

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
November 19, 2024

1. CALL TO ORDER

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

2. ROLL CALL

PRESENT

Mr. Philip Ogrod
Dr. Meredith Brinegar
Mrs. Sharon Schroder

ABSENT

Ms. LaKisha Taylor

3. APPROVAL OF THE MINUTES

Mr. Ogrod asked if anyone had corrections to the minutes of the October 15, 2024, meeting. Mr. Ogrod noted several typos to be corrected, and the staff acknowledged them. The minutes were declared to be approved with the corrections (“Bronegar” changed to “Brinegar,” “cannt” changed to “cannot,” “occurring” changed to “occurring,” and “contract” changed to “contact”).

Mr. Ogrod swore in all people speaking at tonight’s meeting.

4. OLD BUSINESS

None

5. NEW BUSINESS

Mr. Ogrod asked for an update on Property Review Commission case 24-01 (4068 Eckworth Drive). Mr. Ogrod mentioned the resident had appeared after the meeting on the Eckworth Drive property violations. Ms. Grant reported that the violations were resolved and in compliance at this time. Mr. Ogrod asked if any further action needed to be taken by the Property Review Commission. Ms. Grant confirmed that there was not.

Mr. Ogrod mentioned there were two cases presented to the Board, both Board of Zoning Appeals cases.

BZA Case 24-03 – 63 West Maple Street: variances of the Bellbrook Zoning code 18.05A to allow construction of a 768-square-foot accessory building that is 20 feet in height and 4 feet from the side property line. Mr. Ogrod asked for the staff report.

Ms. Grant began the staff report and stated that the applicant is requesting three variances of the zoning code 18.05A to allow the construction of a 768-square-foot accessory building that is 20 feet

RECORD OF PROCEEDINGS

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November 19, 2024

in height and 4 feet from the side property line at the lot of 63 West Maple St. She stated it is about 0.28 acres. The accessory structure is planned at 24 feet by 32 feet. The primary building material is wood with tung and grove wood boards. There will be garage doors and windows and a pedestrian entryway facing West. There is currently an accessory structure of 200 square feet on the lot at this time that will remain on the property. The location is in the rear yard facing West with access from West South St to the back of the lot, and the variances are requested for storage, shop space, and craft space. Also, the applicant is present to speak on the case.

Ms. Grant stated that in April 2017, the Board of Zoning Appeals approved a variance to allow the 200-square-foot structure presently on the property to be 4 feet from the side property line. The Village Review Board recommended approval of the variance request at their November 6, 2024, meeting, and the next step would be to pull permits from the City of Bellbrook and the Greene County Building Regulations Department.

Mr. Ogrod stated that since they are aggregate, they would be looking at a total of 368 square feet in excess of the 600 square feet limit. This way, it can be documented with the actual numbers. They then moved to the public forum for discussion of the item.

John Rancurello, the property owner, stated that the building is going to match the garage he already has on his property. It looks like the building has been there for 100 years. He stated that it will have lap siding and be stained so it will never peel. He feels the size is optimal for that size of the lot.

Mr. Ogrod questioned if the access would be making a driveway. Mr. Rancurello replied that he thought part of the regulations was to have a driveway. Ms. Grant stated she spoke with the Service Department and saw no immediate concern or issue with such a project to add a driveway with access from the street. Mr. Ogrod asked if there would be space for two cars or one. It would be for two cars. Mr. Ogrod stated there would be 24 feet between the garage and the existing structure. Mr. Rancurello mentioned that it is 8 feet from the alley and his property.

Larry Leingang, 2149 Steward Road, Xenia, Ohio, received the Board of Zoning Appeals meeting notification letter because he owns a building a couple of doors down from 63 West Maple Street and spoke about setting a precedent of what he can put on his lot of the standards of setbacks being flexible and what he can do in the future. He questioned if this was a business on 63 West Maple Street. Ms. Grant stated there was a home occupation application submitted in 2009 but that it was not for the public. It is strictly for the resident. Mr. Rancurello mentioned the sawmill is only for his use, and he went through the process with Eileen, the previous zoning administrator, years ago. Ms. Grant stated that it is not being used as a commercial operation and is on record.

Dr. Brinegar stated that they are wearing two hats today. As the Property Review Commission, she had looked at the property and asked questions about whether the stacks of wood needed to be shielded and might be a separate issue.

Larry Leingang questioned the placement of the driveway if that was an alley. Ms. Grant stated it is a designated street behind the lot. Mr. Leingang mentioned trying for a variance setback for a garage years ago, and the Village Review Board was against it, which Mr. Leingang opined upon. He also stated that getting a variance for the side yard property line was because the accessory structure was not able to be built 8 feet off the side yard property line, but he sees that the resident

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission November 19, 2024

would be able to do that. Mr. Leingang also questioned the alleyways in the city and the problems of doing anything with your building lot when the city does not keep them up. He mentioned possibly deeding the alleyways half and half and having them surveyed with a new PID on them.

Mr. Rancurello requested that the alley at his property be vacated. He mentioned that Forrest Greenwood is the only one who has complained of cars getting in the way. He was advised that he needed to petition his request through the Bellbrook City Council.

Public participation was closed.

Mr. Ogrod stated that the Village Review Board has approved the variance and feels the building will be placed in an easily accessible spot for the homeowner. He sees no issue with it. Dr. Brinegar and Mrs. Schroder agreed, referencing the previous variance case from 2017. The Board felt that the building's character would look good from any angle. Mr. Ogrod queried whether other neighbors' comments besides Mr. Leingang's were received. Ms. Grant confirmed that no other issues have been brought forward from neighbors.

The discussion was closed by the Board.

Ms. Grant stated that the decision record was submitted as one, stating three variances.

Mr. Ogrod asked for a motion to approve the variances for the 768-square-foot outbuilding, which is 4 feet from the property line with a height of 20 feet.

Dr. Brinegar made the motion to approve the variances for Case 24-03, and Mrs. Schroder seconded the motion. Voting "yea": Mr. Ogrod, Dr. Brinegar, and Mrs. Schroder. The motion carries.

BZA Case 24-04 – 44 North West Street: variances of the Bellbrook Code 18.05A to allow for a 1,680-square-foot accessory building and height not to exceed 25 feet. Mr. Ogrod asked for the staff report.

Ms. Grant began the staff report and stated that the applicant is requesting two variances for zoning code section 18.05A, located at 44 North West St, to allow for the construction of a 1,680-square-foot accessory building with a roof pitch ratio of 4:12 at a height not to exceed 25 feet. The structure is planned at 42 feet by 40 feet primary building material is metal with concrete flooring, two garage doors facing east, two pedestrian doors, five double-hung windows and an attached porch measuring 160 feet total (20 feet by 8 feet) proposed on the left side of the structure facing South there are current accessory structures on the lot which will be removed upon approval of the variances. The location is in the rear yard facing East with access from the driveway on North West Street. It is 12 feet from the rear property line and observes the side yards set back of a minimum of 8 feet. The drainage is planned to be adequate for the building size with gutters and downspouts, and the variances are being requested for storage and RV space. The applicant is present to answer any questions. The Village Review Board met in 2014 with the applicant regarding options for the property, including any demolitions or any alterations that might want to be made and what it would look like as far as any City procedure. Dr. Brinegar asked if anything came of it. Ms. Grant answered no, not to her knowledge. As a point of clarification, Ms. Grant stated the Village Review

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
November 19, 2024

Board did recommend approval of the requests on the November 6, 2024, meeting of the project details as submitted at the time when the original submittal listed the accessory structure as 16 feet in height. It was understood at that time that this was the total height from the roof apex to the foundation; however, that figure was for the side wall height in the interior. The roof pitch ratio is 4:12, which will exceed the originally submitted 16 feet in height but not exceed 25 feet. The next steps were explained to be the same as the previous case – if approved, the applicant would go through the City’s permitting process and Greene County Building Regulations. Ms. Grant stated that she would answer any questions and that the applicant was in attendance to answer any questions.

Mr. Ogrod asked if the Board had any questions for staff. Dr. Brinegar asked if there would be a shared driveway. Ms. Grant answered that yes, the established driveway would be the access point. Dr. Brinegar stated that she watched the video recording for the Village Review Board meeting for the case property, and the Board concurred that it provided good access to information. Mr. Brad McWilliams, the applicant for 44 North West Street, approached the Board, stating that the use of the proposed building is for vehicles. He explained the total height of the building (4:12 pitch) and that the only people who will be able to see the accessory building are his neighbors, who have indicated that they do not have an issue with it and that it will be relatively hidden from view. Dr. Brinegar asked if a recreational vehicle was currently on the property, which Mr. McWilliams stated not at this time, that it was, but a fallen tree totaled it. He further explained the height necessities of the building and door access. Mr. Ogrod confirmed with Mr. McWilliams that the construction is metal, and that the overhead panel doors are 14 feet by 14 feet on both sides, and that both doors are the same size. Mr. McWilliams stated that the property is approximately under two acres, and the accessory structure is planned to be far back from the road.

Mr. Ogrod asked the Board for any additional questions from the property owner and then for others who wanted to speak on the BZA case. Hearing none, Mr. Ogrod closed the public hearing portion of the meeting.

Mr. Ogrod opened the Board discussion. Dr. Brinegar opined that the proposed accessory building is large, and that it is a relatively large variance for RV space, and that it could be argued that the property could be used without approving the variance; however, it is a larger property over two acres with trees on multiple sides, which are mitigating factors. The design looks reasonable. Mr. Ogrod commented that it is a large structure and wanted to know the purpose, what it would look like, and how it would fit in the surrounding area. Mr. McWilliams explained the size of the RV is how they came up with the size of the structure, and that they wanted to put other vehicles in the structure as well, which necessitated the size. The Board thanked Mr. McWilliams for the clarification. Mrs. Schroder commented that she had shared similar thoughts to other Board members regarding the structure’s size, but that the larger lot size, wooded area, lack of neighbors’ concerns, and the Village Review Board’s approval leads to her not having concerns with it. Dr. Brinegar referenced a previous case with a larger lot with a functional need for a variance to store a tractor, which Mr. Ogrod chimed in and agreed. Mr. Ogrod stated that there was no need for an additional driveway. Mrs. Schroder asked where the RV would be stored without the structure, and that the vehicle might look better stored within the structure. Mr. McWilliams further explained their situation with their vehicles and previous iterations of how the vehicles were stored on the

RECORD OF PROCEEDINGS

Bellbrook Board of Zoning Appeals & Property Review Commission
November 19, 2024

property. Mr. Ogrod asked where the current accessory structure is, and Mr. McWilliams indicated the location and stated that it would be demolished upon approval and construction of the desired accessory structure. The Board thanked Mr. McWilliams for the clarification. Mr. Ogrod stated that the structure does not overwhelm the lot, which has been a concern for other similar cases. He also referenced Mrs. Schoder's point regarding what the lot would look like without the structure where recreational vehicles would be stored. Dr. Brinegar brought up the point of recreational vehicles being stored on hard surfaces. Ms. Grant explained the length requirements for recreational vehicles on lots and that they had to be operable and properly licensed. Mr. Ogrod pointed out that the accessory structure is two feet from the rear point of the house.

Mr. Ogrod closed the Board discussion portion and asked for a motion to approve the variances for BZA Case 24-04. Mrs. Schroder made a motion to approve the variances for Case 24-04, and Mr. Ogrod seconded the motion. Voting "yea": Mr. Ogrod, Dr. Brinegar, and Mrs. Schroder. The motion carries.

Ms. Grant confirmed with Mr. Ogrod that she and the applicant would work together to complete the next steps. Mr. Ogrod mentioned the Miami Valley Planning and Zoning Workshop on December 6, 2024.

6. OPEN DISCUSSION

7. ADJOURNMENT

Hearing no further business coming before the Board, Mr. Ogrod declared the meeting adjourned at 7:15 pm.

Philip Ogrod, Chairperson

Rob Schommer, Clerk of Council