



1368 Research Park Dr
Beavercreek, Ohio

BEAVERCREEK BOARD OF ZONING APPEALS
Regular Meeting - June 11, 2025, 6:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
A. May 14, 2025
- V. PUBLIC HEARINGS
A. V-25-2, Frank Rine, 2255 Whitey Marshall Drive
- VI. ADJOURNMENT

BEAVERCREEK BOARD OF ZONING APPEALS
REGULAR MEETING, May 14, 2025, 6:00 PM

PRESENT: Mr. Essman, Mr. Rader, Mr. Roach, Ms. Vest

ABSENT: None

Mr. Essman called the meeting to order followed by roll call.

REORGANIZATION

Chairman

Mr. Roach nominated Mr. Essman for chairman, seconded by Mr. Rader. There were no other nominations, so Mr. Essman was selected as chairman by majority voice vote.

Vice Chairman

Mr. Essman nominated Mr. Roach for vice chairman, seconded by Mr. Rader. There were no other nominations, so Mr. Essman was selected as vice chairman by majority voice vote.

APPROVAL OF AGENDA

Mr. Roach MOVED approval of the agenda, seconded by Ms. Vest. Motion PASSED by majority voice vote.

MINUTES

Mr. Roach MOVED approval of the December 11, 2024 minutes, seconded by Mr. Rader. Motion PASSED by majority voice vote.

PUBLIC HEARING

V-25-1, Patterson Park Church, 3655 E. Patterson Road

Clerk Gillaugh read the notice of public hearing on an application filed by Steve Robinson, 3655 E. Patterson Road, Beavercreek, OH 45430, requesting a variance from Chapter 158.148 (E)(1) to allow an electronic copy sign that exceeds the 50% per side of total sign. The applicant is also requesting a variance from Chapter 158.148 (E)(1) to exceed the maximum 24 inches height requirement for the electronic copy sign. Lastly, the applicant is requesting a variance from Chapter 158.150 (B)(4) to allow the ground sign to be taller than five feet in height. The property is located on the southwest corner of East Patterson Road and State Route 835 further described as Book 2, Page 16, Parcel 206 on the Greene County Property Tax Atlas.

Mr. Funk summarized the staff report, stating the applicant is requesting three variances pertaining to their ground sign. He discussed the location of the property, and showed a video of the property. Mr. Funk showed an aerial photo of the site and where the proposed sign would be located. He explained the property is zoned R-1A, and churches are permitted as a conditional use. Mr. Funk stated they can get the sign size and the number of signs approved through the conditional use process which is handled by Planning Commission. He discussed a conditional use case that was approved by Planning Commission in 2014 allowing them to have a six-foot tall sign. Mr. Funk explained they are requesting a variance to allow for a seven-foot tall sign, more than 50% electronic sign area, and for the electronic sign area to

be taller than two feet. He reviewed and gave his opinion of the Duncan Factors. Staff recommended denial of the three variance requests.

Mr. Essman questioned who had the authority over this, the Board of Zoning Appeals or Planning Commission. Mr. Funk stated Planning Commission and Council make the law, and the Board is looking to see if there is a practical difficulty that is not allowing the applicant to meet the Code requirements. Counsel McHugh explained an application for three variances were filed, one of which can be addressed by the conditional use process through Planning Commission. Mr. Essman asked if they had the authority to grant the height variance. Counsel McHugh stated they could grant it.

Mr. Roach referred to the Duncan vs Middlefield case, and said it is a Supreme Court case that says what the criteria has to be in order to grant variances. Mr. Funk stated that is correct, and referred to the seven criteria in the chart he presented. Mr. Roach stated those get codified and the City's is Chapter 158.172. He referenced one of the ways Mr. Funk said to alleviate this was to move the sign closer to one of the roadways, and questioned how he determined that when the applicant wants to make certain the sign is visible from both roadways. Mr. Funk stated they could request the size and height from Planning Commission and could ask for additional signage if they needed it.

Steve Robinson, applicant, stated the goal of the sign is about providing information that is easily viewable from a longer distance. He said they want to make sure their sign is readable and the information provided is safe for people driving the 50 mph speed limit. Mr. Robinson explained he has looked at a number of churches and businesses in Beavercreek, and most of their signs are closer to the roadway. He discussed how the sign is further back from the roadway, but it is also located in a swale so the proposed taller sign would have no negative impact to the neighbors. Mr. Robinson stated the sign does not just display their church name, but a lot of community activities that they do. He said their church size is relatively small compared to the size of their church property. Mr. Robinson discussed the surrounding zoning district, and said the sign will not cause any negative impact.

Mr. Robinson felt the 24-inch height restriction was very restrictive and in his opinion was outdated. He explained he looked at several surrounding jurisdiction's requirements, and none have a total height requirement for the electronic sign portion. Mr. Robinson stated if the City does move forward with modifying the Code, he would like to see that modified for taken out. He referenced Chapter 158.148 (E)(1), and said when he drove around the City he saw numerous church signs that were larger than what the Code allowed. He reviewed and showed photos of other ground signs that exceed the Code requirements. Mr. Roach questioned if the properties he was discussing was in R-1A Districts as well. Mr. Robinson said he did not have that information.

Mr. Robinson referenced the Duncan Standards, and questioned if they have to meet all seven in order to be approved for a variance. Counsel McHugh said they do not. Mr. Robinson went through the standards, and gave his opinion on several of them.

Mr. Roach asked if the sign that was existing was what was approved through Planning Commission. Mr. Robinson showed the existing sign colored rendering of the sign, and said the 78-inch height was from the foundation to the top of the sign. He said the sign height is really six-foot height, and the proposed sign colored rendering and said it is only 6-inches higher. Mr. Roach asked if there was reason they decided to go through this process instead of going for a conditional use application. Mr. Robinson explained he was not part of the previous conditional use application. Mr. Roach questioned if there was a reason that was not a solution they would be looking to here in light of some of the obstacles the Board has. Mr. Robinson said the main interest is to get a three foot high digital sign, and the conditional use case would look only at total sign height. Mr. Funk explained Planning Commission through a conditional use process can increase the number of signs allowed and the size of the sign. He said the request for the additional percentage and the height have to come before the Board as a variance and cannot be done through conditional use approval.

Mr. Roach questioned if staff knew if any of the additional properties' signs were in an equivalent zoning district. Mr. Funk said he was not sure, but believed they were probably in different zoning districts. Mr. Funk stated if the applicant thought there needed to be a change in the code, there is a process that is done and it is not through the Board.

Mr. Robinson said they were flexible with the overall height of the sign, and could go through the conditional use process but they felt it was easier to put it in one package.

In public input, Noel Burke, attendee of the church, stated when their existing sign was installed his wife made a comment that the sign could not be read from the street. He explained the mission of the church is not to communicate with just the congregation, but to reach the community for various reasons. Mr. Burke said they are doing their best to provide different forms of communication to the community as they can, and the existing sign is not adequate to the people driving by who don't attend the church. He discussed one of the Duncan criteria, and disagreed with staff's analysis because their intent for the sign is another method for them to be able to communicate with the community. Mr. Burke felt there was adequate precedence in the community with large digital signs, and believed what they are requesting was reasonable. He said if they had to move the sign it would be very costly. Mr. Burke stated they are trying to be good stewards of the funds that they do have with what the congregation provides, and they don't want to scrap the existing sign because it is very nice other than it is hard to read.

Chris Simons stated any project that Patterson Park Church does they take into consideration the neighborhood. He said they like to keep the property nice, and be friends with the neighbors. Mr. Simons explained they would like a sign to communicate to the local community with the purpose of a global impact. He felt like the process to change the code would be a fairly lengthy process. Mr. Simons said they could build another sign, but they could feed a lot of mouths for a year for what it would cost for a new sign. He explained they would much rather stick with their mission than have to install another sign.

Denise Simons, Operations Administrator, said one of the things she is in charge of is communication to the church and the community. She explained they have a graphic designer that has worked with them for about 17 years and the preferred way of communicating on a digital sign is a 16 by 9 ratio, which is the size of a 3 foot by 5 foot sign. Ms. Simons stated they are trying to achieve graphics and information on their sign that is safely readable to a person driving down the road. She discussed the cost of the sign, and that their site is 13 acres. Ms. Simons felt they are good neighbors to the community, and talked about several ministries they provide that they would like to advertise on the proposed sign.

There being no further public input, the public hearing was closed.

Mr. Rader questioned with the new LED technology and if they put the digital section of the sign a little higher up that may address those concerns that they are trying to address by making the electronic sign bigger. Ms. Simons stated they would like to keep it in the same footprint in order to reduce the cost. She discussed what the new LED technology would provide and the benefits. Ms. Simons explained she cannot get graphics large enough for people to see them driving by at 50 mph from that distance on the size of the Code allows.

Mr. Essman questioned if they were keeping the stone and just replacing the interior part. Ms. Simons said yes.

Ms. Vest asked if they could find out if the other church signs presented to them were R-1A zoning. Mr. Funk said they could, but it was not directly relevant to this case because a variance is site specific. He stated cost is not necessarily a factor when considering a variance. Mr. Funk explained the City appreciates everything Patterson Park Church does for the community, and they see them as an asset to the community, but they have to apply the law equably across the board. He stated if they feel there needs to be a change to the code then there is a process to do that. Mr. Funk said their site is large, but that portion of the sign code is not based upon how large a lot is.

Mr. Roach wanted them to understand he respected their presentation, and he wished he could come along with them and grant this for them. He said the problem that he faced is he has the law that was given to him, and he cannot ignore it because he is not in control of how large signs can be. Mr. Roach stated he has constraints on the standards, and he has to make those things fit a record where those can be defended. He explained there was nothing about this that was not palatable to him, but in order for him to get them there he would have to do something inappropriate.

Mr. Rader said staff had mentioned some reconsiderations to the code they are making, and questioned if the citizens had an opportunity to discuss something like this in those meetings. Mr. Funk stated the City is in the process of redoing the zoning code, and there would be some public meetings and public hearings. Counsel McHugh discussed the process of the public hearings. Mr. Funk said the discussions are going on now, and he believed the first public meeting is June 3rd.

BEAVERCREEK BOARD OF ZONING APPEALS, 5/14/25

Mr. Roach MOVED to deny the variance based on the criteria in Chapter 158.172 (H)(5)(a) not being met, seconded by Mr. Rader. Motion PASSED by a roll call vote of 4-0.

ADJOURNMENT

Mr. Rader MOVED adjournment at 7:06 p.m., seconded by Mr. Roach. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk



Beavercreek

PLANNING & DEVELOPMENT

1368 Research Park Drive, Beavercreek, Ohio, 45432

BOARD OF ZONING APPEALS STAFF REPORT

CASE: V-25-2

DATE: June 4, 2025

APPLICANT: Frank Rine
P.O. Box 164
Alpha, Ohio 45301

NATURE OF REQUEST:

The applicant is requesting a variance from §158.043 (E)(2) to allow an access platform to be constructed in the required side yard setback on the northeast side of the building.

FINDINGS:

1. The property under discussion is an interior lot located at 2255 Whitey Marshall Drive.
2. The property has a zoning designation of I-1, Light Industrial District.
3. The property does not have any road frontage and is accessed by an easement off Whitey Marshall Drive.
4. Since the parcel does not have any frontage, structures would need to meet the side yard setback requirements.
5. The existing building is legally non-conforming and does not meet current building setbacks for I-1 parcels.
6. The building is located in the floodplain.
7. An electrical service is being added to the building.
8. Greene County Building Regulation is requiring the electric meter for the electric service to be located approximately 11 feet above the ground due to the potential for flooding. Additionally, an access platform is being required to access the meter due to the height the meter is above the ground.
9. Zoning Code Section 158.043 (E)(2) states that "The required side yard shall be 20 feet, except in the case where the side yard abuts a residential district, the building and uses shall be set back a minimum of 100 feet."
10. The non-conforming building encroaches approximately 7 feet into the required side yard and the proposed access platform will encroach an additional 5 feet.

DISCUSSION:

The property being discussed is an interior lot located off of Whitey Marshall Drive. It is surround by parcels in the township to the northwest, another industrially zoned parcel to the southwest and residentially zoned parcels to the southeast and a parcels owned by the City of Beavercreek to the northeast.

The applicant is having a new electric service installed because the electricity previously powering the building was being provided from an adjacent house that is owned by another party. Additionally, the entire property, including the building, is located within the FEMA Floodplain so Greene County Building Regulation is requiring the electric meter to be installed approximately 11 feet above the ground to prevent the electric meter from being negatively impacted in the event that the parcel is subjected to flooding. To safely access the electric meter, the Greene County Building Regulation is also requiring a 5-foot-deep access platform be constructed so that any maintenance activity involving the electric meter can be done safely.

Since the existing building is located within the required setback, the proposed access platform will encroach an additional 5 feet further into the setback area. Without the granting of the variance, the applicant will not be able to have the access platform constructed and consequently, prevent electric service into the building.

The applicant is requesting a variance from §158043 (E)(2) to allow the proposed access platform to be constructed in the required side yard on the northeast side of the building.

Staff has reviewed the variance request and is providing the following analysis as it pertains to the approval criteria.

Per §158.172 (H)(5)(a), the factors to be considered when determining whether a property owner has encountered practical difficulties in the use of his or her property include, but are not limited to the following:

<i>Criteria</i>	<i>Staff Analysis</i>
1. <i>Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.</i>	Satisfied The denial of the variance requests would prevent the applicant from obtaining electrical service into the building which would significantly impact his ability to yield a reasonable return and potentially deny the beneficial use of the building and property.
2. <i>Whether the variance is substantial.</i>	Not Satisfied The request is substantial. Between the building and access platform combined will encroach approximately 12 feet into the required side yard. The applicant's access platform will be located approximately 8 feet from the northeastern property line. The adjoining parcel to the northeast is a vacant lot owned by the City of Beavercreek.
3. <i>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.</i>	Satisfied Staff does not feel that the essential character of the neighborhood would be substantially altered or that adjoining properties would suffer a substantial detriment as a result of the variance. The existing building is already legally non-conforming and the addition of a 5-foot-deep

	platform on the northeast side of the building would not substantially alter the character of the neighborhood.
4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage).	Satisfied The granting of the variances would not adversely affect the delivery of governmental services.
5. Whether the property owner purchased the property with knowledge of the zoning restriction(s) in place at the time he or she purchased the property.	Satisfied The applicant was not aware of the zoning code requirements or even the need for the access platform until he was informed by Greene County Building Regulation that the electric meter needed to be significantly elevated due to the potential for flooding.
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.	Satisfied Due to the unique circumstances surrounding the property, building and electric meter location, staff does not feel that there is a feasible alternative to the applicant's predicament. The access platform is being required by Greene County Building Regulation.
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.	Satisfied While the spirit and intent of the zoning requirements will not be met due to the close proximity of the access platform to the property line, staff feels that there would be substantial justice served by granting the variance.

Staff finds that the strict application of §158.043 (E)(2) does result in a practical difficulty, not economic in nature, and does adequately satisfy the requirements for approval per §158.172 (H)(5)(a) of the City of Beavercreek Zoning Code.

RECOMMENDATION:

Staff recommends that the Board of Zoning Appeals find that:

1. The reasons set forth in the application are valid and do justify the granting of the requested variance, and
2. The variance proposal is in accord with §158.172 (H)(5)(a).

Staff further recommends that the Board of Zoning Appeals adopt the attached resolution approving a variance from §158.043 (E)(2) to allow an access platform to be constructed in the required side yard setback on the northeast side of the building, as shown on the site plan dated May 14, 2025.

**RESOLUTION
BOARD OF ZONING APPEALS
CASE NO. V-25-2**

WHEREAS, Frank Rine has made application for a variance from the strict application of the requirements of the City of Beavercreek Zoning Code for the property located at 2255 Whitey Marshall Drive, Parcel ID: B42000600250006500, and

WHEREAS, the applicant is requesting a variance from §158.043 (E)(2) to allow an access platform to be constructed 5 feet into the required side yard setback on the northeast side of the building.

WHEREAS, a public hearing was held on June 11, 2025, at which time all persons were given opportunity to comment on the application; and

WHEREAS, the Board of Zoning Appeals finds that the reasons set forth in the application are valid and do justify the granting of the variance; and

WHEREAS, the Board of Zoning Appeals finds that Zoning Code Section 158.172 (H)(5)(a) has been satisfied.

NOW therefore the Board of Zoning Appeals orders that:

A variance from §158.043 (E)(2) to allow an access platform to be constructed 5 feet into the required side yard setback on the northeast side of the building, as shown on the site plan dated May 14, 2025, be approved.

Action by the Board of Zoning Appeals:

(Date)

Chairman

**CITY OF BEAVERCREEK
APPLICATION FOR VARIANCE**

Date 5-14-2025

Application No. V-25-2

Variance Address 2255 Whiskey Marshall

Name of Applicant Frank Rine

Applicant's Mailing Address PO Box 164 Alpha Ohio 45301

Applicant's Phone Number 937-900-1122

Applicant's Email Address FrankRine@GMail.com

Name of Contractor Frank Rine

Contractor's Address 67 Boenner Ave Dayton

Contractor's Phone Number 937-900-1122

1. Location Description:

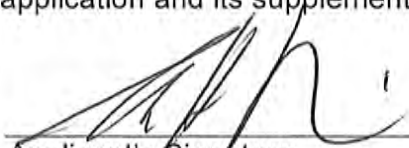
Subdivision Name _____ Section No. _____

Lot No. _____ Zoning District _____ Parcel ID B42000__00__00__00

2. Nature of Variance Request: Need to build Access platform
and Steps for Electric Meter Access
Per County Requirement

In addition, all items listed in the "Special Instructions to Applicant" must be submitted in order for this application to be processed.

I certify that the information contained in this application and its supplements are true and correct.


Applicant's Signature

FOR OFFICIAL USE ONLY

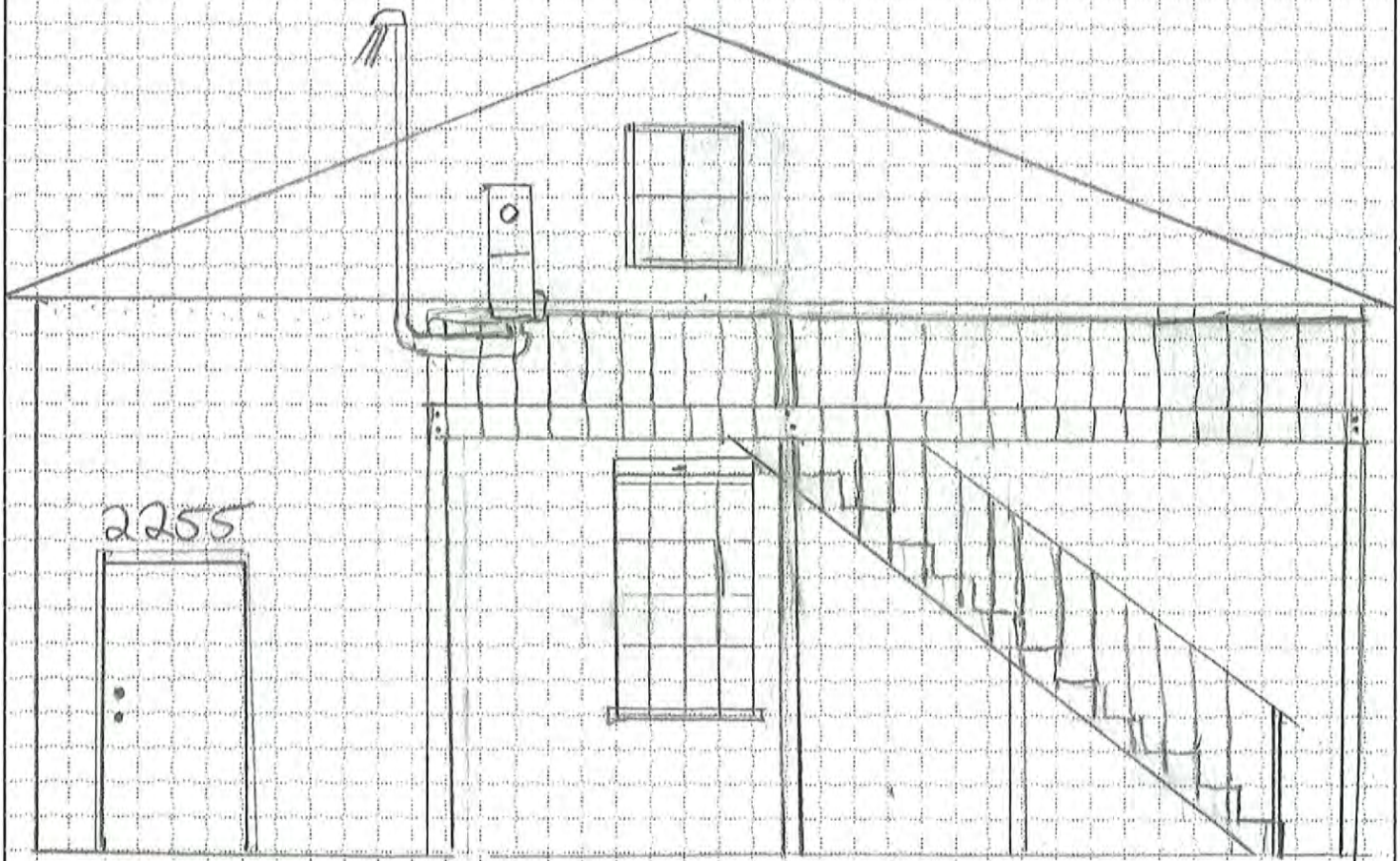
Date Filed _____

Fee Paid \$300.00

Received by _____

PROJECT 2255 WHITEY MARSHALL DATE 5-9-25

Access Plat+Form For Electric Meter



RECEIVED

MAY 14 2025

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

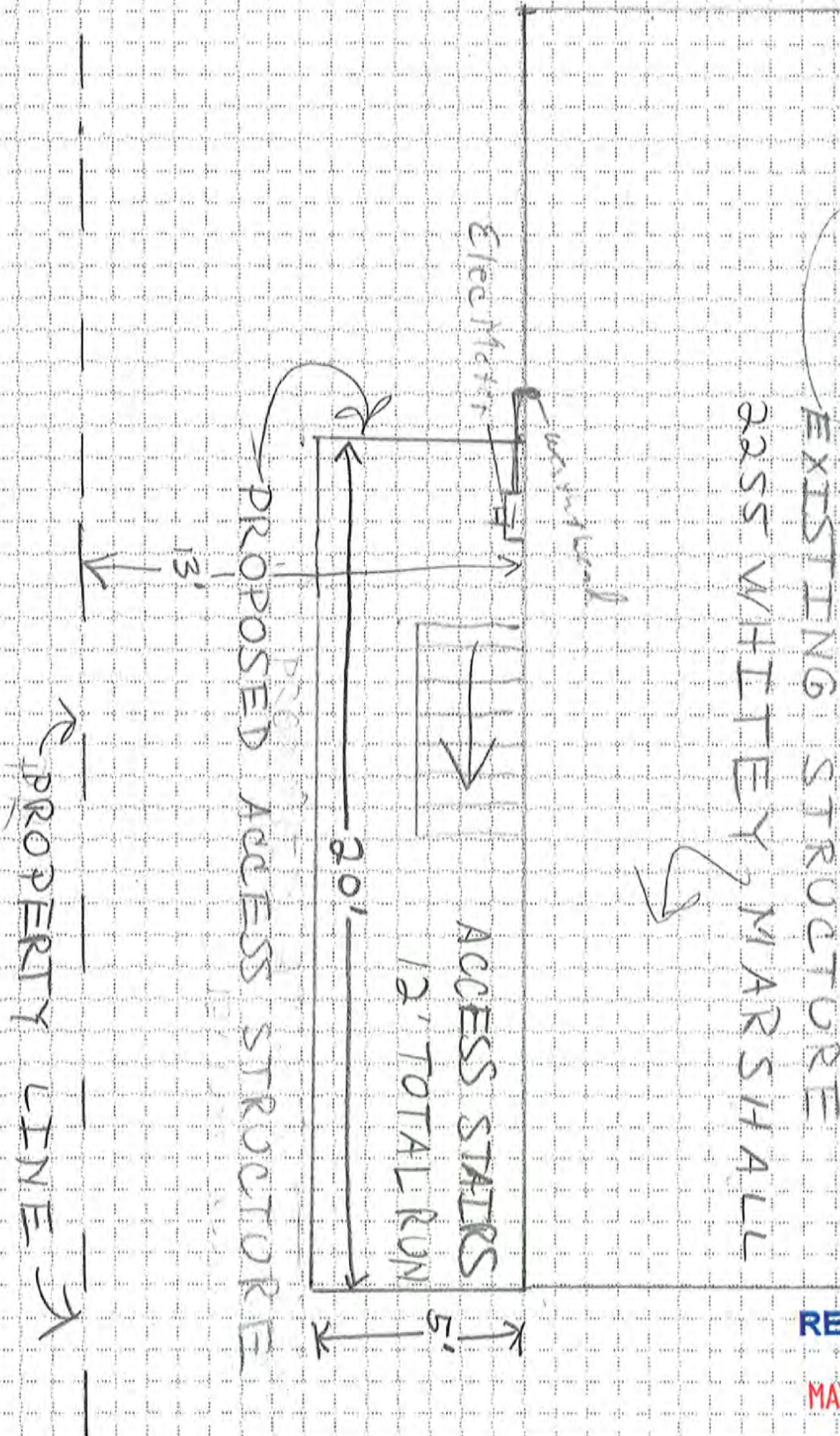
SCALE $\frac{1}{4}'' = 1'$

Distance From ground
bottom of Elec. Box 11'8"
Top of Elec. Box 14'6"

Height of Decking

Deck Dimension 5' X 20'

PROJECT ELECTRIC METER ACCESS DATE 5-2025



RECEIVED

MAY 14 2025

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

Rine LANDSCAPE, INC.
"Where Quality Is Measured One Yard At A Time"

P.O. Box 14721
Columbus, OH 43214
Phone: (614) 258-5400
Fax: (614) 258-5407



Greene County PAS

Geographic Information Management System

82.13

N38-53-0W 230.00

S-X20 Platform
w/ Steps
21'ce Meter

WHITEY MARSHALL DR

S72-39-0W
45.00

S72-39-0W
50.00

25' Easement

N68-40-55E 182.22



Alpha Performance

SSSS

54W 251.75

N75-47-0E 81.77

S41-53-26E 157.30

RECEIVED

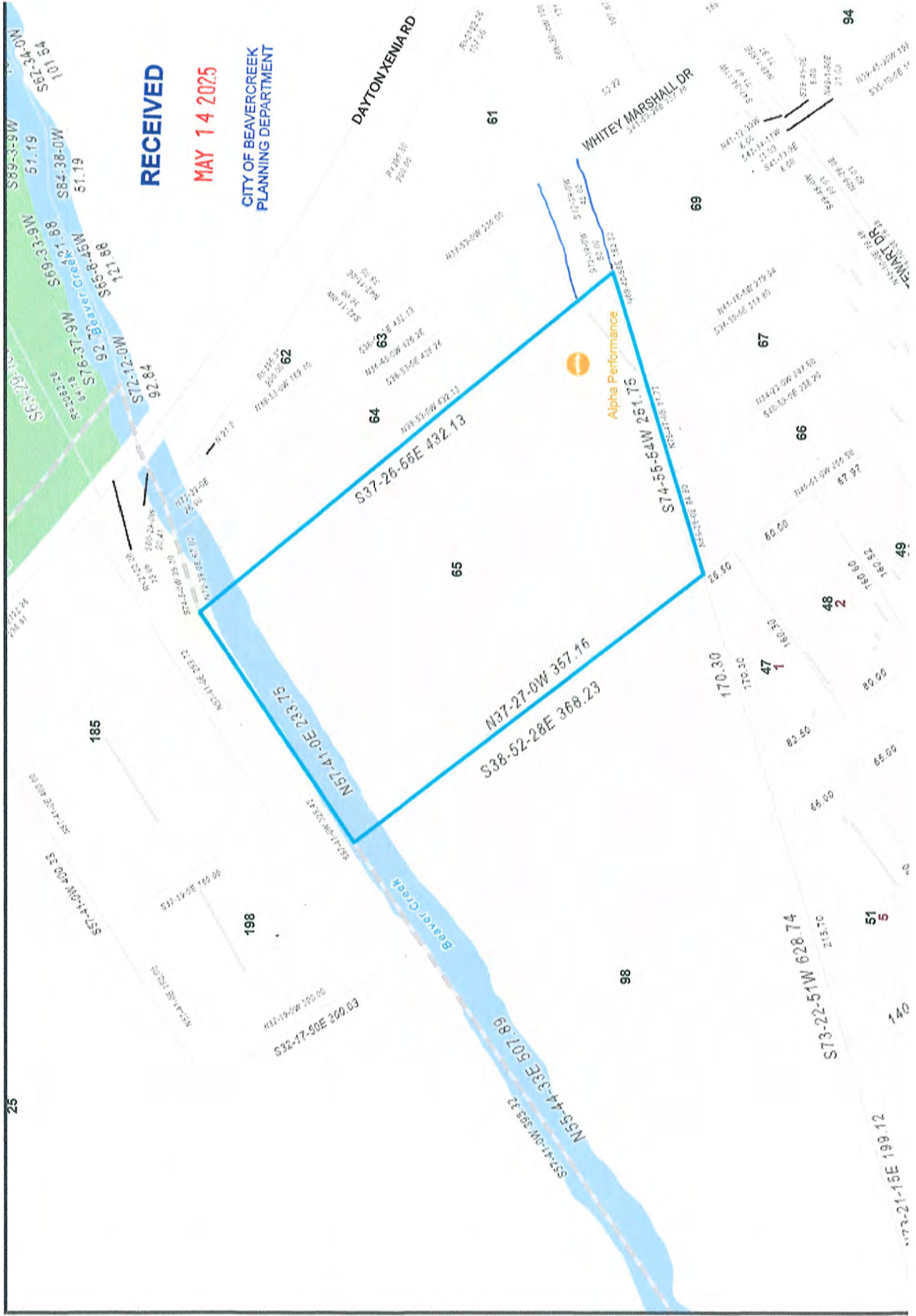
MAY 14 2025

CITY OF BEAVERCREEK
PLANNING DEPARTMENT



Greene County PAS

Geographic Information Management System



May 14, 2025

I own the property at 2255 Whitey Marshall Dr. and am applying for a Variance on my property for the purpose of building an access platform for my electric Meter.

The new electric meter was required to be installed approx 11' above Ground level per County Requirement. With the meter being that high, I am required to build a Platform 5' out from the building for meter access. I must also build a set of stairs to access the platform.

My building is 13' from the property line and with a 10' Setback from the property line, my Structure will encroach 2' into the Setback. I need this variance in order to construct this platform so the County will inspect and approve the meter installation and only then will I be able to get electric to my building.

Thank you for your Consideration

Regards



Frank H Ring, owner 2255 Whitey Marshall Dr.

RECEIVED

MAY 14 2025