



APPLICATION FOR VARIANCE

City of Bellbrook
15 E. Franklin Street
Bellbrook, Ohio 45305

T (937) 848-4666
F (937) 848-5190

www.cityofbellbrook.org

Application #: 17-02

Name of Applicant: John Rancurello

Mailing Address: 63 West Maple St.

City: Bellbrook State: Ohio Zip: 45305

Telephone Number: Home: 937 689 4355 Business: _____

1. Locational Description: Subdivision Name: _____ Section: _____

Township: _____ Range: _____ Block: _____ Lot #: _____ Address: _____
(If not in a platted subdivision, attach a legal description)

2. Nature of Variance: Describe generally the nature of the variance:

placement of shed 4 feet from side
property line

In addition, two (2) copies of the plans drawn to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings or alterations and any natural or topographic peculiarities of the lot in question.

3. **Justification of variance:** In order for a variance to be granted, the applicant must prove to the Board of Zoning Appeals that the provisions of the Bellbrook Zoning Ordinance, Section 20.13.2 pertain.

PLEASE ATTACH COMMENTS ON A SEPARATE SHEET - SEE BACK OF FORM.

I certify that the information contained in this application and its supplement is true and correct.


John Rancurello
Applicant Signature

4-10-17
Date

PLEASE FILE ONE COPY WITH THE BELLBROOK ZONING OFFICE, 15 E FRANKLIN STREET, BELLBROOK.

Paid \$100 ck #5203 4/11/17

- ① property is a narrow 66' foot lot having an outbuilding closer to the property line would allow more use of the property
- ② I don't believe it is a substantial request to ask for a four foot setback from the property line
- ③ the character of the neighborhood in my mind would be enhanced due to the addition of an outbuilding that looks like it has always belonged there. I don't see any detriment to existing properties adjoining mine.
- ④ No adverse affects of services
- ⑤ I had no knowledge of any type of restrictions prior to purchase
- ⑥ No - I would be left with 8 foot of property essentially unusable because it would be behind the building.
- ⑦ The spirit and intent is to replicate what might have been there going back many years


4-11-17

**APPLICATION FOR ZONING PERMIT/ZONING COMPLIANCE CERTIFICATE
CITY OF BELLBROOK, OHIO**

PERMIT NO.: 17-32

RECEIVED DATE: 04/10/17

1. PROPERTY LOCATION

FLOOD ZONE: Y ~~N~~

ADDRESS 63 West Maple Street, Bellbrook, OH 45305

SUBDIVISION Old Village District

SECTION _____

LOT NO. 13

PARCEL ID NO. L35-1-2-10500

ZONING R1-B

2. NAME OF PROPERTY OWNER John Rancurello

PHONE NO.: 689-4355

ADDRESS Same

3. APPLICANT NAME Same

PHONE NO.: _____

ADDRESS _____

4. PROPOSED USE:

***REQUIRES DESCRIPTION IN ITEM 8**

___ SINGLE FAMILY RESIDENCE

___ BUSINESS*

___ FENCE*

___ MULTI FAMILY RESIDENCE

X ACCESSORY

___ POOL/FENCE

___ NO. OF UNITS

BUILDING

___ GARAGE

___ SIGN*

___ REMODELING

___ ATTACHED

___ FREE-STANDING

___ ADDITION

___ DETACHED

___ WALL/ROOF

___ DECK /REPLACEMENT

___ OTHER

5. FURNISH MAP OR SKETCH OF LOT, SHOWING EXISTING BUILDINGS AND PROPOSED CONSTRUCTION OR USE FOR WHICH THE APPLICATION IS MADE.

LOT WIDTH _____ LOT DEPTH _____ LOT AREA _____ PERCENT OF OCCUPATION _____ FRONT YARD _____

REAR YARD _____ SMALL SIDE YARD _____ SUM OF SIDES _____ BLDG. HEIGHT _____

6. SQUARE FOOTAGE

RESIDENTIAL _____ GARAGE _____ BASEMENT _____ ACC. BLDG 200 OFFICE _____ COMMERCIAL _____

7. ACCESSORY BUILDING

HEIGHT _____ WIDTH 10' LENGTH 20' SIDE YARD SETBACK 4' REAR YARD 58'

8. *REMARKS* New shed in rear yard. Variance approval by the Board of Zoning Appeals required.

Special Flood Hazard Area Development Permit Application required. 32A PH on 4/26/17; approved 4-0.

THE UNDERSIGNED HEREBY APPLIES FOR A ZONING PERMIT FOR THE ABOVE USE, TO BE ISSUED ON THE BASIS OF THE REPRESENTATION CONTAINED HEREIN, ALL OF WHICH THE APPLICANT AFFIRMS TO BE TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE.

[Signature] 4-11-17
APPLICANT'S SIGNATURE

DATE

ZONING PERMIT/COMPLIANCE CERTIFICATE

Based upon the statements found in the above application, the proposed zoning permit application is found to comply with the City of Bellbrook Zoning Ordinances and the permit is hereby granted.

[Signature]
City of Bellbrook Zoning Inspector Date

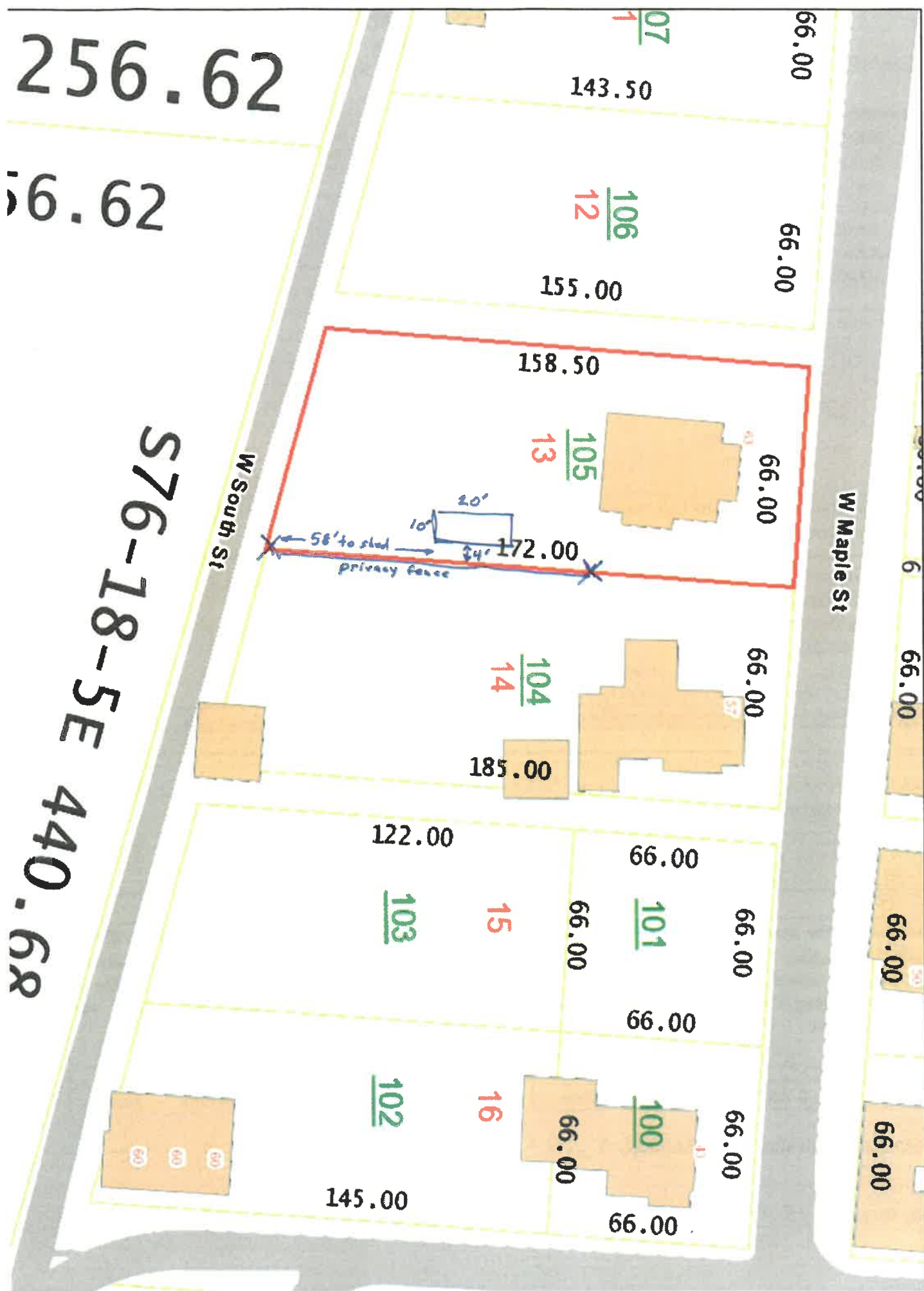
Based upon the statements found in the above application, the proposed zoning compliance certificate is found to comply with the City of Bellbrook Zoning Ordinances and the certificate is hereby granted.

City of Bellbrook Zoning Inspector Date

Greene County Building Permit Required: Y ___ N X

Total fee paid: \$ 15.00 Park Dev Fee: \$ _____ Cash / Check # 5263 White: File/Yellow: Customer/Pink: Finance

Greene County, Ohio



256.62

56.62

S76-18-5E 440.62

W South St

W Maple St

April 20, 2017



Memorandum for the Board of Zoning Appeals

City of Bellbrook
15 East Franklin Street
Bellbrook, Ohio 45305

T (937) 848-4666

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www.cityofbellbrook.org

Subject: Public Hearing on April 26, 2017

This is to confirm that the Board of Zoning Appeals will conduct a public hearing on **April 26, 2017** at **6 PM** to review two (2) variance requests. Please find enclosed an agenda for the meeting. The prior minutes of September 20, 2016 were electronically approved by the board and will also be publicly approved at this meeting.

BZA Case #17-01: 4443 Bellemeade Drive Open Lot (Martin)

The property owner is requesting a variance to the lot size allowed under the current Zoning Code requirements in order to make this a buildable lot. The lot is 11,076 square feet and the minimum lot size for this zoning district (R1-B) is 16,000 square feet. The Zoning Code requirements were established after the lot was platted in 1963. The owner contends that 98% of the lots in the subdivision do not meet the current Zoning Code minimum lot size requirements. The owner has supplied a survey which details the required setbacks, which do meet the code, and where a one to one and a half story house could be built on this lot. Without a variance, the owner could not build on the lot.

Please find enclosed the Application for Variance, the justification narrative, one GIS map, one map supplied by the owner, one survey of the lot, one survey of the lot to scale, an excerpt from the Comprehensive Plan, and the excerpt from the Zoning Code regarding the R1-B district and lot size requirements.

BZA Case #17-02: 63 West Maple Street (Rancurello)

This request for variance is to allow the construction of an accessory building measuring 10' X 20' (200 square feet) to be located 4' from the side lot line instead of the required 8' from the side lot line at 63 West Maple Street, Bellbrook. The distance from the rear lot line is 58'. The applicant, John Rancurello, states that the property is narrow at 66' wide and this would allow him more use of his rear yard.

Please find enclosed the Application for Variance, the justification narrative, the Application for Zoning Permit, one GIS map, and the excerpt from the Zoning Code regarding accessory buildings.

Please let me know if you have any questions on this material.

Sincerely,

Don Buczek
Assistant to the City Manager



BELLBROOK BOARD OF ZONING APPEALS PUBLIC HEARING

APRIL 26, 2017 6 PM

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF PRIOR MINUTES OF SEPTEMBER 20, 2016**
- 4. OLD BUSINESS:**
- 5. NEW BUSINESS:**
 - BZA Case #17-01: 4443 Bellemeade Drive Open Lot (Martin)**
 - BZA Case #17-02: 63 West Maple Street (Rancurello)**
- 6. OPEN DISCUSSION**
- 7. ADJOURNMENT**



BELLBROOK BOARD OF ZONING APPEALS
PUBLIC HEARING MINUTES
APRIL 26, 2017

PRESENT: Ms. Meredith Glick-Brinegar
Mr. Robert Middlestetter
Ms. Sharon Schroder
Chairman Robert Guy

ABSENT: Mr. Philip Ograd

GUESTS: Mr. Mark Bolton
Mr. Ron Coleman
Ms. Terry Karras
Mr. Todd Martin
Mr. John Rancurello

CALL TO ORDER:

Chairman Guy called the meeting of the Board of Zoning Appeals to order at 6:03 PM and requested a motion regarding the prior minutes of September 20, 2017. Chairman Guy moved to approve the prior minutes; Ms. Glick-Brinegar seconded the motion. A voice vote of all “ayes” and no “opposed” approved the prior minutes. It is noted for the record that Ms. Eileen Minamyler, City Board Secretary, was also present at this public hearing.

Chairman Guy requested that those individuals who wished to speak at the hearing this evening to stand and be sworn in at this time. Once the witnesses were duly sworn, Chairman Guy opened the public hearing.

OLD BUSINESS: NONE

NEW BUSINESS:

BZA CASE #17-01: 4443 BELLEMEADE DRIVE (MARTIN)

This request for variance is to vary the lot size allowed under the current Zoning Code requirements in order to make this a buildable lot. The lot is 11,185 square feet and the minimum lot size for this zoning district (R1-B) is 16,000 square feet. The Zoning Code requirements were

**Board of Zoning Appeals
April 26, 2017**

established in 1972 after the lot was platted in 1963. The owner has supplied a survey which details the required setbacks, which do meet the code, and where a one to one and a half story house could be built on this lot. Without a variance, the owner could not build on the lot.

Chairman Guy requested those individuals that are in favor of the request for variance to come to the podium, state their name and address for the record and to present their comments to the board.

Mr. Todd Martin, 229 Estates Drive, Dayton, stated that he purchased the lot about 2 years ago and at the time of purchase, he was not informed that there would be any kind of zoning problem with the development of the lot. Mr. Martin then put the lot on the market and that was when he found out about the variance requirements needed prior to building a home on the lot. Mr. Martin stated in his research of the plat, he found that 98% of the lots in the subdivision do not meet the current Zoning Code minimum lot size requirements. Mr. Martin stated that he cannot build on the lot without a variance and therefore it would render the lot useless. Mr. Martin reviewed his justification for variance for the board.

Chairman Guy questioned whether Mr. Martin is planning to build on the lot. Mr. Martin stated that his original intent was to build on it himself as an investment property, but he now intends to sell the lot to a third party. He cannot add acreage to the lot as it is bounded on all sides by existing homes. Mr. Middlestetter questioned the status of this lot as being similar to a "grand-fathered" or legal non-conforming lot of record. The secretary agreed and stated that when this subdivision was platted in Sugarcreek Township, it met the zoning requirements of the time. Subsequently, the subdivision was annexed to the city and a new zoning district was established which was different than the original regulations. The existing lots and houses may remain as they are constructed; however, if there is a change to the structure or the lot, the current code must be met. In a broad historic timeline of communities, this situation can be rather typical: an owner has a legally recorded lot that does not meet an overlay zoning district requirement for lot area and/or setbacks. This is actually a classic case for an approval of a variance since the existing valid recorded lot does not have enough acreage and additional acreage cannot be added to it in order to meet the current code requirements. Chairman Guy requested additional individuals who wished to speak to do so at this time.

Ron Coleman, 4440 Bellemeade Drive, Bellbrook, stated that he lived directly across the street from this lot and he has become very accustomed to the green space. Mr. Coleman questioned the type of home that could be built there since the homes in that area are all one story homes of @ 1,800 square feet or less and a concern is the space between neighbors. At this time, Mr. Coleman stated that he would be opposed to approving the variance.

The secretary stated that the zoning of the property is R-1B, One Family Residential District. The setbacks for the property are 30' for the front yard, 40' for the rear yard, 8'/20' side yard/total side yards for a one to one and a half story home, 10'/25' side yard/total side yards for a two to two and a half story home. The zoning requirement for the minimum house size is 1,200 square feet so that is not a large home.

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April 26, 2017**

A home that is similar to the majority of homes in the neighborhood is very feasible and would blend very well with the existing neighborhood. The secretary stated that in discussing this case with Don Buczek, Assistant to the City Manager, in some cases of a lot area lack, there may also be setback issues, so that along with a variance for lot area, a variance for the setbacks may be required as well. This does not seem to be the case here since a single story home with a full basement would not require any further variances for setbacks, such that the new home would be very similar to existing homes in the neighborhood.

Ms. Schroder clarified that if the property is sold and the variance is granted, the variance then transfers to the new owner. Conversely, if the variance is not granted and Mr. Martin sells the property, then the new owner would be required to seek the variance before building a home on the lot. The secretary agreed with Ms. Schroder's statements. Chairman Guy requested that any variance approval and its details be provided to the realtor and/or the new owner at the sale of the property.

There being no further discussion, Chairman Guy closed the public hearing and requested a motion. Mr. Middlestetter made a motion to approve the variance; Chairman Guy seconded the motion. Roll was called. Ms. Glick-Brinegar, yes; Mr. Middlestetter, yes; Ms. Schroder, yes; Chairman Guy, yes. The motion carried 4-0; the variance is granted.

BZA CASE # 17-02: 63 W MAPLE STREET (RANCURELLO)

This request for variance is to allow the construction of an accessory building measuring 10' X 20' (200 square feet) to be located 4' from the side lot line instead of the required 8' from the side lot line at 63 West Maple Street, Bellbrook. The distance from the rear lot line is 58'. The property is narrow at 66' wide and this would allow the owner more use of his rear yard.

Chairman Guy requested those individuals that are in favor of the request for variance to come to the podium, state their name and address for the record and to present their comments to the board.

John Rancurello, 63 W Maple Street, Bellbrook, stated that he bought this home 3 years ago from the Meredith family after renting it for about 7 years. His plans are to improve the property greatly and at this time, he is planning to construct a privacy fence on the east side property line from the back of the house to the back property line. He is also requesting the placement of a shed to be 4' from the side property line. Mr. Rancurello stated that he originally asked about putting the shed on the property line since many of the sheds in the neighborhood are on the lines. When he staked it out, however, he decided to request the 4' side lot line distance, thinking that half of the distance still left room to mow between the shed and the property line.

Chairman Guy requested the size of the shed to be constructed. Mr. Rancurello stated that it will be 200 square feet (10' X 20'). He also wants to put a garage on the property in the future. He understands that the total square footage for the shed and the garage is 600 square feet. Because of

**Board of Zoning Appeals
April 26, 2017**

that, he made the shed smaller so the garage could be a little larger.

Chairman Guy requested board discussion. Mr. Middlestetter questioned whether there was any neighborhood response to this request. The secretary stated that there have not been any neighborhood responses to date. Since there was no further discussion, Chairman Guy requested a motion.

Ms. Glick-Brinegar made a motion to approve the variance, Ms. Schroder seconded the motion. Roll was called. Ms. Glick-Brinegar, yes, Mr. Middlestetter, yes; Ms. Schroder, yes; Chairman Guy, yes. The motion carried 4-0; the variance is granted.

OPEN DISCUSSION:

Chairman Guy requested any open discussion. Hearing none, Chairman Guy requested a motion for adjournment.

ADJOURNMENT:

There being no further business to discuss, the meeting adjourned at 6:25 PM.

Robert Guy, Chairman

Date

Eileen Minamy, Secretary

Date