



# CITY OF BELLBROOK

## ZONING PERMIT – NEW CONSTRUCTION

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305

(937) 848-4666 [WWW.CITYOFBELLBROOK.ORG](http://WWW.CITYOFBELLBROOK.ORG)

DATE RECEIVED \_\_\_\_/\_\_\_\_/\_\_\_\_

STAFF USE

APPLICATION # \_\_\_\_\_

### APPLICANT INFORMATION

PROPERTY ADDRESS 3868 W. FRANKLIN ST

PROPERTY OWNER PATRICK D. AND SYLVIA J. SHEDIACK

APPLICANT NAME PATRICK D. AND SYLVIA J. SHEDIACK

ZONING DISTRICT PD-1 PLANNED RESIDENTIAL

PHONE NUMBER 937-709-9055

PHONE NUMBER 937-709-9055

APPLICANT EMAIL PAT@BLUEJEANSPLACE.COM AND SYLVIA@BLUEJEANSPLACE.COM

### REQUEST INFORMATION

TYPE OF LOT CORNER ☐ INTERIOR ☒ OTHER ☐ CONSTRUCTION TYPE ADDITION ☐ PATIO/DECK ☐ RESIDENCE ☐

DIMENSIONS OF LOT WIDTH \_\_\_\_\_ DEPTH \_\_\_\_\_ LOT AREA \_\_\_\_\_ SQUARE FEET

STRUCTURE SF RESIDENTIAL \_\_\_\_\_ BASEMENT \_\_\_\_\_ GARAGE \_\_\_\_\_ ADDITION/PATIO/DECK \_\_\_\_\_ TOTAL SF \_\_\_\_\_

YARD SETBACK FRONT YARD \_\_\_\_\_ REAR YARD \_\_\_\_\_ SUM OF SIDES \_\_\_\_\_ BUILDING HEIGHT \_\_\_\_\_ FEET

DISTANCE FROM PROPERTY LINES FOR ADDITIONS AND PATIOS/DECKS SIDE YARD \_\_\_\_\_ REAR YARD \_\_\_\_\_

WIDTH OF RECORDED EASEMENTS ON LOT SIDE YARD \_\_\_\_\_ REAR YARD \_\_\_\_\_ PLEASE DENOTE LOCATION ON PLOT PLAN

**PROPOSED USE OF STRUCTURE** Construct concrete landscape steps (36" W x 18" D) which will (1) start where the east edge of the driveway meets the front porch walk, (2) align to the east edge of the existing driveway and (3) end at the curb. The steps will run 25 ½ feet in length.

**OTHER COMMENTS** These steps will eliminate the present high-risk situation of walking to the street across a frosted, icy or snowy driveway which was constructed with an 11.56% pitch (Rise of 48" and Run of 34' 6"). The winter weather experience since our purchase of the home in December 2018 has shown walking down and up the steep driveway due to the lack of steps to the street is extremely hazardous and no longer an acceptable risk, especially to Mr. Shediack, a disabled veteran with military service-connected spinal injuries.

**SEE THE REVERSE OF THIS PAGE FOR ADDITIONAL INFORMATION TO BE INCLUDED WITH A ZONING PERMIT FOR NEW CONSTRUCTION.**

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

*Patrick D. Shediack*

DATE JULY 20, 2025

### OFFICE USE ONLY

PERMIT FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ 100	CASH <input type="checkbox"/> CHECK <input checked="" type="checkbox"/> # 1182	ADMINISTRATIVE <input checked="" type="checkbox"/> BZA <input checked="" type="checkbox"/> VRB <input type="checkbox"/>
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>		
APPROVED-CONDITIONS <input type="checkbox"/>	STAFF SIGNATURE <i>[Signature]</i>	DATE ____/____/____

Call before you Dig 1-800-362-2764

## REGULATION OF NEW CONSTRUCTION INCLUDING ADDITIONS, DECKS, AND PATIOS

### A. PERMIT REQUIRED

NO BUILDING OR OTHER STRUCTURE SHALL BE ERECTED, MOVED, ADDED TO, STRUCTURALLY ALTERED, NOR SHALL ANY BUILDING, STRUCTURE OR LAND BE ESTABLISHED OR CHANGED IN USE WITHOUT A PERMIT ISSUED BY THE ZONING INSPECTOR. ZONING PERMITS SHALL BE ISSUED ONLY IN CONFORMITY WITH THE PROVISIONS OF THIS ORDINANCE UNLESS THE ZONING INSPECTOR RECEIVED A WRITTEN ORDER FROM THE BOARD OF ZONING APPEALS OR FROM THE CITY COUNCIL, AS PROVIDED BY THIS ORDINANCE.

### B. PLOT PLAN REQUIRED

- a) LOCATION AND DIMENSIONS OF ALL PROPERTY BOUNDARIES AND EASEMENTS.
- b) LOCATION AND DIMENSIONS OF ALL EXISTING AND PROPOSED BUILDINGS, DECKS, STAIRS, AND PATIOS.
- c) DIMENSIONS OF ALL EXISTING AND PROPOSED BUILDING SETBACKS FROM PROPERTY LINES.
- d) LOCATION AND DIMENSION OF ALL EXISTING AND PROPOSED DRIVEWAYS, FIRE LANES, AND PARKING SPACES.
- e) LOCATION, HEIGHT, AND BUILDING MATERIALS OF ALL EXISTING AND PROPOSED FENCING AND WALLS.
- f) LOCATION, HEIGHT (INCLUDING TOP AND BOTTOM ELEVATION MEASUREMENTS), AND BUILDING MATERIALS OF ALL EXISTING AND PROPOSED RETAINING WALLS.
- g) LOCATION OF DRAINAGE WAYS, WETLANDS, AND FLOODPLAINS.

### C. SITE DEVELOPMENT PLAN (MUNICIPAL CODE: 1226.05) REQUIRED IF THE PROJECT INCLUDES GRADING

- a) GENERAL LOCATION MAP THAT SHOWS THE AREA PROPOSED FOR DEVELOPMENT AND PERTINENT ADJACENT AREAS AND FEATURES;
- b) A DESCRIPTION OF THE NATURE AND TYPE OF THE EARTH DISTURBING/CONSTRUCTION ACTIVITY (E.G. RESIDENTIAL, COMMERCIAL, HIGHWAY, ETC.) ;
- c) A PHOTOCOPY OF THE APPROPRIATE SOIL SURVEY SHEET FOUND IN THE USDA SOIL SURVEY OF GREENE COUNTY WITH LOCATION OF SITE IDENTIFIED;
- d) A SITE PLAN MAP THAT SHOWS THE LOCATION OF EXISTING FEATURES AND PROPOSED IMPROVEMENTS ON THE SITE INCLUDING:
  - i) FOR SITES WITH RELIEF LESS THAN FIFTY (50) FEET, THE SCALE PROVIDED SHALL BE 1" = 60'; FOR SITES WITH GREATER THAN FIFTY (50) FEET RELIEF, THE SCALE PROVIDED SHALL BE 1" = 40';
  - ii) TOTAL AREA OF THE SITE AND THE AREA OF THE SITE THAT IS EXPECTED TO BE DISTURBED (I.E. GRUBBING, CLEARING, EXCAVATION, FILLING OR GRADING, INCLUDING OFF-SITE BORROW AREAS);
  - iii) SURFACE WATER LOCATIONS, INCLUDING SPRINGS, WETLANDS, STREAMS, LAKES, WATER WELLS, ETC., ON OR WITHIN TWO HUNDRED (200) FEET OF THE SITE, INCLUDING THE BOUNDARIES OF WETLANDS OR STREAM CHANNELS AND FIRST SUBSEQUENT NAMED RECEIVING WATER(S) THE APPLICANT INTENDS TO FILL OR RELOCATE FOR WHICH THE APPLICANT IS SEEKING APPROVAL FROM THE ARMY CORPS OF ENGINEERS AND/OR OHIO EPA;
  - iv) THE GENERAL DIRECTIONS OF SURFACE WATER FLOW OVER THE ONE HUNDRED 100 YEAR FLOODPLAIN, THE LIMITS OF THE ONE HUNDRED 100 YEAR FLOODPLAIN AND THE FLOODWAY; AND
  - v) ALL IMPROVEMENTS, INCLUDING BUILDINGS, RETAINING WALLS, SIDEWALKS, STREETS, PARKING LOTS, DRIVEWAYS, UTILITIES AND STORMWATER BASINS, DRAINAGE IMPOUNDMENTS, CHANNELS AND OUTLETS, ETC.
- e) AN ESTIMATE OF THE IMPERVIOUS AREA AND PERCENT IMPERVIOUSNESS CREATED BY THE EARTH DISTURBING ACTIVITY.

### D. EASEMENTS

BE AWARE THAT YOUR PROPERTY MAY INCLUDE RECORDED EASEMENTS, INCLUDING BUT NOT LIMITED TO UTILITY EASEMENTS, AND THE PROPERTY OWNER IS SOLELY RESPONSIBLE FOR LOCATING ALL RECORDED EASEMENTS. THE PROPERTY OWNER ASSUMES ALL RISK WHEN CONSTRUCTING A BUILDING WITHIN A RECORDED EASEMENT. SUCH BUILDING MAY REQUIRE RELOCATION OR REMOVAL AT THE OWNER'S EXPENSE FOR SCHEDULED OR EMERGENCY MAINTENANCE, REPAIR, OR REPLACEMENT WITHIN THE EASEMENT. CONTACT THE COUNTY AUDITOR OR RECORDER'S OFFICE FOR A COMPLETE LISTING OF RECORDED EASEMENTS ON YOUR PROPERTY.



# CITY OF BELLBROOK

## APPLICATION FOR ZONING VARIANCE

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305

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DATE RECEIVED \_\_\_\_/\_\_\_\_/\_\_\_\_

STAFF USE

APPLICATION #

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PHONE NUMBER 937-709-9055

OWNER ADDRESS 3868 W. FRANKLIN ST, BELLBROOK

APPLICANT NAME PATRICK D. AND SYLVIA J. SHEDIACK

PHONE NUMBER 937-709-9055

APPLICANT ADDRESS 3868 W. FRANKLIN ST, BELLBROOK

APPLICANT EMAIL PAT@BLUEJEANSPLACE.COM AND SYLVIA@BLUEJEANSPLACE.COM

### REQUEST INFORMATION

PROPERTY ADDRESS 3868 W. FRANKLIN ST

ZONING DISTRICT PD-1

SUBDIVISION GREENE MEADOW RANCH LOT NUMBER LOT 14 PARCEL ID GREENMEADOW RANCH SEC TWO LOT 14 0.2850AC SR 725

DESCRIBE THE GENERAL NATURE OF THE VARIANCE

Construct concrete landscape steps (36" W x 18" D) which will (1) start where the east edge of the driveway meets the front porch walk, (2) align to the east edge of the existing driveway and (3) end at the curb. The steps will run 25 ½ feet in length. Presently, this area is part of the front lawn.

These steps will eliminate the present high-risk situation of walking to the street across a frosted, icy or snowy driveway which was constructed by the builder (Drees) in 2004 for the original property owner with an 11.56% pitch (Rise of 48" and Run of 34' 6"). The builder operated under a 1995 city- and -county-approved record of description for Green Meadow Ranch Subdivision, Section 2.

**SEE THE REVERSE OF THIS PAGE FOR ADDITIONAL INFORMATION TO BE INCLUDED WITH AN APPLICATION FOR ZONING VARIANCE.**

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APPLICANT SIGNATURE

*Patrick D. and Sylvia J. Shediack*

DATE JULY 20, 2025

### OFFICE USE ONLY

APPLICATION FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ 2.00	CASH <input type="checkbox"/> CHECK <input checked="" type="checkbox"/> # 1183	ADMINISTRATIVE, BOARD OF ZONING APPEALS
BOARD OF ZONING APPEALS	MEETING DATE ____/____/____	APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> CONDITIONS <input type="checkbox"/>



## **AMENDING THE ZONING CODE**

### **A. PROCEDURES AND REQUIREMENTS FOR VARIANCES (ZONING CODE 20.13)**

TO VARY THE STRICT APPLICATION OF ANY OF THE REQUIREMENTS OF THIS ORDINANCE IN THE CASE OF EXCEPTIONALLY IRREGULAR, NARROW, SHALLOW OR DEEP LOTS, OR OTHER EXCEPTIONAL PHYSICAL CONDITIONS, WHEREBY SUCH STRICT APPLICATION WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP - NOT ECONOMIC IN NATURE – THAT WOULD DEPRIVE THE OWNER OF REASONABLE USE OF THE LAND OR BUILDING INVOLVED BUT IN NO OTHER CASE. THE FACT THAT ANOTHER USE WOULD BE MORE PROFITABLE IS NOT A VALID BASIS FOR LEGALLY GRANTING A VARIANCE. NO NONCONFORMING USE OF NEIGHBORING LANDS, STRUCTURES, OR BUILDINGS IN THE SAME DISTRICT, AND NO PERMITTED USE OF LANDS, STRUCTURES OR BUILDINGS IN OTHER DISTRICTS SHALL BE CONSIDERED GROUNDS FOR THE ISSUANCE OF A VARIANCE. THE VARIANCE REQUESTED SHALL NOT ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY, NOR BE IN CONFLICT WITH THE COMPREHENSIVE MASTER PLAN. IN MAKING THIS DETERMINATION, THE BOARD OF ZONING APPEALS SHALL BE ADVISED BY THE RECOMMENDATION OF THE PLANNING BOARD. IN CASES INVOLVING PROPERTIES SITUATED WITHIN THE VILLAGE DISTRICT, AS DEFINED BY ARTICLE 14, SECTION 14.02 OF THE BELLBROOK ZONING CODE, THE VILLAGE REVIEW BOARD SHALL, WHEN POSSIBLE, MAKE A RECOMMENDATION TO THE BOARD OF ZONING APPEALS REGARDING THE DISPOSITION OF THE VARIANCE REQUEST.

### **B. APPLICATION AND STANDARDS FOR VARIANCES (ZONING CODE 20.13.2)**

A VARIANCE FROM THE TERMS OF THIS ORDINANCE SHALL NOT BE GRANTED BY THE BOARD OF ZONING APPEALS UNLESS AND UNTIL A WRITTEN APPLICATION FOR A VARIANCE IS SUBMITTED TO THE ZONING INSPECTOR AND THE BOARD OF ZONING APPEALS CONTAINING:

- a) NAME, ADDRESS AND PHONE NUMBER OF APPLICANTS;
- b) LEGAL DESCRIPTION OF PROPERTY; AND A SITE PLAN BASED ON AN ACCURATE SURVEY SHOWING EXISTING AND/OR FUTURE BUILDING LOCATIONS AND THE LOCATIONS OF BUILDINGS ON ADJACENT PROPERTIES. THIS SITE PLAN SHOULD BE PREPARED BY A REGISTERED SURVEYOR ATTESTING TO THE ACCURACY OF SAME;
- c) DESCRIPTION OF NATURE OF VARIANCE REQUESTED;
- d) VARIANCES FROM THE TERMS OF THE ZONING ORDINANCE SHALL BE GRANTED ONLY WHERE THE PROPERTY OWNER SHOWS THAT THE APPLICATION OF A ZONING REQUIREMENT TO THE PROPERTY IS INEQUITABLE CAUSING THE PROPERTY OWNER PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY. FACTORS TO CONSIDER INCLUDE, BUT ARE NOT LIMITED TO:
  - 1) WHETHER THE PROPERTY IN QUESTION WILL YIELD A REASONABLE RETURN OR WHETHER THERE CAN BE ANY BENEFICIAL USE OF THE PROPERTY WITHOUT THE VARIANCE;
  - 2) WHETHER THE VARIANCE IS SUBSTANTIAL;
  - 3) WHETHER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD WOULD BE SUBSTANTIALLY ALTERED OR WHETHER ADJOINING PROPERTIES WOULD SUFFER A SUBSTANTIAL DETRIMENT AS A RESULT OF THE VARIANCE;
  - 4) WHETHER THE VARIANCE WOULD ADVERSELY AFFECT THE DELIVERY OF GOVERNMENTAL SERVICES SUCH AS WATER, SANITARY SEWER OR GARBAGE REMOVAL;
  - 5) WHETHER THE PROPERTY OWNER PURCHASED THE PROPERTY WITH KNOWLEDGE OF THE ZONING RESTRICTION;
  - 6) WHETHER THE PROPERTY OWNER'S PREDICAMENT FEASIBLY CAN BE OBIATED THROUGH SOME METHOD OTHER THAN A VARIANCE; AND
  - 7) WHETHER THE SPIRIT AND INTENT BEHIND THE ZONING REQUIREMENT WOULD BE OBSERVED AND SUBSTANTIAL JUSTICE DONE BY GRANTING THE VARIANCE. THE BOARD SHALL DETERMINE, AFTER AND WEIGHING THE FACTORS DESCRIBED ABOVE AND ANY OTHER FACTORS THE BOARD DEEMS RELEVANT, WHETHER THE PROPERTY OWNER HAS SHOWN PRACTICAL DIFFICULTIES SO INEQUITABLE AS TO JUSTIFY GRANTING A VARIANCE TO THE PROPERTY OWNER.

### **C. THE BOARD ASKS THE APPLICANT TO ANSWER ITEMS 1-7 ABOVE IN WRITING TO BE INCLUDED WITH THIS APPLICATION.**

*Property owners' responses to Items 1 through 7: Please see attached answers.*

## **LIST OF ATTACHMENTS**

### **Attachment 1**

Current View - Steep Driveway - Front Walk-Missing Railings - Jun 2025

### **Attachment 2**

Overhead view - 3868 W Franklin St - from county GIS

### **Attachment 3**

Overview - City- and -County-approved Record Plan – 1995

### **Attachment 4**

Lot and Easement Info - 3868 W Franklin St – 1995

### **Attachment 5**

Property Survey - June 2020 - 3868 W Franklin St

### **Attachment 6**

Current View - Driveway - N to S and W to E

### **Attachment 7**

Points of Reference - Edge of Front Walk and Distances

### **Attachment 8**

HOA Project Clearance Approval - 07-08-2025

### **Attachment 9**

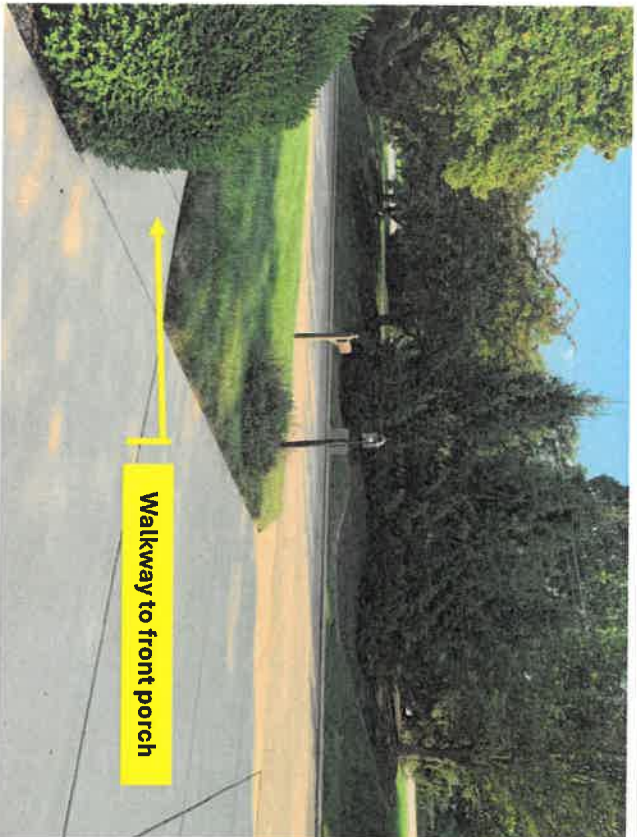
Post-Project View - New Sidewalk-Steps-Railings - Sep - Oct 2025

### **Attachment 10**

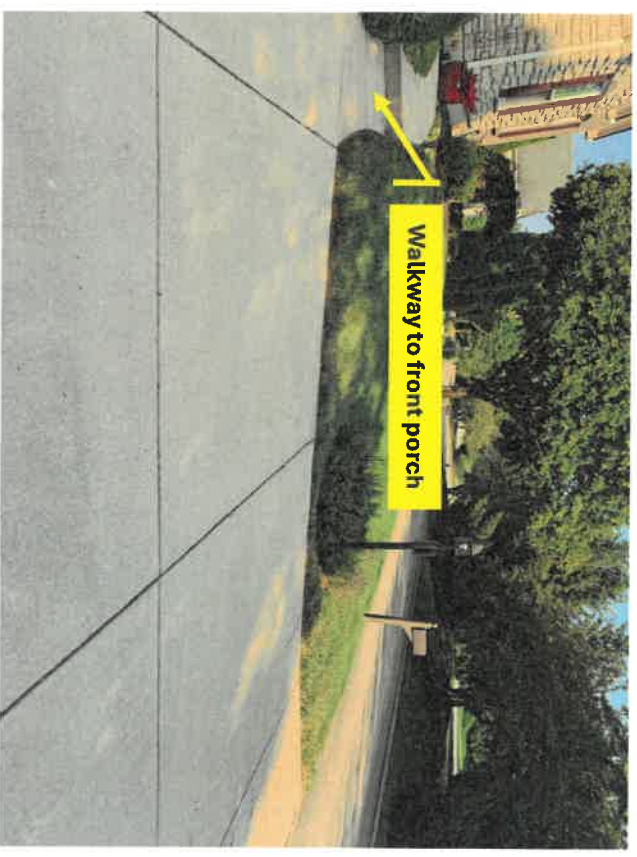
Property Owners Responses to Zoning Application Questions - 07-16-2025



**CURRENT VIEWS - JUNE 2025**  
**3868 W. FRANKLIN ST**  
**(North to South & West to East)**



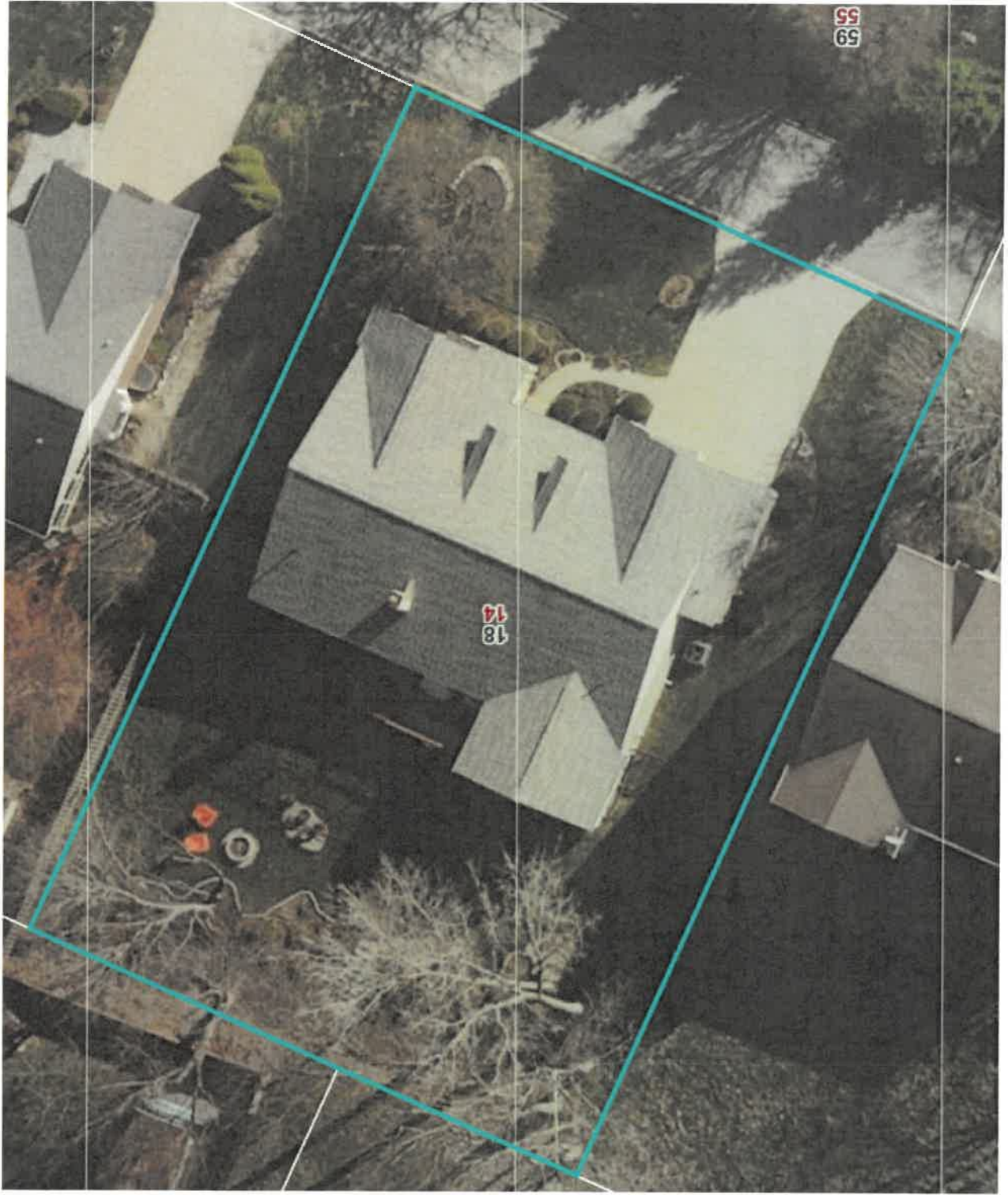
**VIEW LOOKING SOUTH**  
**FROM GARAGE DOORWAY**



**VIEW LOOKING EAST**  
**FROM WEST EDGE OF DRIVEWAY**



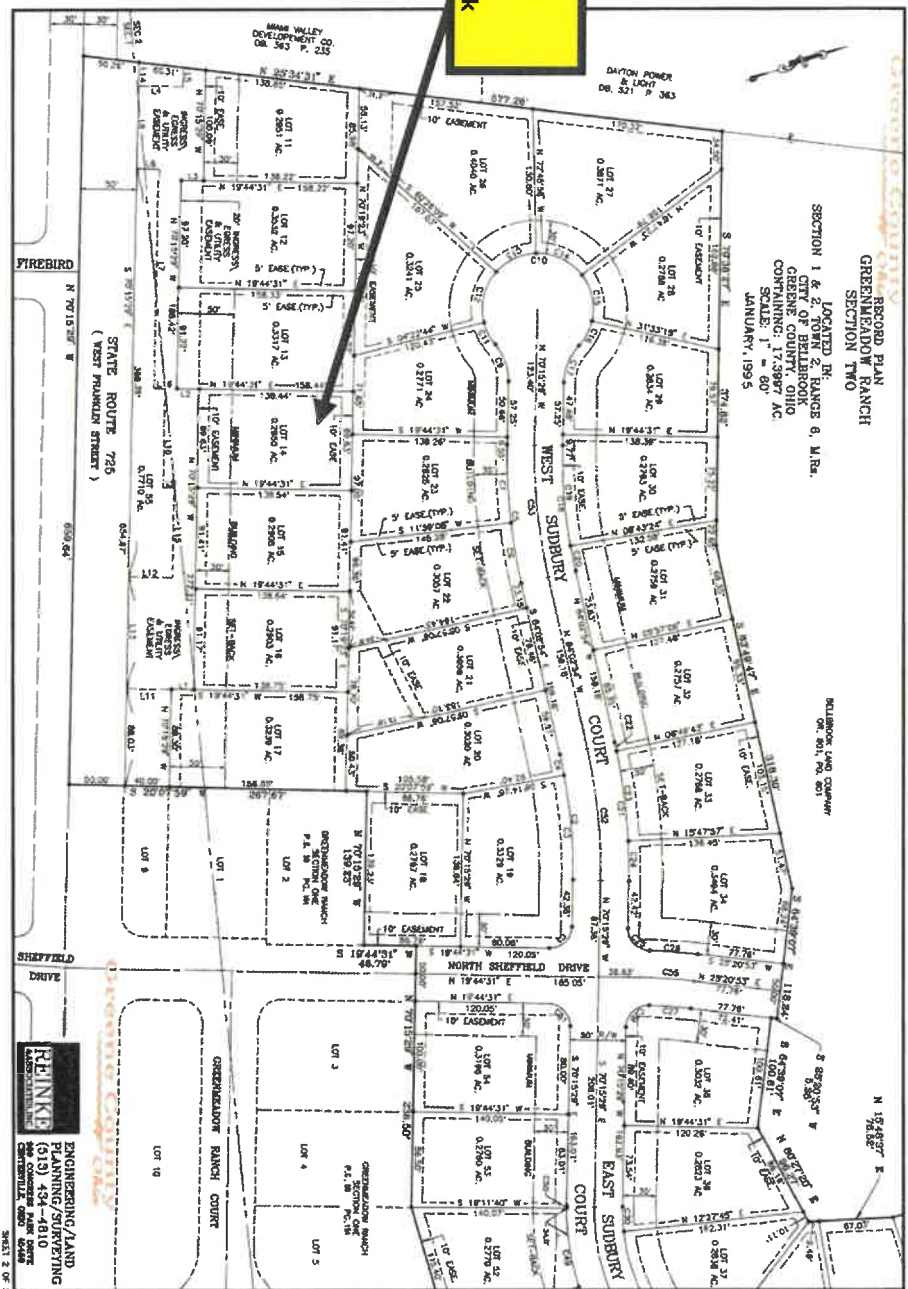






## Green Meadow Ranch Subdivision Section 2

**LOT # 14**  
**3868 W. FRANKLIN ST**  
**Owned by**  
**Patrick & Sylvia Shediack**

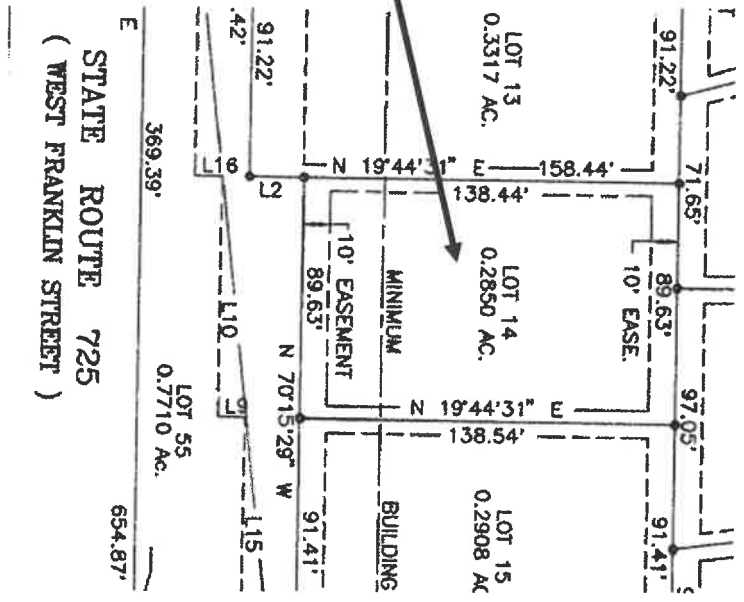




**LOT AND EASEMENT INFORMATION TAKEN FROM  
CITY- AND COUNTY-APPROVED RECORD PLAN - 1995  
GREEN MEADOW RANCH SUBDIVISION SECTION 2  
FOR 3868 W. FRANKLIN ST**

Orange County  
RECORD PLAN  
GREENMEADOW RANCH  
SECTION TWO  
LOCATED IN:  
SECTION 1 & 2, TOWN 2, RANGE 6, M.R.  
CITY OF BELLBROOK  
GREENE COUNTY, OHIO  
CONTAINING: 17.3997 AC.  
SCALE: 1" = 80'  
JANUARY, 1995

**LOT # 14**  
**3868 W. FRANKLIN ST**  
**Owned by**  
**Patrick & Sylvia Shedlack**







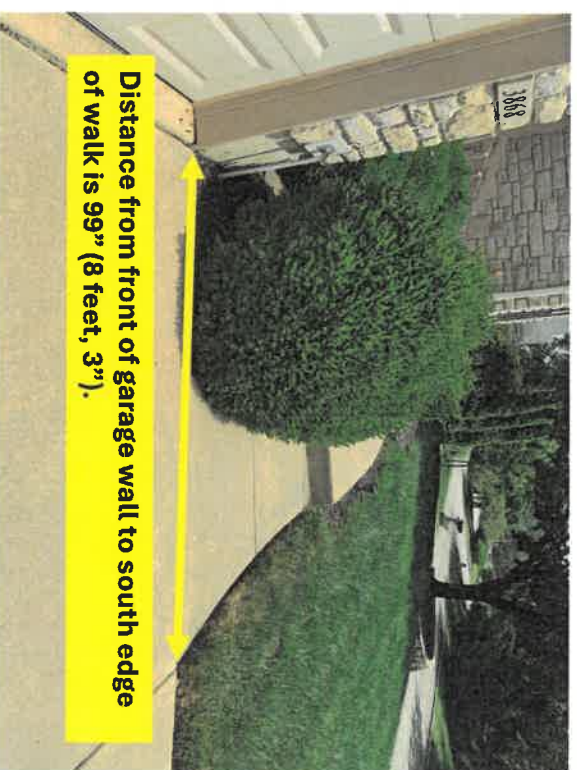
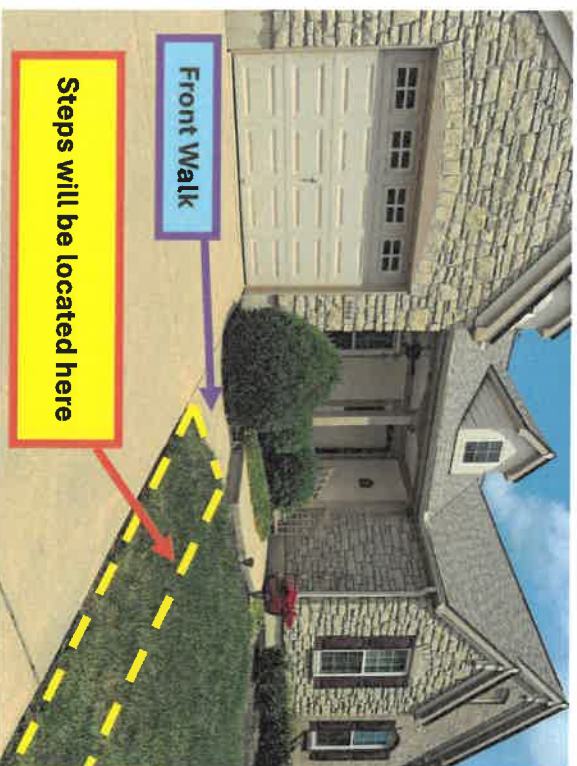
**PROPERTY SURVEY - JUNE 2020 - 3868 W. FRANKLIN ST**





## POINTS OF REFERENCE

1. LOCATION OF PROPOSED STEPS IN RELATION TO FRONT WALK
2. LOCATION OF PROPOSED STEPS IN RELATION TO HOME'S STRUCTURE







## Pat Shediack

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**From:** Robert Johnson <petepuma01@yahoo.com>  
**Sent:** Tuesday, July 8, 2025 9:33 AM  
**To:** Pat Shediack  
**Cc:** Sylvia Shediack  
**Subject:** Re: HOA Covenants Question About Adding New Steps in Front Yard and Porch Railing

Hi Pat

I don't see any conflicts with the covenants. Good luck with your project!

Rob Johnson

On Jul 7, 2025, at 8:15 PM, Pat Shediack <pat@bluejeansplace.com> wrote:

Hi, Rob,

Sylvia and I wanted to check with you regarding any HOA covenants issues involved with an exterior project at our house.

Over the last two winters, but especially during the last one, we found it very dangerous to walk up or down our steeply pitched driveway during frosted, icy, or snowy conditions, even after it was cleared by a workman. We want to mitigate that risk by having some 36" wide X 18" deep concrete steps poured at the same time when we have the driveway to the front porch walk replaced this September or October.

We will also have a railing installed across the front porch since it has a 22" drop-off. If someone slips off the porch, they're going to break a leg, a hip or both, so we're eliminating that risk, too. (We recently learned the reason the home builder didn't install a porch railing back in 2004 was the building code only required it if there was a 24" drop-off to the ground.)

While we didn't see any issues in the covenants about adding these steps and the porch railing, we wanted to get an "HOA OK" on it just to be safe. We learned this afternoon we must submit

"new construction" building permit and zoning variation applications to the city for the steps plus have a county inspection when the work is finished.

I'm enclosing two views to give you the current and post-project views of our house.

Would you let us know if this looks OK from an HOA point of view?

Thank you.

Pat Shediack  
3868 W. Franklin St

<Current View - Sidewalk-Missing Railings - Jun 2025.pdf>

<Post-Project View - New Sidewalk-Steps-Railings - Sep - Oct 2025.pdf>

## POST-PROJECT VIEW – 3868 W. FRANKLIN ST



### Steeply Pitched Driveway

(Winter walking danger risk mitigated by new steps)

**Blue solid line:** New porch and steps railings

**Green solid line:** New walkway and steps to porch

**Purple dashed line:** New 36" W x 18" D steps installed from curb to walkway in front of the house.

**Red dotted line:** New post lamp with light sensor installed 12" east of new steps and aligned east-west with other home's post lamps on street as required by HOA covenant.



**Property Owners' Answers to Questions  
in  
City of Bellbrook Zoning Application, Section B, Paragraph d), Items 1 through 7**

The following answers address how the application of the zoning requirement is inequitable and creates difficulties in use of the property.

**1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance:**

**Property Owner's Response:**

While the property can be used without the variance, the builder (Drees) created a high-risk situation by not including steps to the street. The driveway was constructed by the builder (Drees) in 2004 for the original property owner with an 11.56% pitch (Rise of 48" and Run of 34' 6"). Such a rise is just under the threshold for the typical "maximum pitch" residential driveway range of 12 to 15%.

The builder operated under a 1995 city- and -county-approved record of description for Green Meadow Ranch Subdivision, Section 2. That document does not address any city- or -county-imposed restrictions on steps aligned to the driveway nor does it address pitch of any driveway in the subdivision.

The winter weather experiences since our purchase of the home in December 2018 have shown walking down and up the steep driveway to the street is extremely hazardous during frost, ice, or snow conditions, even after snow clearance or application of precipitation melting materials.

For similar reasons, trudging across frost- or snow-covered grass is not an acceptable alternative solution to avoiding the hazardous winter driveway conditions.

The driveway's winter precipitation situation presents an elevated risk to Mr. Shediack, a disabled veteran with military service-connected spinal injuries.

**2. Whether the variance is substantial:**

**Property Owner's Response:**

No; it is simply a set of steps 36" wide by 18" deep aligned to the east side of the driveway.



We are using a design of the steps starting at the southwest edge of the front walk, aligning to the east edge of the driveway, and ending at the street's curb.

**3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance:**

**Property Owner's Response:**

No. We are not changing the architecture or physical size of the home, removing trees or otherwise changing the current residential character of the neighborhood.

**4. Whether the variance would adversely affect the delivery of governmental services such as water, sanitary sewer or garbage removal:**

**Property Owner's Response:**

No. The steps will *improve* ingress and egress of the property and home *including emergency services* during hazardous winter weather.

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

**Property Owner's Response:**

No. There were no notices on the (1) November 2018 real estate sale announcements, (2) December 2018 deed, (3) 1995 covenants, or (4) the 1995 city- and -county-approved record of description for Green Meadow Ranch Subdivision, Section 2 stating there were any restrictions on building steps from south edge of the front walk to the street.

We only learned of the zoning restriction when we inquired with the city's planning department in July 2025 if we needed a construction permit for the steps. It appears to us the variance need is based upon Section 18.1 of the Zoning Code dealing with "Projections into required yards," Paragraph (2) Front Yards which states:

"No structure may project into a required front yard; however, unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten (10) feet."

The steps we want to install will not extend from the house's structure. The proposed steps will be aligned to the south side of front walk where it meets the

east side of the driveway.



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

**Property Owner's Response:**

Our consultations with the general construction company could not identify any other solution to eliminate the winter walking risk besides the proposed 36" wide x 18" deep D steps.

The idea behind the deeper steps is twofold, namely,

1. Provide a better walking surface in the winter or even rainy weather
2. Avoid a utilitarian stairway appearance.

**7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The Board shall determine, after weighing the factors described above and any other factors the Board deems relevant, whether the property owner has shown practical difficulties so inequitable as to justify granting a variance to the property owner.**

**Property Owner's Response:**

We are the second owners of this property; not the original owners who commissioned its construction. It appears to us that this driveway steep pitch situation originated in the builder's design upon which the home's construction permit was issued in 2004.

This situation may be related to the builder's site design of the frontage street serving this home and the other four on it. The paved portion of frontage street serving these five

homes' driveways is only 16 (sixteen) feet wide, the width of two parking spaces, not the typical 24 to 28 feet width of paved roadway.

We are using a minimal impact project approach by:

1. Combining these new steps with the replacement of the front walk and its two steps to the front porch
2. Designing the new steps to align with the east edge of the driveway instead of locating them across the central part of the front yard
3. Using a general construction company to install these new steps to ensure a resulting professional appearance rather than attempting to use a do-it-yourself steppingstone solution.

Further observations on the builder's 2004 design:

1. The front porch floor has a height of 22" but lacks a builder-installed railing.
2. Our research found if the builder's design used a front porch height of 24" instead of 22" the building code would have required railings to prevent accidental falls and injuries.

We are mitigating the risk of a fall from the porch by having the general construction company install brown composite railings as part of this project.