



**BOARD OF ZONING APPEALS / PROPERTY  
REVIEW COMMISSION MEETING AGENDA  
Tuesday, June 21, 2022 at 6:30 PM**

15 East Franklin Street Bellbrook, Ohio 45305  
T (937) 848-4666 | [www.cityofbellbrook.org](http://www.cityofbellbrook.org)

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- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF THE MINUTES**
  - [A.](#) Approval of Minutes from the May 17, 2022 BZA/PRC Meeting
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
  - [A.](#) BZA 22-04: A Variance Request for the Placement of an Accessory Building at 4116 N. Linda Drive
- 6. OPEN DISCUSSION**
- 7. AJOURNMENT**

**RECORD OF PROCEEDINGS**  
Bellbrook Board of Zoning Appeals & Property Review Commission  
May 17, 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

**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 January 1, 2022 meeting. Hearing none, the minutes were declared approved.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

PRC 22-02 Property Maintenance at 204 Belair Circle.

Mr. Foster presented information about the property maintenance violation at the address. He noted the process started on March 1, 2022 with two letters and a re-inspection of the property on March 8, 2022. He added a property maintenance company has been responsible for the property on behalf of the bank ownership during the foreclosure process, as the previous owner is deceased. Notices were given to the maintenance company as well.

Mr. Foster noted there is debris and two sheds in the back yard of which have fallen into disrepair and one nearly falling down. He added the violations needed addressed for the health and safety of the neighborhood and requested approval for abatement of the violations.

Mr. Boehmer asked if this would be through the abatement property and if there was an estimate for the cost. Mr. Foster confirmed it can be through abatement and there was no estimate at this time.

Mrs. Brinegar asked what the property maintenance company was doing. Mr. Foster stated since the

# RECORD OF PROCEEDINGS

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Item A. Section 3, Item

property was in foreclosure, the bank typically hires a company to tend to the vacant properties. In this case, the company is only mowing the front yard, but upon contacting the company about the rest of the property there was no response. He added the back of the property was inaccessible due to the junk and overgrowth.

Mr. Ogrod asked about the vehicles on the property. Mr. Foster noted the Cadillac that was in the original photos has been removed and the remaining truck on the property is a zoning code violation, not covered under the property maintenance code.

Mr. Burke asked if the property was for sale. Mr. Foster stated he does not believe so. Mr. Burke noted troubles with cleaning a property only to have it become overgrown again with no one taking responsibility for it. Mr. Foster noted that is a possibility; however, he felt at this time it was necessary to take action for the benefit of the neighborhood.

There was additional questions and discussion about the property status including back taxes, etc.

Mr. Burke noted it is a difficult situation when no one is taking responsibility for upkeep of the property. Mr. Boehmer added he felt there is some obligation on behalf of the neighborhood to safeguard from rodents and other issues, also noting this situation didn't just occur, it has been over time.

Mr. Ogrod asked the timeframe if the City were to take action. Mr. Foster noted he is awaiting word from the Service Department if they can take it on, and if not, timeline will be longer getting estimates for a contractor to take care of the issues.

Mr. Forrest Greenwood spoke on the case noting he has some experience with cases like these stuck in probate court which can take quite some time creating an issue. He added it can be aggravating to neighboring properties to have a house go into disrepair and overgrowth. He noted there were very good questions from the Board and thanked them.

Motion 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.

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

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

Motion Passed

## OPEN DISCUSSION:

Mr. Boehmer asked about an update on previous violation case on S. Main Street. Mr. Foster noted it is under legal review at this time.

Mr. Ogrod asked about the Property Maintenance Code status. Mr. Foster noted the changes have been introduced to Council and in the process of review and approval.

## ADJOURNMENT:

# RECORD OF PROCEEDINGS

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May 17, 2022

Item A. Section 3, Item

With no further business coming before the Board, Mr. Burke declared the meeting adjourned at 6:48 pm.

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Aaron Burke, Chair Person

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Rob Schommer, Clerk of Council



To: BZA/PRC  
 From: Jason Foster, Community Development Administrator  
 Date: June 1, 2022  
 Subject: Staff Report for BZA 22-04 4116 N. Linda Drive

### Summary of the Request

The applicant is requesting a variance to allow the construction of a 16' x 12' x 8' (192 SQ. FT.) accessory building in the side yard of 4116 N. Linda Drive. The applicant is in a unique position, Center Point Energy has a fifty-foot easement for the gas pipeline running through the entirety of the applicants rear yad (map attached) making the proper placement of the accessory building impossible. Staff visited the property to meet with the owners and discuss the situation. Staff also had a discussion with Thomas Jones, Staff Engineer for Center Point Energy. He stated that no structure is permitted to be constructed within this pipeline easement. The applicant has worked with staff to execute the application for BZA and met all necessary timelines for the process.

### Applicant Information

Roger & Elizabeth Watkins, Owners

### Current Zoning District

R-1B Single Family Residential

### Parcel Identification

L35000100090011700

### Additional Actions or Next Steps to be taken by the City

If the variance is granted by the Board of Zoning Appeals, Staff will issue a permit for the accessory building.

### Applicant's Reason for the Request

Center Point Energy has a fifty-foot-wide easement running through the applicant's rear yard, making proper placement of the accessory building impossible. Center Point Energy has stated no structure is permitted to be constructed within the easement.

#### **Surrounding Land Use within 1,000 Feet**

Residential

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

N/A

#### **Comprehensive Plan Applied to the Geographical Area**

N/A

#### **Existing Public Utilities**

N/A

#### **Soil Survey Data**

N/A

#### **Classification of Streets, Traffic Volumes & Direction, Planned Improvements**

N/A

#### **Flood Plain Information**

The property is not within a flood plain.

#### **Comments from City and County Agencies**

N/A

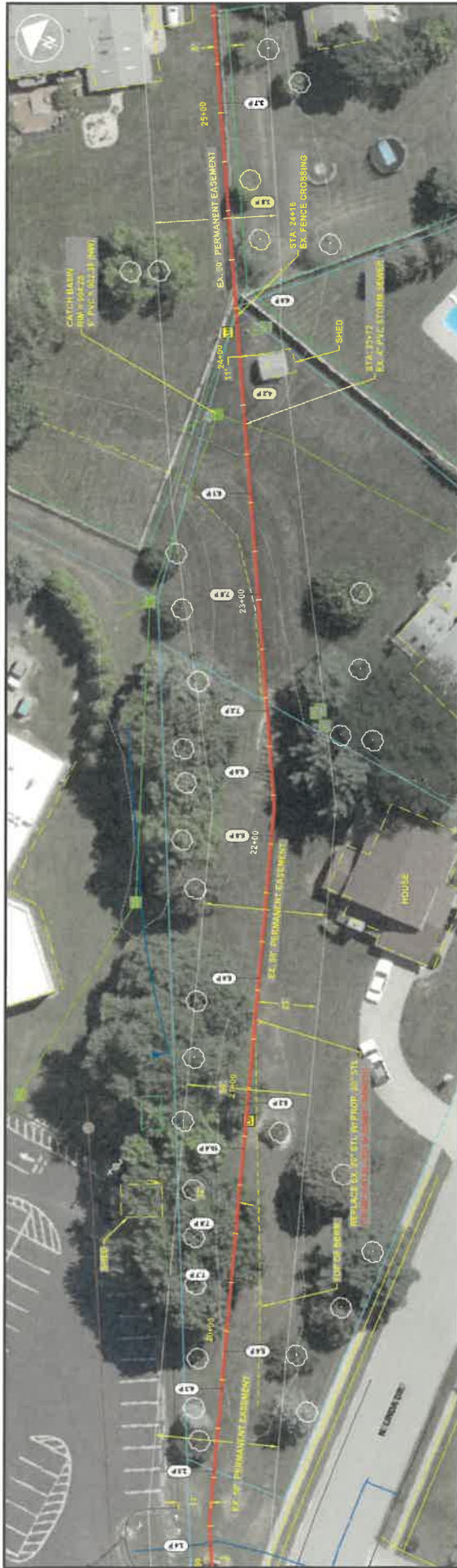
#### **Supporting Maps & Graphics**

See Attached

#### **Staff Recommendation**

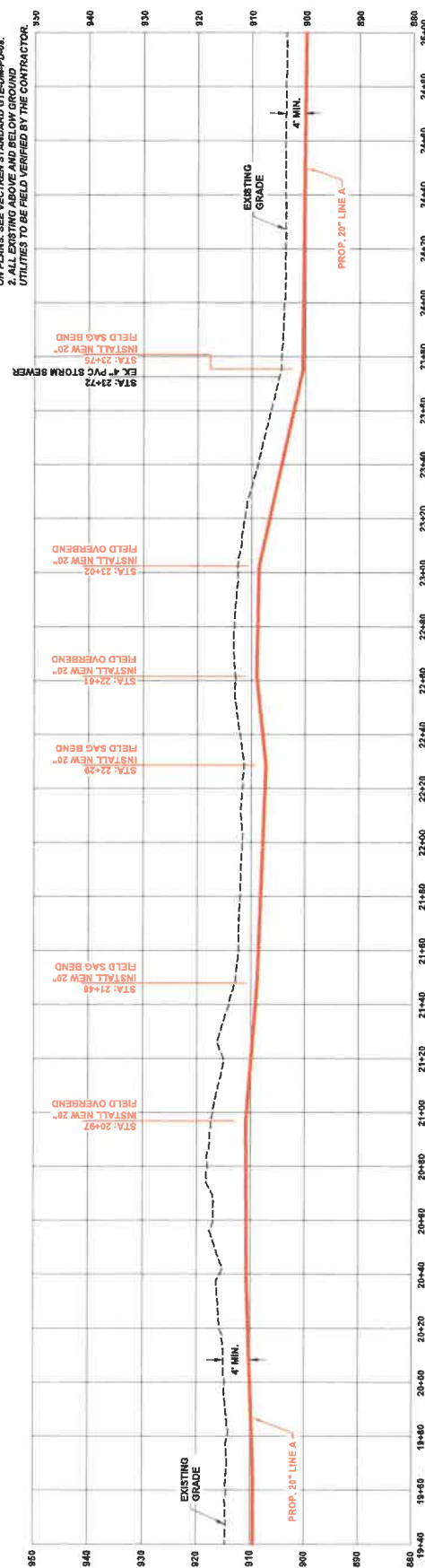
Considering the unique nature of the applicant's property, Staff recommends the approval of the requested variance to allow the construction of the accessory building in the side yard.





PROFILE

NOTE:  
1. ALL BENDS (PI, SAG, OVERBEND) 10' OR LESS SHALL BE FIELD BENDS AND ARE NOT LABELED ON PLANS. ALL BENDS (PI, SAG, OVERBEND) 11' OR MORE ARE AS SHOWN ON PLANS. SEE VECTREN STANDARD DET-004-PD-01.  
2. ALL FIELD BENDS SHALL BE FIELD VERIFIED BY THE CONTRACTOR.



SCALE (H): 1"=20' (V): 1"=10'



ISSUED FOR CONSTRUCTION 2-1-2020



NO.	DATE	BY	DESCRIPTION
0	10/02/2021	ACS	ISSUED FOR BID
1	10/02/2021	ACS	RE-ISSUED FOR REVIEW
2	10/02/2021	ACS	RE-ISSUED FOR REVIEW

OPERATING CENTER:	CENTERVILLE
PROJECT:	7254-490
CITY / TOWNSHIP:	XENA
COUNTY:	GREENE
STATE:	OH

20" LINE A BELLBROOK 11 TO KIRSEY RD.	PIPELINE REPLACEMENT
20" LINE A - PHASE 5	DETAIL SHEET
ENR0045A	NO. NO.
1026	SHEET NO.
1	REV.



DISCLAIMER: ENSITE USA MAKES NO GUARANTEE THAT THIS SURVEY OR THESE MAPS CONTAINS COMPLETE OR CORRECT INFORMATION. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UNDERGROUND AND ABOVEGROUND UTILITIES WHETHER OR NOT DEPICTED ON THESE DRAWINGS. THE CONTRACTOR IS TO CONTACT ALL OWNERS OF UNDERGROUND AND ABOVEGROUND UTILITIES PRIOR TO ANY EXCAVATION.

PROPOSED LOCATION OF BUILDING Customized Property Map





Board of Zoning Appeals,  
Roger and I are in need of a  
Storage Shed for our lawn tractor  
and other equipment.

I contacted Jason Foster for a  
building permit and the proper  
location for the shed. After investigating  
the situation, we have been informed  
that we cannot place any type of  
structure within or on the 50 foot  
easement of the Center Pointe Energy  
gas line. We strongly encourage the  
Board to consider this variance for us.

Thank you in advance,  
Elizabeth Watkins

05/10/2022

Bellbrook Zoning,

Robin Robinson of 1916 Sugarwood Circle have no issue with Roger and Liz Watkins of 4116 North Linda Drive receiving a variance to allow them to place a Shed in their yard for storage. We understand their predicament of having a very limited area to place a shed due to the natural gas line that runs the entire length of their yard and feel adding such a structure will not impact the neighborhood in anyway. Should you need to reach us, please don't hesitate to call us at (937) 848-2017.

Sincerely,



Robin Robinson

05/10/2022

Bellbrook Board of Zoning Appeals,

Craig and Rebecca Weinland of 1926 Sugarwood Circle have no issue with Roger and Liz Watkins of 4116 North Linda Drive receiving a variance to allow them to place a Shed in their yard for storage. We understand their predicament of having a very limited area to place a shed due to the natural gas line that runs the entire length of their yard and feel adding such a structure will not impact the neighborhood in anyway. Should you need to reach us, please don't hesitate to call us at (937) 848-8805.

Sincerely,



Craig Weinland



Rebecca Weinland

05/10/2022

Bellbrook Zoning,

Keith and Diane Rowe of 1915 Sugarwood Circle have no issue with Roger and Liz Watkins of 4116 North Linda Drive receiving a variance to allow them to place a Shed in their yard for storage. We understand their predicament of having a very limited area to place a shed due to the natural gas line that runs the entire length of their yard and feel adding such a structure will not impact the neighborhood in anyway. Should you need to reach us, please don't hesitate to call us at (937) 848.8141.

Diane's cell 929.9487

Sincerely,



Keith Rowe



Diane Rowe



05/10/2022

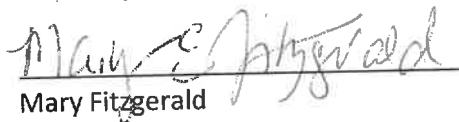
Bellbrook Board of Zoning Appeals,

Tom and Mary Fitzgerald of 4099 N. Linda Drive have no issue with Roger and Liz Watkins of 4099 North Linda Drive receiving a variance to allow them to place a Shed in their yard for storage. We understand their predicament of having a very limited area to place a shed due to the natural gas line that runs the entire length of their yard and feel adding such a structure will not impact the neighborhood in anyway. Should you need to reach us, please don't hesitate to call us at (937) 684-1965.

Sincerely,



Tom Fitzgerald



Mary Fitzgerald

**Jason Foster**

**From:** Dr. Cozad <doug.cozad@bss.k12.oh.us>  
**Sent:** Wednesday, May 25, 2022 3:04 PM  
**To:** Jason Foster  
**Cc:** Elizabeth Watkins  
**Subject:** Watkins

Mr. Foster,

Liz Watkins contacted me about the placement of a shed on her property next to Stephen Bell Elementary. I have no issues with the placement of the shed.

Sincerely,

Douglas A. Cozad, Ph.D.

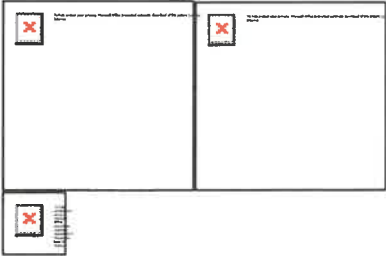
Superintendent, Bellbrook-Sugarcreek Local Schools

3757 Upper Bellbrook Rd., Bellbrook, OH 45305

<https://www.sugarcreek.k12.oh.us/>

Twitter-@BellbrookSuper

"Better today than yesterday... Better tomorrow than today."



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