



Board of Zoning Appeals and Property Review  
Commission

August 25, 2020 6:15 PM

Agenda

1. Call to Order
2. Roll call
3. Approval of prior minutes of July 21, 2020
4. Zoning Appeals

Second Hearing:

- **VA20-05** - 1754 N. Belleview Dr Accessory Structure Variance from section 18.05A.
  - Staff Summary
  - Property Owner
  - Public Input
  - Board Discussion/Decision

5. Property Maintenance - none
6. Adjournment

Zoom information:

Webinar ID: 810 5516 5027

Password: 630076

Link:

<https://us02web.zoom.us/j/81055165027?pwd=RUVhK3dmQlVpOXVkcFJFaGNvRnpwUT09>



**BELLBROOK BOARD OF ZONING APPEALS AND PROPERTY REVIEW COMMISSION**  
**PUBLIC HEARING MINUTES**  
**July 21, 2020**

**NOTE:** Due to COVID-19 this meeting was held via Zoom.

**PRESENT:** Glenn Costie  
Aaron Burke  
Philip Ogrod  
Sharon Schroeder  
Chairperson Meredith Brinegar

**CALL TO ORDER:**

Chairman Brinegar called the meeting of the Board of Zoning Appeals to order at 6:15 PM. The Secretary called the roll. Mr. Costie, yes; Mr. Burke, yes; Mr. Ogrod, yes; Mrs. Schroeder, yes; Mrs. Brinegar, yes.

Planning and Zoning Assistant Jessica Hansen was in attendance.

**APPROVAL OF MINUTES:**

Mr. Costie made a motion to approve the prior minutes of June 25, 2020. All were in favor. The motion carried 5-0.

**NEW BUSINESS:**

**Zoning Variances**

- **VA 20-04 Fence (3832 Wead Place):**

Zoning Administrator Jessica Hansen presented the case stating that the applicant is asking to place a six-foot privacy fence on a corner lot. The codes associated with fences and corner lots are 8.06(a and b). The codes state that a front yard is the part of the lot facing the road. This means that a corner lot would have two front yards. Fences along a front yard shall not exceed four feet in height and not extend past the house. This is a common requirement which is sometimes because of aesthetics and of safety issues with line of sight for vehicles approaching the corner.

The property owner Heather Shannon 3832 Wead Place was in attendance at the meeting. Her concern is for safety for her family. The plan for the fence is 85 foot back from the front street which will never impede with visibility for vehicles. She argued that a four-foot fence would not give your family the safety they want.

Mr. Ogrod asked for information about her safety concerns. Ms. Shannon answered that she has children that she is wanting to keep safe.

Mr. Ogrod added that his concern over visibility is not an issue with the planned fence.

Mr. Burke commented that he believes the plan is good as the fence is a significant distance from the road on both sides.

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Ms. Hansen stated that the issue requiring a variance is due to the definition of front yard when it comes to a corner lot. This might be something that should be amended in the zoning code.

Mr. Ogrod made a motion to approve VA 20-04 for a fence at 3832 Wead Place. This was seconded by Ms. Schroeder. The Clerk called the roll. Mr. Ogrod, yes; Ms. Schroeder, yes; Mr. Costie, yes; Mr. Burke, yes; Chairman Brinegar, yes. The motion passed 5-0.

- **VA 20-05 Accessory Structure (1754 N Belleview Drive):**

Zoning Administrator Jessica Hansen presented the case stating that the applicant is asking for a variance to construct an accessory structure larger than the size requirements of the zoning code. The proposed structure would be 30 feet by 46 feet for 1,380 square feet. Zoning code 18.05 (a) states an accessory structure cannot be larger than 600 square feet. This structure would be 85% of the size of the house which is 1,618 square feet. The proposed plan places the structure 10 feet from the rear property line and 10 feet from the side property line. There are also several easements through and around the property. The board received four letters in support of the request and 12 letters opposed to the structure. There are other examples of large structures around the city. Ms. Hansen pointed out to the board that the limit is in the code for many reasons and it is up to the board to decide if this request should be approved. Neighbors have expressed fears of decreased property values and concern over a possible second driveway. Some opponents claimed to have heard that the structure will be used for automobile repair and restoration. Staff recommends that the board consider suggesting a smaller structure and a different location on the property and included a map with alternate locations. The recommendation is included in the staff summary.

Mr. Jim Claypool 1754 N Belleview Drive said that they have no plans to use the garage as a business or for any commercial use. It is just for their own storage. He pointed out that the property next door to theirs also has an oversized garage. He does not believe it will hurt property values. They had not planned on putting a driveway to the structure. He also stated that they had not considered placing the structure on the other side of the existing driveway due to the easement and a large drop off leading down to Possum Run Creek. The existing shed will be removed. He asked if the same restrictions apply if the structure were to be attached to the house.

Ms. Hansen pointed out that vehicles are not to be parked on the grass. A driveway must be graveled or paved. Zoning code in 1972 and some of the other larger structures might have been grandfathered in.

Mr. Ogrod asked about the height of the garage. Mr. Claypool said it would be the same as the house with a similar roof shape and the siding would be the same colored vinyl siding as the house. It will have one door facing the street.

Mr. Ogrod asked how close a second driveway would be to the neighbor's driveway. Mr. Claypool said it would be approximately 15 to 20 feet apart.

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Mr. Burke asked how this size was chosen. Mr. Claypool answered that it is the size of the two storage units they are using now to store their cars and, motorcycle, and woodworking equipment. He added that the neighbor's garage is 24 by 48. His proposed space would be similar with a length of 30 foot due to the length of a car trailer he plans to store inside. He wants to fit everything inside and out of sight.

Mr. Claypool had included an email from previous Zoning Administrator Eileen Minamar that said nothing could be added to the existing driveway because it is on an easement. Ms. Hansen replied that easements require the city or utilities have access if needed to that land. A driveway could be accessed if it became necessary without the kind unrepairable damage that could happen to a structure.

Ms. Brinegar asked if the Claypools would negotiate on the size of the garage. Mr. Claypool agreed but reminded the board that the long trailer needed to be considered so 24 by 48 might be possible.

Mr. Ogrod commented that part of the concern was the size of the garage which would be 85% of the size of the house and that a smaller structure might be better.

Mr. Costie asked if utilities will be run to the garage. Mr. Claypool said he was going to have electric in the garage.

Ms. Hansen emphasized that the size limitation is in the code for a reason. Some larger structures have been approved especially when neighbors supported the request. In this case there is a large group of residents who oppose this structure. The board needs to decide if this is a case that deserves this precedent.

Chair Brinegar opened the discussion up for public comment.

Steve Lutz 1764 N Belleview Drive stated he is the next-door neighbor and said that they were very opposed to the large structure. He admits that he did buy his property that has an over-sized garage and believes these are not an asset to property value.

Ms. Brinegar brought the discussion back to the board.

Ms. Brinegar stated that other cases have had a lot of support from neighbors. This case is different. Maybe there can be a negotiation to reach an agreement more agreeable to everyone.

Mr. Burke did add that the presented structure would be the largest garage approved by the city. And he believes that an option that does not add another access onto the street would be best. He also pointed out that some of the opposition letters were concerned with a business being run out of the structure which has been dispelled by the owner.

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Ms. Hansen stated that she would gather more information for the board and property owners concerning the flood plain, placement, other driveways and the easements. She also suggested the board members visit the property.

A motion to table VA 20-05 was made by Mr. Costie and seconded by Mr. Ogrod. The Clerk called the roll. Mr. Costie, yes; Mr. Ogrod, yes; Mr. Burke, yes; Ms. Schroeder, yes; Chair Brinegar, yes. The motion carried 5-0.

**Adjournment**

Chairman Brinegar adjourned the meeting at 7:40 PM.

To: Board of Zoning Appeals  
From: Jessica Hansen, Planning & Zoning Assistant  
Date: August 21, 2020  
Subject: BZA Staff Report for BZA Case VA 20-05 1754 N Belleview Drive – Accessory Structure

## Summary

The request is to install a garage in the rear yard of the property located at **1754 N Belleview Dr, Bellbrook, OH 45305**. Request for variance from section 18.05A of the zoning ordinance.

## Applicant Information:

- **Applicant Name:** James and Rita Claypool
- **Applicant Address:** 1754 N Belleview Dr, Bellbrook, Ohio 45305
- **Property Owner:** Same

## Location:

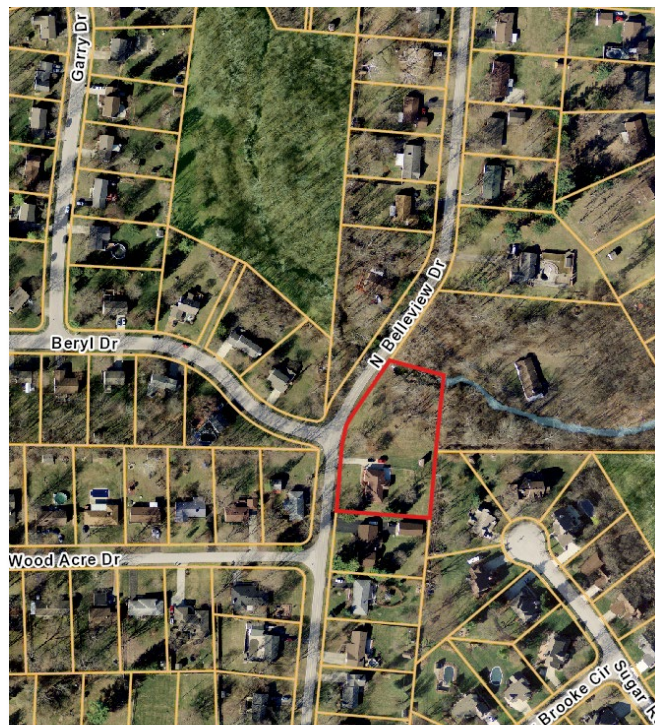


Figure 1 Location Map

The property is located on N Belleview Dr at the intersection of N Belleview and Beryl Dr in the City of Bellbrook.

## Zoning:

**R-1A One-Family Residential:** Intent: *"These districts are the most restrictive of the residential districts. The purpose and intent is to provide for an environment of predominantly low density single unit dwellings plus certain other facilities which*



serve the residents living in the district and to regulate transient occupancy with the city to protect and preserve the permanency of residential neighborhoods, protect property values, and ensure the comfort and safety of the residents. “

**Accessory uses:** Article 5 Section 5.03 “Private garage for storage of vehicles of residents and employees.”

**Recorded Easements:** 35’ utility easement along the center of the property including a 10 foot utility easement directly above it that runs into the adjacent subdivision and a 5’ utility easement along the rear of the property. Lot 88A is 1754 N Bellevue Dr.

**Accessory Structure Request Information:** The applicant wishes to place a 24 x 48 garage 1152 square foot garage in his yard just out of the easement area. He is proposing a concrete apron in the easement area and drive.

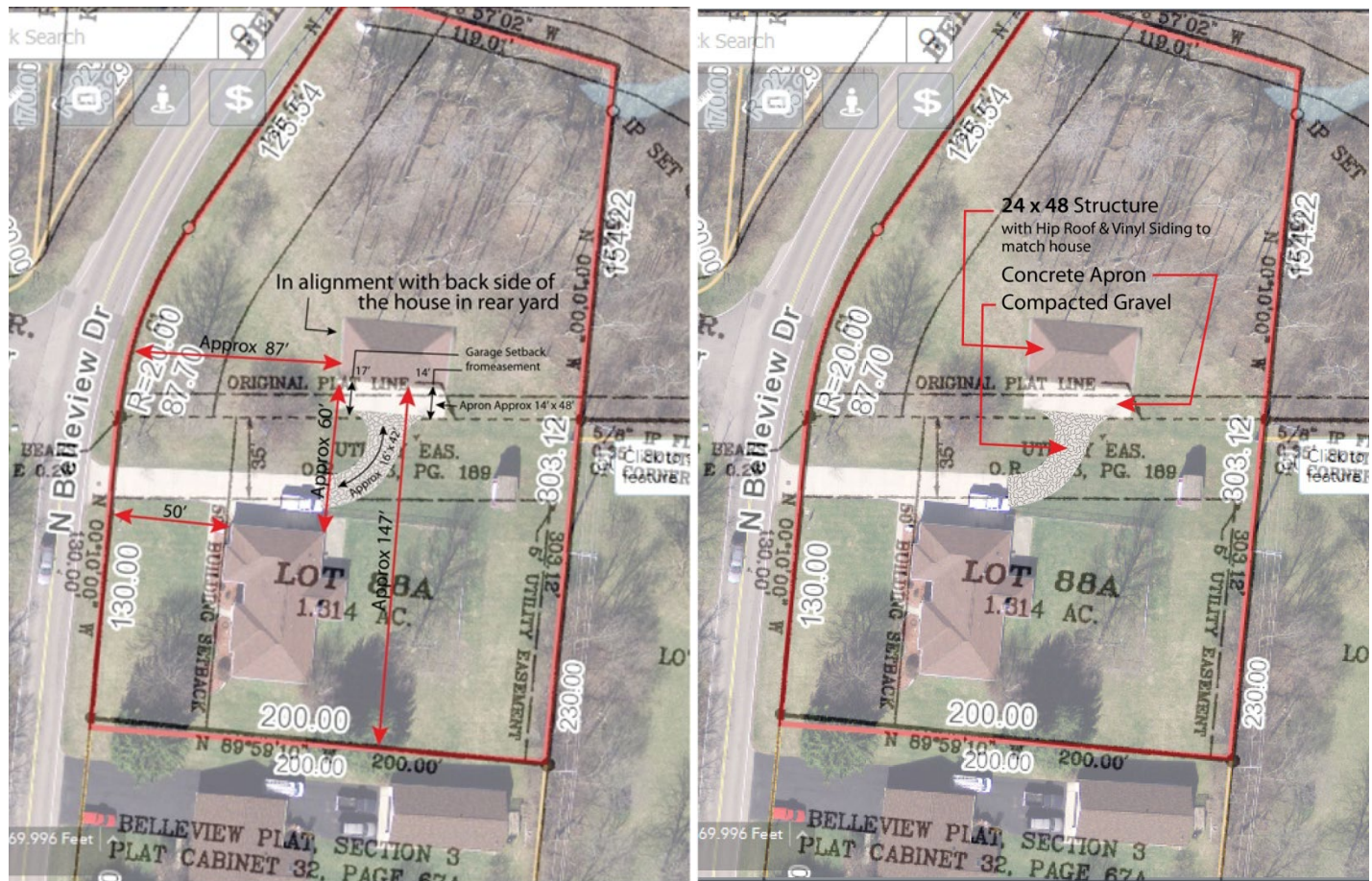


Figure 2 Applicant Provided Site Plan



## Main Structure Square Footage and Dimensions:

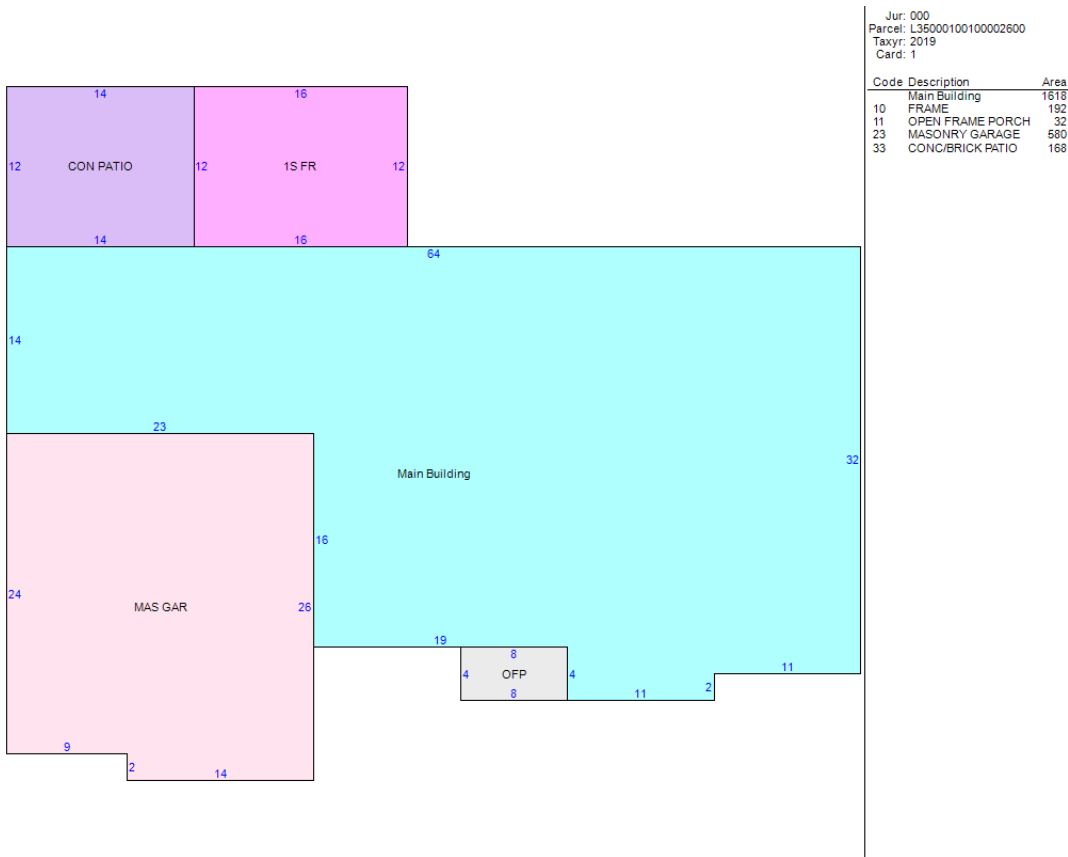


Figure 3 Greene County Auditor's Home Record

**Per section 18.05A:** *“Detached accessory buildings (including garages) constructed on a one-family lot shall not exceed, in the aggregate, six hundred (600) square feet.”*

### Discussion

The Board of Zoning Appeals should decide whether or not to grant this variance from Section **18.05A**. With that being said, rules are there for a reason, until 1992 there was not limit for on the size of accessory structures, this was limited in 1992 to prevent these oversized garages because they were becoming a problem. The 600 square foot size limit was set so to prevent anyone from operating a business out of the garage, and while Mr. Claypool may not, who is to say in the future when the property inevitably changes hands that this will not happen? At what point do we not grant a variance for oversized accessory structures? The neighbors have expressed fears of decreased property values. DP&L and Spectrum have both stated that they would rather the owner not place anything in the easement area, however our service department stated that the owner could place a driveway, but that should we ever have to access the storm drainage we would not replace the drive. However, do to the circumstances around this proposed garage, the possible impacted property values, and the potential safety hazard that the inevitable second access this would create staff recommends that BZA consider recommending a smaller structure that is positioned more in line with their current driveway, but outside of the easement area. Staff has prepared a map that shows the easements on the lots and the potential of placing even the requested sized garage in a more favorable area.



Steve Lutz  
1764 North Belleview Drive  
Bellbrook, Ohio 45305

August 1<sup>st</sup>, 2020

Board of Zoning Appeals  
Property Review Commission  
City of Bellbrook  
15 East Franklin Street  
Bellbrook, Ohio 45305

Dear Board of Zoning Appeals and Property Review Commission,

I previously sent a letter to the Board of Zoning Appeals and Property Review Commission on July 12<sup>th</sup> to express my opposition to the variance request at 1754 North Belleview Drive. The Board has since reviewed this variance request on Tuesday, July 21<sup>st</sup> and made the decision to table the discussion until August 25<sup>th</sup>. I am writing this letter to further express my opposition to this request.

The proposed garage does not comply with multiple zoning codes and should not be approved. Firstly, it does not comply with zoning code 18.05A. Zoning code 18.05A Accessory Building states that detached buildings, including garages, constructed on a one-family lot shall not exceed, in aggregate 600 sq ft. Jim and Rita Claypool are proposing to build a garage that exceeds this zoning regulation. Given the size of their property and location of the proposed location would not uphold the aesthetics of the neighborhood and would negatively impact the surrounding neighbors. The zoning code was put into place to prevent this exact situation.

Additionally, zoning code 18.16 Off Street Parking Regulations states that the parking of vehicles on grass or other areas not designed for parking is prohibited. For the past 4 years, we have dealt with car trailers, vehicles, mowers, and excavating equipment sitting in the side yard for long periods of time. My concern is that this issue will worsen with the additional garage having more equipment sitting outside of it. Furthermore, Jim would need to build a driveway to the garage to be able to access it without driving through the grass. As stated in my previous letter, this additional driveway would directly impact my family as it would be adjacent to my driveway. Building this driveway would require the removal of at least one large pine tree that provides privacy. It would also add a third driveway within 15 feet of each other which could cause confusion for drivers. Finally, there is an easement along North Belleview from Whites Drive. An easement is "that portion of land or property reserved for present or future use by a person or agency *other than the legal fee owner(s) of the property*. The easement shall be permitted to be for use under, on, or above a said lot or lots" Bellbrook, Ohio, Zoning Code, Article 1450.21, General Definitions. When the White Corner storm water project was being completed, the city of Bellbrook came to us asking for permission to cross our property in exchange for \$1.00 and we gladly accepted for the betterment of our neighborhood. They needed to remove one tree and one shrub by our driveway as they informed us that nothing could go on

top of the easement unless it was already there. The driveway would need to be built on top of the easement which is not allowed to my understanding.

The purpose of Bellbrook's Zoning Code is to protect and preserve our neighborhoods and property values by allowing the city to regulate and control the use and development of real estate. As a result, property owners are restricted in how they can use their property. These codes ensure that the good of the entire community are aligned. I understand that zoning codes have been historically controversial as they cause a lot of disagreements which is one of the reasons why this board exists. I do think it is important to consider each issue and reevaluate the code to ensure that the zoning ordinances remain reasonable and relevant. However, when the proposed variance is strongly opposed by many of the neighbors and will negatively impact them and the neighborhood, I do not agree that it should be approved.

In this case, the proposed variance would break multiple zoning codes and is strongly opposed by multiple neighbors. What kind of precedence are you setting if you approve this case? There have been other cases that were previously approved that neighbors are still unhappy with today. For example, there are three large garages in the neighborhood that remain an eyesore, including mine. I encourage the board to consider the purpose of the zoning codes and the precedence that they would like to set. We do not want to deprive anyone of having a garage, but when the property is not conducive for an additional building of any size due to access issues, utilities, and easements on the North and West sides, then it would not make sense to try to force a building onto the property.

Thank you very much for your time and consideration. You can reach me at (937) 848-6900 or (937) 637-1365 if you have any questions or would like to discuss further.

Respectfully,

Steve Lutz

August 2, 2020

Bellbrook Zoning Board

I am writing in regards to a letter we received about a 1400 square foot garage structure at 1754 North Bellevue Drive.

This structure is extremely large for a residential neighborhood. In fact, this structure is almost as large as the homeowner's home. The 1400 square foot structure greatly exceeds what is acceptable in Bellbrook. The structure is so large that it will not add any value to our neighborhood.

We have heard that the homeowners are saying that this excessively large structure is for storage. We find it questionable that an additional driveway to this structure is planned if it is just used for storage. We have heard from the neighbors that this structure will not be used for storage but for a car repair business. We live in a residential area and not an industrial zoned area. We are greatly concerned about the noise and paint fumes that could permeate throughout our quiet neighborhood. We have no interest in hearing the noises created from a body shop business. Again, we live in a residential area. If this structure is approved and this business plan moves forward, we feel that this could vastly impact our property values.

Please listen to what the concerned neighbors have expressed to the Zoning Department through letters, emails and phone calls. We believe there are far more people asking the Zoning Board to **REJECT** this request.

If this homeowner wants to continue his car repair business, he should be able to do so in an area zoned for business and not our residential neighborhood.

Sincerely,

Homeowner from Sugar Run.

**From:** [Jessica Hansen](#)  
**To:** [Pamela Timmons](#)  
**Subject:** Baker Opposition to 1754 N. Belleview  
**Date:** Monday, August 3, 2020 4:22:25 PM  
**Attachments:** [image001.png](#)

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Another statement for the board.

Jessica Hansen  
Planning & Zoning Assistant  
City of Bellbrook  
(937) 848-4666  
[jessica@cityofbellbrook.org](mailto:jessica@cityofbellbrook.org)



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**From:** Sharon Baker <bakercook10@gmail.com>  
**Sent:** Friday, July 31, 2020 7:28 AM  
**To:** Jessica Hansen <jessica@cityofbellbrook.org>  
**Subject:** 1754 N. Belleview

Good Morning,

As a neighbor in the area of the above mentioned property, I am against him building a large garage in the back of his property for the purpose of running a business out of it.

Sharon Baker  
4122 Amy Brooke Circle

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**From:** [Jessica Hansen](#)  
**To:** [meredith.brinegar@gmail.com](#); [glenn.costie@gmail.com](#); [sharon.schroder@dplinc.com](#); [aburke.ud@gmail.com](#); [crow13pro@aol.com](#)  
**Cc:** [Pamela Timmons](#)  
**Subject:** FW: 1754 N Belleview Dr  
**Date:** Friday, August 7, 2020 6:09:12 PM  
**Attachments:** [image001.png](#)  
[REPLAT KENSINGTON PARK LOT 603.pdf](#)

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Below is AT&T's response to putting an extension of the driveway on the easement.

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**From:** HENRICH, DEAN <dh8486@att.com>  
**Sent:** Tuesday, August 4, 2020 3:45 PM  
**To:** Jessica Hansen <jessica@cityofbellbrook.org>  
**Subject:** FW: 1754 N Belleview Dr

Jessica,

The attachment reveals that at&t is in a platted utility easement that runs along the north side and the rear of this property.

There are at least 3 large at&t copper cables in this easement and when it gets to the rear of the property, they turn south and also split off to the air going east and south as well.

At&t has no desire for any structure, building or material, to be placed over them.

Please let us know if you need anything further.

The homeowner really needs to call OUPS/811 and have all buried lines marked to show their placement prior to any planned work.

Respectfully,

Dean Henrich  
Telecommunications Specialist (Engineering)  
[dh8486@us.att.com](mailto:dh8486@us.att.com)  
Phone +1 (937) 296-3650  
Cell Phone +1 (937) 802-7230  
7201 FAR HILLS AVE  
CENTERVILLE, OH 45459

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**From:** HERRING, TYLER  
**Sent:** Tuesday, August 4, 2020 12:58 PM  
**To:** HENRICH, DEAN <[dh8486@att.com](mailto:dh8486@att.com)>  
**Subject:** FW: 1754 N Belleview Dr

**Tyler Herring**



MGR Construction& Engineering  
ATO, Midwest C&E

**AT&T**

7201 Far Hills Ave, Centerville Ohio 45459  
m 937.231.5807 | [jh2851@att.com](mailto:jh2851@att.com)

MOBILIZING YOUR WORLD

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**From:** COSTANZO, ANTHONY <[ac7313@att.com](mailto:ac7313@att.com)>  
**Sent:** Monday, August 03, 2020 1:04 PM  
**To:** 'Jessica Hansen' <[jessica@cityofbellbrook.org](mailto:jessica@cityofbellbrook.org)>  
**Cc:** HERRING, TYLER <[JH2851@att.com](mailto:JH2851@att.com)>  
**Subject:** RE: 1754 N Bellevue Dr

Good Afternoon Jessica,

Hope this email finds you well. I have taken a promotion and new position with AT&T External and Legislative Affairs. I have copied Tyler Herring on this email who is the local Engineering Manager for your area.

Tyler can you please assist?

Thanks,  
Tony

**Tony Costanzo**

Director – External Affairs  
Cleveland/Northern Ohio External & Legislative Affairs

**AT&T**

13630 Lorain Ave – Floor 2  
Cleveland, OH 44111  
O 216-476-6662  
M 440-570-9112 | [anthony.costanzo@att.com](mailto:anthony.costanzo@att.com)  
F 847-326-0459

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strictly prohibited.

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**From:** Jessica Hansen <[jessica@cityofbellbrook.org](mailto:jessica@cityofbellbrook.org)>  
**Sent:** Monday, August 3, 2020 12:06 PM  
**To:** DP&L Construction Control Center ([constructioncenter@aes.com](mailto:constructioncenter@aes.com))  
<[constructioncenter@aes.com](mailto:constructioncenter@aes.com)>; Fisher, Lori L. <[Lori.Fisher@centerpointenergy.com](mailto:Lori.Fisher@centerpointenergy.com)>; COSTANZO, ANTHONY <[ac7313@att.com](mailto:ac7313@att.com)>; [Damon.cooley@charter.com](mailto:Damon.cooley@charter.com)  
**Cc:** [wrlmoms@aol.com](mailto:wrlmoms@aol.com); Pamela Timmons <[P.Timmons@cityofbellbrook.org](mailto:P.Timmons@cityofbellbrook.org)>; Melissa Dodd <[M.Dodd@cityofbellbrook.org](mailto:M.Dodd@cityofbellbrook.org)>  
**Subject:** 1754 N Belleview Dr

We have a gentlemen that is wanting to get a variance for an oversized garage. As part of this the Board of Zoning Appeals has considered granting the variance if he uses his existing driveway, however his existing drive is on an easement. (The garage would not be built on the easement, just the extension of the concrete drive) The City does have a storm drainage pipe underneath and we have told him that we wouldn't replace the driveway should we ever need to get in there to replace or repair that drain. I specifically wanted to know if you by any chance knew if your utility lines are there, and your stance on this matter. Your assistance in this matter would be greatly appreciated and will help the board in making their decision.

Thanks,

Jessica Hansen  
Planning & Zoning Assistant  
City of Bellbrook  
(937) 848-4666  
[jessica@cityofbellbrook.org](mailto:jessica@cityofbellbrook.org)



**From:** [crow13pro@aol.com](mailto:crow13pro@aol.com)  
**To:** [Pamela Timmons](#)  
**Cc:** [meredith.brinegar@gmail.com](mailto:meredith.brinegar@gmail.com)  
**Subject:** Dreischarf Opposition of 1754 North Belleview  
**Date:** Friday, August 7, 2020 3:52:32 PM

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Hi Pam,

Was there any update on the positioning/size of the garage building since the last meeting? I stopped to talk to Wendy Lutz (next door neighbor) to look at the property and get their input. The extra driveway is a concern for them.

Kind regards,

Philip Ogrod

-----Original Message-----

From: Pamela Timmons <P.Timmons@cityofbellbrook.org>  
To: BZAPRC <BZAPRC@cityofbellbrook.org>  
Sent: Mon, Aug 3, 2020 7:52 pm  
Subject: FW: Post-21July2020 Public Hearing Feedback of 1754 North Belleview

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**From:** Jessica Hansen <jessica@cityofbellbrook.org>  
**Sent:** Monday, August 3, 2020 11:07 AM  
**To:** Pamela Timmons <P.Timmons@cityofbellbrook.org>  
**Subject:** FW: Post-21July2020 Public Hearing Feedback of 1754 North Belleview

Can you forward this to board as well.

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**From:** Dreischarf, Derek (GE Aviation, US) <[derek.dreischarf@ge.com](mailto:derek.dreischarf@ge.com)>  
**Sent:** Wednesday, July 29, 2020 5:29 PM  
**To:** Jessica Hansen <[jessica@cityofbellbrook.org](mailto:jessica@cityofbellbrook.org)>; Jessica Hansen <[jessica@cityofbellbrook.org](mailto:jessica@cityofbellbrook.org)>  
**Subject:** Post-21July2020 Public Hearing Feedback of 1754 North Belleview

To whom it may concern,

This is a follow up summary of my concerns related to the proposed garage variance at 1754 North Belleview. The list below contains my concerns documented in email of 17July2020, but is also expanded based on the public hearing held 21July2020. In summary, while I support any resident adding his/her

own garage, I do not want to look out at a monstrosity of a garage structure as proposed. Here are some supporting points:

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1. Accessory building proposal of 1380 sq-ft would be 75% of residential structure square footage and would represent 2.3x times the maximum allowance of 600 sq-ft. This would be larger than other Bellbrook accessory buildings which were stated as precedent.
2. Building outside of the requirement is not a practice that should continue. It should be considered, to either stop this practice or change the requirement. I personally don't understand why accessory building deviations would be granted based on precedent because:
  - a. Discussions of "eye sores" and aesthetics are opinion based. The requirement helps to eliminate the grey areas
  - b. The process of deviating to such a requirement could result in more and more requests, which looks bad and is generally a negative trend for the neighborhood
  - c. As an example, I wouldn't want to see garage deviations in a \$300k+ price point neighborhood like Sugar Run
3. Any accessory building construction, of greater than the maximum requirement 600sq-ft would be:
  - a. Unbalanced/forced and out of place for existing residence and for neighborhood (eye sore)
  - b. Completely viewable from front of 1754 Belleview residence (west)
  - c. Completely viewable from Belleville bridge region (north-west)
  - d. Completely viewable from Sugar Run neighbors (east and south-east)
4. It can be reasonably claimed that the requirement for accessory buildings of maximum 600sq-ft was established in order to avoid subjective terms like "my opinion, balance, out of place, or eye sore":
  - a. Precedent may exist, but does not mean that it was the best decision at that time and doesn't mean that it should continue
  - b. Precedent should not establish the basis for what is reasonable for today. Property values, Bellbrook buyer demographics, buyer expectations and even building codes have likely changed over the years.
  - c. Existing codes should be upheld for the reasons that they were established. → Can you imagine requesting a 1380 sq-ft garage in highly scrutinized cities, for example Oakwood?
  - d. Each resident should have the freedom to build their structure, but according to the requirements. City of Bellbrook neighborhoods are not the country where one would expect to see huge garages and pole barns.
  - e. Since it can be reasonably assumed that the requirement was likely established to preserve aesthetics, further consideration of this deviation should partly be based on ensuring that esthetics will be preserved

- f. During 21July2020 meeting, it was stated that proposed structure would “match the Florida room”. This holds little to no substance, as the Florida room is not even viewable from street. The proposal of this size will simply look out of place.
  - 5. Accessory building proposals of greater than 600sq-ft could impact surrounding property owner values:
    - a. Direct property value impacts: this could happen if any surrounding properties experienced sales challenges due to “eye sore effect”, resulting in a lower sales price. Those sales records could then negatively impact surrounding properties values.
    - b. Indirect property value impacts: this could happen by possibly reducing the pool of buyers who may view the structure as an eye sore, thereby impacting value since the property might be more difficult to sell
    - c. Since direct and/or indirect impacts could occur, the 600 sq-ft requirement should be upheld as a maximum
    - d. Anything other could be a detriment to surrounding property owners
  - 6. Location and size of the proposed structure could create drainage concerns
    - a. Topographical map available on Greene County GIS shows that the region (and surrounding regions in sugar run) are relatively flat
    - b. Historical objective evidence has existed where poor drainage has resulted in concrete/sidewalk settling and other homeowner challenges (water in slab foundation hvac ducts for example)
    - c. Most any solution, needs to address drainage such that no negative impact will occur, as documented in my email of 17July2020 (large driveway drainage should be sent east; no driveway creating mudpit; extra driveway creating traffic issues)
- 

In summary, I support a garage, but of maximum 600 square foot. I will be glad to restate these points verbally if that is helpful during a meeting. I will be sharing these concerns with other neighbors as well.

Best Regards

**Derek Dreischarf**

Unison Industries

Engineering Manager – GE Aircraft Engines (Unison Industries)

1692 Sugar Run Trail

Bellbrook, OH

937-546-9657

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**From:** [Jessica Hansen](#)  
**To:** [meredith.brinegar@gmail.com](#); [glenn.costie@gmail.com](#); [sharon.schroder@dplinc.com](#); [aburke.ud@gmail.com](#); [crow13pro@aol.com](#)  
**Cc:** [Pamela Timmons](#)  
**Subject:** FW: Zoning Variance for 1754 N Bellevue  
**Date:** Friday, August 7, 2020 6:05:16 PM

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Please see the information that was sent to me below.

Thanks,  
Jessica Hansen

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**From:** Philip Hopf <[philip.hopf@gmail.com](mailto:philip.hopf@gmail.com)>  
**Sent:** Friday, August 7, 2020 7:00 AM  
**To:** Jessica Hansen <[jessica@cityofbellbrook.org](mailto:jessica@cityofbellbrook.org)>  
**Subject:** Zoning Variance for 1754 N Bellview

Ms Hanson,

Thank you for the notice of the next BZA meeting concerning the subject variance request. I was surprised to hear that the Board was not able to act on the variance request for 1754 N Bellview Dr. as I understood there was a significant amount of opposition. So, I would reiterate what I expressed in my original comment.

I would add that the zoning regulations are very important but frequently overlooked as community protection. They provide a way to preserve the environment that attracts people and families to our community and maintain the property values that support excellent schools, competent administration, and a safe, secure environment. It is proper that these regulations also recognize special needs which may sometimes require individual variances. In this specific request, I would ask the Board to consider whether this variance is truly a "special needs" situation that warrants risking the stability of the community. I would add my opinion that it does not and comment that reduced property values = reduced property taxes.

--

**Philip W Hopf**

+1 937 848-6329 H

+1 937 477-9040 C

[philip.hopf@gmail.com](mailto:philip.hopf@gmail.com)



**From:** [Jessica Hansen](#)  
**To:** [meredith.brinegar@gmail.com](mailto:meredith.brinegar@gmail.com); [glenn.costie@gmail.com](mailto:glenn.costie@gmail.com); [sharon.schroder@dplinc.com](mailto:sharon.schroder@dplinc.com); [aburke.ud@gmail.com](mailto:aburke.ud@gmail.com); [crow13pro@aol.com](mailto:crow13pro@aol.com)  
**Cc:** [Pamela Timmons](#)  
**Subject:** FW: 1754 N Belleview Dr----Spectrum  
**Date:** Friday, August 7, 2020 6:20:24 PM  
**Attachments:** [image001.png](#)  
[1754 N Belleview Dr. Bellbrook.pdf](#)

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Below is Spectrums response to placing a driveway in the easement area.

Thanks,  
Jessica Hansen

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**From:** Cooley, Damon M <[Damon.Cooley@charter.com](mailto:Damon.Cooley@charter.com)>  
**Sent:** Monday, August 3, 2020 3:22 PM  
**To:** Jessica Hansen <[jessica@cityofbellbrook.org](mailto:jessica@cityofbellbrook.org)>  
**Subject:** RE: 1754 N Belleview Dr

Jessica,

Attached is an aerial view showing our (Spectrum) fiber and coax in the area. These can be moved if absolutely needed, but that would be at the expense of the customer, including all additional rerouting and redesigning needed to abandon that easement for both fiber and coax. Hopefully this helps.

Thank you.

Damon Cooley  
Construction Coordinator  
Spectrum Communications  
3691 Turner Rd.  
Dayton, OH 45331  
Desk: (937) 396-8369  
Cell: (937) 679-6119  
Email: [damon.cooley@charter.com](mailto:damon.cooley@charter.com)

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**From:** Jessica Hansen [<mailto:jessica@cityofbellbrook.org>]  
**Sent:** Monday, August 3, 2020 12:06 PM  
**To:** DP&L Construction Control Center ([constructioncenter@aes.com](mailto:constructioncenter@aes.com))  
<[constructioncenter@aes.com](mailto:constructioncenter@aes.com)>; Fisher, Lori L. <[Lori.Fisher@centerpointenergy.com](mailto:Lori.Fisher@centerpointenergy.com)>;  
[ac7313@att.com](mailto:ac7313@att.com); Cooley, Damon M <[Damon.Cooley@charter.com](mailto:Damon.Cooley@charter.com)>  
**Cc:** [wrlmoms@aol.com](mailto:wrlmoms@aol.com); Pamela Timmons <[P.Timmons@cityofbellbrook.org](mailto:P.Timmons@cityofbellbrook.org)>; Melissa Dodd  
<[M.Dodd@cityofbellbrook.org](mailto:M.Dodd@cityofbellbrook.org)>  
**Subject:** [EXTERNAL] 1754 N Belleview Dr

<b>CAUTION:</b> The e-mail below is from an external source. Please exercise caution before opening attachments,
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clicking links, or following guidance.

We have a gentleman that is wanting to get a variance for an oversized garage. As part of this the Board of Zoning Appeals has considered granting the variance if he uses his existing driveway, however his existing drive is on an easement. (The garage would not be built on the easement, just the extension of the concrete drive) The City does have a storm drainage pipe underneath and we have told him that we wouldn't replace the driveway should we ever need to get in there to replace or repair that drain. I specifically wanted to know if you by any chance knew if your utility lines are there, and your stance on this matter. Your assistance in this matter would be greatly appreciated and will help the board in making their decision.

Thanks,

Jessica Hansen  
Planning & Zoning Assistant  
City of Bellbrook  
(937) 848-4666  
[jessica@cityofbellbrook.org](mailto:jessica@cityofbellbrook.org)



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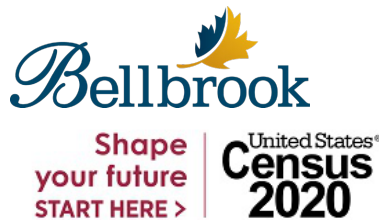
**From:** [Jessica Hansen](#)  
**To:** [BZAPRC](#)  
**Cc:** [Pamela Timmons](#)  
**Subject:** FW: zoning  
**Date:** Monday, August 10, 2020 9:44:34 AM  
**Attachments:** [image001.png](#)

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Another response for 1754 N Belleview Dr.

Thanks,

Jessica Hansen  
Planning & Zoning Assistant  
City of Bellbrook  
(937) 848-4666  
[jessica@cityofbellbrook.org](mailto:jessica@cityofbellbrook.org)



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**From:** Amy H <amydawnhopf@yahoo.com>  
**Sent:** Monday, August 10, 2020 9:03 AM  
**To:** Jessica Hansen <jessica@cityofbellbrook.org>  
**Subject:** zoning

Ms Hanson,

We considered many factors in choosing the Bellbrook community when we returned to this area from California. Good schools were mandatory as both my children were school age at the time. We wanted a quiet, stable community that was safe, secure, and affordable. Bellbrook was an obvious choice. We rented a home for a while in the Bellview Dr. / Weller area until finally finding a home to buy on Wilmington Pike. As a new homeowner in the Bellbrook community and former resident of the Bellview Dr area, I appreciate that an investment in a home in this community is a safe investment and realize how important it is to maintain property and property value. Please ask the Board to strongly consider the effect of a variation for a large outbuilding at 1754 Bellview Dr on the properties, not only along Bellview Dr. but also on the entire community.

Amy Hockman  
7230 Wilmington Pike

If the stars were made to worship so will I

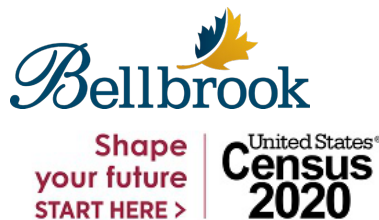
**From:** [Jessica Hansen](#)  
**To:** [BZAPRC](#)  
**Cc:** [Pamela Timmons](#)  
**Subject:** 1754 N Belleview Variance  
**Date:** Monday, August 10, 2020 11:15:07 AM  
**Attachments:** [image001.png](#)

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Response from Debbie Smith.

I wanted to send you another email about the property on North Belleview wanting to put up the large garage. I still would be against it because of the fact the city is beginning to work on the bridge and when it is finished everyone will be using that road again so all the traffic will be able to see that large out of place garage that will definitely be an eye-soar for our neighborhood. I am also concerned about the large equipment out in the yard. Seeing it everyday it looks like there is always some type of a major job being done there and it might bring unwanted crime into the neighborhood with curiosity what could be in that huge new garage if it is built. So please take my message and thoughts into account when considering this new permit. Thanks for your interest in our neighborhood and the beautiful city of Bellbrook that has been our home for the past 35 years. Enjoy your day  
and stay safe. Debbie Smith at 4194 Beryl Drive (937)478-2829

Jessica Hansen  
Planning & Zoning Assistant  
City of Bellbrook  
(937) 848-4666  
[jessica@cityofbellbrook.org](mailto:jessica@cityofbellbrook.org)



**From:** [Jessica Hansen](#)  
**To:** [BZAPRC](#)  
**Cc:** [Pamela Timmons](#)  
**Subject:** FW: Belleview zoning variance  
**Date:** Thursday, August 13, 2020 10:08:53 AM

---

Below is another response against the proposed garage.

Thanks,  
Jessica Hansen

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**From:** craig duffy <hvy8driver@gmail.com>  
**Sent:** Thursday, August 13, 2020 9:48 AM  
**To:** Jessica Hansen <jessica@cityofbellbrook.org>  
**Subject:** Belleview zoning variance

To Whom It May Concern:

I am sending this letter to voice my concern over proposed changes to the Bellbrook zoning laws to allow for an oversized garage and gravel driveway on Belleview Drive. I feel a structure of this size is not only unsightly, but also unnecessary for a residential neighborhood. I am concerned that this will be used for commercial purposes, if not by the current owner then possibly by an owner in the future. To my knowledge a site study has not been done on this property. I know that there are utility easements running throughout this property and that this area is notorious for drainage problems.

By changing the current zoning laws, the city is putting the desires on one person over the rights of the others. Allow this change also sets a dangerous precedence in the future. Therefore, I am opposing any changes to current zoning regulations to allow this proposed structure.

Sincerely,

Craig S. Duffy  
1705 Sugar Run Trail  
Bellbrook, OH 45305

**From:** [Jessica Hansen](#)  
**To:** [BZAPRC](#)  
**Cc:** [Pamela Timmons](#)  
**Subject:** Fwd: Belleview zoning change proposal  
**Date:** Thursday, August 13, 2020 10:24:54 AM

---

Another response against the garage.

Jessica Hansen

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**From:** Karen Mente-Duffy <homestarbroker@gmail.com>  
**Sent:** Thursday, August 13, 2020 10:16:15 AM  
**To:** Jessica Hansen <jessica@cityofbellbrook.org>  
**Subject:** Belleview zoning change proposal

Hello Jessica...I am writing to voice my opposition to the proposed zoning changes to allow the owner on Belleview Drive to construct a building that greatly exceeds the current zoning regulations for a parcel zoned single family. The current zoning regulations allow for an additional structure not to exceed 600 sq. ft. The original proposal is asking for a variance to allow a structure of over 1300 sq. ft. That is the size of some of the homes in that area. The amended proposal has reduced the structure size to 1100 sq ft with a gravel driveway access.

As a real estate broker having worked in real estate in the Dayton area for over 30 years, I am strongly recommending that our city officials uphold the current zoning regulations. I know first hand how cities who have failed to maintain uniform planning codes (just think of Centerville vs Fairborn, for instance) and allow for such variances have hurt the property values of not only the subject property, but others throughout the city.

This proposal is not a reasonable request for this sized lot in our city. If the current owner states that this structure is for storage but has told others that it is for repairing vehicles or equipment, how will the city monitor this? How will the city ensure the other Bellbrook residents that this structure will not be used by future owners for a second residential living structure? This parcel is zoned single family, not zoned multifamily.

There are many other concerns regarding building over utility easements which DP&L has already opposed. The aesthetics of a gravel driveway access on such a visible thoroughfare would not be acceptable. This area is prone to drainage problems especially in my Sugar Run plat due to the builder not completing proper site preparation before building. Where will the runoff due to this additional structure go? The runoff will either go down to the neighbor already in a flood plain or into my neighborhood...both are unacceptable. This is why we have these zoning standards.

I'm sure it is abundantly clear that this proposal from the Belleview Drive owner is not reasonable and will affect the other residents of Bellbrook in a negative way. Please enforce the zoning regulations that are in place...that is what we pay officials of our city to do.

Thank you for your time,



Karen Mente-Duffy  
Home Star Realty  
1705 Sugar Run Trail  
Bellbrook, OH 45305

Steve Lutz  
1764 North Belleview Drive  
Bellbrook, Ohio 45305

August 1<sup>st</sup>, 2020

Board of Zoning Appeals  
Property Review Commission  
City of Bellbrook  
15 East Franklin Street  
Bellbrook, Ohio 45305

Dear Board of Zoning Appeals and Property Review Commission,

I previously sent a letter to the Board of Zoning Appeals and Property Review Commission on July 12<sup>th</sup> to express my opposition to the variance request at 1754 North Belleview Drive. The Board has since reviewed this variance request on Tuesday, July 21<sup>st</sup> and made the decision to table the discussion until August 25<sup>th</sup>. I am writing this letter to further express my opposition to this request.

The proposed garage does not comply with multiple zoning codes and should not be approved. Firstly, it does not comply with zoning code 18.05A. Zoning code 18.05A Accessory Building states that detached buildings, including garages, constructed on a one-family lot shall not exceed, in aggregate 600 sq ft. Jim and Rita Claypool are proposing to build a garage that exceeds this zoning regulation. Given the size of their property and location of the proposed location would not uphold the aesthetics of the neighborhood and would negatively impact the surrounding neighbors. The zoning code was put into place to prevent this exact situation.

Additionally, zoning code 18.16 Off Street Parking Regulations states that the parking of vehicles on grass or other areas not designed for parking is prohibited. For the past 4 years, we have dealt with car trailers, vehicles, mowers, and excavating equipment sitting in the side yard for long periods of time. My concern is that this issue will worsen with the additional garage having more equipment sitting outside of it. Furthermore, Jim would need to build a driveway to the garage to be able to access it without driving through the grass. As stated in my previous letter, this additional driveway would directly impact my family as it would be adjacent to my driveway. Building this driveway would require the removal of at least one large pine tree that provides privacy. It would also add a third driveway within 15 feet of each other which could cause confusion for drivers. Finally, there is an easement along North Belleview from Whites Drive. An easement is "that portion of land or property reserved for present or future use by a person or agency *other than the legal fee owner(s) of the property*. The easement shall be permitted to be for use under, on, or above a said lot or lots" Bellbrook, Ohio, Zoning Code, Article 1450.21, General Definitions. When the White Corner storm water project was being completed, the city of Bellbrook came to us asking for permission to cross our property in exchange for \$1.00 and we gladly accepted for the betterment of our neighborhood. They needed to remove one tree and one shrub by our driveway as they informed us that nothing could go on

top of the easement unless it was already there. The driveway would need to be built on top of the easement which is not allowed to my understanding.

The purpose of Bellbrook's Zoning Code is to protect and preserve our neighborhoods and property values by allowing the city to regulate and control the use and development of real estate. As a result, property owners are restricted in how they can use their property. These codes ensure that the good of the entire community are aligned. I understand that zoning codes have been historically controversial as they cause a lot of disagreements which is one of the reasons why this board exists. I do think it is important to consider each issue and reevaluate the code to ensure that the zoning ordinances remain reasonable and relevant. However, when the proposed variance is strongly opposed by many of the neighbors and will negatively impact them and the neighborhood, I do not agree that it should be approved.

In this case, the proposed variance would break multiple zoning codes and is strongly opposed by multiple neighbors. What kind of precedence are you setting if you approve this case? There have been other cases that were previously approved that neighbors are still unhappy with today. For example, there are three large garages in the neighborhood that remain an eyesore, including mine. I encourage the board to consider the purpose of the zoning codes and the precedence that they would like to set. We do not want to deprive anyone of having a garage, but when the property is not conducive for an additional building of any size due to access issues, utilities, and easements on the North and West sides, then it would not make sense to try to force a building onto the property.

Thank you very much for your time and consideration. You can reach me at (937) 848-6900 or (937) 637-1365 if you have any questions or would like to discuss further.

Respectfully,

Steve Lutz

# Petition to AGAINST LARGE GARAGE + 2ND DRIVEWAY

Petition summary and background	1754 N. BELLEVUE AGAINST LARGE GARAGE AND 2ND DRIVEWAY BY NEIGHBOR AT 1764 N. BELLEVUE
Action petitioned for	

Printed Name	Signature	Address	Comment	Date
Mary Hollister	Mary Hollister	1692 Harry Dr.		8/4
Shannon Sheldon	Shannon Sheldon	1708 Harry Dr	Please adhere to code	8-4-2020
Kenneth W. Wetzler	Kenneth W. Wetzler	4132 Amy Brooke Cir	The code is good - follow it please	8/4/20
VIRGINIA J. J. J. J.	VIRGINIA J. J. J. J.	4118 Perryman Ave RD		9-6-20
Teah Phillips	Teah Phillips	1801 N. Bellevue Dr	follow the code	8.6.20
Greg Johnson	Greg Johnson	4183 Wood Ave Dr		8-7-20
Troy Miller	Troy Miller	1509 Justin Ct.		8/7/2020
Peter Bell	Peter Bell	1786 N. Bellevue Dr	Follow the code	8/7/20
Susan Lutz	Susan Lutz	1792 N. Bellevue Dr	Follow code	8/7/20
Bobby G. G. G.	Bobby G. G. G.	1787 N. Bellevue Dr	Follow the code	8/7/20
Jeff Eckley	Jeff Eckley	4203 Berry Dr	Please follow code	8/7/20
Jodi Smith	Jodi Smith	4197 Berry	11	8/9/20

Printed Name	Signature	Address	Comment	Date
Charles Pickrell	Chal P	4195 Beryl Bellbrook	Follow Code / Visual	8-9-20
Leslie Kohli	Leslie Kohli	4195 Beryl Dr. Bellbrook	An outbuilding that size would not follow code, we are generally pleasing & affect property values	8-9-20
Brandon Noon	Brandon Noon	4202 Beryl Dr. Bellbrook	Follow code	8-9-20
Chelsea Lauck	Chelsea Lauck	4251 Beryl Dr.	Follow code.	8/9/20
Millard D. Tipton	Millard D. Tipton	4248 Beryl Dr.	Follow Code	8-9-20
Damon Holder	Damon Holder	4235 Beryl Dr.	Follow Code	8-9-20
Chris Augley	Chris Augley	Bellbrook Ct 4243 Beryl Dr.	Concerned about commercial business in a residential area, messy cars and	8/9/20
Michael A. Landry	Michael A. Landry	1716 Garry Drive	Follow the Code	9 Aug 20
Todd Cholesterol	Todd Cholesterol	1676 Garry Drive	Follow the Code	9 Aug 20
Yvonne Malasuevito	Yvonne Malasuevito	1683 Garry Dr	Follow the code	9 Aug 20
Doug Thomas	Doug Thomas	" "	" "	9 Aug 20
Debbie Thomas	Debbie Thomas	1713 Bledsoe		8/9/20
Gary Smith	Gary Smith	4195 Sugar Creek Dr.	Follow the Code	8/9/20
MARY GRAY	Mary C. Gray	1860 N. Bellevue Dr.	Follow the code	8/9/20
Ann Bowers	Ann Bowers	4116 N. Lima Dr.	Follow the code.	8/9/20
Elizabeth Watkins	Elizabeth Watkins			



