:	Sign Location:
Sign Height:	Ground Height:
Sign Width:	Sign Materials:
Sign Area:	

New Construction

Construction:
Lot Width:
Lot Depth:
Lot Area:
Residential SF:
Basement SF:
Garage SF:
Addition SF:
Total SF:

Front Yard:
Rear Yard:
Sum of Sides:
Building Height:
Side Yard Ease:
Rear Yard Ease:
Purpose:

Item A. Section 5, Item

Special Event

Type of Event:
Other:
Alcohol Served:

Event Date(s):
Event Time:

Brief description of the event and any special public safety or city services needed:

Streets or public areas requesting:

Will signs be placed in the right-of-way?

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Zoning Permit - Temporary Use

Business Name:
Mailing Address:

Proposed Use:
Size (trailers, etc.):

Description - include specific type of use, hours of operation, number of employees, and other pertinent information:

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.

Joshua Bacca

11/19/2024

Name

Date



CITY OF BELLBROOK

ZONING PERMIT – ACCESSORY BUILDINGS

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305
(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

DATE RECEIVED ___/___/___ STAFF USE APPLICATION # _____

APPLICANT INFORMATION

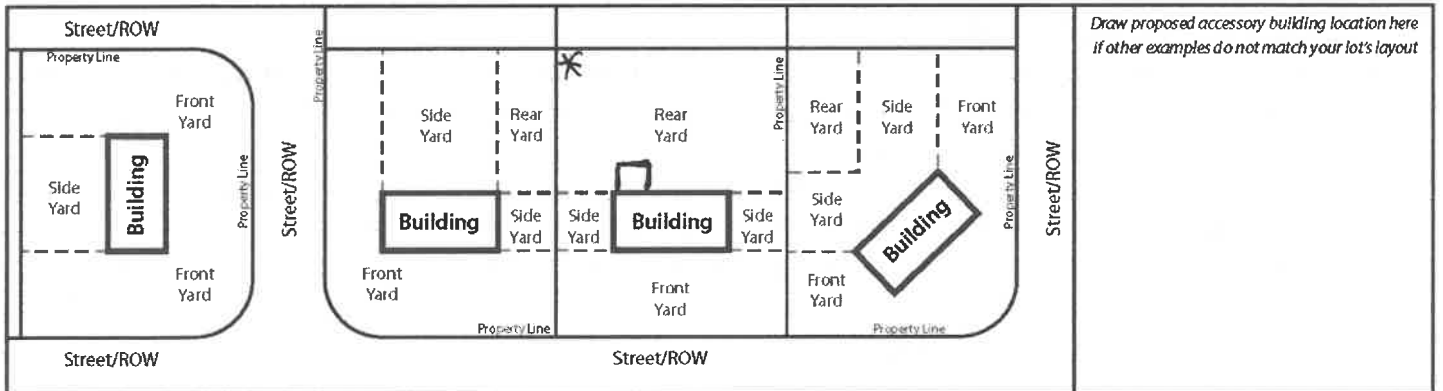
PROPERTY ADDRESS 1956 Cabernet Way ZONING DISTRICT PD-1
 PROPERTY OWNER Joshua & Courtney Bacca PHONE NUMBER 619-316-5891
 APPLICANT NAME Joshua Bacca PHONE NUMBER 619-316-5891
 APPLICANT EMAIL jbacca76@icloud.com

REQUEST INFORMATION

TYPE OF LOT CORNER INTERIOR OTHER ACCESSORY BUILDING TYPE SHED GARAGE POOL OTHER
 DIMENSIONS OF STRUCTURE HEIGHT 12' WIDTH 10' LENGTH 8' FLOOR AREA 80 SQUARE FEET
 PROPOSED LOCATION SIDE YARD REAR YARD *DISTANCE FROM PROPERTY LINES SIDE YARD 37' REAR YARD 175'
 WIDTH OF RECORDED EASEMENTS ON LOT SIDE YARD 0 REAR YARD 0 PLEASE DENOTE LOCATION ON LOT TYPES BELOW
 PROPOSED USE OF STRUCTURE Storage of pool & yard equipment.
 OTHER COMMENTS _____

ANY STRUCTURE EXCEEDING 200 SQUARE FEET IN GROSS FLOOR AREA OR POOL SHALL BE REQUIRED TO OBTAIN A BUILDING PERMIT.

SHOW PROPOSED ACCESSORY BUILDING LOCATION ON CORRESPONDING LOT TYPE



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 [Signature] DATE 11/19/24

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"/>		

A. PURPOSE

ACCESSORY BUILDINGS MAY BE ERECTED UPON A LOT WHERE A PRINCIPAL BUILDING ALREADY EXISTS. THE USE OF THE ACCESSORY BUILDING MUST BE SECONDARY AND INCIDENTAL TO THE PRINCIPAL STRUCTURE AND USE.

B. 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.

C. ACCESSORY BUILDINGS (ZONING CODE: 18.05 A)

- a) IN A RESIDENTIAL ZONE, NO GARAGE OR OTHER ACCESSORY BUILDING SHALL BE ERECTED WITHIN A REQUIRED SIDE YARD OR FRONT YARD.
- b) WHEN LOCATED AT LEAST SIXTY (60) FEET FROM THE FRONT PROPERTY LINE AND COMPLETELY TO THE REAR OF THE MAIN DWELLING, THE ACCESSORY BUILDING MAY BE ERECTED NOT LESS THAN EIGHT (8) FEET FROM THE SIDE OR REAR LOT LINES. PROVIDED THAT WHEN ACCESS TO A GARAGE IS FROM AN ALLEY, SUCH GARAGE SHALL BE LOCATED NOT LESS THAN TEN (10) FEET FROM THE ALLEY.
- c) WHEN LOCATED LESS THAN SIXTY (60) FEET FROM THE FRONT PROPERTY LINE AND NOT COMPLETELY TO THE REAR OF THE DWELLING, GARAGES SHALL BE CONSTRUCTED AS A PART OF THE MAIN BUILDING OR CONNECTED THERETO BY A COVERED BREEZEWAY.
- d) CORNER LOT ACCESSORY BUILDINGS MUST BE PLACED WITHIN THE BOUNDARIES OF THE REQUIRED REAR YARD AS GOVERNED BY ARTICLE #7, SEC. 7.09, YARD & LOT REQUIREMENTS OR ARTICLE # 17, SEC. 17.05, PD-1 PLANNED RESIDENTIAL DEVELOPMENT AND NOT LESS THAN 8' FROM THE SIDE AND REAR LOT LINES.
- e) NO DETACHED ACCESSORY BUILDING MEASURING UP TO THREE HUNDRED (300) SQUARE FEET IN RESIDENTIAL AND B-1 DISTRICTS SHALL EXCEED ONE (1) STORY OR TWELVE (12) FEET IN HEIGHT AND NO DETACHED ACCESSORY BUILDING IN RESIDENTIAL AND B-1 DISTRICTS MEASURING FROM 301-600 SQUARE FEET SHALL EXCEED ONE (1) STORY OR 15' IN HEIGHT.
- f) DETACHED ACCESSORY BUILDINGS (INCLUDING GARAGES) CONSTRUCTED ON A ONE-FAMILY LOT SHALL NOT EXCEED, IN THE AGGREGATE, SIX HUNDRED (600) SQUARE FEET.

D. SWIMMING POOLS (ZONING CODE: 18.05 B)

- a) EVERY OUTDOOR SWIMMING POOL (GREATER THAN 18" IN DEPTH), OR THE ENTIRE REAR YARD OF THE PROPERTY ON WHICH IT IS LOCATED, SHALL BE COMPLETELY FENCED OR WALLED TO PREVENT UNCONTROLLED ACCESS. THE FENCE OR WALL SHALL BE NOT LESS THAN FIVE (5) FEET IN HEIGHT AND SHALL BE MAINTAINED IN GOOD CONDITION WITH A GATE OR DEVICE THAT SHALL BE SELFLOCKING AND SECURED WHEN NOT IN USE. FENCES SURROUNDING POOLS SHALL MEET THE REQUIREMENTS OF SECTION 18.06(1)(A). A DWELLING, HOUSE OR ACCESSORY BUILDING MAY BE USED AS PART OF SUCH ENCLOSURE; AND
- b) ABOVE GROUND POOLS, THE CIRCUMFERENCE OF WHICH ARE DECKED AND COMPLETELY FENCED AND THE TOP OF THE FENCE IS NOT LESS THAN FIVE (5) FEET ABOVE THE GROUND LEVEL ARE CONSIDERED TO MEET THE FENCE HEIGHT REQUIREMENTS. ALL OTHER PROVISIONS IN SECTION 18.05(B)(1) APPLY.

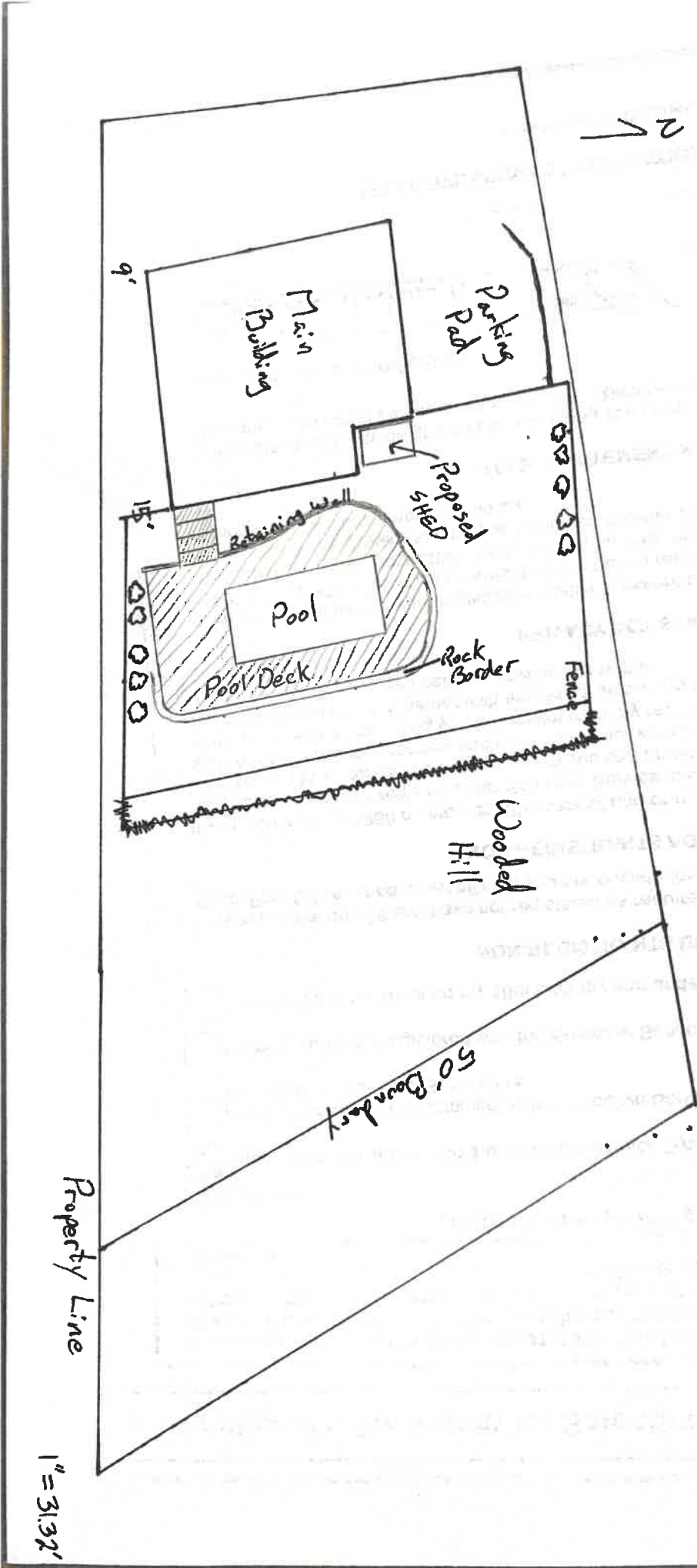
E. OTHER

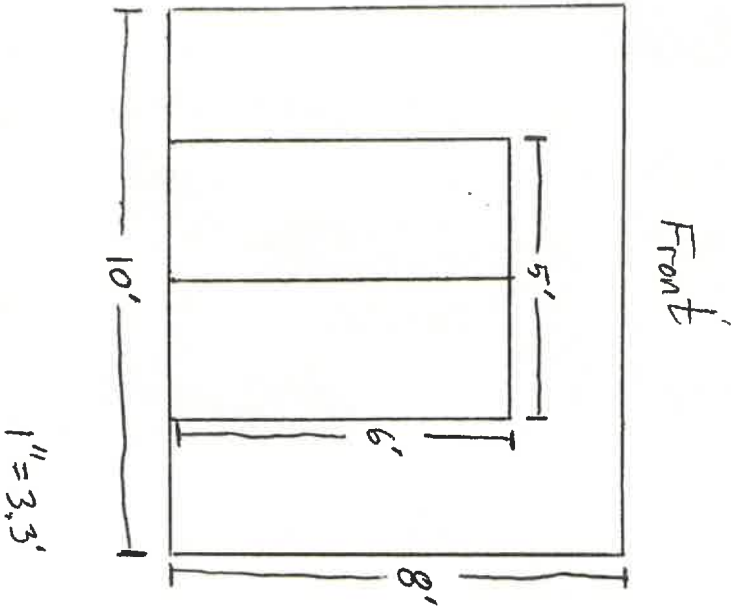
- a) **PORTABLE STORAGE UNITS** A PORTABLE STORAGE UNIT IS INTENDED TO BE USED ONLY FOR TEMPORARY STORAGE. IT IS NOT INTENDED TO BE USED FOR LONG-TERM ON-SITE STORAGE. THE UNIT MUST BE PLACED ON A HARD SURFACE.
- b) **TEMPORARY TENTS** TEMPORARY TENTS FOR SPECIAL EVENTS ARE PERMITTED IN RESIDENTIAL DISTRICTS FOR A MAXIMUM OF ONE WEEK PER EVENT. A ZONING PERMIT IS REQUIRED FOR TEMPORARY TENTS MEASURING 400 SQUARE FEET OR LARGER.

F. EASEMENTS

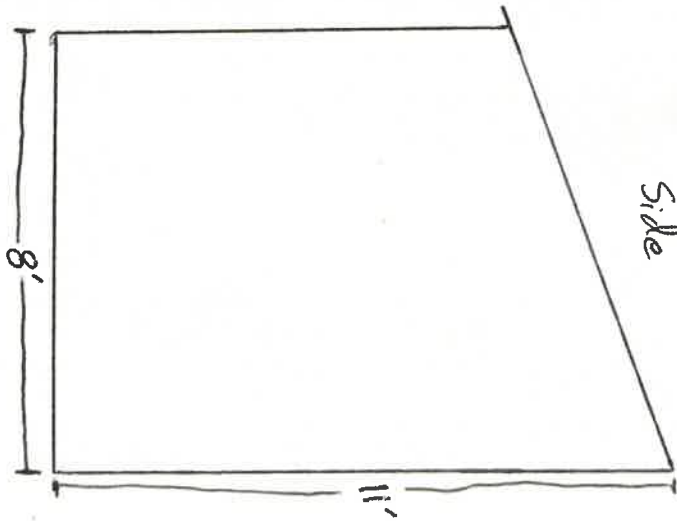
BE AWARE THAT YOUR PROPERTY MAY INCLUDE RECORDED EASEMENTS, INCLUDING BUT NOT LIMITED TO UTILITY EASEMENTS, AND THE PROPERTY OWNER IS SOLELY RESPONSIBLE FOR LOCATING ALL RECORDED EASEMENTS. THE PROPERTY OWNER ASSUMES ALL RISK WHEN CONSTRUCTING A NON-PERMANENT ACCESSORY BUILDING WITHIN A RECORDED EASEMENT. 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.

2





Wood shed 8'x10'
T1-11 Siding oriented horizontally to match house.
Asphalt shingles to match house.
Side

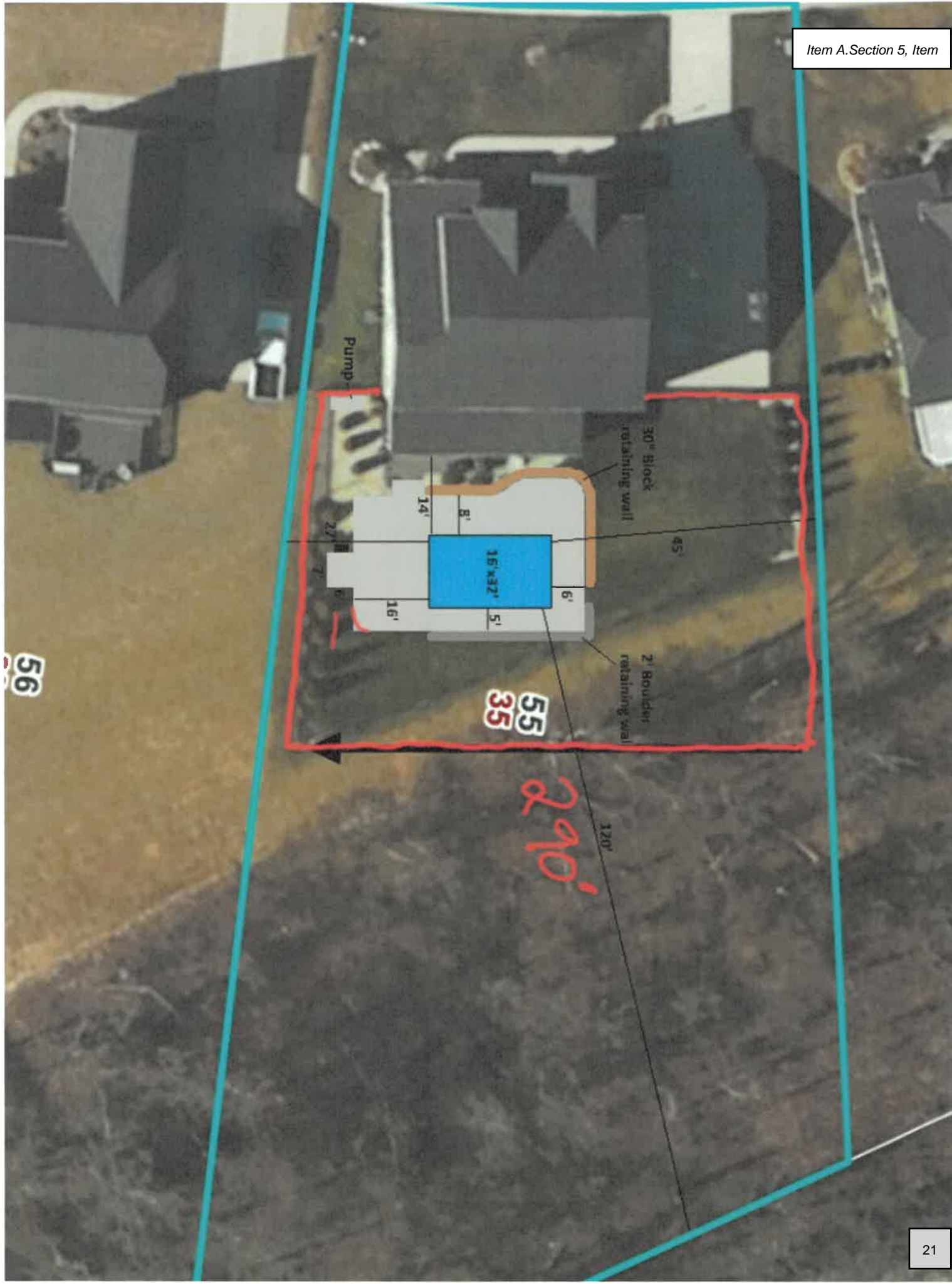




1956 Cabernet Way Shed

Geographic Information Management System





56

55
35

290'



Greene County PAS

Geographic Information Management System

*proposed location will require a variance of 18.05A



**City of Bellbrook
State of Ohio**

Board of Zoning Appeals Decision Record BZA 24-05

WHEREAS, the applicant has requested a variance of the Bellbrook Zoning Code Section 18.05A to allow the construction of an accessory structure at the property located at 1956 Cabernet Way that is placed in the property’s side yard; 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 18.05A for case BZA 24-05 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 17th day of December 2024.

AUTHENTICATION:

Philip Ogrod, Chairperson

Rob Schommer, Clerk of Council