

**City of Bellbrook**

15 East Franklin Street  
Bellbrook, Ohio 45305

T (937) 848-4666

F (937) 848-5190

[www.cityofbellbrook.org](http://www.cityofbellbrook.org)

**BELLBROOK VILLAGE REVIEW BOARD AGENDA**

**Tuesday, February 1, 2022**

**6:30 pm**

1. Call to Order
2. Roll Call
3. Approval of the minutes
  - A. December 7, 2021 Meeting
4. Old Business - None
5. New Business
  - A. VRB-22-01: 41 W. Franklin Street Sign Permits
  - B. Article 14 Revision
  - C. Election of 2022 Board Chair and Vice Chair
6. Open Discussion
7. Adjournment





To: Village Review Board  
From: Jason Foster, Community Development Administrator  
Date: January 26, 2022  
Subject: Staff Report for VRB 22-01 41 W. Franklin Street

### Summary of the Request

The applicant, Alexis Baxter, is requesting the approval of two signs at 41 W. Franklin Street, Baxter beauty Bar. The first sign is a 13.6 square foot (24" x 82") ground sign. The panel will be mounted on the existing poles beneath the existing ground sign (picture attached). The second sign is a 9.35 square foot (41" x 33") wall sign. The wall sign is mounted next to the entry door to the business (picture attached).

### Applicant Information

Alexis Baxter  
Baxter Beauty Bar

### Current Zoning District

B-4 Central Business District  
ARTICLE 18.20B Permitted Signs (Old Village District)  
18.20 B (4) Physical Characteristics of Signs  
(2) Flat: No sign attached flat against the face of a building or painted thereon, shall be larger than forty (40) square feet.  
18.20 B (4) Physical Characteristics of Signs  
(3) Free Standing: No free-standing sign shall be larger than thirty-six (36) square feet total exposed faces.

<b>Parcel Identification</b>
<a href="#">L35000100020008800</a>
<b>Additional Actions or Next Steps to be taken by the City</b>
If approved, issue zoning certificate to the applicant. Inspect completed work.
<b>Applicant's Reason for the Request</b>
Business identification
<b>Surrounding Land Use within 1,000 Feet</b>
Mix of light retail/business and residential
<b>Previous Related Development Decisions in the Immediate Area (3-5 Years)</b>
N/A
<b>Comprehensive Plan Applied to the Geographical Area</b>
N/A
<b>Existing Public Utilities</b>
Water, Sewer, Gas, Electric
<b>Soil Survey Data</b>
N/A
<b>Classification of Streets, Traffic Volumes &amp; Direction, Planned Improvements</b>
N/A
<b>Flood Plain Information</b>
N/A
<b>Comments from City and County Agencies</b>
N/A

**Supporting Maps & Graphics**

Enclosed

**Staff Recommendation**

The proposed signage meets code requirement in Section 18.20B of the Zoning Code. Staff Recommends the approval of the proposed signage.





# CITY OF BELLBROOK

## ZONING PERMIT - SIGNS

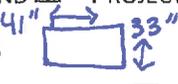
15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305  
(937) 848-4666

DATE RECEIVED 1 / 25 / 22 STAFF USE APPLICATION # 2022-05

### APPLICANT INFORMATION

PROPERTY ADDRESS 41 W. Franklin Street ZONING DISTRICT B4 Central Bus.  
PROPERTY OWNER J. Meyers PHONE NUMBER \_\_\_\_\_  
APPLICANT NAME Alexis Baxter PHONE NUMBER 937-416-1100  
APPLICANT EMAIL Cmangloros@gmail.com

### REQUEST INFORMATION

BUSINESS NAME Baxter Beauty Bar  
BUSINESS MAILING ADDRESS 41 W. Franklin Street  
SIGN REQUEST NEW PERMANENT SIGN  SIGN REFACE  TEMPORARY  OTHER   
SIGN TYPE GROUND  PROJECTING  ROOF  WALL  SANDWICH BOARD  BANNER  OTHER   
SIGN DIMENSIONS  Side of Building BUILDING FRONTAGE \_\_\_\_\_ LINEAR FEET  
SIGN LOCATION FRONT YARD  SIDE YARD  REAR YARD  SIGN HEIGHT \_\_\_\_\_ FEET (FROM GROUND TO TOP OF SIGN)  
SIGN MATERIALS max metal material (3mm white max)  
ADDITIONAL COMMENTS Color is: Bronze & Black letters  
(to be installed on bldg facing gas station)

PLEASE PROVIDE AN ILLUSTRATION WHICH INCLUDES A COLOR RENDERING OF THE SIGN AND THE LOCATION OF THE SIGN ON THE BUILDING AND/OR PROPERTY.

I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL FOR ANY ADMINISTRATIVE REVIEW, CONDITIONAL USE PERMIT, VARIANCE, OR EXCEPTION FROM ANY OTHER CITY REGULATIONS WHICH ARE NOT SPECIFICALLY THE SUBJECT OF THIS APPLICATION. I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL OF A BUILDING OCCUPANCY PERMIT. I UNDERSTAND FURTHER THAT I REMAIN RESPONSIBLE FOR SATISFYING REQUIREMENTS OF ANY PRIVATE RESTRICTIONS OR COVENANTS APPURTENANT TO THE PROPERTY.

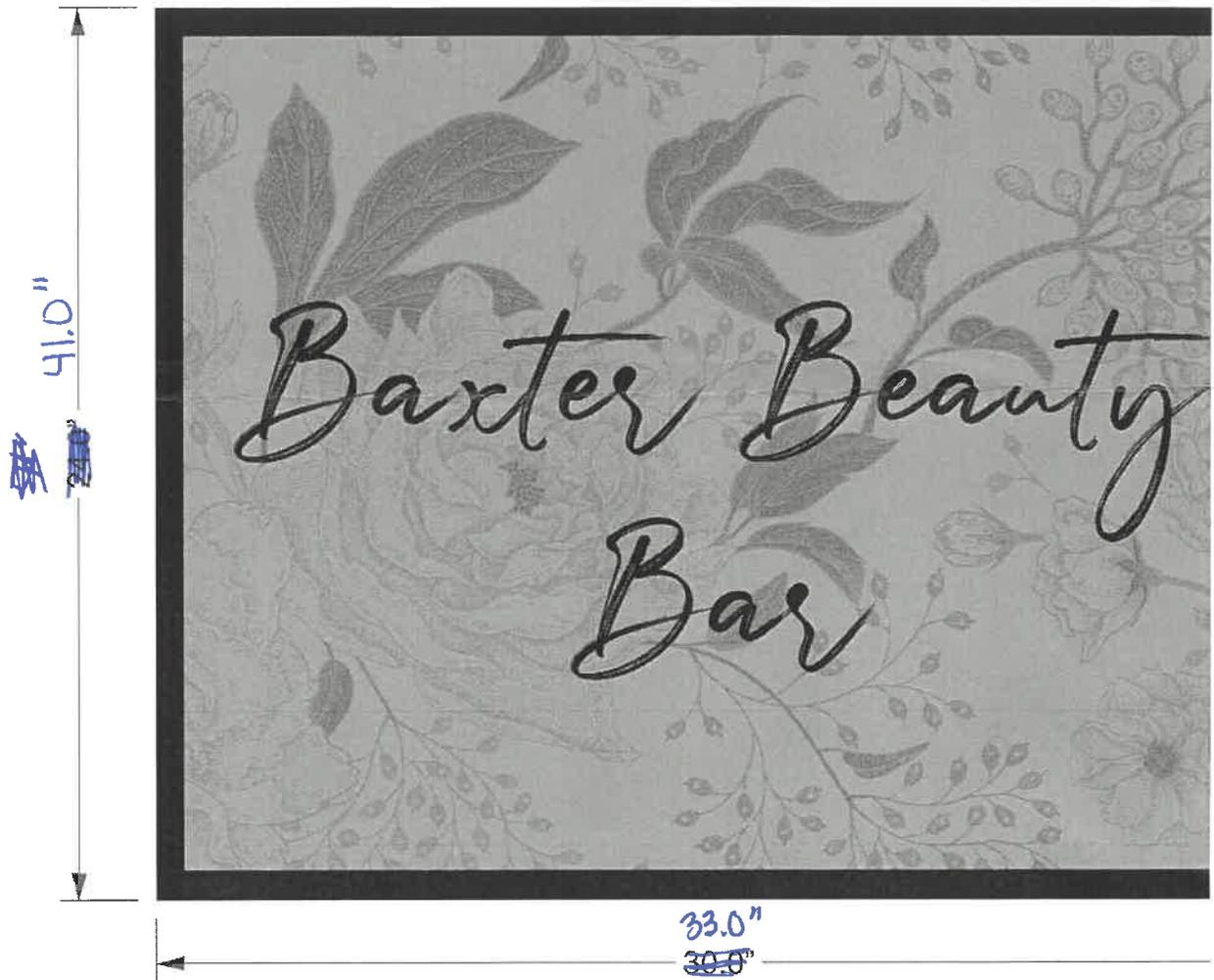
I CERTIFY THAT I AM THE APPLICANT AND THAT THE INFORMATION SUBMITTED WITH THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT THE CITY IS NOT RESPONSIBLE FOR INACCURACIES IN INFORMATION PRESENTED, AND THAT INACCURACIES MAY RESULT IN THE REVOCATION OF THIS ZONING CERTIFICATE AS DETERMINED BY THE CITY. I FURTHER CERTIFY THAT I AM THE OWNER OR PURCHASER (OR OPTION HOLDER) OF THE PROPERTY INVOLVED IN THIS APPLICATION, OR THE LESSEE OR AGENT FULLY AUTHORIZED BY THE OWNER TO MAKE THIS SUBMISSION.

I CERTIFY THAT STATEMENTS MADE TO ME ABOUT THE TIME IT TAKES TO REVIEW AND PROCESS THIS APPLICATION ARE GENERAL. I AM AWARE THAT THE CITY HAS ATTEMPTED TO REQUEST EVERYTHING NECESSARY FOR AN ACCURATE AND COMPLETE REVIEW OF MY PROPOSAL; HOWEVER, AFTER MY APPLICATION HAS BEEN SUBMITTED AND REVIEWED BY CITY STAFF, I UNDERSTAND IT MAY BE NECESSARY FOR THE CITY TO REQUEST ADDITIONAL INFORMATION AND CLARIFICATION.

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT ALL THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

APPLICANT SIGNATURE Alexis Baxter DATE 1 / 24 / 2022

OFFICE USE ONLY		
PERMIT FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ <u>50<sup>00</sup></u>	CASH <input checked="" type="checkbox"/> CHECK <input type="checkbox"/> # _____	ADMINISTRATIVE <input type="checkbox"/> BZA <input type="checkbox"/> VRB <input checked="" type="checkbox"/>
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	STAFF SIGNATURE _____ DATE ____/____/____	
APPROVED-CONDITIONS <input type="checkbox"/>		



Description/Comments:

## **REGULATION OF SIGNS**

### **A. PURPOSE**

THE CITY'S SIGN REGULATIONS EXIST TO PROTECT EACH PERSON'S CONSTITUTIONAL RIGHT TO FREEDOM OF SPEECH AND TO PROTECT THE PUBLIC HEALTH, SAFETY, CONVENIENCE, COMFORT, PROSPERITY, AND GENERAL WELFARE. THE CODE REGULATES THE TIME, PLACE, AND MANNER IN WHICH SIGNS ARE DISPLAYED TO ACHIEVE THE FOLLOWING:

- a) PERMIT NON-COMMERCIAL SIGNS ON ANY PROPERTY WITHIN THE CITY.
- b) PERMIT SIGNS, WHICH DO NOT CREATE A POTENTIAL HAZARD TO THE PUBLIC SAFETY.
- c) PERMIT COMMERCIAL SIGNS APPROPRIATE TO THE LAND USE AND/OR ZONING CLASSIFICATION OF EACH PROPERTY WITHIN THE CITY.
- d) CREATE A MORE AESTHETICALLY PLEASING CITY.
- e) ELIMINATE VISUAL CLUTTER WITH THE CITY.

### **B. PERMIT REQUIRED**

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

### **C. PERMITTED SIGNS (ZONING CODE: 18.20 A)**

- a) THIS SECTION REGULATES SIGNS IN EACH ZONING DISTRICT OF THE CITY OUTSIDE OF THE OLD VILLAGE DISTRICT.
- b) SIGN REQUESTS THAT DO NOT MEET THE STANDARDS OF THE CODE CAN BE GRANTED A VARIANCE. A VARIANCE MUST BE REQUESTED BY THE APPLICANT AND WOULD NEED APPROVAL BY THE BELLBROOK BOARD OF ZONING APPEALS BEFORE A ZONING PERMIT CAN BE ISSUED.

### **D. PERMITTED SIGNS (OLD VILLAGE DISTRICT) (ZONING CODE: 18.20 B)**

- a) THIS SECTION REGULATES SIGNS IN THE OLD VILLAGE DISTRICT.
- b) ALL SIGN REQUESTS FOR PROPERTIES IN THE OLD VILLAGE DISTRICT MUST BE APPROVED BY THE BELLBROOK VILLAGE REVIEW BOARD BEFORE A ZONING PERMIT CAN BE ISSUED.
- c) SIGN REQUESTS THAT DO NOT MEET THE STANDARDS OF THE CODE CAN BE GRANTED A VARIANCE. A VARIANCE MUST BE REQUESTED BY THE APPLICANT AND WOULD NEED A RECOMMENDATION BY THE BELLBROOK VILLAGE REVIEW BOARD AND APPROVAL BY THE BELLBROOK BOARD OF ZONING APPEALS BEFORE A ZONING PERMIT CAN BE ISSUED.



# CITY OF BELLBROOK

## ZONING PERMIT - SIGNS

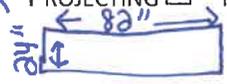
15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305  
(937) 848-4666

DATE RECEIVED 1 / 25 / 22 STAFF USE APPLICATION # 2022 - 04

### APPLICANT INFORMATION

PROPERTY ADDRESS 41 West Franklin ZONING DISTRICT B4 Central Bus.  
PROPERTY OWNER J. Meyers PHONE NUMBER \_\_\_\_\_  
APPLICANT NAME Alexis Baxter PHONE NUMBER 937-416-1100  
APPLICANT EMAIL Cmangloras@gmail.com

### REQUEST INFORMATION

BUSINESS NAME Baxter Beauty Bar  
BUSINESS MAILING ADDRESS 41 W. Franklin Street  
SIGN REQUEST NEW PERMANENT SIGN  SIGN REFACE  TEMPORARY  OTHER   
SIGN TYPE GROUND  PROJECTING  ROOF  WALL  SANDWICH BOARD  BANNER  OTHER   
SIGN DIMENSIONS  BUILDING FRONTAGE \_\_\_\_\_ LINEAR FEET  
SIGN LOCATION FRONT YARD  SIDE YARD  REAR YARD  SIGN HEIGHT \_\_\_\_\_ FEET (FROM GROUND TO TOP OF SIGN)  
SIGN MATERIALS max metal material (3mm white max)  
ADDITIONAL COMMENTS color is: Bronzed Black letters  
(to be hung under Amy Boland's sign)

PLEASE PROVIDE AN ILLUSTRATION WHICH INCLUDES A COLOR RENDERING OF THE SIGN AND THE LOCATION OF THE SIGN ON THE BUILDING AND/OR PROPERTY.

I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL FOR ANY ADMINISTRATIVE REVIEW, CONDITIONAL USE PERMIT, VARIANCE, OR EXCEPTION FROM ANY OTHER CITY REGULATIONS WHICH ARE NOT SPECIFICALLY THE SUBJECT OF THIS APPLICATION. I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL OF A BUILDING OCCUPANCY PERMIT. I UNDERSTAND FURTHER THAT I REMAIN RESPONSIBLE FOR SATISFYING REQUIREMENTS OF ANY PRIVATE RESTRICTIONS OR COVENANTS APPURTENANT TO THE PROPERTY.

I CERTIFY THAT I AM THE APPLICANT AND THAT THE INFORMATION SUBMITTED WITH THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT THE CITY IS NOT RESPONSIBLE FOR INACCURACIES IN INFORMATION PRESENTED, AND THAT INACCURACIES MAY RESULT IN THE REVOCATION OF THIS ZONING CERTIFICATE AS DETERMINED BY THE CITY. I FURTHER CERTIFY THAT I AM THE OWNER OR PURCHASER (OR OPTION HOLDER) OF THE PROPERTY INVOLVED IN THIS APPLICATION, OR THE LESSEE OR AGENT FULLY AUTHORIZED BY THE OWNER TO MAKE THIS SUBMISSION.

I CERTIFY THAT STATEMENTS MADE TO ME ABOUT THE TIME IT TAKES TO REVIEW AND PROCESS THIS APPLICATION ARE GENERAL. I AM AWARE THAT THE CITY HAS ATTEMPTED TO REQUEST EVERYTHING NECESSARY FOR AN ACCURATE AND COMPLETE REVIEW OF MY PROPOSAL; HOWEVER, AFTER MY APPLICATION HAS BEEN SUBMITTED AND REVIEWED BY CITY STAFF, I UNDERSTAND IT MAY BE NECESSARY FOR THE CITY TO REQUEST ADDITIONAL INFORMATION AND CLARIFICATION.

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT ALL THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

APPLICANT SIGNATURE Alexis Baxter DATE 1 / 24 / 2022

OFFICE USE ONLY		
PERMIT FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ <u>50<sup>00</sup></u>	CASH <input checked="" type="checkbox"/> CHECK <input type="checkbox"/> #	ADMINISTRATIVE <input type="checkbox"/> BZA <input type="checkbox"/> VRB <input checked="" type="checkbox"/>
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	STAFF SIGNATURE _____ DATE ____/____/____	
APPROVED-CONDITIONS <input type="checkbox"/>		



18"

*Baxter Beauty Bar*

41 W Franklin

24"

## **REGULATION OF SIGNS**

### **A. PURPOSE**

THE CITY'S SIGN REGULATIONS EXIST TO PROTECT EACH PERSON'S CONSTITUTIONAL RIGHT TO FREEDOM OF SPEECH AND TO PROTECT THE PUBLIC HEALTH, SAFETY, CONVENIENCE, COMFORT, PROSPERITY, AND GENERAL WELFARE. THE CODE REGULATES THE TIME, PLACE, AND MANNER IN WHICH SIGNS ARE DISPLAYED TO ACHIEVE THE FOLLOWING:

- a) PERMIT NON-COMMERCIAL SIGNS ON ANY PROPERTY WITHIN THE CITY.
- b) PERMIT SIGNS, WHICH DO NOT CREATE A POTENTIAL HAZARD TO THE PUBLIC SAFETY.
- c) PERMIT COMMERCIAL SIGNS APPROPRIATE TO THE LAND USE AND/OR ZONING CLASSIFICATION OF EACH PROPERTY WITHIN THE CITY.
- d) CREATE A MORE AESTHETICALLY PLEASING CITY.
- e) ELIMINATE VISUAL CLUTTER WITH THE CITY.

### **B. PERMIT REQUIRED**

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

### **C. PERMITTED SIGNS (ZONING CODE: 18.20 A)**

- a) THIS SECTION REGULATES SIGNS IN EACH ZONING DISTRICT OF THE CITY OUTSIDE OF THE OLD VILLAGE DISTRICT.
- b) SIGN REQUESTS THAT DO NOT MEET THE STANDARDS OF THE CODE CAN BE GRANTED A VARIANCE. A VARIANCE MUST BE REQUESTED BY THE APPLICANT AND WOULD NEED APPROVAL BY THE BELLBROOK BOARD OF ZONING APPEALS BEFORE A ZONING PERMIT CAN BE ISSUED.

### **D. PERMITTED SIGNS (OLD VILLAGE DISTRICT) (ZONING CODE: 18.20 B)**

- a) THIS SECTION REGULATES SIGNS IN THE OLD VILLAGE DISTRICT.
- b) ALL SIGN REQUESTS FOR PROPERTIES IN THE OLD VILLAGE DISTRICT MUST BE APPROVED BY THE BELLBROOK VILLAGE REVIEW BOARD BEFORE A ZONING PERMIT CAN BE ISSUED.
- c) SIGN REQUESTS THAT DO NOT MEET THE STANDARDS OF THE CODE CAN BE GRANTED A VARIANCE. A VARIANCE MUST BE REQUESTED BY THE APPLICANT AND WOULD NEED A RECOMMENDATION BY THE BELLBROOK VILLAGE REVIEW BOARD AND APPROVAL BY THE BELLBROOK BOARD OF ZONING APPEALS BEFORE A ZONING PERMIT CAN BE ISSUED.

# LAW OFFICES

*Amy S. Boland*

848-6711

← 45 WEST FRANKLIN

LIBRARY  
EXIT  
ONLY

Baxter Beauty  
Bar

41



## **ARTICLE 14    BELLBROOK VILLAGE PLAN**

### **14.01        GENERAL**

This section is intended to create the Bellbrook Village Plan and to establish procedures for control, development, and regulation of this district along with a master design plan and architectural controls. These controls are to be in addition to existing planning and zoning controls and do not replace the underlying zoning pattern but are supplemental in nature. Where there is conflict between these controls and those of the underlying district, the regulations of this section shall prevail.

It is also the intent of this ordinance to recognize the history of the area as well as human values and basic property rights. No attempt is made to create a situation of undue financial strain upon any business or resident.

As such, the intent of this ordinance is to regulate demolition and guide new development and construction in the Village District. In no manner is this ordinance to be interpreted to interfere with the day-to-day activities and normal periodic maintenance of any home or structure.

Council shall adopt a resolution containing guidelines (hereinafter referred to as the "Guidelines") for implementing this ordinance and carrying out its intent. A board to be known as the Village Review Board, established in accordance with Article 14.13 hereof, shall administer this ordinance in accordance with the Guidelines as adopted by Council and as amended from time to time. In case of conflict between the Guidelines and any provision of this ordinance, the ordinance provision shall prevail.

### **14.02        DESIGNATION OF DISTRICT**

The area to be covered by these regulations is shown on the zoning map. The boundaries are generally described as follows: bounded on the west by Little Sugarcreek, the south by the centerline of West South Street and East South Street, the east by the existing corporate line and the north by a line running along the southern and western boundary of Bellbrook Farms Subdivision just south of Upper Hillside Drive, extending across Main Street approximately 1300 feet west of Main Street then south to a point approximately 500 feet north of the centerline of Franklin Street, then west to the Little Sugarcreek.

Where any question arises as to exact location of the district boundaries, the City Council shall interpret the district boundaries.

### **14.03        PERMITTED PRINCIPAL USES**

All uses permitted within the underlying zoning district.

### **14.04        ACCESSORY USES**

All accessory uses allowed in the underlying zoning districts are permitted.

**14.05**            **CONDITIONAL USES**

All conditional uses allowed in the underlying zoning districts are permitted.

**14.06**            **NON-CONFORMING BUILDING**

The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of enacting this zoning ordinance or amendment thereto, may be continued, although such use does not conform with the provisions of such ordinance or amendment, but if any such non-conforming use is voluntarily discontinued, ~~for two years or more,~~ any future use of such land shall be in conformity with Article 14 of the Zoning Regulations.

**14.07**            **YARD REQUIREMENTS**

The regulations of the underlying zoning districts shall apply.

**14.08**            **PARKING REQUIREMENTS**

Space shall be provided in accordance with the provisions of Section 18.16.

**14.09**            **OFF-STREET LOADING**

Space shall be provided in accordance with the provisions of Section 18.15.

**14.10**            **SIGNS**

Signs shall be regulated in accordance with provisions of Section 18.20B.

**14.11**            **STANDARDS**

The significant architecture of the Bellbrook Village District is generally classified as a simple Victorian with modifications.

There are numerous buildings that do not fall within this broad description, but the general architectural character of Bellbrook is Victorian in nature and the standards are aimed at preserving existing examples and establishing ~~perimeters~~ parameters which will allow acceptable and pleasing contemporary interpretation of the standards.

(1) Structural Proportion:

Bellbrook Village architecture is characterized by two story buildings with tall, narrow doors and windows and in earlier examples, slightly squatter proportions. New buildings shall conform generally to the proportions of adjoining buildings and all buildings, either new or remodeled shall have windows and doors of proportions similar to adjoining buildings. Roof slopes shall also be similar to adjoining buildings.

(2) Foundations:

Foundation walls of the mid-19th century were of local limestone. Acceptable foundation materials shall be limited to limestone, brick, poured concrete or other material which is similar in appearance to the original foundation material.

(3) Exterior Walls:

The exterior walls of the period were of brick or narrow wood siding. Wall surface construction shall employ these materials or a modern construction material which creates the same effect. Cosmetic treatment using such materials as asphalt shingles which simulate brick or stone is prohibited.

(4) Roof Materials:

Roofing materials may consist of metal, slate, asphaltic shingles, or wood shingles. Prohibited materials include aluminum shingles formed to look like wood, asphalt roll roofing and simulated cosmetic materials.

(5) Chimneys:

Chimneys and flues shall be of brick or stucco masonry or other material which is compatible with the architecture of the period. Metal chimneys simulating masonry construction are prohibited.

(6) Windows and Door Lintels:

Original lintels were stone, wood, or brick. Where feasible, lintels shall be restored or compatible stone, brick or wood shall be used in remodeling, additions, or new construction(s).

(7) Porches and Outbuildings:

The construction of porches or outbuildings which do not conform to these standards or to the character of the main building is prohibited.

**14.12**

**EXCLUSIONS AND CONTROLS NOT APPROPRIATE**

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any property, area, or object within the Village District. For the purposes of this ordinance, a modification of a window or door which causes the area of the opening to vary by no more than ten percent from its original size shall be ordinary maintenance or repair and is not regulated.

Neither the exterior color nor the interior arrangement of the building and the use to be made thereof, shall be considered by the Village Review Board in determining whether

an application complies with the provisions of this ordinance, provided such use is permitted by the applicable zoning designation.

**14.13**

**VILLAGE REVIEW BOARD**

The Board shall consist of five members to be appointed by Council.

(1) One member shall be a resident of said district.

(2) One member shall own real property at a location within the district and operate a business at that location. This member need not be a city resident. If a qualified person cannot be found to fill this position, then Council may fill the position by appointing any City resident who has the requisite interest and skill.

(3) Three members shall be residents of the City who shall serve in at-large positions. They need not live in the district.

The Manager shall retain the services of a registered architect to advise the Village Review Board. The Manager shall confer with the Village Review Board and obtain the approval of Council before making the appointment.

The first members appointed, and each succeeding member shall be appointed to specific capacities on the Board to be designated as: at-large member, resident member, business member.

The terms shall be three years. However, the first members appointed shall serve respectively for the following terms: two for one year; two for two years and two for three years.

Vacancies on the Village Review Board shall be filled for the unexpired terms of the members whose offices have become vacant in the same manner as is provided for the appointment of such members.

In the event a Board member ceases to meet his designated qualifications of his appointment, his membership on the Board is automatically terminated and a successor member meeting those qualifications shall be appointed by the Council. Board members serve at the pleasure of Council.

**14.14**

**APPLICATION FOR VILLAGE DISTRICT PERMIT AND INFORMATION REQUIRED**

(1) Application for Village District Permit:

Village District permits are required as set forth in Section 14.16 hereof. This Village District permit shall be obtained by application to the [Zoning Inspector](#) [Community Development Administrator](#) prior to commencement of construction and is required in addition to any other required zoning permit or building permit.

(2) In addition to any other information required by the Zoning Regulations, ~~a scale drawing in duplicate of all affected exterior elevations accompanied by a written description setting forth details of work to be done, materials to be used, brick or accurate color photographs or facsimiles to be used in the modifications and an appropriate presentation showing such proposed details as door and window designs~~ seven sets of scale drawings of all affected exterior elevations accompanied by a written description setting forth the scope of work to be done, materials to be used, color renderings of modifications, and an appropriate presentation of such details as door and window design shall accompany the applications.

These documents as amended and accepted shall be official. Any deviation without written permission by the Village Review Board shall be cause for revocation of all permits including any building permit. ~~Such presentation of material shall be no larger than 18" X 24" but may contain any number of such sized units as deemed necessary by the applicant.~~

#### 14.15

#### **REVIEW PROCEDURE**

(1) Application Review by **Community Development Administrator**:

The **Community Development Administrator** shall determine whether the subject property meets all other requirements of this ordinance and shall present his findings to the Village Review Board.

(2) Application Review by Village Review Board:

(a) Hearing: The Village Review Board shall notify the applicant of a time and place of a hearing on the application not less than ten (10) days before the date of the hearing. **The hearing shall be held at the next available, regularly scheduled meeting following the delivery of the application and supportive materials to the Community Development Administrator.** Public notice shall be required.

(b) Action on Application: The Board is encouraged to decide on the night of the hearing; however, it is required that

(1) Within seven (7) days after the hearing the Board shall approve, approve with modifications, or disapprove the application. This decision shall be based upon a careful review of the record and application, considering the Guidelines and purposes of this ordinance and shall comply with the following standards:

(A) If the Village Review Board finds that the proposed changes conform with the Guidelines then the application shall be approved.

(B) If the Village Review Board finds that the proposed changes are not in conformance with the Guidelines and that strict application of the Guidelines would deprive the applicant of substantially all economically viable use of the property, then the Village Review Board shall approve the application with such modifications as will permit reasonable use of the property while conforming as closely with the Guidelines as prudence permits.

(C) If the Village Review Board finds that the proposed changes are not in conformance with the Guidelines and that full conformance would not cause the applicant to lose substantially all economically viable use of the property, then it shall disapprove the application.

(2) Written notification of such action shall be given to the Zoning Inspector, applicant, and Clerk of Council. In the case of approval with modifications, a list of these modifications shall be forwarded to the Zoning Inspector and the Clerk of Council. If the applicant accepts these suggested modifications, he shall revise his application and supportive material accordingly and file them with the Zoning Inspector who shall then issue the necessary permits.

(3) A majority of the decision-making members of the Village Review Board shall constitute a quorum; however, no application shall be denied except by the affirmative vote of a majority of the entire Board.

(4) If an application is denied, the Village Review Board shall set forth the reasons for such denial in writing. The Village Review Board shall also make recommendations as to what changes would be required for approval.

(5) If the application is denied, the application may be re-filed upon written certification by the applicant that such resubmission is based upon modification of the proposal with the objective of:

(A) Conforming with Village Review Board recommendations, or

(B) Proposing significant change in conditions or other pertinent factors which were not present during the previous reviews.

Such resubmission shall be heard at the earliest convenience by the Village Review Board.

Signs meeting the provisions of Article #18, Section 18.20B, Permitted Signs (Old Village District) shall be exempt from a public hearing ~~but shall require the written approval of the majority of the Village Review Board members, which may be obtained either by mail, facsimile or electronically. A zoning permit will be issued within seven (7) days upon receipt of such approval.~~

**14.16**

**PERMIT REQUIRED**

Permits are required for the following activities within the Village District:

- (1) Demolition of all or part of a main building
- (2) Structural modifications which substantially destroy a significant exterior architectural feature of a main building constructed prior to 1945
- (3) Construction of a new main building
- (4) Erection of any sign regulated by Article 18, Section 18.20B of these Zoning Regulations.

**14.17**

**APPEALS PROCEDURE**

- (1) If the application is denied or approved with modifications, the applicant may request a hearing before the City Council. The request for a hearing shall be made in writing directly to the Clerk of Council within 45 days of the Village Review Board's decision. The City Council may reverse, affirm, or modify the action of the Village Review Board by a simple majority vote of the entire Council.
- (2) Council shall attempt to schedule appeal hearings at time reasonably convenient to the applicant. Unless the applicant shall otherwise request, all appeals hearings shall be held within thirty (30) days of receipt of the hearing request.
- (3) An applicant who is dissatisfied with the action of Council may have further appeals to the courts, as provided by the general law of the State of Ohio.

**14.18**

**SPECIAL PROCEDURE FOR DEMOLITION APPLICATIONS**

In its deliberations upon an application for demolition of all or part of a main building within the Village District, the Village Review Board shall consider alternatives to demolition. If the Village Review Board finds cause to believe that there are feasible and prudent alternatives to demolition, then the Village Review Board shall so inform the applicant and delay its decision on the application for no more than 180 days. During the period of the delay, the applicant shall make a good faith investigation of such alternatives and submit a written report to the Village Review Board. Thereafter the Village Review Board shall consider the entire record and make its decision. If the Village Review Board finds that there are feasible and prudent alternatives to demolition and

that the proposed demolition would be contrary to the intent of this ordinance, then the application shall be denied. Otherwise, the application shall be approved.

**14.19**

**REVIEW OF REQUESTS FOR A VARIANCE**

The Village Review Board shall review all applications for a variance from underlying zoning regulations for properties within the district and shall advise the Board of Zoning Appeals regarding the applicability of the Guidelines. The Village Review Board shall also give its recommendation regarding disposition of the request. If the request requires a permit under Section 14.16 hereof, then that requirement is cumulative to the requirement for a variance, and work may not proceed until approvals have been received from both the Village Review Board and the Board of Zoning Appeals.

DRAFT

# GUIDELINES FOR THE OLD VILLAGE BELLBROOK, OHIO

## **1.0 Introduction**

The "Old Village of Bellbrook" is one of the most attractive villages in southwestern Ohio, an identity which has been important in attracting new residents and businesses. Facing rapid growth and expansion possibilities, the City of Bellbrook wants to retain that identity while encouraging a strong, healthy economy and a secure, desirable place to live. Through the review process embodied in Article 14 of the Zoning Code and these guidelines, the city accomplishes both goals. Bellbrook has maintained a review process since adopting the 1972 Zoning Code; these guidelines are part of the updating of those original zoning provisions.

The following guidelines are the interpretive explanation and the decision-making guide for Bellbrook Zoning Code Article 14. They are designed to assist owners, residents, architects, interested citizens, and the Village Review Board determine the appropriateness and the direction of the physical growth in a very special district: the Old Village of Bellbrook District. Important to these goals is the proper maintenance of existing properties, guidance in new construction, and the coherent development of the district.

## **2.0 The Old Village of Bellbrook District**

The Old Village District is a distinct geographical area (see map) set roughly between Little Sugar Creek, the flood plains, and the northern hill. This district contains a harmonious combination of 1800's and post-World War II development that forms the unique character of Bellbrook.

## **3.0 The Village Review Board**

The Board consists of five (5) people who are convened to serve two general functions:

- 1) provide guidance and assistance in the development of the district and the accomplishment of the purposes listed in Article 14, and 2) preserve the historic architecture found within the district. The Village Review Board is distinct from the Planning and Zoning Commission and the Board of Zoning Appeals which serve other purposes. Both the VRB and the City Zoning Inspector are ready with help and assistance for all property owners.

## **4.0 Certificate of Appropriateness**

The Old Village Ordinance requires the issuance of a Certificate of Appropriateness prior to undertaking certain types of activities within the Old Village District. The Zoning Inspector makes an initial determination of the necessity for a Certificate of Appropriateness at the time that an application is made for a zoning permit. If the Zoning Inspector believes that a Certificate of Appropriateness is required, then he/she will provide the applicant with a form VRB-1 (See Appendix for Copies of Forms VRB-1 and VRB-2) and will explain the requirements. The Certificate is required for the following activities in the Old Village District:

Demolition of all or part of a main building.

Structural modifications which substantially destroy a significant exterior architectural feature of a main building constructed prior to 1945.

Construction of a new main building.

Erection of any sign regulated by Article 18.20B of the Zoning Regulations.

#### **4.1 Demolition**

Under Section 19.01 of the Zoning Code, no demolition is permitted within the City of Bellbrook without a zoning permit. When an application for such a zoning permit indicates that the property is located within the Old Village District, the Zoning Inspector will inform the applicant that a Certificate of Appropriateness is required from the Village Review Board.

It is the intent of the Old Village Ordinance to discourage demolitions. If the Village Review Board finds cause to believe that there are feasible and prudent alternatives to demolition, then the request for a Certificate of Appropriateness will be denied. The Village Review Board may consult with an appraiser, a building contractor and/or other professional person, for information required in making its determination. Form VRB-2 is available as an optional form to assist the Village Review Board in that regard. If the information supplied on the Form VRB-2 indicates that the property could be repaired and leased at an annual rent which would produce a gross return of ten percent on the owner's investment, then the Village Review Board may conclude that there is at least one feasible and prudent alternative to demolition.

If the Village Review Board determines that there are feasible and prudent alternatives to demolition, it will so inform the applicant and will afford the applicant a period of 180 days to file a written response. Upon receiving that response, the Village Review Board shall reconsider the matter based upon the entire record then on file. If the Village Review Board makes a final determination that there are no feasible and prudent alternatives to demolition, then it will inquire into any new use to which the applicant may propose to put the property following demolition. If the Village Review Board determines that the objectives of Article 14 of the Zoning Code would be served best by a conversion of the land to the proposed use, then it may approve demolition, subject to the posting of a bond in such amount as the Village Review Board deems adequate for **ensuring** that the conversion will occur.

#### **4.2 Structural Modifications**

A Certificate of Appropriateness is required for structural modifications of main buildings constructed in the Old Village District prior to 1945, if a significant exterior architectural feature will be substantially destroyed. At the time of an application for a zoning permit, the Zoning Inspector will make an initial determination as to whether a Certificate of Appropriateness is required. If it is deemed to be required, then the Zoning Inspector will issue a Form VRB- I for completion by the applicant. Issuance of the zoning permit will be withheld pending approval of the Certificate of Appropriateness.

The Village Review Board will approve the request only in case it finds that a denial would deprive the applicant of substantially all economically viable use of the property. In such a case the Village Review Board will approve the request with such conditions as it believes appropriate for minimizing the loss to the Old Village District. If the Village Review Board finds that the proposed change would not substantially destroy a significant exterior architectural feature of a main building, it will find that a Certificate of Appropriateness is not required.

A modification to a window or door which would cause the area of the opening to vary by more than ten percent from its original construction size will be deemed to substantially destroy a significant exterior architectural feature and therefore requires a Certificate of Appropriateness. It will be assumed that the original size was the same as the size at present unless there is evidence to show otherwise.

If the Village Review Board should refuse a request for a structural modification, it shall provide the applicant with a written finding describing the feature involved and stating how the proposed modification would destroy that feature.

#### **4.3 Construction of a New Main Building**

Upon receipt of a request for a zoning permit for construction of a new main building in the Old Village District, the Zoning Inspector will furnish the applicant with a Form VRB- I and a copy of these guidelines. The applicant will **advise** regarding the mandatory standards of Section 14. 11 of the Bellbrook Zoning Regulations (Sec 4.3. 1 hereof) and the voluntary guidelines set forth in Sec. 4.3.2 below. If the request meets the mandatory standards, then the Village Review Board will approve the Certificate of Appropriateness.

##### **4.3.1 Mandatory Standards**

The general architectural character of Bellbrook is Victorian, and the standards are aimed at preserving existing examples and establishing parameters which will allow acceptable and pleasing contemporary interpretation of the standards.

###### **1. Structural Proportions**

Bellbrook architecture is characterized by two story buildings with tall, narrow doors and windows and in earlier examples slightly squatter proportions. New buildings shall conform generally to the proportions of adjoining buildings and all buildings, either new or remodeled shall have windows and doors (or) of proportions similar- to adjoining buildings. Roof slopes shall also be similar to adjoining buildings.

###### **2. Foundations**

Foundation walls of the mid-19th century were of local limestone. Acceptable foundation materials shall be limited to limestone, brick, poured concrete or other material which is similar in appearance to the original foundation material,

### 3. Exterior Walls

The exterior walls of the period were of brick or narrow wood siding. Wall surface construction shall employ these materials or a modern construction material which creates the same effect. Cosmetic treatment using such materials as asphalt shingles which simulate brick or stone are prohibited.

### 4. Roof Materials

Roofing materials may consist of metal, slate, asphaltic shingles, or wood shingles. Prohibited materials include aluminum shingles formed to look like wood, asphalt roll roofing and simulated cosmetic materials.

### 5. Chimneys

Chimneys and flues shall be of brick or stucco masonry or other material which is compatible with the architecture of the period. Metal chimneys simulating masonry construction are prohibited.

### 6. Windows and Door Lintels

Original lintels were stone, wood, or brick. Where feasible, lintels shall be restored, or compatible stone, brick or wood shall be used in remodeling, additions, or new construction.

### 7. Porches and Outbuildings

The construction of porches or outbuildings which do not conform to these standards or to the character of the main building are prohibited.

#### **4.3.2 Voluntary Compliance**

Owners of properties within the Old Village District are encouraged to observe the following voluntary guidelines when building or remodeling.

##### 1. Scale.

The buildings within the Old Village Historic District are small to medium-sized residential, institutional, and commercial structures. Bellbrook, as a particularly pedestrian community, needs to maintain the sizing of building elements that enhances the "human" scale of the district. The scale of new work and its constituent parts should be compatible with the original buildings of the town and the rest of the district.

##### 2. Massing

The buildings within the district are situated on small to medium-sized lots. New construction and work should be compatible with the existing forms found in the older buildings. Care should be taken to avoid crowding too large of a building on the lot when the aesthetic elements of orientation and spacing will be sacrificed. A similar ratio of building footprint to lot area should

be maintained from property to property. The wall surface/opening ratio found in older buildings is encouraged and desirable. Glass curtain walls ("picture windows" or "display windows") should be avoided as they detract from the character of the district. Similarly, large, flat walls which are unbroken by openings or setbacks/articulations on the front facade are not desirable and are much less likely to enhance the characteristics of the district.

### 3. Height

The height of an addition should not exceed the height of the original building- usually, additions should be lower in height than the main building. The height of a newly constructed building should be comparable to the height of existing' adjacent buildings. New buildings constructed in undeveloped areas should complement and be relatively consistent with the height of existing buildings in the district such that the character and appearance of the district is maintained and extended.

### 4. Setback

The setback of new buildings or new work should be comparable to the streetscape setback of the original adjacent buildings. Example: if the building on lot A has a setback of 5 feet from the sidewalk and the building on lot C has a setback of 15 feet from the sidewalk, a new building constructed on lot B should be set either 1) equal to that of lot A, or 2) equal to that of lot C, or 3) between 5 and 15 feet from the sidewalk. The building on lot B should not be set directly at the sidewalk line or at a distance greater than 15 feet from the sidewalk. The main entrance of a building should "face" and open onto the main thoroughfare; historically, buildings in Bellbrook were accessed from the streets, therefore, buildings which cannot be oriented to the main street are discouraged.

### 5. Architectural Detail

New buildings should use architectural details that are similar to surrounding buildings, or which were featured on buildings in Bellbrook historically. Basically, architectural details need to have a historic reason for being used, whether they are being added to an existing building or are part of new construction. In some cases, an old photograph of the property in question will supply the necessary information about what details were appropriate to the building. In other cases, an owner will have to refer to photographs of other buildings to determine what elements will maintain a sense of continuity with the surrounding architecture.

### 6. Materials

Building materials should be of similar detailing, texture, scale, and appearance to those used historically on a particular building or within the district. Most of the District's buildings are wood frame with wooden siding. The use of such natural materials is preferred and should be encouraged- however, where natural appearing materials, such as vinyl or aluminum siding, are the only prudent alternative for the landowner, they may be used. Generally, if the materials appear to be synthetic or are highly reflective, they are inappropriate in the district. When

possible, masonry/brick colors should be matched to that existing on a building. Siding can cause problems (mildew, water, damage) even though the aesthetic problems are hidden. When only a portion of a wall needs to be resided, materials matching the original should be used, instead of covering the whole building in new siding.

#### 7. Integrity of the District/building

Compatibility of new work with the original work is highly desirable. New work should look new; it should not pretend to be historic. At the same time, it should complement, not contradict, the existing structures around it. Where an addition meets an existing building, the connection should be carefully designed so that the new work does not detract from what was already there. Example: a new addition to an existing brick building may use vinyl siding, doors, and windows. However, a skylight on the front of the addition would be inappropriate. Example: if original openings are filled in, the outline of the original opening should remain apparent by setting new in-fill material back from the surface and leaving original sills and lintels in place. Door openings should be treated similarly.

#### 8. New construction—Additions.

In general, additions should follow the guidelines above relating to scale, massing, height, detail, materials, and integrity. The design of an addition should respond or reflect the architectural style of the original building. The design should also respond, in a general way, to surrounding buildings. The additions should respect the original and not overpower it in any way. The connection between addition and original should be designed so that it does not detract from either structure. Significant or prominent architectural features of the original building should not be destroyed, removed, or obscured by the addition.

#### 9. New Construction—Infill

The general aim of the guidelines for new construction is to encourage compatibility with the character and quality found in 19th and early 20th century buildings of the district. In-fill construction projects should follow the guidelines above relating to scale, massing, height, detail, materials and integrity.

#### 10. Site Improvements—Fences

The district is characterized by open space and landscaping. Constricting the open space by erecting fences is discouraged. Privacy fences are not characteristic of the district and are particularly offensive. If a privacy fence is necessary, it should be contained to the rear of the principal building on the property. All new fences should not extend beyond the front edge of the principal building. Existing retaining walls and fences should be repaired and retained whenever possible. All fences should consider style, color, massing, and the other considerations listed above. Historically, Bellbrook was not developed as or with “gated” properties. The complete enclosure of a property or grouping of properties should be avoided.

## 11. Site Improvement—Landscaping

The district is characterized by landscaping and green space. Reducing green space by adding additional pavement for driveways or parking areas should be limited whenever possible. Parking areas in front yards should be permitted in extreme situations only. New driveways and parking areas should respect existing land and street contours or minimize the view of parked cars. Landscaping design should be compatible with the surrounding buildings and landscape elements. Landscaping, special lighting, seating, and decorative paving should be designed to be simple and complimentary to the district. Antique or historic reproductions may be used with discretion. Mature trees should be retained as should other significant features, such as large rocks or groundswells.

## 12. Alterations—Doors and Windows

Possibly the most important features of any building are the doors and windows. The size and location of openings are an essential part of the overall design and an important element of architectural styling. Original openings should not be altered. Original doors and window sashes should be repaired rather than replaced, whenever possible. When replacement is necessary, the new door or window should match the original in size and style as closely as possible. Metal or plastic window frames are generally unacceptable unless they are painted. Screens and storm windows should be as inconspicuous as possible. Metal storm windows or doors are not appropriate unless they are painted.

## 13. Alterations—Roofs

The existing roof line and architectural features which give the building its character (towers, roof shape, dormers, cornices, brackets, and chimneys) should be retained whenever possible. The addition of features such as vents, skylights, decks, and roof top utilities should be avoided or should be inconspicuously placed and screened where necessary. Generally, rolled roofing, built-up tar and gravel, plastic or fiberglass roofing material is inappropriate. However, on flat or low-pitched roofs which are not visible from public areas, these roof materials may be considered. Where original roofing materials are existent, efforts should be made to retain as much as possible if repairs will meet the needs of the owner.

## 14. Alterations—Building Details

Architectural features such as window hoods, cornices, brackets, bay windows, door surrounds (side lights), railings, shutters, porches, and other ornamental elements should be preserved. Porches should not be enclosed in a permanent fashion. Missing materials should be replicated and replaced if possible; however, it is better for a building to be missing one decorative element than to remove those remaining for the sake of appearances. If replacement of an element with new is necessary, every effort should be made to match the original as closely as practicable. These kinds of distinctive features help identify and distinguish the character of the Old Village of Bellbrook.

## 15. Alterations—Utility Installation

The installation of utility and mechanical systems, such as water or gas meters, antennas and central air conditioning units should be inconspicuously placed, avoiding installation on the street façade whenever possible. Television reception antennas and satellite dishes should be located where they are not visible, on the front façade or other public areas. Mechanical equipment on the ground should be screened with a fence or plant materials or housed in a structure that is in harmony with the surroundings. Mechanical equipment attached to the side or roof of a building should be kept as low as possible and covered, or painted, to blend with the background. Wall or window air conditioning units should not be placed on the street façade if possible.

### 4.4 **Signs**

The Village Review Board reviews all requests for erection of new signs within the Old Village District. The Board applies the standards of Article #18., Sec. 18.20B in its deliberations and approves a Certificate of Appropriateness when those standards have been met.

#### 4.4.1 **Voluntary Guidelines for Signs**

1. Signs should be designed for clarity, legibility and compatibility with the building or property on which they are located. They should be neat and “professional” in appearance.
2. Signs should be located above the storefront, on storefront windows or on awnings. Signs should not cover any architectural features. They should capitalize on the special character of the building and reflect the nature of the business contained therein. (Billboards, internally illuminated signs, and temporary illuminated signs are prohibited by the Zoning ordinance.)
3. Free-standing signs should not be sized in such a way as to obstruct views and detract from the character of the district. Signs made of natural materials (such as wood) are encouraged; plastic and other synthetic materials are inappropriate. Standardized pole signs should be avoided.
4. Other outside attachments to the building, such as light fixtures, should be compatible. Ultra-contemporary and bright lights directly against the building surface are less desirable. Distinctive lights which stand away from the building wall and are only as bright as necessary are preferred.

DRAFT