



To: Planning Board
From: Don Buczek, Assistant to the City Manager
Date: October 8, 2018
Subject: Staff Report for BZA Case 18-02 – 2083 Sheffield Court

Summary of the Request

The builder representing the property owner at 2083 Sheffield Court is requesting a variance to remove part of an existing deck and construct a screened porch on the rear of the house which will be in the required rear yard setback. Currently, there is a concrete patio behind the house. The Board of Zoning Appeals is being asked if the new construction can be approved to be built in the required rear yard setback.

Applicant Information

Bob Boyd (Champion of Dayton)
6258 Executive Blvd.
Huber Heights, Ohio 45424

Current Zoning District

R1-B: Single Family Residential

Parcel Identification

L35000200020010200

Additional Actions or Next Steps to be taken by the City

None.

Applicant's Reason for the Request

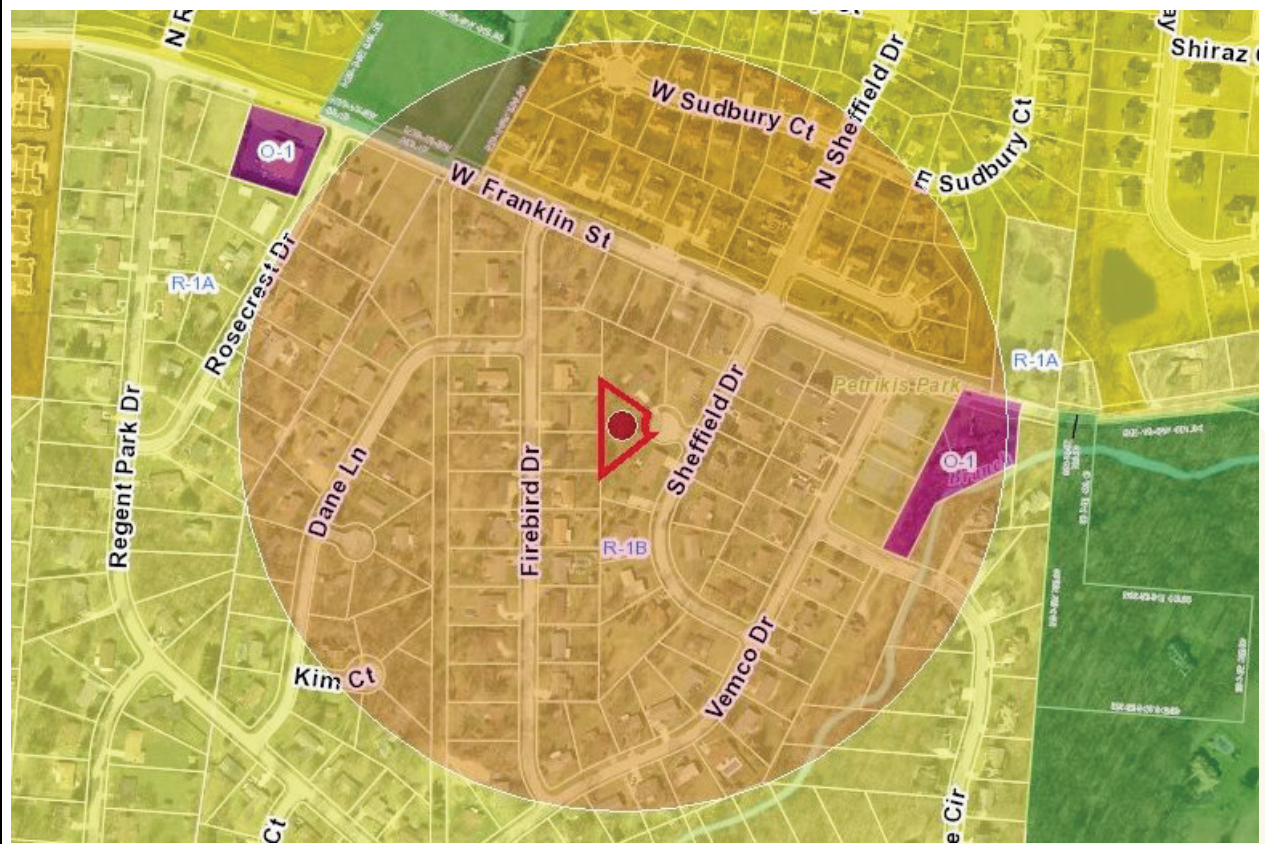
The previous property owners received a variance for the existing deck in 2000. The property owner at the time faced the same issue of building the deck in the required rear yard setback. The zoning district requires a 40 foot setback from the rear property line. The house is currently about 36 feet from the property line and the new sunroom will be about 26 feet from

the rear property line. See the attached Variance Application for further information on the applicant's reasons for the request. Additionally, I have included the summary letter from the BZA meeting in 2000 where the deck variance was approved.

Zoning Code Requirements

The Zoning Code requires all principal structures be located outside of the required setbacks. Any addition that is connected to the principal structure (the house) is considered an expansion of the structure's footprint. For the R1-B zoning district, the code requires properties to have a 40 foot setback. This can be found in 7.09 Schedule of Yard and Lot Requirements.

Surrounding Land Use within 1,000 Feet



Previous Related Development Decisions in the Immediate Area (3-5 Years)

BZA Case 17-05 – Variance granted for a deck built in the required rear yard setback.

BZA Case 16-04 – Variance granted for a covered porch built in the required front yard setback.

Flood Plain Information

The property is not in the flood plain.

Comments from City and County Agencies

None.

Supporting Maps & Graphics

Enclosed







Staff Recommendation

Staff recommends the approval of the variance request based on the prior approval from 2000 and that the proposed screened room is actually smaller than the footprint of the existing deck and concrete patio. Additionally, this house was built in 1966 and the house is actually built inside the rear yard setback. This zoning district was applied to the property after it was already built. This property is considered legal non-conforming and was grandfathered with the adoption of the Zoning Ordinance in 1974.



CITY OF BELLBROOK

APPLICATION FOR ZONING VARIANCE

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305
(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

APPLICANT INFORMATION

DATE RECEIVED 10 / 4 / 18 APPLICATION # Variance 18-02
PROPERTY OWNER AMANDA OAKES PHONE NUMBER _____
OWNER ADDRESS 2083 SHEFFIELD CT
APPLICANT NAME BOB BOYO (CHAMPION) PHONE NUMBER 513-200-1151
APPLICANT ADDRESS 6258 EXECUTIVE BLVD DAYTON OHIO 45424

REQUEST INFORMATION

PROPERTY ADDRESS 2083 SHEFFIELD CT ZONING DISTRICT ETA RI-B
SUBDIVISION Academy Heights LOT NUMBER 44 PARCEL ID L35000200020010200
DESCRIBE THE GENERAL NATURE OF THE VARIANCE REAR SET BACK INFRINGEMENT
SCREEN ROOM ON REAR OF HOME 26' FROM REAR PROPERTY
LINE

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

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.

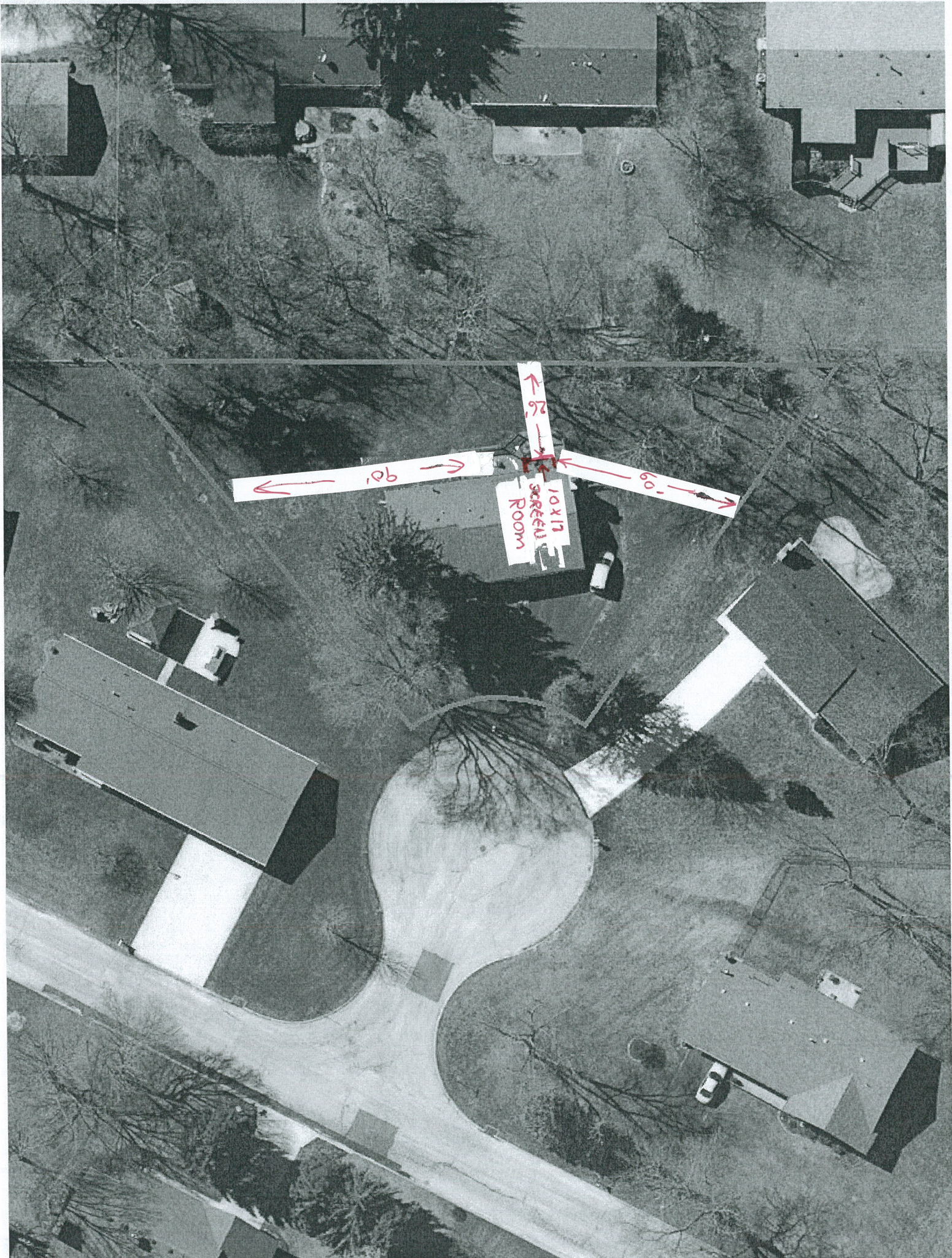
I CERTIFY THAT STATEMENTS MADE TO ME ABOUT THE TIME IT TAKES TO REVIEW AND PROCESS THIS APPLICATION ARE GENERAL. I AM AWARE THAT THE CITY HAS ATTEMPTED TO REQUEST EVERYTHING NECESSARY FOR AN ACCURATE AND COMPLETE REVIEW OF MY PROPOSAL; HOWEVER, AFTER MY APPLICATION HAS BEEN SUBMITTED AND REVIEWED BY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

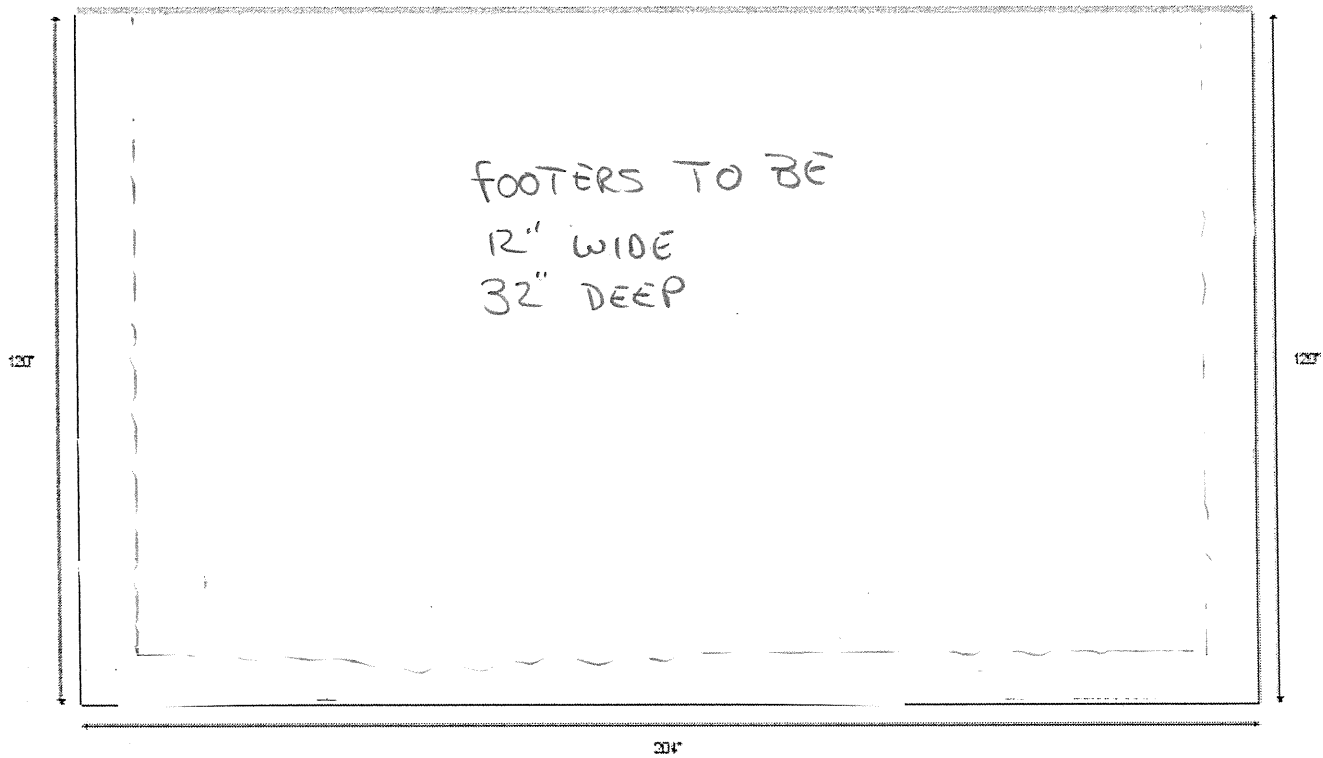
APPLICANT SIGNATURE Bob Boyo DATE 10 / 4 / 18

OFFICE USE ONLY		
APPLICATION FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ 100.00	CASH ☐ CHECK ☐ #	ADMINISTRATIVE, BOARD OF ZONING APPEALS
BOARD OF ZONING APPEALS	MEETING DATE <u>10 / 16 / 18</u>	APPROVED ☐ DENIED ☐ CONDITIONS ☐

- ① PROPERTY WILL STILL BE BENEFICIAL, BUT WOULD BE NICER TO BE ABLE TO ADD A SCREENED IN PORCH.
- ② I DO NOT CONSIDER THIS SUBSTANTIAL, WE WILL STILL BE 25' FROM PROPERTY LINE
- ③ THIS WOULD NOT BE DETRIMENTAL TO ANY SURROUNDING PROPERTIES. I BELIEVE THE NEIGHBORHOOD WOULD BENEFIT FROM THE IMPROVEMENTS.
- ④ THIS WOULD NOT AFFECT ANY GOVT. SERVICES
- ⑤ I DO NOT BELIEVE THEY WERE AWARE OF THE SETBACKS BECAUSE THEY HAD AN EXISTING DECK THAT WAS CLOSER TO THE LINE THAN THE PROPOSED SCREEN ROOM.
- ⑥ NO
- ⑦ THE SPIRIT AND INTENT WOULD BE OBSERVED AND JUSTICE DONE BY GRANTING THIS VARIANCE. ALL WE ARE ASKING IS TO BE ABLE TO SCREEN IN A SMALL PORTION OF THE REAR YARD

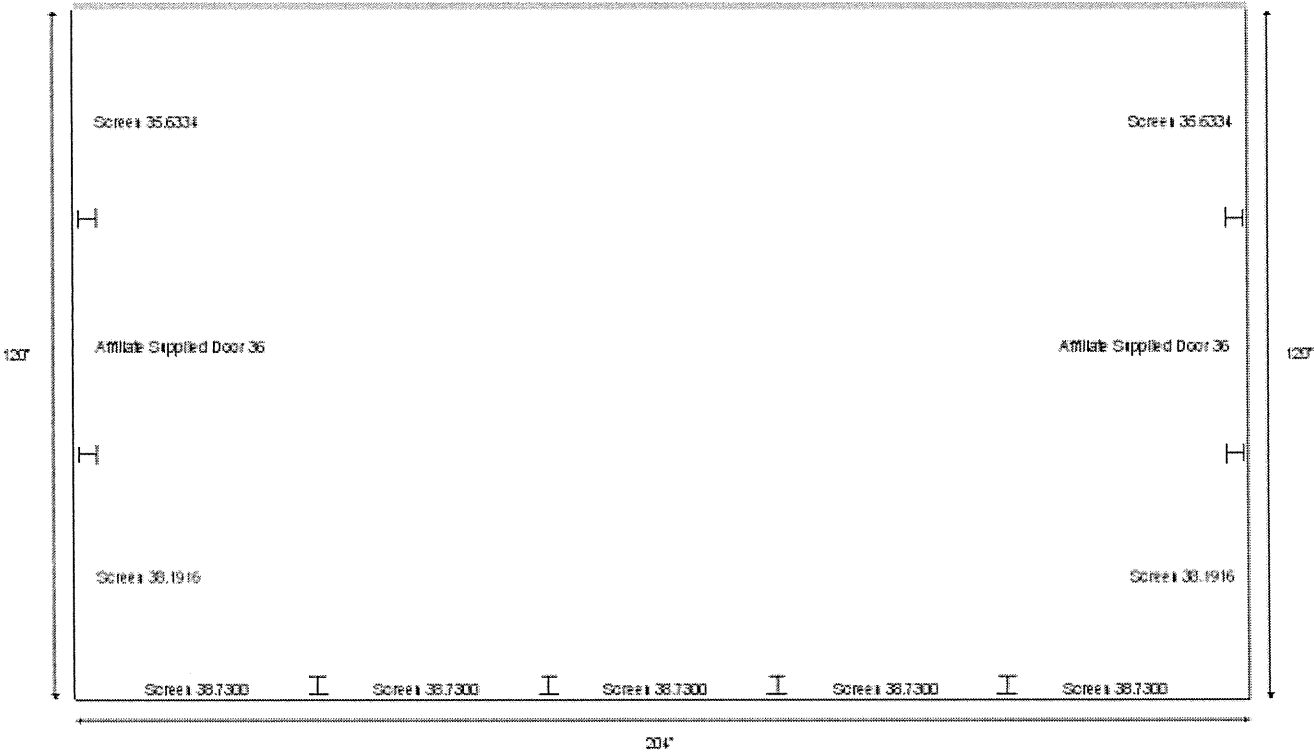


Floor Plan



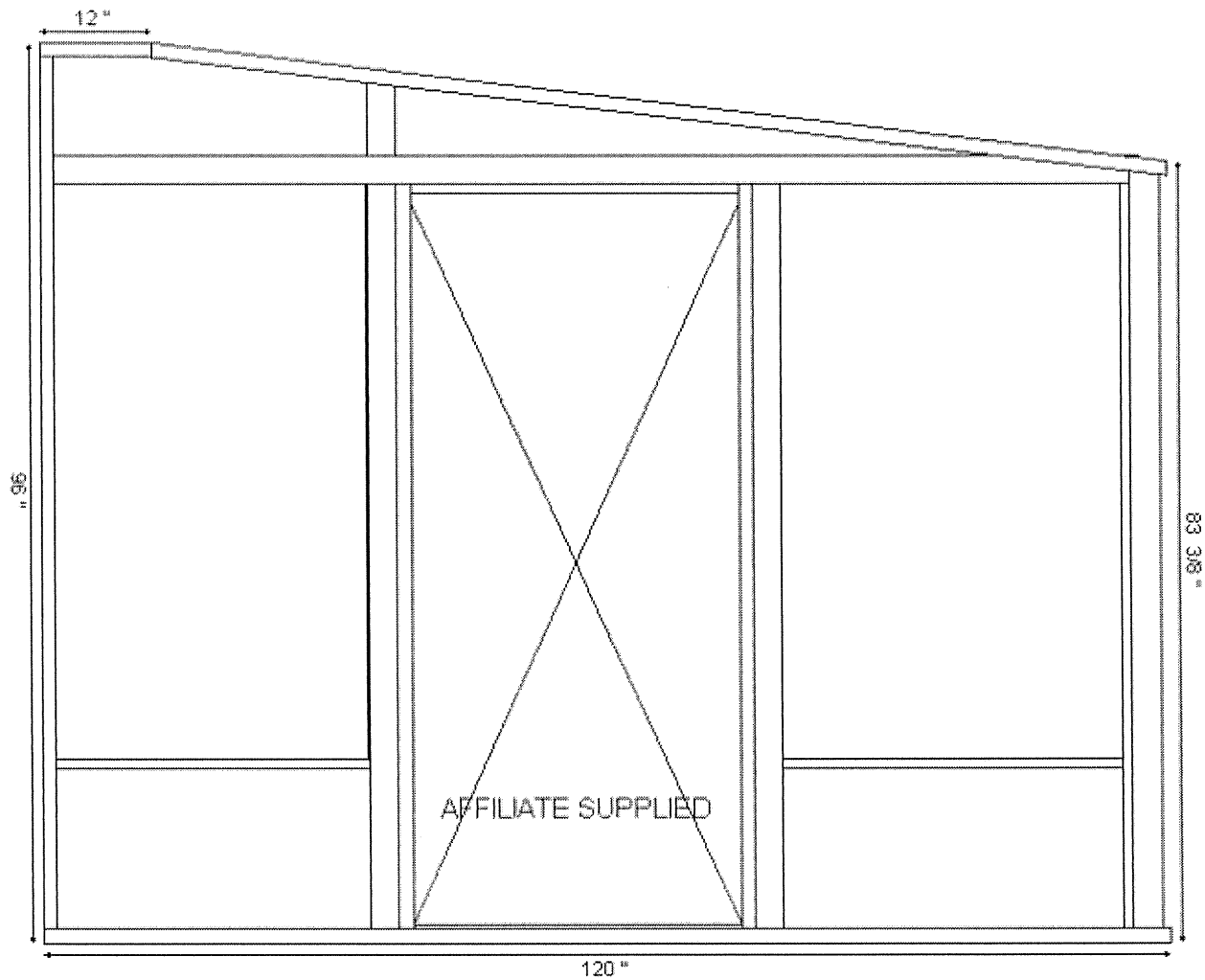
Dimensions
Attachment Height: 96 "
B Wall Height: 83.375 "
B Wall Width: 204 "
A Wall Width: 120 "
C Wall Width: 120 "
Roof Overhang: 6 "

Floor Plan



Dimensions
Attachment Height: 96 "
B Wall Height: 83.375 "
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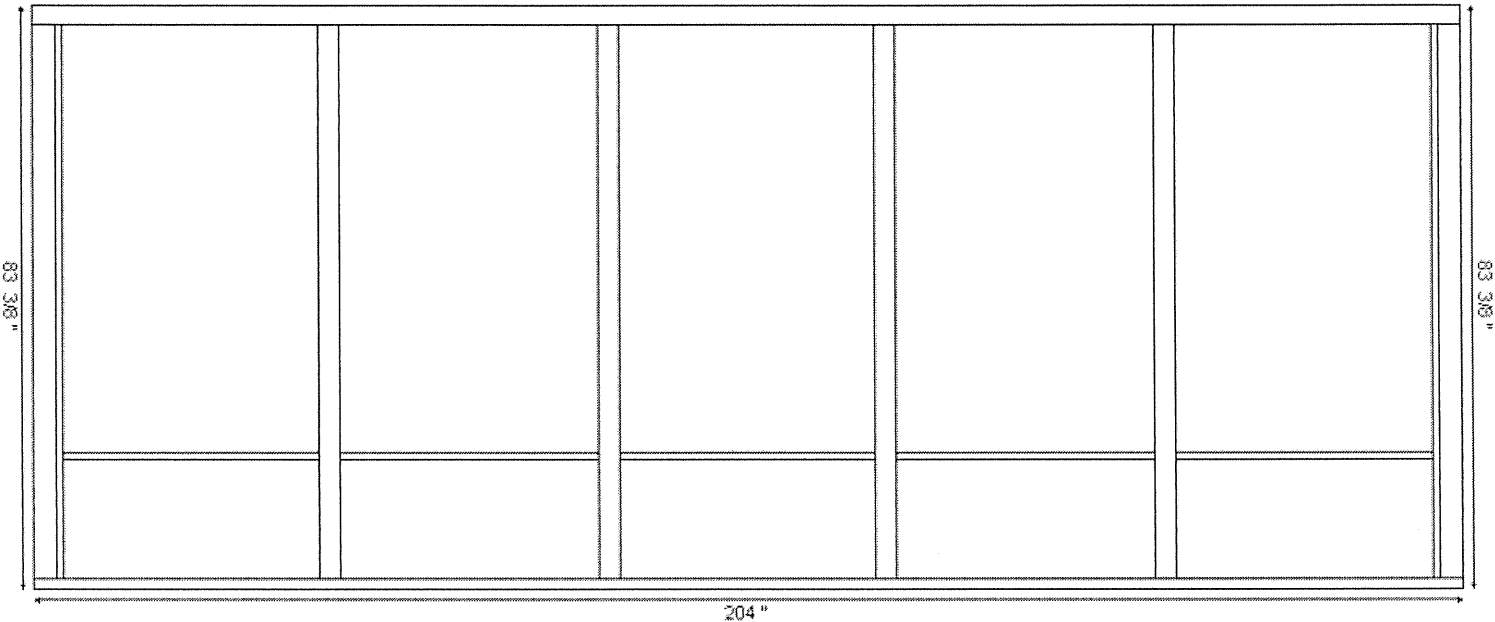
A Wall



Dimensions
Attachment Height: 96 "
B Wall Height: 83.375 "
A Wall Width: 120 "
Roof Overhang: 6 "

Layout
0.25" (U Channel) + 35.6334" (Screen) + 1" (Mating Offset H) + 2" (Screen Door Adapter) + 36" (Affiliate Supplied Door) + 2" (Screen Door Adapter) + 1" (Mating Offset H) + 38.1916" (Screen) + 0" (Offset H) + 3.175" (Corner Post)

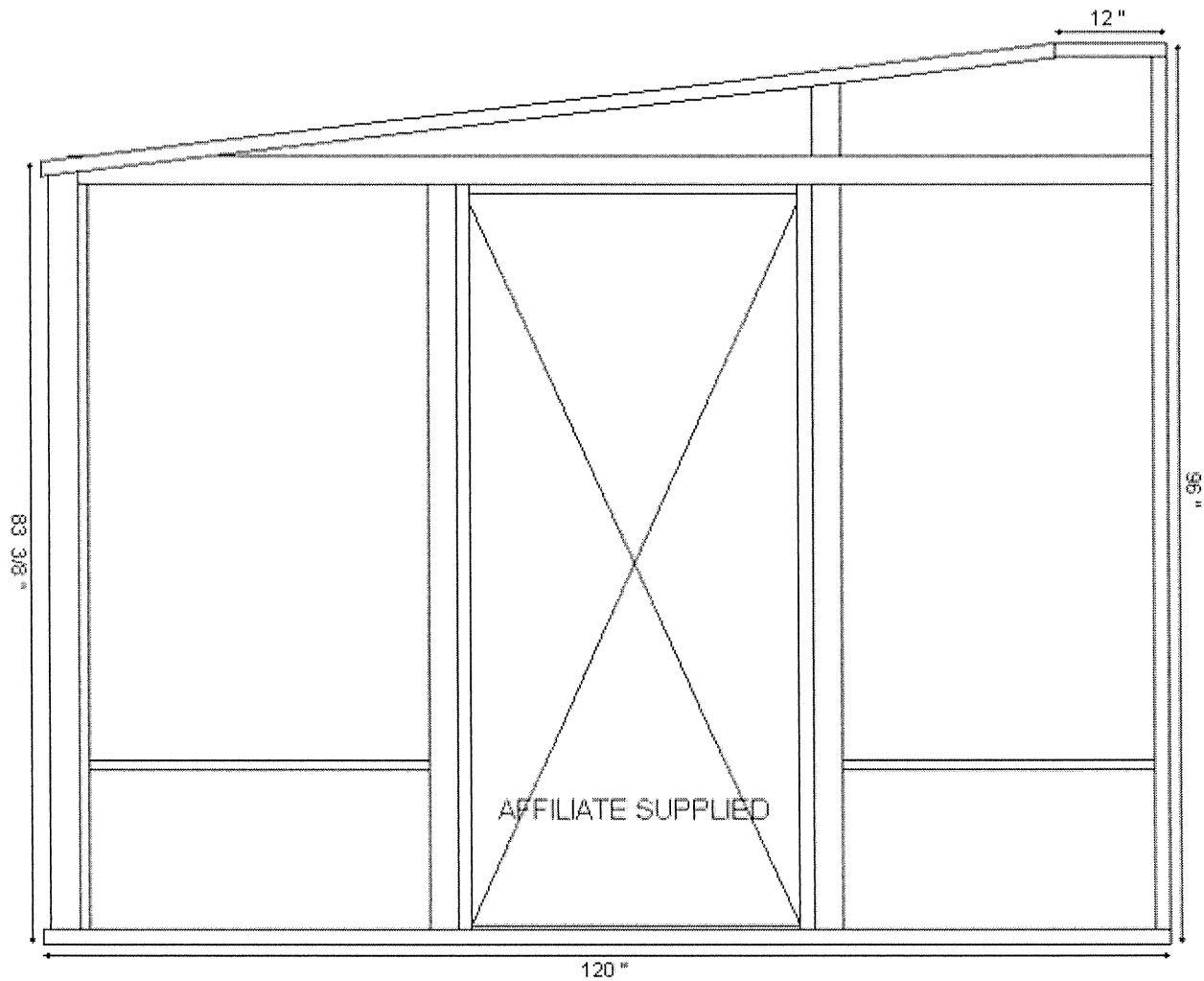
B Wall



Dimensions
Attachment Height: 96 " B Wall Height: 83.375 " B Wall Width: 204 " Roof Overhang: 6 "

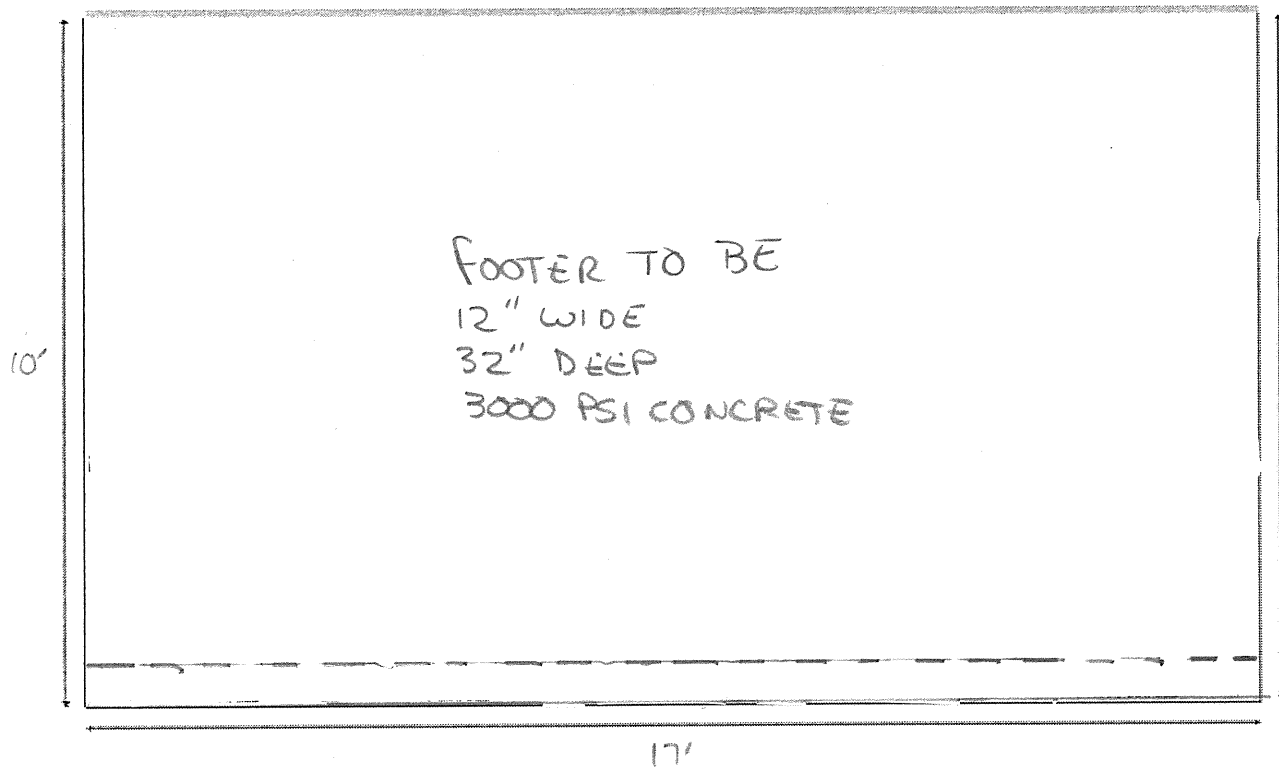
Layout
3.175" (Corner Post) + 0" (Offset H) + 38.73" (Screen) + 1" (Mating Offset H) + 38.73" (Screen) + 1" (Mating Offset H) + 38.73" (Screen) + 1" (Mating Offset H) + 38.73" (Screen) + 0" (Offset H) + 3.175" (Corner Post)

C Wall



Dimensions
Attachment Height: 96 " B Wall Height: 83.375 " C Wall Width: 120 " Roof Overhang: 6 "
Layout
This wall is a mirror image of the A Wall.

Floor Plan



Dimensions
Attachment Height: 96 "
B Wall Height: 83.375 "
B Wall Width: 204 "
A Wall Width: 120 "
C Wall Width: 120 "
Roof Overhang: 6 "

Standards for Considering a Variance

Procedures and Requirements for Variances (Zoning Code 20.13)

To vary the strict application of any of the requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or deep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship - not economic in nature – that would deprive the owner of reasonable use of the land or building involved but in no other case. The fact that another use would be more profitable is not a valid basis for legally granting a variance. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance. The variance requested shall not alter the essential character of the locality, nor be in conflict with the Comprehensive Master Plan. In making this determination, the Board of Zoning Appeals shall be advised by the recommendation of the Planning Board. In cases involving properties situated within the Village District, as defined by Article 14, Section 14.02 of the Bellbrook Zoning Code, the Village Review Board shall, when possible, make a recommendation to the Board of Zoning Appeals regarding the disposition of the variance request.

Application and Standards for Variances (Zoning Code 20.13.2)

A variance from the terms of this ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

- a) Name, address and phone number of applicants;
- b) Legal description of property; and a site plan based on an accurate survey showing existing and/or future building locations and the locations of buildings on adjacent properties. This site plan should be prepared by a registered surveyor attesting to the accuracy of same;
- c) Description of nature of variance requested;
- d) Variances from the terms of the Zoning Ordinance shall be granted only where the property owner shows that the application of a zoning requirement to the property is inequitable causing the property owner practical difficulties in the use of the property. Factors to consider include, but are not limited to:
 - 1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - 2) Whether the variance is substantial;

- 3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- 4) Whether the variance would adversely affect the delivery of governmental services such as water, sanitary sewer or garbage removal;
- 5) Whether the property owner purchased the property with knowledge of the zoning restriction;
- 6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
- 7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The Board shall determine, after and weighing the factors described above and any other factors the Board deems relevant, whether the property owner has shown practical difficulties so inequitable as to justify granting a variance to the property owner.