

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
December 17, 2024

1. CALL TO ORDER

Mr. Philip Ogrod called the meeting of the Bellbrook Board of Zoning Appeals & Property Review Commission to order at 6:45 pm.

2. ROLL CALL

PRESENT

Mr. Philip Ogrod
Dr. Meredith Brinegar
Ms. LaKisha Taylor

ABSENT

Mrs. Sharon Schroder

3. APPROVAL OF THE MINUTES

Mr. Ogrod asked if anyone had additions or corrections to the minutes of the November 19, 2024, meeting. Dr. Brinegar stated that she did not and noted the completeness of the minutes. Mr. Ogrod echoed the comment and did not see any needed changes to the minutes. Hearing no additions or corrections, Mr. Ogrod declared the minutes approved.

4. OLD BUSINESS

None

5. NEW BUSINESS

Mr. Ogrod introduced the one case presented to the Board, a Board of Zoning Appeals case, BZA 24-05: 1956 Cabernet Way – Variance of Bellbrook Zoning Code Section 18.05A to allow the construction of an accessory structure in the property's side yard.

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

Mr. Ogrod asked for the staff report for BZA Case 24-05. Ms. Grant began the staff report and stated that the applicant is requesting a variance of the Zoning Code 18.05A to allow the construction of an accessory structure in the property's side yard at 1956 Cabernet Way. She stated it is zoned Planned Residential and about 0.65 acres. She stated that the plot plan shows the structure's planned location and the lot's configuration and that the structure is proposed in what is, technically, the property's side yard facing east. The structure is planned to be eighty square feet (ten feet by eight feet) and twelve feet in height. The structure's primary building material is wood with T1-11 siding oriented horizontally and asphalt roof shingles to match the house. Two sides of the house would abut the shed, and two would be facing the side and back yards. The desired placement is due to the configuration of the yard after landscaping changes, and the area in the yard

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appears to be the most level. Ms. Grant explained that, if approved, the next steps would be the applicant obtaining a zoning permit from the City, and she would perform a placement inspection and final inspection. Ms. Grant recommended that the Board consider the request and pointed out that the applicant was in attendance to answer any specific questions.

Mr. Ogrod asked if the Board had any questions for staff. Dr. Brinegar asked if the placement is considered to be in the side yard and not the rear yard because of the configuration of the back of the house. Mr. Ogrod echoed the same question and asked about the definition of a side yard. Dr. Brinegar opined that it looked like the backyard and that she figured it was due to something technical. Ms. Grant explained that while it does appear like the back yard, the back foundation line is what determines the side yard. Mr. Ogrod confirmed the explanation and stated that it clarified the matter. Dr. Brinegar stated that was her only question, and Mr. Ogrod stated that it was his main question of how to define what the side yard is. Dr. Brinegar asked if it would go beyond the side of the house. Ms. Grant stated that it would be flush with the back foundation line and bump-out portion of the house. Mr. Ogrod asked if it would be visible from the front. Ms. Grant stated that it did not appear that it would be.

Mr. Ogrod asked if there were any other questions of staff. Hearing none, Mr. Ogrod moved to the public forum and asked for speakers to provide their names and addresses.

Mr. Joshua Bacca, 1956 Cabernet Way, approached the lectern and stated that he was there to answer any questions from the Board, that one question was already answered, and that, no, the shed was not intended to go any further towards the side beyond the main structure itself. He also stated that if you were to stand in front of the house, you would not be able to see it, and there was no intention for it to be obtrusive. Mr. Bacca explained that the orientation of the siding is his design to help blend it into the current siding of the home.

Mr. Ogrod asked if the opening was to be towards the back with access from the pool deck. Mr. Bacca confirmed yes. Mr. Ogrod asked, with the height being twelve feet, how it relates to the roof of the part of the house that juts out in the back. Mr. Bacca confirmed that it would be below that and match the accessory structure's pitch to that of the roof.

Mr. Ogrod asked for any other questions or comments, and hearing none, closed the public hearing portion of the meeting.

Mr. Ogrod opened the Board discussion. Dr. Brinegar opined that this case feels like one of the easier cases the Board has heard in a while, and Mr. Ogrod concurred. Dr. Brinegar pointed out that legally, it is the side yard, but conceptually, it feels like the back yard and that it will be in line with the house. She also opined that it is small in size. Mr. Ogrod pointed out that it will not exceed the height of the existing roof. Dr. Brinegar stated that it will blend in, and that it feels like a clear-cut case. Mr. Ogrod stated that having the definition of the side yard made it clear as to why the variance is needed and that he does not see a reason not to approve it. Mr. Ogrod asked for any other comments. Ms. Taylor stated no and that she thought it was good, too. Mr. Ogrod asked for a motion to approve BZA 24-05, the variance request to allow the construction of an accessory structure in the property's side yard at 1956 Cabernet Way.

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A motion was made by Dr. Brinegar and seconded by Ms. Taylor.

Voting “yea”: Mr. Ogrod, Dr. Brinegar, and Ms. Taylor. The motion carries.

Mr. Ogrod asked for any other cases or discussions before the Board this evening. Ms. Grant indicated no. Mr. Ogrod stated that the Miami Valley Planning and Zoning Workshop was held on December 6, and it was a good workshop with participation. Mr. Ogrod asked, in a subsequent meeting, to get meeting rules documented, and that information from the Workshop had made clear the importance of having those in place.

6. OPEN DISCUSSION

None

7. ADJOURNMENT

Hearing no further business coming before the Board, Mr. Ogrod declared the meeting adjourned at 6:56 pm.

Philip Ogrod, Chairperson

Rob Schommer, Clerk of Council