



Planning Board Meeting
January 16, 2020, 6:00 pm
Agenda

1. Call to Order
2. Roll call
3. Approval of prior minutes of October 10, 2019
4. Selection of Chair and Vice Chair
5. Introduction of Jessica Hansen, Planning and Zoning Administrative Assistant
6. Old Business:
 - Update on 2019 Cases
 - Zoning Code Update Discussion
 - Comprehensive Plan Gantt Chart Review
7. New Business:
8. Open Discussion
9. Adjournment



BELLBROOK PLANNING BOARD
PUBLIC MEETING MINUTES
October 10, 2019

PRESENT: Mr. Ed Stangel
Mr. Brady Harding
Mr. Denny Bennett
Acting Chairman Mitchell Thompson

Jeff Green Planning and Zoning Administrative Assistant was also in attendance.

CALL TO ORDER

Chairman Thompson called the meeting of the Planning Board to order at 6:00 PM. The Clerk called the roll. Mr. Stangel, yes; Mr. Harding, yes; Mr. Bennett, yes; Chairman Thompson, yes.

FORMAL APPROVAL OF MINUTES

Chairman Thompson asked if there were any corrections or additions to the minutes of September 19, 2019. Being no changes, the minutes are approved as written.

OLD BUSINESS

NEW BUSINESS

ZA19-06 Lot Combination Highview Terrace
Request to combine two parcels (lot 51 and 52) in the Highview Terrace Subdivision into lot 51A.

The Developer Rick Clemens explained that due to the steep terrain, the purchaser is wishing to combine the two lots and place the house in the center.

The board asked how many times there have been revisions like this to the approved plans. Mr. Clemens answered that there have been three.

Mr. Bennett made a motion to approve the Lot Combination for lots 51 and 52 into lot 51A in Highview Terrace and forward to City Council. Mr. Stangel seconded the motion. The Clerk called the roll. Mr. Bennett, yes; Mr. Stangel, yes; Mr. Harding, yes; Chairman Thompson, yes. The motion passed 4-0.

OPEN DISCUSSION

The board asked about the new Planning Board member. Mr. Green answered that Council would be making the appointment on Monday, October 14. The new board member will be attending the next meeting sometime in November.

ADJOURNMENT

Mr. Bennett moved to adjourn the meeting at 6:12 PM and was seconded by Mr. Harding.

Mitchell Thompson, Acting Chairman

Date

Pamela Timmons, Secretary

Date

**Staff Report
Lot Number 176
Winter Haven Block F
Planning Board
January 16, 2020**

1. Applicant Information

Dan Devol
Devol Builders

2. Current Zoning District

O-1 Office Building

“The purpose of this district is to provide for the maintenance and alteration of existing buildings and for new construction of business office and professional buildings.” (Pg, 42 Zoning Ordinance Bellbrook, Ohio)

3. Parcel Number

[L35000200130009500](#)

4. Location

Located at the intersection of Bellemeade Drive and Wilmington-Dayton Road in the Winter Haven subdivision. Approximately 1033 feet from the intersection of 725 and Wilmington-Dayton Road.



5. Acres

.26 Acres

6. Surrounding Land Use within 1,000 Feet

Primarily residential and commercial with open space to the immediate west, which is classified as agricultural according to the County Auditors land use code, however it is zoned PD-2 Planned Business.

7. Summary of Request

Mr. Devol would like to run the proposed site plan by the Planning Board to see what they think before submitting it for approval. Previously, a larger office was planned with more parking, but that never came to fruition. This new office space would be for he and his wife to work out of. The office will appear to be a residential structure so that when the Devol's retire it can be sold as a residence or continue to operate as an office. The office will be ADA compliant as to accommodate everyone.

8. Additional Information

The original design in 2008 that was approximately 3000 square feet and 2 stories and didn't meet the setback requirements for the zoning district. The current design is 1438 square feet and meets all set back requirements for the O-1 Office Building District. (See blue highlighted August 21, 2008 BZA minutes for details, PG. 7)

9. Previous Related Development Decisions in the Immediate

Area (3 Years)

None

10. Comprehensive Plan

Located in the **Neighborhood District** of the Comprehensive Plan. *“Bellbrook should protect its single-family residential platted lands or town lots (subdivisions) for that purpose and consider multi-family units on unplatted lands. Single-family development should all be considered on vacant lands but not part of a subdivision.”* (Pg. 49 Bellbrook Comprehensive Plan)



11. County Land Use Plan

Medium Density Urban Residential- *“Medium Density Urban Residential development describes areas allowing from three to six dwelling units per acre. The dominant dwelling type should be the single-family unit and two-family, with multi-family development at the greater densities of this range. Cluster developments which maintain an overall density of 3 to <6 dwelling units per acre are encourage. Public water supply and sanitary sewer service shall be required for areas designated as Medium Density Urban Residential.”* (Pg. 91, Perspectives 2020 A Future Land Use Plan)

12. Existing Utilities

Utilities exist, connections are all that are required.

13. Soil Data

MrC Miamian-Urban land complex, well drained

Available Water Storage 0 - 150 cm

19.51 cm

Available Water Storage is the volume of water available to plants that the top 150 cm of soil can store. Values are the weighted average of soil components in this map unit.

Soil Loss Tolerance Factor

5 tons/acre/year

Soil Loss Tolerance Factor is the rate at which soil can be lost to erosion without reducing plant productivity. The Soil Loss Tolerance Factor of the dominant soil component ranges from 1 to 5 and has a mean value of 3.94.

Frost Free Period

166 days

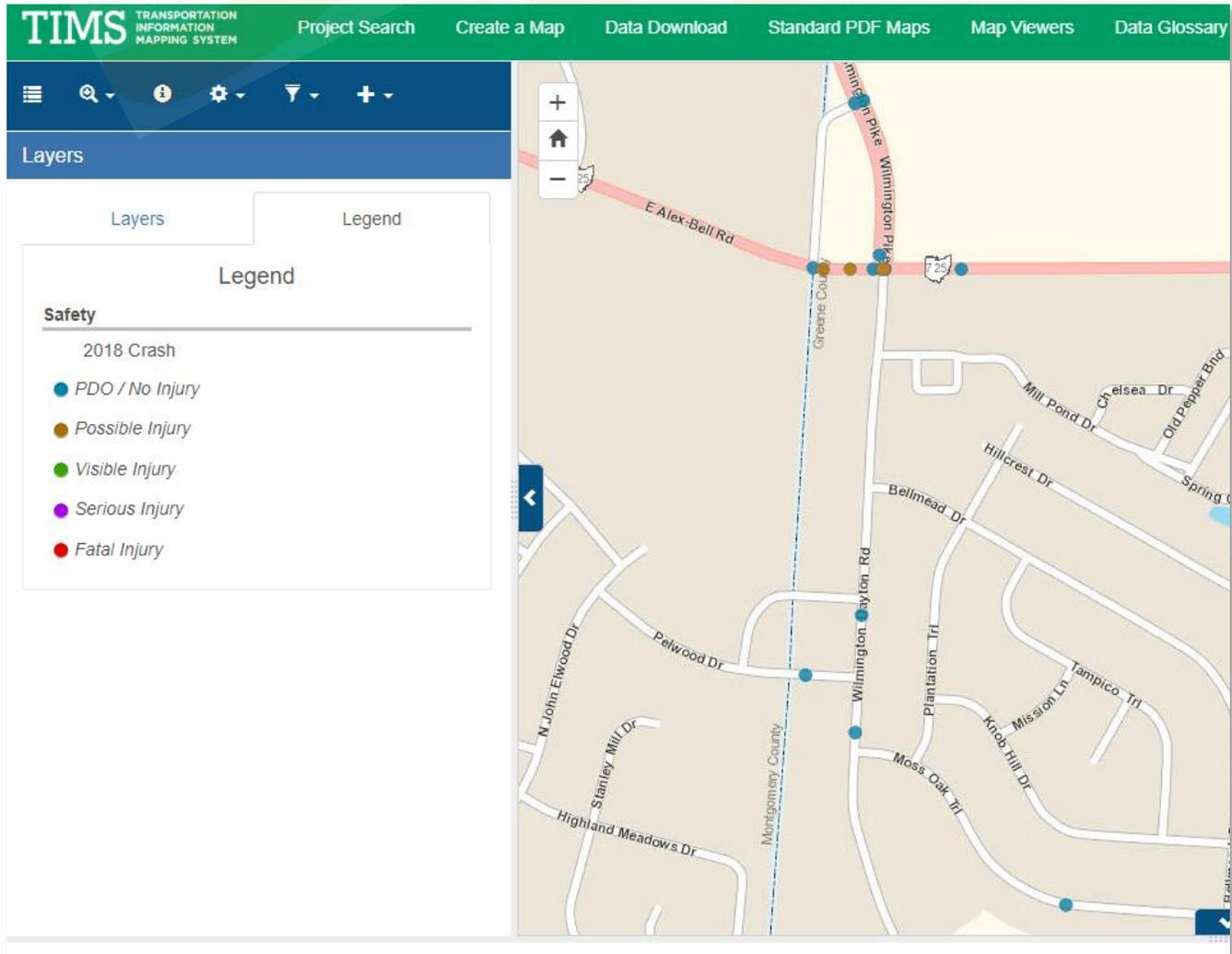
Median length of the frost free season based on the period from 1961-1990. Values rounded to the nearest 5 days.

14. Transportation Related Information

Ingress and egress will be via Bellemeade Drive. Previously in 2008 when the proposed office was going to be larger, it was asked if access had been considered off of Wilmington-Dayton Road. (See the orange highlighted area of the August 21, 2008 BZA minutes Pg.7-8) Wilmington-Dayton Road is classified as a **Major Collector** both by ODOT and The City of Bellbrook Comprehensive Plan. Bellemeade is a **Local Road**.

According to the Bellbrook Comprehensive Plan ODOT **Major Collector** routes ‘are longer; have fewer connecting driveways’ have higher posted speed limits’ are spaced at greater intervals’ have more travel lanes.” (Pg. 41, Bellbrook, Comprehensive Plan) “**Local Roads** according to ODOT in the Bellbrook Comprehensive Plan are not intended for use in long distance travel due to their provision of direct access to abutting land. They are often designed to discourage through traffic”. (Pg. 41, Bellbrook Comprehensive Plan)

Odor Crash Data shows low levels of crashes in and around area. See map below.



15. Flood Plain Information

N/A

16. Comments from Review Agencies

The Service Department and The Sheriff Department both have a slight concern with how close the office will be to the intersection of Wilmington-Dayton and Bellemeade Drive they both agree that with how little traffic this particular office will draw it shouldn't be a issue.

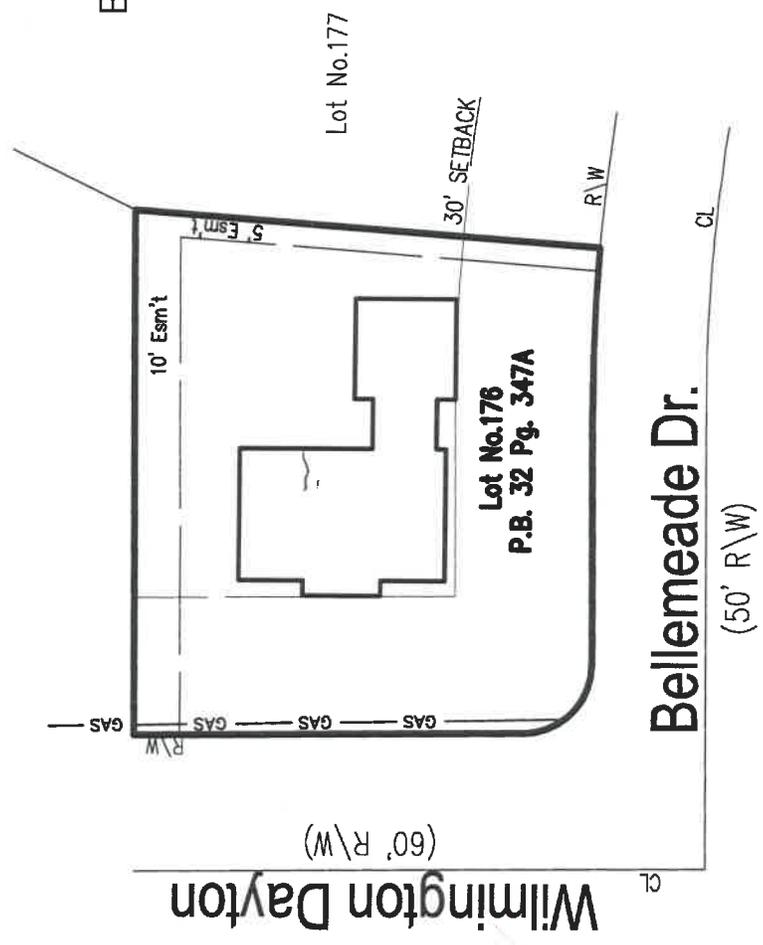
17. Summary and Staff Recommendation

Overall the proposed office meets all the zoning requirements, including setback and parking. Being that the lot is small compared to the other lots in the subdivision this is possibly the best use for the lot as it currently sits. However, access should not be off Wilmington-Dayton Road as that is a Major Collector, access should be maintained on Bellemeade, the same as if it were a residential structure. Overall staff has no issues with the proposed site design plans.

Plot Plan
Lot No. 176

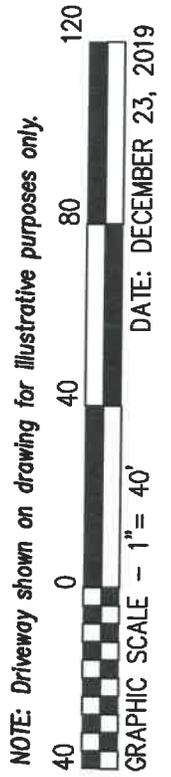
Winter Haven Block "F"
Sugar Creek Township
Greene County, Ohio

Builder - Devol Custom Homes



This Plot Plan shows the intended location of the proposed residence on the lot. Dimensions to the property lines from the proposed building are scaled and may not represent the final staking or construction location of the building. Do not use the Plot Plan for the setting of driveways, fences, landscaping or establishment of the lines of the lot shown hereon for any purpose.

Prepared by:
McDougall - Marsh
Land Surveyors
8529 Byers Road, Marietta, Ohio 45752
Tel: 937-517-2860 - Fax 937-847-2670
www.mcdougallmarsh.com



**Board of Zoning Appeals
August 21, 2008**

BZA CASE # 08-11: 4454 BELLEMEADE DR (DEVOL)

This request for variance is to allow a rear yard setback of ten (10) feet instead of the required twenty-five (25) feet and relief of the lot coverage ratio of 60% for buildings and parking areas and 40% for green space for a proposed office building in an O-1, Office Building District. The applicant, Dan DeVol, is requesting that the ratio be changed to 70% for building and parking and 30% (instead of 40%) for open space, due to the small size of the lot, an existing underground gas pipeline and the existing setbacks for the building. Chairman Martin requested those individuals who wished to speak in favor of the variance to do so at this time.

Dan DeVol, 1545 Clearbrook Drive, Bellbrook, stated that he is requesting a ten (10) foot rear yard setback to the east due to the placement of a gas line through the front of the property which does not permit a building to be built over it, only a parking lot. Mr. DeVol stated that this is a corner lot so the side and rear yards can be either to the north or to the east depending on how the building is oriented. He is proposing to face the building toward Wilmington-Dayton Road, which places the rear yard to the east; additionally, he is proposing an underground detention facility to handle stormwater for the site, which needs to be in a separate location in the parking lot from the gas line location. Mr. DeVol stated that his intent is to design the office building with a residential appearance in order to blend in with the existing neighborhood. Mr. DeVol stated that he intends to landscape the area between the office building and the abutting residential property which will provide a buffer from the building as well as the traffic on Wilmington-Dayton Road to the residence to the east. The secretary clarified that the yard area in question is the rear yard, which carries with it the twenty-five (25) foot setback requirement, to which he is requesting a variance to ten (10) feet.

Mr. Perlic questioned what is currently situated on the property. The secretary stated that the property has been vacant for many years and is currently zoned O-1, Office Building District. Mr. DeVol stated that the lot abuts land owned by Mill Pond, so the lot looks larger than it really is. Chairman Martin questioned the distance of the residential property to the east from the common property line. The secretary stated that the distance was unknown, but there is a privacy fence along the lot line. Mr. Edwards questioned why the lot remained vacant for so long. The secretary stated that the lot is smaller than other residential lots in the subdivision and in responding to inquiries for residential buildings, most homes were not able to meet the existing setbacks. Due to the corner lot, the required front yard setbacks must be met on both street frontages. The secretary clarified that the ratio for buildings and open space is also needed to be approved as part of this variance process. Mr. DeVol stated that there is another lot with a house that is also for sale by the same family and questioned whether it met the rear yard setbacks. The secretary stated that it might not meet the setbacks since the house was built prior to the enactment of the Zoning Ordinance, which is acceptable for a pre-existing home.

Chairman Martin clarified that twelve (12) parking spaces are required for the office building per the Zoning Ordinance; the proposed plan shows eighteen (18) spaces. Chairman Martin questioned whether Mr. DeVol wanted that many spaces. Mr. DeVol stated that he would rather err on the side of too many spaces than not enough. Should the proposed ratio of buildings/parking to open space not be granted, then two (2) parking spaces can be removed to bring that ratio into compliance with the code. Chairman Martin questioned whether there was an access drive to the Mill Pond open space. Mr. DeVol stated that there was not a separate access.

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Mr. Perlic questioned whether the office space would be for Mr. DeVol's exclusive use or if there would be additional lease space. Mr. DeVol stated that he would be the principal occupant of the building, and that he would also be leasing out a portion of the building. Mr. Perlic clarified that the building is approximately 3,000 square feet and questioned the configuration of the lease space. Mr. DeVol stated that the main floor would be leased to a title company and he would occupy the ½ story on the second floor. Mr. Perlic questioned the location of the curb cut. Mr. DeVol stated that the curb cut would be from Bellemeade Drive and the parking lot would be in front of the building. Mr. DeVol questioned whether Bellemeade Drive will continue across Wilmington-Dayton Road. The secretary responded that James Karras Road has been approved by City Council, for future construction, which will be a continuation of Bellemeade Drive west of Wilmington-Dayton Road.

Mr. Brady questioned the zoning district for this property. The secretary stated that the property is zoned O-1, Office Building District. Mr. Armocida questioned the height of the building. The secretary stated that the height may not exceed thirty-five (35) feet. Mr. DeVol is a custom home builder and the proposed office use fits the zoning district. Chairman Martin requested those individuals who would like to speak in opposition to the variance to do so at this time.

Mark and Sherri Bolton, 4446 Bellemeade Drive, Bellbrook, stated that they own the property next door to the corner lot. Mrs. Bolton stated that she is confused about a lot of the issues. She questioned if Mr. DeVol purchased the property as a residential property. The secretary stated that Mr. DeVol requested the re-zoning from residential to office district prior to the purchase of the property, which is a common occurrence. Mrs. Bolton stated that she is concerned about the proximity of the building to their home, especially with an office use on the second floor of the proposed building. Mrs. Bolton questioned if the screening would be a fence or just landscaping. Mrs. Bolton also stated that their privacy fence begins at the rear of their house and extends back to the rear lot line, but there is no screening at their daughters bedroom windows. Chairman Martin stated that the proposed drawing shows a line of trees to be planted along the property line. Mr. Bolton questioned how effectively trees could be planted in a ten (10) foot space. Chairman Martin stated that the proposed office building would be ten (10) feet from the common lot line, not ten (10) feet from the Bolton's house. The secretary stated that she would provide the Boltons a copy of the screening requirements.

Mr. Bolton stated that the ordinance requires an additional one foot of rear yard to be provided for each two (2) feet of building height over twenty-five (25) feet. The secretary questioned the height of the proposed building. Mr. DeVol stated that has not yet been determined.

Chairman Martin clarified that one of Mrs. Bolton's concerns is the proximity of the office building to their house. Mr. Bolton stated that their house is located ten (10) feet from the side property line. The secretary stated that the ten (10) foot side yard would be the same requirement for a residential structure facing Bellemeade Drive for either a one or a two story home. Mrs. Bolton stated that would be more acceptable than an office building because then she would have a neighbor.

Mrs. Bolton stated that sometimes in the morning, she has trouble getting out of her driveway because of the traffic backed up on Bellemeade to access Wilmington-Dayton Road

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and questioned if the access for this new building could be from Wilmington-Dayton Road instead of Bellemeade Drive. Mr. Edwards questioned if there was discussion by the Planning Board regarding a curb cut from Wilmington-Dayton Road for this property. The secretary stated that she did not think there was discussion of this issue. Mr. Edwards stated that there was extensive discussion about the development of the 30+ acre parcel to the west (Karras) while he was a Planning Board member as there was concern about the proper development of this area and existing commercial corridor.

Mrs. Bolton stated that this proposed use will not help their property values. Mr. Bolton stated that they did not have any choice about the building since the zoning was changed, but he felt that the building should not be allowed to be built ten (10) feet from their property. Mr. Brady stated that the setback issue is the main issue here; if Mr. DeVol could move his building fifteen (15) feet toward Wilmington-Dayton Road, with the parking lot in the back, the variance would not be needed. Mr. Brady added that there is no setback required for a parking lot. Mrs. Bolton questioned whether the board members would like this building built ten (10) feet away from their homes. Mr. Brady stated that the board is simply outlining other options. Mr. Armocida questioned the required setback from the gas line. The secretary stated that the width of the gas easement is twenty (20) feet total but was unsure if there was additional setbacks required. Mr. DeVol stated that he could turn the building 90 degrees on the lot so it faced Bellemeade Drive. With that scenario in mind, however, the side yard would still only need to be ten (10) feet from the side lot line.

Mr. Bolton questioned whether the open space met the required ratio. Chairman Martin stated that the request is for 30% green space on the lot instead of the required 40%. Mr. Edwards stated that he agrees with Mr. DeVol that there should be adequate parking on site so that parking does not occur on the street. Chairman Martin stated that the required amount is fifteen (15) spaces. Mrs. Bolton questioned if the business hours are regulated. The secretary stated that there are no limitations on business hours in the zoning ordinance, but other ordinances may come into play for this aspect. Mr. Edwards questioned whether the parking lot could abut the property line and clarified that no screening is required for a parking lot.

Mr. Armocida stated that privacy issues for both parties could be addressed in the design of the structure, which may allay some of the neighbor's concerns. One option is to place the building as shown on the drawing with a buffer and variances or the building could be re-sited on the lot with the parking in some other location which may not be optimum but allow Mr. DeVol to construct the type of building he would like to have on the lot. Mr. DeVol stated that he would like to construct a story and a half with dormers and place his office facing the main roadway. There would be no windows on the east side of the upper floor, due to the sloped ceilings. He felt that the neighbors would be happier with the landscaping between the properties rather than a parking lot, so they could enjoy the green area when the office was closed on the evenings and weekends. Additionally, the building will create a buffer for the residential neighbors from the traffic noise on Wilmington-Dayton Road. There was additional discussion regarding landscaping. Chairman Martin requested additional individuals who wished to speak regarding this variance. Hearing none, Chairman Martin requested board discussion.

Mr. Armocida questioned whether the board could place architectural restraints on the building such as no windows on the upper floor. Mr. Edwards questioned what the Boltons would like to see as far as a compromise. Mrs. Bolton stated that she wanted a buffer between the properties and no windows on the upper floor. There was discussion about re-siting the

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building on the lot in order to provide the twenty-five (25) foot rear yard and moving the building forward five (5) feet. These options do not provide any real solutions to the issues.

Chairman Martin read a letter from the Harris' who reside at 7210 Wilmington-Dayton Road stating their support of the request for variance for the proposed building.

Mr. Perlic moved to approve the request for variance with the condition that the rear yard setback be 15', there be no windows on the second story on the east side of the building, that two parking spaces be removed to accommodate the 40% green space requirement. The motion failed for the lack of a second.

Mr. Armocida stated that the neighbors really do not want the building to be constructed on the lot next door to them and he understands that concern. However, since the zoning is in place, the owner has a right to build on the property. Mr. Armocida stated that the job of this board is to work with the applicant and residents to arrive at a solution that is acceptable to all parties.

Mr. Armocida moved to approve the variance with the conditions that there would be no second story window on the east side of the office building and that two (2) parking spaces be removed so the percentage of green space equals a minimum of 40% of the lot area and the percentage of building and parking areas equals a maximum of 60% of the lot area; Chairman Martin seconded the motion. Roll was called. Mr. Armocida, yes; Mr. Brady, yes; Mr. Edwards, no; Mr. Perlic, no; Chairman Martin, yes. The motion carried 3-2; the variance is granted.

OPEN DISCUSSION:

There was discussion regarding Planning and Board of Zoning Appeals processes.

ADJOURNMENT:

There being nor further business to discuss, Mr. Edwards moved to adjourn the meeting at 8:35 PM.

Jon C. Martin, Chairman

Date

Eileen M. Minamy, Secretary

Date

December 21, 2007

Mr. Dan DeVol
P.O. Box 41187
Dayton OH 45441

Dear Mr. DeVol,

Please find enclosed an Application for Variance for the business property located at **4454 Bellemeade Drive**, Bellbrook per your request in seeking a variance for relief from the rear setback and the lot coverage requirement for the O-1, Office Building District. Also enclosed for your information is the excerpt from the Zoning Ordinance governing these requirements.

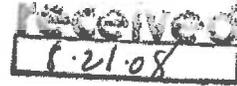
Per our discussion, please also find enclosed information regarding the construction of the office buildings located at 2011 S. Lakeman Drive (Brainard building) and 4301 SR 725 (Huelsman building) regarding the lot coverage aspect of these projects. In September 2000, the Planning Board reviewed the final plan for the Huelsman building and agreed with the engineer's recommendation that both the building and the parking lot not exceed 60% of the lot. Research showed that in both cases, the buildings were less than the 30% permitted, while the parking areas were greater than the 30% permitted, but the total still did not exceed the 60% lot coverage. The outcome was that there was still 40% of green space on both lots. We will provide this prior information to the Planning Board, since they will give a written recommendation to the Board of Zoning Appeals regarding the variance as well as to provide final approval for the site plan. As long as the total 60% lot coverage can be maintained on your lot for both building and parking areas, I see no reason why the Planning Board would deviate from this precedent.

Please complete the application where noted and return to the Zoning Office located at 15 E Franklin Street, 2nd floor. Along with the completed applications, please submit a site plan depicting the lot lines, the proposed office building on the lot, the proposed setbacks, driveway access, parking areas, landscaping areas, proposed lighting, and the dimensions of the proposed building and parking areas. Also required to be submitted is a written narrative justifying the reasons you would like the variance to be granted as well as the non-refundable variance fee of \$35. Once all the documentation has been received by the Zoning Office, a public hearing of the Board of Zoning Appeals will be scheduled. You will be notified of the date, time and place of the hearing. Please plan to attend the hearing should the board have any questions regarding your request. Should the variance be granted, the site plan details may be finalized and forwarded to the Planning Board for their approval.

Please contact the Zoning Office, 848-8477, with any questions you may have regarding your project.

Eileen M. Minamyer
Zoning Inspector

August 20, 2008



We are writing in regards to the meeting on August 21st at 6:30 at the City Council Chambers. This is in regard to Mr. Dan Devol requesting a variance change.

We are unable to attend the meeting but want to voice our opinion on this.

We live at 7210 Wilmington Dayton Road and as you know the traffic is overwhelming to say the least. We have tried to sell our house but was unable because the main complaint was the busy road. The neighbors left of us also tried to sell but was unable. The houses on the other side are for sell. The point we want to make is, we are all for businesses moving in on the Pike as we feel this may be the only way we may possibly sell. Our situation is totally different from the three residents on Bellmeade Road. They are in the platt and can get in and out of their driveway without any problems.

We have made it noted to the realtors that have the first two houses for sell that we want to move and are hoping that this area can be zoned for business.

We know that the 3 residents on Bellmeade were trying to block Mr. Devol, from even putting his office there, but we see that he is still trying to succeed in this. We wish him luck.

We moved to Bellbrook when it was nothing but farmland up Wilmington Pike and gradually they kept building and moving on down toward our residences. We feel that the people's concerns on Wilmington Dayton Road should be taken in any decisions made on this matter.

Thank You,

Russell and Sue Harris

Prioritize Code Updates

The Board chose the following topics to begin:

- Accessory Structure/Uses
- Lot Consolidation
- Triggers for subdivision regulations – Compare to Greene County
- Repeat Offenders (fines/punishments)
- Fee Analysis – Jessica Hansen
- Sign Code