Board of Zoning Appeals

February 27, 2020 7:00 PM

Agenda

1. Call to Order
2. Roll call
3. Approval of prior minutes of November 19, 2019
4. New Business:

   19-106-VRB-VA: Projecting Sign (16 E Franklin Street)

   - Staff Summary
   - Property Owner
   - Public Input
   - Board Discussion/Decision

5. Old Business:

   19-02-PRC: 7 W Franklin Street – Update

6. Open Discussion
7. Adjournment

BELLBROOK BOARD OF ZONING APPEALS AND PROPERTY REVIEW COMMISSION
PUBLIC HEARING MINUTES
NOVEMBER 19, 2019

PRESENT: Mr. Aaron Burke
Mr. Robert Middlestetter
Mr. Philip Ogrod
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. Burke, yes; Mr. Middlestetter, yes; Mr. Ogrod, yes; Mrs. Brinegar, yes.

Mr. Middlestetter moved to approve the prior minutes of August 20, 2019. Mr. Ogrod seconded the motion. Roll was called. Mr. Middlestetter, yes; Mr. Ogrod, yes; Mr. Burke, yes; Mrs. Brinegar, yes. The motion carried 4-0.

It is noted for the record that the City Manager Melissa Dodd as well as Planning and Zoning Assistant Jeff Green were in attendance.

Chairperson Brinegar started the meeting by explaining the purpose of the BZA/PRC. The Secretary explained the procedure that will be followed including being sworn in and time limits for comments.

NEW BUSINESS:

- **BZA Case #19-04 Variance Request 1903 Sugar Maple Place**

City Manager Melissa Dodd began with the staff report on this case. The property is in the Highview Terrace subdivision and abuts the Little Sugarcreek. The property owner wishes to have a deck built behind the house. A variance is required because part of the deck will protrude 15 feet into the required 50-foot rear yard setback. The intent of the code is to ensure that the natural features of the land are not disturbed. The proposed deck will jut out into the trees but above the grade of the land thereby complying with the spirit of the code. Mrs. Dodd recounted that two previous variances have been granted in the same subdivision for decks.

Paul Striebel, 1632 Lower Bellbrook Road, explained that he is also the architect of record for the property. He wanted to explain that it was always the intent to respect the 50-foot setback. The structural column that supports the 15' by 15' deck that will be approximately 27 feet above the grade is the only thing that will be within the setback. Jim Britt from Britt's Tree Company and a professional surveyor have also worked on the project to ensure the work is done appropriately and well. The neighbors on each side were contacted and were in favor of this request.

Mr. Middlestetter complimented Mr. Striebel on a well-prepared and thorough plan. He also recounted being on a different board when the Highview Terrace development was planned and remembering that the water and drainage issue was paramount. He appreciated that Mr. Striebel has addressed the issue from the start. Mr. Striebel replied that he has been part of the project from the beginning and that a Shell and Meyer Structural Engineering has certified the footing design.

Mrs. Brinegar asked for clarification about the deck design's walkway from the house to the platform of the deck. Mr. Striebel answered "yes" and added the deck can seat up to eight people. It is cantilevered, all structural steel and designed to allow the homeowners to have a unique feature that feels like it is in the trees.

Chairwoman Brinegar summarized her thoughts that all her questions had been answered and she believes the spirit of the law is being met. She then opened the hearing to the audience.

Katherine Cyphers, 1942 Sugar Maple Place, had a question about any drainage that would come off of the platform extending into the easement that may increase drainage issues. She asked if there would be something that will divert the water or is it going to come off a gutter into the drainage easement and flow down into her property. She stated that she already has drainage and erosion issues with her property. She asked if there was a plan to deal with the drainage that will come off of the hard surface. Mr. Striebel answered that there is a landscape design that will be started this year but cannot be fully completed until next spring by the end of May. He also said the City has already seen the plans that include piping from the existing downspouts and landscaping down to the easement will help with any drainage. The structure will be made of trex decking and there really won't be enough hard surface to make a difference. Mr. Green added that drainage is a separate issue from the case being considered. He added that the City's Service Department had alerted him in May or June of a serious erosion issue and erosion control permit due to a change in builders. Mr. Green met with the homeowners and the builder and devised a plan to get the permit back on track.

Mrs. Brinegar closed the debate and made a motion to approve **BZA Case 19-04 Variance for 1903 Sugar Maple Place**. Mr. Middlestetter seconded the motion. The Secretary called the roll. Mrs. Brinegar, yes; Mr. Middlestetter, yes; Mr. Burke, yes; Mr. Ogrod, yes. The motion passed 4-0.

- **BZA Case # 19-05 Variance Request Window Sign at 22 E Franklin Street**

Mrs. Dodd began by explaining that the sign in question is actually attached to the front window of the building that is the business of Thomas and Grushon Insurance. The request is for a variance of 4 square feet. The code states that a flat sign can only by 40 square foot in size. This is a vinyl window decal that was made to be the exact size of the window which is 44 square feet. To adhere to the 40 square foot rule, the sign would end up with a blank border around it. The window looks into the conference room and prior to the sign being installed, anyone could see into the room. The Village Review Board approved the sign for appropriateness at the November 7 meeting. The decal can be removed if it starts to look bad. Mrs. Dodd explained that the business owners are limited to what kind of signage they can have on the building.

Mr. Justin Spargo, 22 E Franklin Street, explained that they need a sign because customers who were driving had a difficult time finding the business. Initially, they thought the sign would be fastened to the inside of the window in which would not require a variance. Without a variance, the 4-foot blank border would not look good and would allow people to see into the conference room.

Mr. Ogrod asked how the sign is attached and is it possible to attach it to the inside of the window. Mr. Spargo answered that it is like a sticker but won't just peel off and should last several years. It is similar to the car wraps.

Mr. Middlestetter opined that fully covering the window is a better use of the space.

Mr. Ogrod asked if the current protruding sign above the window will remain. Mr. Spargo answered that the current sign will remain, and it might require some repair in the future for rust running down it.

Mrs. Brinegar opened the hearing to the public. As there was no discussion, she closed the hearing.

Mr. Burke made a motion to approve the variance for **BZA Case 19-05 sign for 22 E Franklin Street**. Mr. Ogrod seconded the motion. The Secretary called the roll. Mr. Burke, yes; Mr. Ogrod, yes; Mr. Middlestetter, yes; Mrs. Brinegar, yes. The motion passed 4-0.

- **PRC Case #19-02 7 W Franklin Street**

25:57

The City Manager Mrs. Dodd gave the staff summary of the case. She began by explaining that there has been quite a bit of history to this case including the history of downtown property inspections. The summary predates Mrs. Dodd with the previous City Manager Mark Schlagheck who left the city's employment in March of 2018. In 2018 the City Manager's goals included working with the Code Enforcement Officer to create a plan to do a full assessment of properties downtown. The assessment would include any violations and a strategy to gain compliance. Mrs. Dodd became the City Manager in April 2018 and there was a dedicated Code Enforcement Officer at that time who had started work on the inspections. The full inspection report was completed in August 2018. A summary report included both zoning and property maintenance violations was created listing the types of violations but without addresses. There are 169 addresses in the downtown district and 97 of them had violations. The report was then sorted by properties with the most violations. The property at 7 W Franklin street was included with the 18 properties with the most violations. The 17 other properties were contacted except for 7 W Franklin Street. Mrs. Dodd explained that she excluded that property because it is a prominent property and she had not yet met with the owner.

On August 1, 2018 Mrs. Dodd had emailed Mr. Dart asking to meet with him. They met on August 27, 2018 for two hours about Mr. Dart's history with the building and the plans he has for it. Mrs. Dodd recalled that it was a good meeting and she thought Mr. Dart's plans were great. In October of 2018 the part time Code Enforcement Officer took a new position leaving the city without someone to do the job. In March 2019 the new Planning and Zoning Assistant was hired and took on the code enforcement duties. That is part of why some of the follow-up to the assessment was not completed

sooner. Mr. Green called Mr. Dart on May 10, 2019 about exterior violations and told him an informal letter listing the violations would be mailed so that a plan could be created that included a timeline. The informal letter was sent by regular and certified mail on May 22. The receipt for the certified mail was signed for on June 3, 2019. Since no response was received by the city from Mr. Dart a formal violation letter was sent by regular and certified mail on July 2. The letter stated that the violations need to be resolved by July 26, 2019. The certified letter was signed for on July 5. The city still did not receive a response, so another review of the property was done on July 29 and an invoice was sent out for a lack of work being done. Three of the 29 violations were addressed. On August 7 a regular and certified letter was sent to Mr. Dart advising that there would be a Property Review Commission (PRC) meeting on August 20. This letter was not signed for until August 28 which was eight days after the meeting took place. The PRC meeting took place on August 20 without the property owner or other representative in attendance. The PRC took formal action and voted to send the case for prosecution. When the city received the receipt after the meeting, the property owner asked for more time to be re-heard by the PRC. The city agreed to do that. The re-hearing was tentatively scheduled for October, but the property owner asked if it could be pushed back so that a timeline could be created. The meeting was set for November 19, 2019. Mrs. Dodd reported that the city received a timeline from Mr. Dart's attorney on November 15. The timeline lists out the items that have already been addressed and contests a few items. Mrs. Dodd opined that this is a huge step forward for the entire case and there is a lot of positivity. Work on the building has already been started in the last few weeks.

Mr. Burke asked about this being a re-hearing not an appeal. Mrs. Dodd answered that this was a re-hearing. Mrs. Brinegar added that it is unusual, but the Board has granted the re-hearing.

Mrs. Brinegar asked if the property owner or representative would come forward to speak.

Adam Stout, 5335 Far Hills Ave., Suite 109, Dayton, introduced himself as the attorney for Greg Dart. He wanted to explain the proposal and objections. Significant work has already been done around the property. He provided photographs as exhibit 1 showing the items that have already been completed. Mr. Stroud then went through the violations that Mr. Dart is disputing.

Violation 2. Outside Storage – Construction Dumpster. Mr. Stout argued that since the property is zoned multi-use, the dumpster should be allowed to be left there. He said it is necessary for his business.

Violation 3. Materials Stored Outside. They also think this should not apply to a multi-use zoned area.

Violation 4. Sidewalks and Driveways. The city has recently amended this code and so the violation should be void.

Violation 5. Protective Treatments for A. Roof, B. Wall, C. Windows, E. Wooden Siding, 8. Foundation Walls. Mr. Stout spoke specifically about the roof and explained that it is not leaking. He explained that it is an old historic building with a plaque from the Bellbrook Historical Society. Replacing the roof would be extremely expensive. He reported that Mr. Dart has been in contact with an architect. He explained that it is a steel roof but the rust does not affect it and is part of the aesthetic of a historic building.

Mr. Greg Dart, 74 E Franklin Street, wanted to give more detail including that the original building was added to many times through almost two hundred years of history that might not be considered up to code. Replacing the roof would be very expensive as would walls. He opined that the project needs to be designed properly. They object to having to take care of that at this time. He explained that working on the walls involves repairing stucco and masonry. Mr. Dart recounted responding to a previous city request to clean the walls, which they did with a power washer. The windows are original wavy milk glass and are not easily replaced. They have replaced panes over time. Mr. Dart said they are working on painting the windows that were in violation. They have scraped, primed, and painted the garage door and frame. Mr. Dart reported fixing some of the siding issues and the door frame. He explained that the loudspeaker on the outside of the building belongs to the Lion's Club or is related to the Sugar Maple Festival. He said they have painted it. They have added a street number. Mr. Dart said that there was a downspout that was requested not to empty onto the sidewalk, so they have tied it into the drain tile. The siding and wooden shakes on the front of the building have been stained, the vinyl soffit has been repaired after the wind damage, and they coated the railings. Mr. Dart explained that they are trying to comply with everything the best they can including the rust spots on the plant hangers. The door has been painted. The violation of the vehicle registrations has been made more difficult because the previous owner is in New Jersey. The van was given to Mr. Dart by a nursing home in Xenia. As for the violation for unsafe equipment, Mr. Dart explained that the electric lines were an issue with DP&L. He reports that now they can move the lines. The parking and vegetation violations have been addressed. The issues with the signage has been worked on including some cracks and rust.

Mr. Burke asked what the long-term plan is for the roof since the cost is expensive. He asked about the additional comment that states the roof "will replace in renovation. Entire roof structure will be changed and framed accordingly, currently working on drawings with architect.". Mr. Dart answered that it is a metal roof with a layer of shingles underneath and the original wooden shakes under that. In 2013 they put a coating on it that did not last very long. The cost of a new roof will require a new design that includes heating, electrical, and plumbing and changing the part of the building in the rear that has a flat roof.

Mr. Ogrod asked about the comment on the timeline indicating the roof is an item planned to be completed by October 2021. Mr. Dart said he has never mentioned a 2021 plan and said he didn't know if it was mentioned by someone in his staff. Mr. Stroud pointed to the timeline and Mr. Dart asked his employee if a date was added to the timeline. The answer was yes. Mr. Dart responded to the board that the date seemed reasonable.

Mr. Burke asked Mr. Dart if he definitely agreed to the 2021 timeline and Mr. Dart said he did.

Mrs. Brinegar asked to clarify if all of the items that were included in the 2021 timeframe were agreeable to Mr. Dart. He asked to look at the list and said that he agreed that those would be large dollar items. He is working with local architect, Gerald Johnson who has worked with the state historical society. Mr. Dart wants to do the renovation correctly and not risk losing the historical value of the property.

Mr. Middlestetter asked what Mr. Dart's plans are for the future of the building after completing all the wonderful work. Mr. Dart commented that the meeting is not going the way he had thought it

would. He read from a rough draft that explains the history of the building, his history in town and with the building at 7 W Franklin. It included great personal stories. He bought the building in 2003 and his long-term goal is to turn it into a place for community and possibly retail. Something that could provide a legacy to the community long after he is gone. He added that he cannot give that a definite timeline. He explained that he works away at projects and he makes a living out of the building.

Mr. Dart added that he apologizes for the timeline, that city staff had reached out to him in the past but due to the timing just after the tornados hit, he hadn't been able to respond. He wants to move forward.

Mr. Stroud asked that the city waive the fines.

Chair Brinegar opened the floor to anyone who would like to speak and reminded them of the time limits.

Steve Kircher, 3695 W Franklin, shared a personal story about Mr. Dart. He thanked the City Manager, the Mayor, City Council, and the boards for agreeing to pursue an amicable agreement with Mr. Dart. He also wanted to recognize Mr. Dart for the work he had done in the past two weeks including starting on a large window display.

Michael Sabin, BellHOP Café and Church, 26 N West Street, wanted to add that he knows how hard the work is to create a business. He said that even with the city's help and the VRB it took about a year to get the business open, adding that the Greene County regulations are difficult. Mr. Dart was hired to do some of the renovations. He asked that they give him consideration and not call him a "deadbeat".

Ernie Havens, 3291 Streamview Court, said he had heard rumors that concerned him. He opined that business owners must follow the rules. Many years have gone by without any maintenance being done to the building. Timeline of city has been more than fair. By not following the regulations, Mr. Dart shows a lack of respect for the city and it should not be tolerated. He opined that he has not heard an effective timeline for meeting the requirements. Mr. Havens said he hopes the board won't be bullied.

Gwen Grushon Price, 22 W Franklin Street speaking as a property owner. She agrees that the property has been an eyesore, but she commended Mr. Dart for talking about it. She said she is looking forward to seeing his plan. She added that she feels that Bellbrook is in the midst of a big boom and thinks what the City Manager is doing is exciting.

David Buccalo, 126 Lower Hillside Drive, disagreed with Mr. Havens' comments. The violation letter was sent at the same time as the tornados. He said Mr. Dart kept the building occupied. He gave credit to the Mayor for his involvement. The building was built in 1825. He stated that the Old Village Review Board (VRB) was created so that people in the neighborhood who have special zoning concerns in were given power through the VRB. He believes issues like this should go through the VRB. He wants serious consideration to be given to restoring power to the VRB. He said he hopes the compromise continues to move forward. He added that he disagrees with the timeline. Mrs. Brinegar interrupted Mr. Buccalo at this point because his time had run out.

JoBeth Bryant, 1918 Stewart Street, Sugarcreek Township, explained that she owns the Crafter's Lodge and understands the problems a business owner faces. She added that she understands that the

community wants the property to be used for retail like it used to be. She thinks that having a plan is a good idea and the city should make him stick to the timeline. She does not believe that fines help.

John Dorn, 2408 Sparr Road, owns the building behind 7 W Franklin Street. He stated that Mr. Dart has not taken care of the building for the 16 years that he has owned it and this is the second time the city has tried to get maintenance to be done. He said it is frustrating to have a property in poor repair as a neighbor. They have to deal with trash blowing from 7 W Franklin. He stated he wants Mr. Dart to take care of the property. Mr. Dart responded that Mr. Dorn should have talked to him about any problems. Mr. Dorn was surprised by this and recalled speaking to Mr. Dart previously. Mr. Dart reported that Mr. Dorn's tenants use his property when putting out their trash cans and he added that the tenants knew Mr. Dart's property was there when they rented those spaces. Mr. Dorn started to respond, but Mrs. Brinegar cut off this conversation and redirected the conversation. Mr. Dorn ended by reiterating his two points that were the lack of maintenance on the building especially since Mr. Dart is in the building business, and second the parking of all the vehicles and trailers full of trash.

Cheri Hathaway, 1429 Little Sugarcreek Rd, began by stating that she is employed by Mr. Dart and is in a relationship with him. She gave an overview of her history and what brought her to invest in downtown Bellbrook. She owns 68 E Franklin Street and 80 E Franklin Street. Ms. Hathaway explained that she took over for Mr. Dart during the time just after the tornados by reaching out to Mr. Green in late August. Mr. Green set up an appointment with her, at first saying that they could just come meet with him. Mr. Green called back saying that after speaking with legal counsel she would need to have Mr. Dart there or an attorney. She said she could get an acknowledgement, or something signed by Mr. Dart so that they would not have to hire an attorney which can get expensive. Ms. Hathaway recounted that Mr. Dart couldn't be there because he was so busy with the tornado repairs. Ms. Hathaway and Mr. Stroud, their attorney, attended the meeting which did not go the way she had planned but by the end they had agreed that she would create a spreadsheet in response to the violations. The spreadsheet defines the items that they were disputing, items that could be done in a few months, and other items that are more expensive that will require more time. The time the city had required was during the summer when their construction company is the busiest. A few of the items on the spreadsheet have a longer timeline so that they can be done properly and not be done quickly now but have to be redone later. Ms. Hathaway referred to the historical society guidelines for the some of the work to keep the historical integrity and tax credits. Mr. Dart has always talked about putting the building on the historic registry. She recounted working with Mr. Dart on a lot of projects downtown. Her last remark was to say the Mr. Havens had not mentioned that he has been campaigning against Mr. Dart, but he had made a formal offer to buy the property for redevelopment. She expressed her concern that he has an interest in this building which is why he is pushing for these violations.

The audience was reminded that they can speak again after everyone has had a chance and only if it is to make a new point.

Katherine Cyphers, 1941 Sugar Maple Place, asked about the city's timeline of this case and referred to the timeline imposed on PRC case 19-02 Dane Lane. She commented that the residence had a long history of complaints and issues, but that case wasn't sent to prosecution for seven years. She heard that the complaints against Mr. Dart have been within the last year, but it is already going to

prosecution. She asked if he could be afforded the same timeline. Mrs. Cyphers added that since Mr. Dart has submitted a plan for two years and that seems reasonable to her.

Ernie Havens 3291 Streamview Court, responded to Ms. Hathaway's comments saying that two years ago he had contacted Mr. Dart to ask if he could buy, or lease the property. He added that he has had no further interest in the property. Mr. Havens reported being contacted by other investors in the past few weeks who asked about the prospect of developing properties in downtown. He was trying to facilitate a meeting between these investors and Mr. Dart. Mr. Havens asked Mr. Dart if he would consider listing the property. He reiterated that he does not have a personal interest in the property but that something should be done about the property for the residents of the city. Mr. Havens had submitted a letter to the board concerning his position on this case. He also wanted to say that several people had stated that the property was zoned as multi-use, but he sees that it is zoned as retail. Mr. Havens also cited Article 12 which states that no downtown business should encourage heavy truck traffic.

Michael Sabin, BellHOP Café and Church, 26 N West Street, came forward again and began by commenting that this is a season for goodwill to men. He admitted not wanting to comment but would that three weeks ago Mr. Havens made a public statement at a meeting of the For Bellbrook By Bellbrook group that Mr. Dart had refused two recent offers to buy the building. Mr. Sabin asked for specifics of the offers including who made them, and what was their intentions, and did it meet the zoning. Mr. Havens admitted that it wasn't recent but that he had made an offer two years ago. Mrs. Brinegar asked Mr. Sabin to stick to the topic of the case. Mr. Sabin continued to discuss Mr. Havens' real estate offer.

Greg Dart responded to a few of the comments that had been made, especially by Mr. Dorn and Mr. Camp who operates a business out of Mr. Dorn's building. First, he admitted that his property is not an ideal spot for a growing construction company especially considering that two years ago they had taken on the largest home service business in south Dayton. He recounted that they were asked to take on the business and it almost quadrupled the workload. He added that they got it because of their warranties on roofing and masonry work. He commented that he wished he'd been able to move out a long time ago. They are working to move out of the building because they have outgrown it. He said they still have trailers and things there because they have to make the move intelligently. Mr. Dart also wanted to comment on the consultant who came through town over the summer. He said he understood why he is the guinea pig for the changes that were discussed. He stated that he hopes a lot of good comes out of the changes. But he also wanted to comment on statements the consultant. Mr. Dart said he has watched thousands and thousands of customers be successful or fail, without an in-between. Being successful in real estate development is different than being a business owner or homeowner. Real estate development requires guts and heart to gamble. He explained that he is smart enough to know how to budget to take on an old building without taking out a massive loan or taking an investor's money. It is a big task, but he promised to do the best he can and hit timelines, but he will not go broke dumping a bunch of money into a building that cannot be utilized the right way. Mr. Dart said he was open to options and help. He commented that Mr. Dorn has done a great job with his building. He recounted staying in Bellbrook during the financial and housing crisis in 2008 when other builders left. He remembers splitting firewood in the building to be able to pay the

mortgage. He would rather not sell the building. Mr. Dart stated that he disagreed with almost of the statements made by Mr. Havens. Mrs. Brinegar asked to keep the comments focused on the case with the city. Mr. Dart said he was available to talk with anyone to clarify anything instead of listening to hearsay. He said they could provide progress reports

Chairwoman Brinegar closed the public comment section of the hearing and brought deliberation back to the Board. She added that the board is made up of volunteers and includes the scope of property review. She laid out the points for consideration including Mr. Dart's disputing four of the violations, acceptance of Mr. Dart's timeline, the status of the fines, and future consequences. Mrs. Brinegar expressed that the board is glad to have been presented a timeline. She explained that the decision to send the case to prosecution was based on the large number of violations and the lack of cooperation or communication from the property owner. There was no representative present at the hearing on August 20 or any timeline that had been requested. She explained that tonight's meeting was a re-hearing of the case, not an appeal. She added that if a timeline had been presented at the meeting, the case would probably not have proceeded toward prosecution. The board's goal is just to have the violations fixed which makes all of Bellbrook a better city. She added that unfortunately that didn't get started until the board took a heavier hand.

Mr. Middlestetter added that there are some items that need to be clarified concerning the disputed violations.

Mr. Green spoke to the zoning code issues. First was the construction-sized dumpster on the property. Codes 1450.31m and 1450.31p prohibit construction equipment for more than 15 days unless it is being actively used. The second code says that every business that produces waste shall have at all times a leakproof container with a tight-fitting cover. Mr. Middlestetter asked if it was in violation at the present time. Mrs. Brinegar, Mr. Ogrod, and Mr. Burke agreed that this is a violation.

Mr. Middlestetter also noted that the removal of the fines would be magnanimous, he is not quick to agree to it. He added that he would be more inclined to hold the fines in abeyance because the PRC is asking in good faith for Mr. Dart to follow the schedule. If the timeline is not followed the board will need the fines as encouragement. He also said he would like more time to consider the issues. Mrs. Brinegar agreed that they had only received the proposed timeline within the last few days. Mr. Middlestetter did admit he is pleased with the work that is being done and Mr. Dart's future plans for the building. But he also said this has been an issue for years and there have been many complaints. Mrs. Brinegar agreed and added that it is important to balance the needs of the city and the needs of the property owner.

Mrs. Brinegar moved onto the next disputed items which was the sidewalks and driveways. The board agreed that this violation isn't current with the new Ordinance that was recently passed.

The outdoor storage of material is the next disputed violation Mrs. Brinegar discussed. She stated that the zoning code is vague especially since the downtown is a mixture of uses. Mr. Middlestetter added that this is one of the most valued historical properties in town and deserves whatever help that can be given.

Mrs. Brinegar moved the discussion to the dispute over the violation for the roof. The property owner claims that the roof is not leaking and so is not in need of repair. According to the timeline the roof will be replaced during the renovation. Mrs. Brinegar explained that the violation was due to the rust on the roof and the need for a protective coating. The board is not requiring that the roof be replaced.

Chairwoman Brinegar proposed separating the items out to vote. Discussion ensued about the votes that the board wanted to make. Mr. Middlestetter asked about violation 3 Materials stored outside and whether a barrier could be put up to shield it from view. Mrs. Brinegar answered that the code did allow for a barrier so that the items would not need to be removed.

Mrs. Brinegar made a motion to remove violation #4 Sidewalks and Driveways from **PRC Case 19-02 7 W Franklin Street**. Mr. Ogrod seconded the motion. The roll was called. Mrs. Brinegar, yes; Mr. Ogrod, yes; Mr. Burke, yes; Mr. Middlestetter, yes. The motion passed 4-0.

Mrs. Brinegar started the discussion of the timeline created by the property owner. She noted that some things had already been completed and some were even being worked on that day. Many of the items were scheduled to be completed by February 28, 2020. Mr. Ogrod asked about item #13 Motor Vehicles and Mr. Dart explained that the title has been obtained and he is in the process of getting it inspected and licensed. Mrs. Brinegar explained that the larger items like the roof and walls are projected to be completed by October 2021. She said she feels the timeline is reasonable but was surprised that the owner was unaware of the projection but is agreeable to it. Mr. Middlestetter added that Article 14 is lenient when it comes to the older buildings. Mrs. Brinegar stated that a plan is necessary and an assurance that the plan will be completed. So, when it comes to the fines that have already been assessed the board has the option waive them, keep them, or project them out.

Mr. Ogrod suggested that the owner provide progress report during the two-year renovation. Mrs. Brinegar agreed that maybe the board should review the project at the year mark of October 2020.

Mr. Burke suggested holding the fines until after the February 28 deadline to see how the work has progressed.

The consensus of the board was to break apart the violations and hold the fines. The board requested that staff do another inspection by March 9, 2020. Mr. Middlestetter wanted to clarify that the current fines are being held until the next inspection at which time they may be forgiven if the work has been completed. The fines were already assessed and are correct because the repairs had not been made within the time allotted. The board is choosing to forgive the fines if the owner completes the work that has been agreed to by February 28. This will allow the owner to use that money to complete the work.

Mr. Burke made a motion that if the violations designated by blue with a due date of February 28, 2020 are completed all fines will be waived on **PRC 19-02 7 W Franklin Street**. If the agreement is not met, the fines will be retained. This was seconded by Mr. Ogrod. The Clerk called the roll. Mr. Burke, yes; Mr. Ogrod, yes; Mr. Middlestetter, yes; Mrs. Brinegar, yes. The motion passed 4-0.

Mrs. Brinegar brought the next item to the board members. She commented that the board will need updates on the progress concerning the two-year renovation plans. She said that in other cases they have required plans be presented for approval. Mr. Burke asked for a more detailed and structured schedule for those items when the board meets in March. The other board members agreed.

Mr. Burke made a motion requesting the property owner provide a detailed schedule of the renovation of the items designated in yellow by March 9, 2020. Mr. Ogrod seconded the motion. The Clerk called the roll. Mr. Burke, yes; Mr. Ogrod, yes; Mr. Middlestetter, yes; Mrs. Brinegar, yes. The motion passed 4-0.

Going back to the disputed items, Mrs. Brinegar agreed that this can be included in the October 2021 renovation. She asked if the board agrees to keep the Outside Storage violation with the February 28, 2020 completion date.

Mrs. Brinegar made a motion that since the disputed items violation #2 and violation #3 of **PRC Case 19-02 7 W Franklin Street** did not have a completion date, these will be included with the items to be completed by February 28, 2020. The motion was seconded by Mr. Middlestetter. The Clerk called the roll. Mrs. Brinegar, yes; Mr. Middlestetter, yes; Mr. Burke, yes; Mr. Ogrod, yes. The motion carried 4-0.

Mr. Stroud asked if Mr. Dart will be given a copy of the information coming out of this meeting and they were told that they would.

Mr. Dart commented that in 2012 there had also been a violation concerning the materials being stored outside. He recounted that he was told all of the material could be there but had to be placed on skids. He asked for clarification on the size of dumpsters that are allowed. Staff explained that the construction dumpster can be kept there while renovations are actively taking place. A lidded dumpster is allowed at all times.

OLD BUSINESS:

Case PRC 19-01 2088 Dane Lane was sent to the prosecutor in July. A court date was set but Mr. Elias did not appear. A warrant for his arrest has been issued.

OPEN DISCUSSION:

David Buccalo said that zoning has become weaponized and several properties have been targeted including Mr. Dart's. He said he has been told that other properties have been targeted and could give addresses. He said the concept of fining people and arresting them for zoning violations is relatively new to Bellbrook. When it was passed by City Council, Council Member Greenwood specifically asked the City Manager at the time how it would be used. He was assured that there would be restraint. Mr. Buccalo recounted Mr. Greenwood's concern that a new administration would do what has been done. He stated that he thinks that if the issue had been handled better administratively it would never had to come before this board. He said that when the building was Pennewitt Hardware it sat vacant for

several years because no one wanted it. When Mr. Dart bought the building, Mr. Buccalo was told that it was going to be used for storage, but people want more. He commented that it bothers him when people come into town who do not live in Bellbrook and don't spend their money here. Mr. Buccalo said he has an issue with the term, "revitalization" because he believes Bellbrook is better than ever. He said he knows the amount it will cost to renovate the building.

ADJOURNMENT:

There being no further business to discuss, Mrs. Brinegar made a motion to adjourn. With unanimous consent, the meeting adjourned at 8:45 PM.

_____ _____

Meredith Brinegar, Chairman Date

_____ _____

Pamela Timmons, Secretary Date

To: Village Review Board

From: Jessica Hansen, Planning & Zoning Assistant

Date: January 27, 2020

Subject: VRB Staff Report for VRB Case 20-01 16 East Franklin Salon 4 Sign

Summary

The request is to install a projecting sign on the property located at **16 East Franklin Street, Bellbrook, OH 45305**. Request for variance from section 18.20(3)(b)(2) of the zoning ordinance.

Applicant Information:

- **Applicant Name**: Julia Rose
- **Applicant Address**: 16 East Franklin Street, Bellbrook, Ohio 45305
- **Property Owner**: James Rich
- **Property Owner Address**: PO Box 104, Bellbrook, Ohio 45305

Sign Information:

The request is to place a 37.6 inch diameter circular sign connected to a frame constructed of steel tubing. The total height of 40.4 inches and the total width of the bracket being 16 inches. The sign will be located on the front on of the building above the door. The sign is a projecting sign totaling 7.7 sq. ft in size. The sign will be located 109.7 inches from the sidewalk or 9.1416 Feet. The sign will say "Salon 4, Established 2017."

Per section 18.20B(3)(b), *In no case should the sign or its supports extend above the highest point of the building supporting the sign. A sign may project from a building beyond the property line and over a public sidewalk providing:*

(1) it does not intrude more than 3/4 of the sidewalk width; and

(2) it clears the sidewalk by ten (10) feet.

Discussion

The sign meets all regulations except regulation 18.20(3)(b)(2) in which the sign does not clear the sidewalk by 10 feet. VRB would need to decide if the nature of the building warrants the business owner getting a variance from this regulation

CITY OF BELLBROOK

APPLICATION FOR ZONING VARIANCE

15 East Franklin Street, Bellbrook, Ohio 45305
(937) 848-4666 www.cityofbellbrook.org

APPLICANT INFORMATION

Date Received 2 / 3 / 2020 Application # V-20-001

Property Owner Jim Rich Phone Number 937 604-0678

Owner Address 16 E. Franklin St

Applicant Name Salon 4 Phone Number 937 310-1412

Applicant Address 16 E. Franklin St. (Julia 937 321-3554)

REQUEST INFORMATION

Property Address 16 E. Franklin St Zoning District ~~R-1A~~ B-4

Subdivision _____ Lot Number _____ Parcel ID _____

Describe the General Nature of the Variance Sign — Height Sign @ 9.14 feet requirement 10ft from Sidewalk

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.

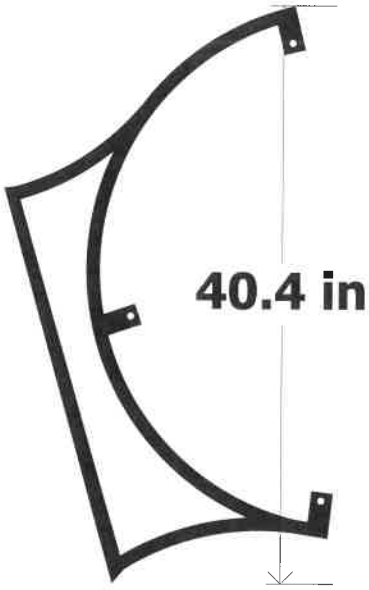
~~I hereby certify, under penalty of perjury,~~ that all the information provided on this application is true and correct.

Applicant Signature Julia Rose Date 2 / 3 / 2020

OFFICE USE ONLY		
Application Fee	**Payment Type**	**Review Authority**
$ 100.00	Cash ☐ Check ☒ # 2661	Administrative, Board of Zoning Appeals
Board of Zoning Appeals	Meeting Date 2 / 18 / 2020	Approved ☐ Denied ☐ Conditions ☐

Approved by VRB


Salon 4
Est. 2017
37.6 in
WE DELIVER
GARDINA'S
PIZZA
848-4361
109.7 in
Life ROARS through us
HEIDELBERG DISTRIBUTING CO.
FAMILY-OWNED & OPERATED
SINCE 1938
MY OTHER CAR
IS A CLYDESDALE.
165018



- **Sign bracket to be fabricated from 1"x 1.5" rectangular steel tubing.**
- **Mounting holes 16" on center.**
- **x8 3/8"x 4" lag bolt into Roof joist**
- **Sign to be mounted to bracket using x3 1/2" stainless steel through bolts/nuts**

Board of Zoning Appeals/Property Review Commission
Public Hearing Notice

Date	Time	Location
February 18, 2020	6:15 pm	Council Chambers 15 East Franklin Street, Bellbrook

The Bellbrook Board of Zoning Appeals/Property Review Commission will hold a public hearing on Variance Case for 16 E Franklin Street (Bellbrook OH). The public is invited to attend and speak at the hearing.

V20-01- This is a request by Julia Rose owner of Salon 4 for a projecting sign at 16 E Franklin Street, Bellbrook OH, 45305. Zoning code 18.20B(3)(b)(2) requires signs to clear the sidewalk by ten (10) feet. The Salon 4 sign will be located 9.1416 feet above the sidewalk.

Should any member of the public wish to give their input on the above case but are unable to attend, please feel free to send your input on the case to j.hansen@cityofbellbrook.org or by submitting a written letter to the Board of Zoning Appeals by mailing or dropping it off at 15 E Franklin Street, Bellbrook OH, 45305. Any input received in writing/email will be given to the board for their review.

PIGG FAYETTE	28 S EAST ST	BELLBROOK OH 45305
FEE WILLIS K JR & WILLIS K FEE SR	27 S MAIN ST	BELLBROOK OH 45305
BELLBROOK UNITED METHODIST CHU	21 S EAST ST	BELLBROOK OH 45305
CHMIELEWSKI KEVIN M & ELIZABETH A STYERS	20 S EAST ST	BELLBROOK OH 45305
SHECKLER STEWART H & DAWN R	24 S EAST ST	BELLBROOK OH 45305
HODSON BLAIR KELLY M	21 S MAIN ST	BELLBROOK OH 45305
BELLBROOK UNITED METHODIST CHURCH INC	55 E FRANKLIN ST	BELLBROOK OH 45305
BELLBROOK UNITED METHODIST CHURCH INC	47 E FRANKLIN ST	BELLBROOK OH 45305
BOARD OF TRUSTEES OF SUGARCREEK TOWNSHIP	33 E FRANKLIN ST	BELLBROOK OH 45305
DART GREG L	7 W FRANKLIN ST	BELLBROOK OH 45305
DI SALVO PETER A & PAULA J	15 W FRANKLIN ST	BELLBROOK OH 45305
HOLMES MICHAEL D & SANDRA L	54 RYDER CT	BELLBROOK OH 45305
HILL RICHARD A	25 N MAIN ST	BELLBROOK OH 45305
HILL RICHARD A	27 N MAIN ST	BELLBROOK OH 45305
RICHARDSON NATHAN & AIMEE	11 E WALNUT ST	BELLBROOK OH 45305
SKOK KIMBERLY E	34 E FRANKLIN ST	BELLBROOK OH 45305
VICTORIAN BELLBROOK LLC	26 E FRANKLIN ST	BELLBROOK OH 45305
THOMAS & GRUSHON INSURANCE AGENCY INC	22 E FRANKLIN ST	BELLBROOK OH 45305
RICH JAMES A	16 E FRANKLIN ST	BELLBROOK OH 45305
RICH JAMES A	18 E FRANKLIN ST	BELLBROOK OH 45305
BKM INVESTMENTS LLC	6 E FRANKLIN ST	BELLBROOK OH 45305
BKM INVESTMENTS LLC	8 E FRANKLIN ST	BELLBROOK OH 45305
HARTSTONE CAPITAL LLC	10 W FRANKLIN ST	BELLBROOK OH 45305
HARTSTONE CAPITAL LLC	6 W FRANKLIN ST	BELLBROOK OH 45305
VILLAGE OF BELLBROOK VILLAGE COUNCIL BUILDING	12 W FRANKLIN ST	BELLBROOK OH 45305
VICTORIAN BELLBROOK LLC	46 A E FRANKLIN ST	BELLBROOK OH 45305
VICTORIAN BELLBROOK LLC	46 B E FRANKLIN ST	BELLBROOK OH 45305
VICTORIAN BELLBROOK LLC	46 C E FRANKLIN ST	BELLBROOK OH 45305
VICTORIAN BELLBROOK LLC	46 1 E FRANKLIN ST	BELLBROOK OH 45305
VICTORIAN BELLBROOK LLC	46 2 E FRANKLIN ST	BELLBROOK OH 45305
VICTORIAN BELLBROOK LLC	15 N MAIN ST	BELLBROOK OH 45305
VICTORIAN BELLBROOK LLC	N MAIN ST	BELLBROOK OH 45305
VICTORIAN BELLBROOK LLC	21 N MAIN ST	BELLBROOK OH 45305
JAY GEE SPECIALTIES LLC	18 N MAIN ST	BELLBROOK OH 45305
JAY GEE SPECIALTIES LLC	22 N MAIN ST	BELLBROOK OH 45305
GLATZ INVESTMENTS	22 N EAST ST	BELLBROOK OH 45305
BROOKSIDE GARAGE LLC	43 N MAIN ST	BELLBROOK OH 45305
BE TEAM LLC	38 N MAIN ST	BELLBROOK OH 45305
DORN JOHN J JR & LYNNE G	22 S MAIN ST	BELLBROOK OH 45305
VILLAGE OF BELLBROOK	15 E FRANKLIN ST	BELLBROOK OH 45305
STOLLINGS BEATRICE LOUISE	15 S MAIN ST	BELLBROOK OH 45305
STOLLINGS BEATRICE LOUISE	13 1/2 S MAIN ST	BELLBROOK OH 45305
STOLLINGS BEATRICE LOUISE	13 S MAIN ST	BELLBROOK OH 45305
BROWN RICHARD L	9 E FRANKLIN ST	BELLBROOK OH 45305
BROWN RICHARD L	11 E FRANKLIN ST	BELLBROOK OH 45305
BROWN RICHARD L	7 E FRANKLIN ST	BELLBROOK OH 45305