



To: BZA/PRC
From: Cathi Spaugy, Community Development Administrator
Date: June 8, 2026
Subject: Staff Report for BZA Case #26-02: 3883 Upper Bellbrook Road

Summary of the Request

The applicant and property owner Scott Carlson is requesting approval for a variance of Zoning Code section 18.05A to allow the construction of a shed (320 sq. ft.) in the side/front yard of the property. The desired construction/placement of the shed is the reason for the variance request as 18.05 – Accessory Buildings states the following:

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.

Applicant Information

Scott Carlson, Applicant and Property Owner

Current Zoning District

R-1AA, One-Family Residential

Parcel Identification

L35-0001-0001-0-0018-00

Additional Actions or Next Steps to be taken by the City

The Board of Zoning Appeals will decide on the variance request at its meeting on June 16, 2026.

Applicant's Reason for the Request

The applicant wants to construct/place a shed (320 sq. ft.) in the side/front yard of the property. The applicant's statement regarding the request is included in the packet.

Surrounding Land Use within 1,000 Feet

The surrounding land use within 1,000 feet includes Residential (R-1A and PD-1).

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

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

Flood Plain Information

N/A

Comments from City and County Agencies

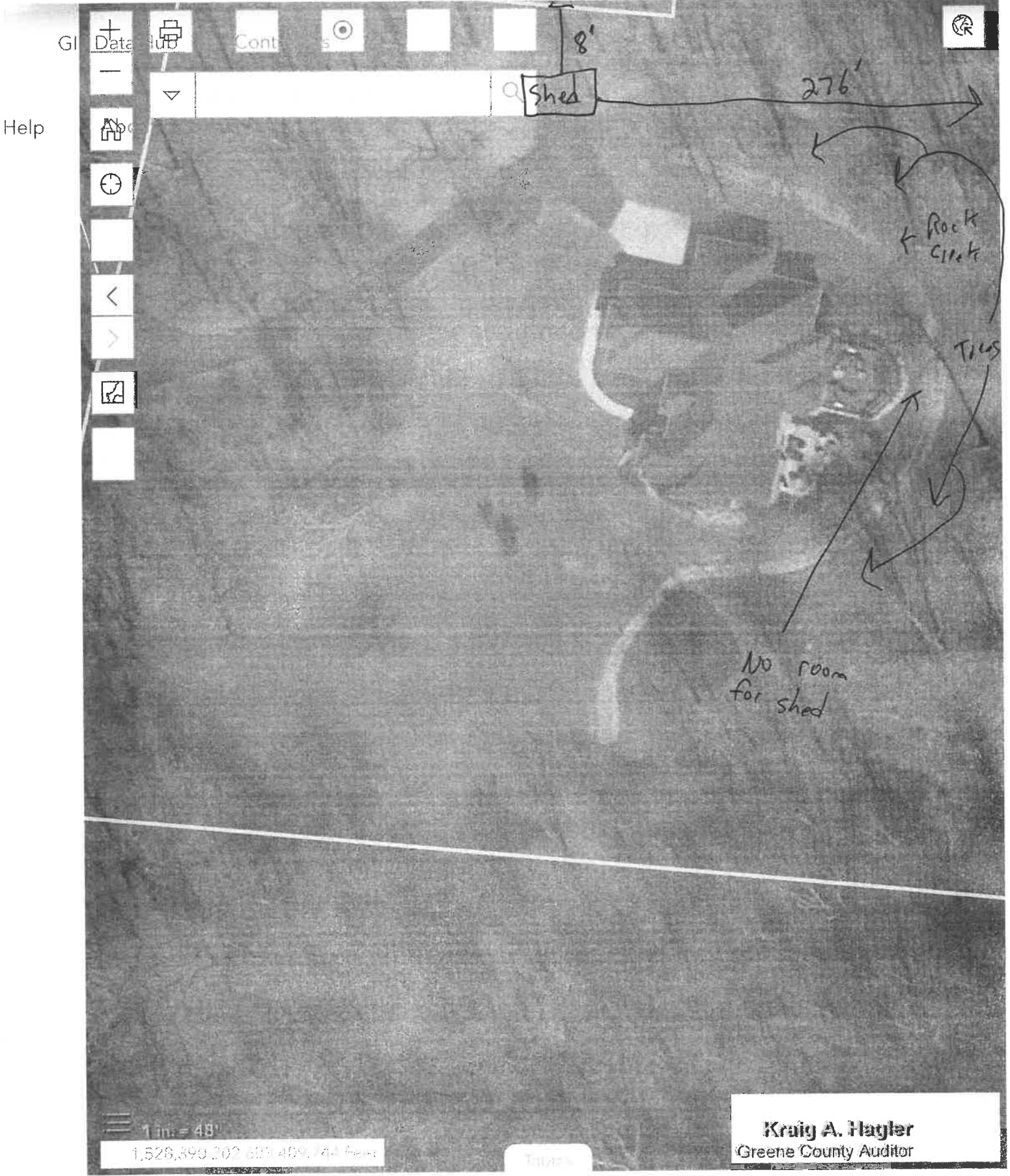
N/A

Supporting Maps & Graphics

Supporting documents are attached.

Staff Recommendation

Staff recommend that the Board of Zoning Appeals consider the request.



Section A: Applicant & Property Information

Field	Detail
Applicant Name	Scott Carlson
Mailing/Property Address	3883 Upper Bellbrook Rd, Bellbrook, OH 45305
Contact Number	(937) 602-2621
Legal Description of Property	<i>See Attachment 1</i>

Section B: Description & Nature of Variance Requested

The applicant is requesting a variance to place an accessory structure (storage shed) within the designated side yard setback, integrated into a natural clearing within the wooded area.

Due to severe topographical constraints—specifically a rock creek that cuts longitudinally across both sides and the rear of the home—there is no physically viable or safe location to construct the accessory structure in the rear yard. The proposed side-yard placement is the only logical location that avoids ecological disruption, preserves the mature tree canopy, and ensures safe access. *Please refer to Attachments 2-4 for site layout and photos.*

Section C: Evaluation of Factors & Practical Difficulties

The Ohio standard for an area variance requires the Board to determine whether the zoning regulations impose "practical difficulties" upon the property owner. Below is a structured analysis demonstrating how the property meets these criteria.

Factor to Consider	Analytical Response & Justification
1. Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the variance.	No Beneficial Use of Standard Amenities. While the property remains viable as a single-family residence, the strict application of the setback rules deprives the owner of a basic, beneficial utility standard to residential properties: secure, accessible accessory storage. Due to the rock creek boundary, the property cannot support a standard backyard shed without this variance.

2. Whether the variance is substantial.

No. The requested variance is minor in scope. The proposed accessory structure will fully comply with all other applicable zoning, height, construction, and safety regulations. It represents a minimal deviation tailored strictly to the unique topography of the lot.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a detriment.

No Detriment / Enhancement of Character. The property is a large, 5.8-acre, heavily wooded tract located nearly a half-mile down a private lane. The shed will be tucked into a natural opening, surrounded by dense mature trees, making it virtually invisible from the main thoroughfare. Only two properties exist further down the private lane (one of which is vacant). The structure will only be minimally visible to a single neighbor traveling south. The natural positioning preserves the rural, wooded aesthetic of the neighborhood.

4. Whether the variance would adversely affect the delivery of government services.

No Impact. The property is accessed via a private drive. The proposed location of the shed will not obstruct, interfere with, or impact the delivery of any public or emergency services, including water, sanitary sewer, emergency response, or utility maintenance.

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

Not Applicable / Pre-existing Conditions. The physical and topographical limitations of the land—specifically the location of the rock creek and the mature forest growth—are natural, pre-existing conditions that are entirely distinct from any prior knowledge of zoning restrictions.

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

No Feasible Alternative. Denying the variance would force the applicant to place the shed approximately 200 yards away from the residence, with a steep incline, on the opposite side of a rock creek. This alternative introduces severe safety hazards, requiring the homeowners to repeatedly cross wet, uneven rocks while hauling heavy maintenance equipment, tools, and yard supplies up and down a steep slope. The variance is the only option that ensures basic physical safety.

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

Yes. The intent of setback requirements is to prevent overcrowding, protect adjacent properties, and maintain neighborhood aesthetics. Because of the property's size (5.8 acres), dense forestation, and isolated location, granting this variance maintains the spirit of the code. Conversely, denying it would create an inequitable hardship and an active safety hazard, failing the test of substantial justice.

Situated in the City of Bellbrook, Greene County, Ohio, Section 32, Town 3, Range 6, M.R.S., being part of the remaining part of an 8.502 acre tract of land and all of a 2.659 acre tract of land conveyed to D.L. & S.J. Garrett recorded in Volume 185, Page 077, and Volume 1464, Page 63 of the Greene County Official Records being more particularly described as follows:

Beginning for reference at a 5/8" iron pin (fnd) in the centerline of Upper Bellbrook Road marking the northwest corner of said Section 32; thence with the northerly line of Section 32 S. 89 Deg. 55' 00" E. 2331.18 feet to a 7/8" iron pin (fnd) marking the northeast corner of J.P. & J.K. Maguire's remaining part 12.426 acre tract (O.R. 340/461), the northwest corner of S.K. R.U. Hayes 29.4265 acre tract (O.R. 1077/818), and being in the southerly line of the Board of Education Sugarcreek Local School District's tract (D.B. 317/229); thence with said Hayes westerly line and Maguire's easterly line S. 0 deg. 05' 30" W. 179.96 feet to a 5/8" iron pin (set) marking a northeast corner of said Garrett's 2.659 acre tract; and a corner to said Maguire being the True Point of Beginning for the tract of land herein described;

Thence with said Hayes westerly line and becoming the line of S.O. Humphrey's 29.4265 acre tract (O.R. 492/028) S. 0 deg. 05' 30" W. 769.82 feet to a 5/8" iron pin (set);

Thence by new division line through the lands of Garrett N. 89 deg. 48' 01" W. 466.46 feet to a P.K. nail (set) in the center of a 50' width private lane for ingress and egress;

Thence N. 07 deg. 27' 53" E. 309.02 feet to a 5/8" iron pin (set) marking a corner to said Maguire; thence with Maguire's line S. 89 deg. 48' 01" E. 176.80 feet to a 5/8" iron pin (set); thence N. 0 deg. 05' 30" E. 463.22 feet to a 5/8" iron pin (set); thence S. 89 deg. 48' 01" E. 250.00 feet to the True Point of Beginning.

This description contains 5.002 acres more or less, being all of Garrett's 2.659 acre tract and 3.143 acres out of Garrett's remaining part of 8.502 acres and is subject to all legal highways, easements, conditions and restrictions of record. Easement for 50' width lane for ingress and egress is recorded in Volume 422, Page 390 of the Greene County Deed and Vol. 1065, Page 718 of the Greene County Official Records. Iron pins referred to as (set) are 5/8" diameter, 30" in length with a yellow plastic cap stamped "DONOHUE 7844".

This description is based on a field survey conducted by Michael J. Donahue, Ohio Professional Surveyor #7844 in April 1999.

Parcel No. L35-0001-0001-0-0018-00

Survey Recorded by
Greene County Surveyors
Record No. 32 Page 57

[Handwritten signature]
5/16/18

Description Check

Greene County Engineer's Tax Map Dept.

- Legally Sufficient As Described
- Legally Sufficient With Corrections Noted
- Legally Insufficient. New Survey Required

By: [Signature]

Date: 3/9/18

Par ID Dist L35 BK 1 PG 1 PAR 18



Public Access System (PAS) Geographic Information Management System

GI Data Lib Cont s

Shed

Rock Creek

Trees

No room for shed

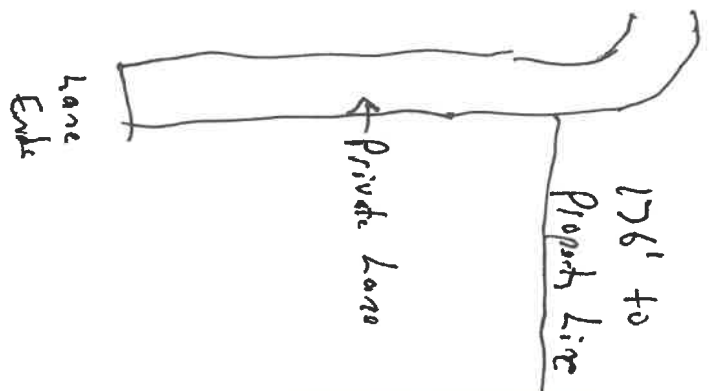
1 in. = 48'

1,526,620.10 | 603,504.674 Feet

Kraig A. Hagler
Greene County Auditor



Back of house
Note limited space
for shed





Notice of Public Hearing

**The Bellbrook Board of Zoning Appeals
will conduct a public hearing on
Tuesday, June 16, 2026, at 6:30 p.m.
City Council Chambers (second floor)
15 East Franklin Street, Bellbrook, Ohio 45305.**

BZA Case #26-02: 3883 Upper Bellbrook Road

The Bellbrook Board of Zoning Appeals will hold a public hearing on a variance request for **3883 Upper Bellbrook Rd.** The variance request of the Bellbrook Zoning Code Section 18.05A (Accessory Buildings – in a residential zone, no garage or other accessory building shall be erected within a required side or front yard) is for a shed to be erected in the side/front yard of the property due to a rock creek running through the rear yard.

If you have questions, please contact the City of Bellbrook Community Development Department at (937) 848.4666 or cathi@bellbrook.gov

This publication was mailed June 4, 2026