



CITY OF BELLBROOK

APPLICATION FOR ZONING VARIANCE

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

DATE RECEIVED 12 / 19 / 2024

STAFF USE

APPLICATION # 2024-200

APPLICANT INFORMATION

PROPERTY OWNER Rehe'shank, Jacob Stephens PHONE NUMBER 937-271-8038
OWNER ADDRESS 2451 Lakeview Dr.
APPLICANT NAME Rehe'shank, Jacob Stephens PHONE NUMBER 937-271-8038
APPLICANT ADDRESS 2451 Lakeview Dr.
APPLICANT EMAIL JMStep27@gmail.com

REQUEST INFORMATION

PROPERTY ADDRESS 2451 Lakeview Dr ZONING DISTRICT R-1B one family res.
SUBDIVISION Glenn Brook Acres LOT NUMBER 14 PARCEL ID L35-0002-0008-0-0006-00
DESCRIBE THE GENERAL NATURE OF THE VARIANCE We are looking to place a shed in/toward the back of our side yard as this is the most suitable location for one as our backyard is narrow, small & uneven.

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 [Signature]

DATE 12 / 19 / 24

OFFICE USE ONLY

APPLICATION FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ <u>200.00</u>	CASH <input type="checkbox"/> CHECK <input checked="" type="checkbox"/> # <u>252</u>	ADMINISTRATIVE, BOARD OF ZONING APPEALS
BOARD OF ZONING APPEALS	MEETING DATE <u>1 / 21 / 2025</u>	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.

Responses to Factors for Variance Request for Shed in Side Yard

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:

- The property currently has limited space for a shed due to its narrow backyard and existing sloped landscaping on the west side of the house. Without the variance to place the shed in the east side yard, we will be unable to have additional storage space. The construction of the shed in the side yard would enable me to store tools and equipment, thereby enhancing the functionality of our property and yielding a reasonable return through improved organization and utility.

2. Whether the variance is substantial:

- The requested variance is modest and pertains solely to the placement of the shed within the side yard rather than the backyard. This adjustment does not significantly deviate from the overall intent of the zoning ordinance, as the shed will still comply with all applicable setback requirements. Therefore, the variance can be considered minor in nature.

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:

- The essential character of the neighborhood would not be altered by allowing the shed in the side yard. It will be placed in a more discrete area of the property as it will be out of view from our neighbors due to the natural wooded area surrounding borders to the north and east side and our home to the west. It will also have limited visibility from the street as it will be placed towards the back of our side yard.

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

- The proposed shed will not interfere with the delivery of governmental services. It will be constructed in a manner that does not obstruct access to utilities or impede regular service delivery.

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

- we were aware of the zoning restrictions when we purchased the property. However, the unique layout and topography of my lot were not conducive to the intended use of a shed in the backyard, which has prompted my request for a variance. Our intention is to enhance the usability of the property within its existing constraints.

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

- Other methods to meet my storage needs, such as downsizing or changing existing landscaping, would not be practical or effective. The only viable solution to address the storage issue without compromising the property's usability is to place the shed in the side yard. This location maximizes the available space while adhering to setback requirements.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance:

- Granting the variance would uphold the spirit and intent of the zoning ordinance by allowing for responsible property use while preserving neighborhood aesthetics. It would facilitate my ability to maintain an organized and functional property, contributing positively to the overall community. Substantial justice would be achieved by enabling me to utilize our property effectively without imposing an undue burden on my neighbors or the community.

By considering these factors, we respectfully request that the board grant the variance to allow for the construction of a shed in our side yard, enabling me to better utilize our property while respecting the surrounding neighborhood. Thank you for your consideration.

Payment For	<input type="checkbox"/> Utility Billing	DATE RECEIVED
	<input checked="" type="checkbox"/> Permit - type: Variance	DEC 19 REC'D
Name	Stephens	
Service Address	2451 Lakeview Dr.	
Payment Type	<input type="checkbox"/> Cash	
	<input checked="" type="checkbox"/> Check - #: 252	
Amount Paid	\$ 200.00	
Date Paid	12/19/2024	

