



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.



# CITY OF BELLBROOK

## ZONING PERMIT – ACCESSORY BUILDINGS

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305  
(937) 848-4666 [WWW.CITYOFBELLBROOK.ORG](http://WWW.CITYOFBELLBROOK.ORG)

DATE RECEIVED 5 / 27 / 26 STAFF USE APPLICATION # Accs- 26-0002

### APPLICANT INFORMATION

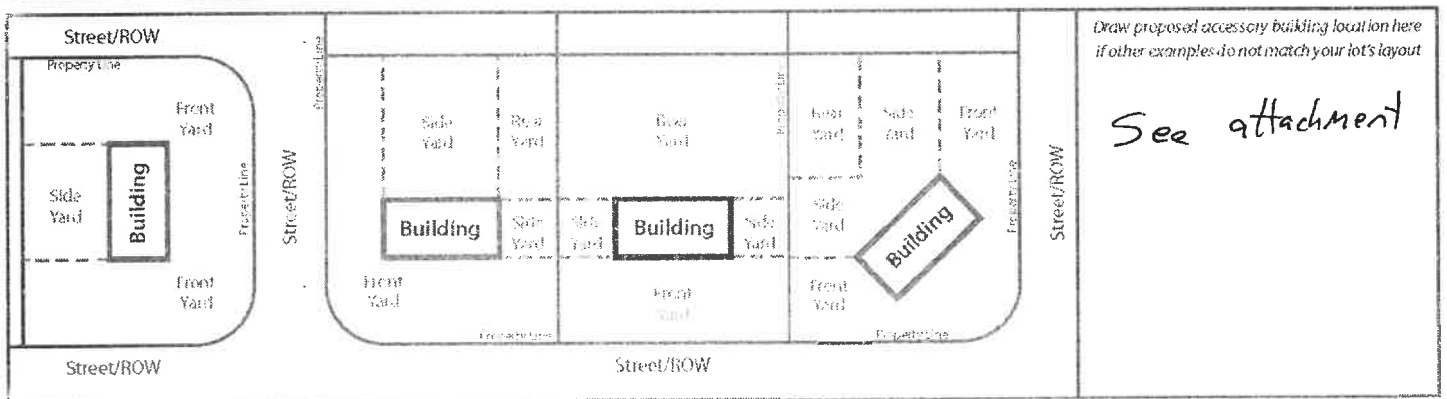
PROPERTY ADDRESS 3883 Upper Bellbrook Rd ZONING DISTRICT R-1AA  
 PROPERTY OWNER Scott Carlson PHONE NUMBER 937-602-2621  
 APPLICANT NAME Scott Carlson PHONE NUMBER 937-602-2621  
 APPLICANT EMAIL SCOTTCAA@TWC.COM

### REQUEST INFORMATION

TYPE OF LOT CORNER  INTERIOR  OTHER  ACCESSORY BUILDING TYPE SHED  GARAGE  POOL  OTHER   
 DIMENSIONS OF STRUCTURE HEIGHT 14' WIDTH 16' LENGTH 20' FLOOR AREA 320 SQUARE FEET  
 PROPOSED LOCATION SIDE YARD  REAR YARD  DISTANCE FROM PROPERTY LINES SIDE YARD 8' REAR YARD 276'  
 WIDTH OF RECORDED EASEMENTS ON LOT SIDE YARD None REAR YARD None PLEASE DENOTE LOCATION ON LOT TYPES BELOW  
 PROPOSED USE OF STRUCTURE Storage  
 OTHER COMMENTS \_\_\_\_\_

ANY STRUCTURE EXCEEDING 200 SQUARE FEET IN GROSS FLOOR AREA OR POOL SHALL BE REQUIRED TO OBTAIN A BUILDING PERMIT.

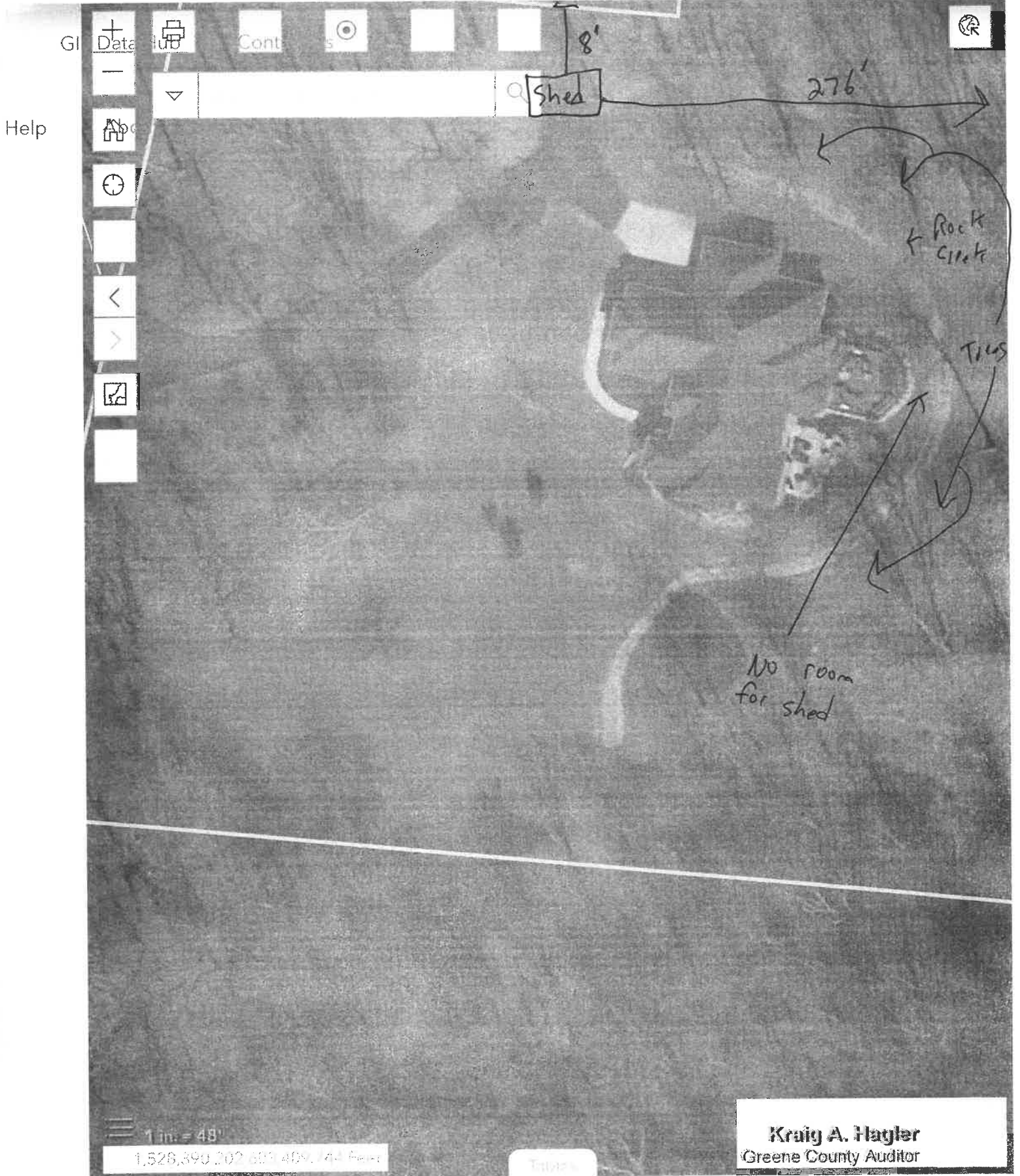
### HOW PROPOSED ACCESSORY BUILDING LOCATION ON CORRESPONDING LOT TYPE



I HEREBY CERTIFY THAT THE INFORMATION AND STATEMENTS GIVEN ON THIS APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT IF THE INFORMATION IN THIS APPLICATION IS NOT CORRECT OR COMPLETE, ANY PERMIT ISSUED MAY BE INVALID WITH THE RESULT BEING THAT I MAY BE REQUIRED TO TAKE THE ABOVE-DESCRIBED ACCESSORY STRUCTURE DOWN AT MY OWN EXPENSE. ANY APPROVAL GRANTED BY THE CITY SHALL EXPIRE IF THE WORK HAS NOT BEGUN WITHIN ONE (1) YEAR FROM THE DATE OF APPROVAL.

APPLICANT SIGNATURE Scott Carlson DATE 5 / 27 / 2026

OFFICE USE ONLY		
<b>PERMIT FEE</b> \$ <u>36.00</u>	<b>PAYMENT TYPE</b> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> # _____	<b>REVIEW AUTHORITY</b> ADMINISTRATIVE <input checked="" type="checkbox"/> BZA <input checked="" type="checkbox"/> VRB <input type="checkbox"/>
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	STAFF SIGNATURE _____	DATE <u>5 / 27 / 26</u>
APPROVED-CONDITIONS <input type="checkbox"/>		





# CITY OF BELLBROOK

## APPLICATION FOR ZONING VARIANCE

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

DATE RECEIVED 5 / 27 / 26 STAFF USE APPLICATION # VAR 26-0003

### APPLICANT INFORMATION

PROPERTY OWNER Scott Carlson PHONE NUMBER 937-602-2621  
OWNER ADDRESS 3883 Upper Bellbrook Rd  
APPLICANT NAME Scott Carlson PHONE NUMBER 937-602-2621  
APPLICANT ADDRESS 3883 Upper Bellbrook Rd  
APPLICANT EMAIL SCOTTCAR@TWC.COM

### REQUEST INFORMATION

PROPERTY ADDRESS 3883 Upper Bellbrook Rd ZONING DISTRICT R-1AA  
SUBDIVISION N/A LOT NUMBER \_\_\_\_\_ PARCEL ID L35-0001-0001-0-0007-00018

DESCRIBE THE GENERAL NATURE OF THE VARIANCE \_\_\_\_\_  
Due to a rock creek running across to back area of my home, its close to both my house and woods, and safety concerns if my wife and I had to wade across the rock creek to get to the shed and haul things back, I'm requesting a variance to place the shed on side of house, tucked back into woods and only slightly visible from private lane.

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 Scott Carlson DATE 5 / 27 / 2026

OFFICE USE ONLY		
APPLICATION FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ <u>200.00</u>	CASH <input type="checkbox"/> CHECK <input type="checkbox"/> # _____	<input checked="" type="checkbox"/> ADMINISTRATIVE, BOARD OF ZONING APPEALS
BOARD OF ZONING APPEALS	MEETING DATE <u>6 / 16 / 26</u>	APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> CONDITIONS <input type="checkbox"/>

## Section A: Applicant & Property Information

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

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## 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.

I'm available to discuss any questions that you may have. Please feel free to reach out to me directly.

- Contact Name: Scott Carlson
- Phone: (937) 602-2621
- Email: [scottcaa@twc.com](mailto:scottcaa@twc.com)

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]*  
5/16/12

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: 3/9/12

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

T1105

No room for shed

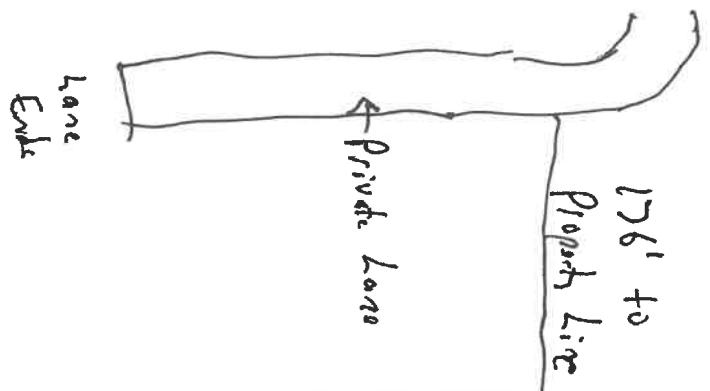
1 in. = 48'

1,526,620.10 | 603,504.674 Feet

Kraig A. Hagler  
Greene County Auditor



Back of house  
Note limited space  
for shed



## Record Report for Zoning Variance #VAR-26-0003

### Record Overview

**Record Number:** VAR-26-0003

**Record Type:** Zoning Variance

**Record Status:** In Progress

**Record Submitted At:** Thursday May 28, 2026

**Record Address:** 3883 UPPER BELLBROOK RD, BELLBROOK, OH 45305

**Record Owner:** Cathi Spaugy

**Record Applicant:** Scott Carlson

### Form Submission

**Property Address:**

3883 UPPER BELLBROOK RD, BELLBROOK, OH 45305

**Parcel Number:** L35-0001-0001-0-0012-00

**Lot:** -

**Subdivision:** -

**Contractor:**

Scott Carlson

scottcaa@twc.com, (937) 602-2621

**Property Owner:**

Scott Carlson

scottcaa@twc.com, (937) 602-2621

**Business:**

n/a

n/a

n/a

n/a, OH 45305

**Existing Use:**

None

**Proposed Use:**

Shed for storage

**Description:**

Due to a rock creek running across the back area of my home, its closest to both my house and woods and safety concerns if my wife and I had to walk across the rock creek to get to the shed and haul things back and forth. I am requesting a variance to place the shed on the side of the house. Tucked back into woods and only slightly visible from the private lane.

**I understand that approval of this application does not constitute approval for any administrative review, 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.:



Signed in GovWell: Thursday May 28, 2026, 11:49am

## Generated Documents

No documents generated

## Activity History

- Email**  
June 4, 2026, 2:26pm  
Subject: #VAR-26-0003 | Added to Board of Zoning Appeals / Property Review Commission Meeting (Scott Carlson) (3883 UPPER BELLBROOK RD, BELLBROOK, OH 45305)  
To: Scott Carlson
- Email**  
June 4, 2026, 2:26pm  
Subject: #VAR-26-0003 | New Task - Log Meeting (Scott Carlson) (3883 UPPER BELLBROOK RD, BELLBROOK, OH 45305)  
To: Cathi Spaugy
- Meeting**  
June 4, 2026, 2:26pm  
Cathi Spaugy added the record to the Board of Zoning Appeals / Property Review Commission meeting scheduled for June 16, 2026 at 6:30pm
- Email**  
May 28, 2026, 5:16pm  
Subject: #VAR-26-0003 | Thank You For Your Payment (Scott Carlson) (3883 UPPER BELLBROOK RD, BELLBROOK, OH 45305)  
To: Scott Carlson
- Email**  
May 28, 2026, 5:16pm  
Subject: #VAR-26-0003 | New Task - Add to Meeting (Scott Carlson) (3883 UPPER BELLBROOK RD, BELLBROOK, OH 45305)  
To: Cathi Spaugy
- Payment**  
May 28, 2026, 5:16pm  
Scott A Carlson paid fees in the amount of \$200.00.
- Email**  
May 28, 2026, 11:50am  
Subject: #VAR-26-0003 | Payment is Required (Due on 5/29/26) (Scott Carlson) (3883 UPPER BELLBROOK RD, BELLBROOK, OH 45305)  
To: Scott Carlson
- Payment**  
May 28, 2026, 11:50am  
Cathi Spaugy requested fees in the amount of \$200.00.
- Email**  
May 28, 2026, 11:50am  
Subject: #VAR-26-0003 | Application Progress (Scott Carlson) (3883 UPPER BELLBROOK RD, BELLBROOK, OH 45305)  
To: Scott Carlson
- Email**  
May 28, 2026, 11:50am  
Subject: #VAR-26-0003 | New Task - Add Fees (Scott Carlson) (3883 UPPER BELLBROOK RD, BELLBROOK, OH 45305)  
To: Cathi Spaugy
- Plan Review Completed**  
May 28, 2026, 11:50am  
Cathi Spaugy approved the plans and left no comments.

**Email**

May 28, 2026, 11:49am

Subject: #VAR-26-0003 | New Plan Set For Review (Scott Carlson) (3883 UPPER BELLBROOK RD, BELLBROOK, OH 45305)

To: Cathi Spaugy

**Email**

May 28, 2026, 11:49am

Subject: #VAR-26-0003 | Update On Your Submission (Scott Carlson) (3883 UPPER BELLBROOK RD, BELLBROOK, OH 45305)

To: Scott Carlson

**Status Changed**

May 28, 2026, 11:49am

From: Submitted

To: In Progress

**Application Review Completed**

May 28, 2026, 11:49am

Cathi Spaugy reviewed the application and marked it as complete.

**Email**

May 28, 2026, 11:49am

Subject: #VAR-26-0003 | Bellbrook: Submission Received and Status Tracker (Scott Carlson) (3883 UPPER BELLBROOK RD, BELLBROOK, OH 45305)

To: Scott Carlson

**Email**

May 28, 2026, 11:49am

Subject: #VAR-26-0003 | New Task - Review Application (Scott Carlson) (3883 UPPER BELLBROOK RD, BELLBROOK, OH 45305)

To: Cathi Spaugy

**Applicant**

May 28, 2026, 11:49am

Cathi Spaugy set the applicant user to Scott Carlson.



## Notice of Public Hearing

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**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](mailto:cathi@bellbrook.gov)

This publication was mailed June 4, 2026