

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
March 15, 2022

CALL THE MEETING ORDER:

Mr. Burke called the meeting of the Bellbrook Board of Zoning Appeals & Property Review Commission to order at 6:30pm

ROLL CALL:

PRESENT

Mr. Kyle Boehmer
Mrs. Meredith Brinegar
Mr. Aaron Burke
Mr. Philip Ogrod

ABSENT

Mrs. Sharon Schroder

ALSO PRESENT:

Jason Foster, Community Development Administrator
Rob Schommer, City Manager

APPROVAL OF MINUTES:

Mr. Burke asked if any member had comments or corrections to the minutes of the February 15, 2022 meeting. Hearing none, the minutes were declared approved.

OLD BUSINESS:

None

NEW BUSINESS:

A. BZA 22-02 3627 River Birch - variance of Zoning Code Section 18.05A for the placement of a swimming pool Public Hearing.

Mr. Burke started by swearing in witnesses who will testify and opened the Public Hearing.

Mr. Foster provided information from the staff report noting the applicant was seeking a variance to allow placement of a swimming pool partially in his side yard due to terrain and grade issues in his rear yard. The applicant purchased the adjoining lot in order to install the pool. Staff recommended approval of the variance.

Mr. Ogrod asked if there was a size limit to a pool in the code. Mr. Foster stated there was not.

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The applicant described the project as noted in the staff report. He noted there was already a fence surrounding the lot as required by the code.

Mr. Burke asked if any other residences have pools in the side yards. The applicant stated it was unique to his lot which is why he purchased the adjacent lot.

Mr. Foster noted there was a letter submitted by the neighbor encouraging approval of the variance.

Hearing no other comments, Mr. Burke closed the Public Hearing.

Mrs. Brinegar stated she drove by the lot and feels the variance makes sense, Mr. Ograd agreed.

Motion to approve a variance of Zoning Code 18.05A for case # BZA-22-02 after reviewing the procedures and requirements for said variance in accordance with Article 20, Section 20.13 and 20.13.1 of the Bellbrook Zoning Code have been met.

Motion Made by Mr. Ograd, Seconded by Mrs. Brinegar.

Voting Yea: Mr. Boehmer, Mrs. Brinegar, Mr. Burke, Mr. Ograd

Motion Passed.

B. BZA 22-03 46 E. Franklin St - Variance of Zoning Code Section 18.05A for the construction of an accessory building.

Mr. Burke opened the Public Hearing.

Mr. Foster provided a description of the requested variance as noted in the staff report. The applicant is requesting a variance to construct a 2,400 square foot accessory building on the open portion of the empty lot at 46. E. Franklin.

Mr. Burke asked if the building was for a business. Mr. Foster stated it was for storage and a workshop, as the code does not allow a business to be in an accessory building.

The applicant, Mr. Dwight Bartlett explained the project based on the staff report and original application. He noted he has purchased and renovated several buildings downtown and is invested in making the oldest buildings presentable and preserving downtown.

Mr. Burke noted the variance was approved to be recommended by the Village Review Board. Mr. Bartlett added in that meeting he agreed to include additional stone facia on the building that faces the roadway.

Mrs. Brinegar asked how the size of the new building compares to the current building housing the workshop. Mr. Bartlett stated it had some more floor space, but the footprint of the building was close to the same.

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Motion to approve a variance of Zoning Code 18.05A for case # BZA-22-03 after reviewing the procedures and requirements for said variance in accordance with Article 20, Section 20.13 and 20.13.1 of the Bellbrook Zoning Code have been met.

Motion Made by Mrs. Brinegar Seconded by Mr. Ograd.

Voting Yea: Mr. Boehmer, Mrs. Brinegar, Mr. Burke, Mr. Ograd

Motion Passed.

C. PRC Case #22-01 33-35 S. Main St.

Mr. Foster described property maintenance violations for the case based on the staff report. He stated the violations have been issued and have been through the timelines required to be corrected. The homeowner has not responded. Mr. Schommer added there are utility violations at the property as well and the resident was informed in person about the violations. Mr. Foster stated there were multiple opportunities given to the owner to clean the violations.

Mr. Burke asked if the City has spoken to the owner. Mr. Schommer stated at the time of violation, the occupant was notified in person and the owner was at the time incarcerated. Since then, he has spoken to the owner. He added that even though abatement was being sought, there will be additional attempts to work out compliance.

Mrs. Brinegar asked if there had been complaints on the property. Mr. Schommer stated there have been ongoing issues. She asked additionally about the assessment of fines. Mr. Schommer indicated this would be an abatement, and the cost of such will be billed to the property owner, or on the tax duplicate assessment.

Mr. Ograd asked what the timeline would be for this abatement. Mr. Foster stated 30 days is reasonable, considering the ability to work with the owner.

Mr. Ograd asked if there had been certified mail sent to the owner for the violations. Mr. Foster stated there was, and there were subsequent in person meetings and conversations.

Mr. Boehmer asked if there were any estimates for the cost to clean the property. Mr. Foster stated no formal estimates, as we would first check on available resources from within the City. He added that due to the time already involved with the owner to remedy, he suggested limiting it to 30 days, then abatement.

Motion to approve abatement of 33 and 35 S. Main Street for violations of Section 1450.31(a) of the Bellbrook Property Maintenance code including junk, trash and debris removal, and Article 18 Section 18.05A of the Bellbrook Zoning Code including removal of a non-permitted and non-compliant accessory building as described in the Staff Report dated March 15, 2022.

Motion Made by Mr. Ograd Seconded by Mr. Boehmer.

Voting Yea: Mr. Boehmer, Mrs. Brinegar, Mr. Burke, Mr. Ograd

Motion Passed.

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OPEN DISCUSSION:

Mrs. Brinegar noted she liked the new system for the agenda packets.

Mr. Ogrod asked the status of the property maintenance code. Mr. Foster stated it has been sent to the Law Director for review, and when it is returned it will go to Council for approval.

ADJOURNMENT:

With no further business coming before the Board, Mr. Burke declared the meeting adjourned at 7:32 pm.

Aaron Burke, Chair Person

Rob Schommer, Clerk of Council