

**VILLAGE OF YELLOW SPRINGS
BOARD OF ZONING APPEALS
MINUTES**

In Council Chambers

April 28, 2004

Call to Order

Zoning Administrator/Planner Phil Hawkey asked that the Board appoint an interim chairperson due to the absence of standing chair Lee Huntington. The Board unanimously agreed to appoint Deborah Wilson.

Board of Zoning Appeals member Deborah Wilson called the meeting to order at 7:04 p.m.

Roll Call

Andrew Brouard, Ted Donnell, John Butz and Deborah Wilson were present. Lee Huntington was absent and Phil Hawkey Zoning Administrator/Planner was also present.

Public Hearing: Anne Bohlen-Watson, 136 E. Limestone Street. The property parcel is #F19000100090018300, in Residence District "C". Code references are Sections 1242.06(d) and 1278.02(a).

According to a memo from Hawkey Ms. Bohlen-Watson is requesting a variance to the minimum rear yard requirement for an accessory building on her residential lot. The plan shows a 10' x 12' shed 5 feet from the rear property line. The shed would normally be required to be placed 10' from the rear property line.

In answering a question posed by Donnell about easements or an alley vacation regarding this property, Hawkey reported that there was an alley shown on the map but the alley is not physically at the location.

Wilson asked if Bohlen-Watson would use the existing slab for the building and would she also retain the existing trees? Bohlen-Watson said yes.

The Village had no correspondence expressing any concern about the variance.

Brouard MOVED and Butz SECONDED a MOTION for approval of the variance to the rear yard requirement to 5 feet for Bohlen-Watson's property at 136 E. Limestone Street. The MOTION PASSED UNANIMOUSLY.

Public Hearing: Chen Dynasty, Inc, 126 Dayton Street. The property parcel is #F19000100110030600 and is owned by Lisa Mullen, CB Property Management LLC and is in the Central Business District. Code references are Sections 1242.06(e)(1)(E), 1256.08, 1268.02(b) AND 1268.08.

According to a memo for Hawkey Jackie Chen has requested a Special Exception to vary the parking regulations due to the change of the use of the property from Retail to Restaurant. No new parking spaces are proposed. 15 new off-street parking spaces would be required. This would be a food carryout business, however there is a plan for a change to a dine-in restaurant at some time in the future.

Hawkey reported that he had received correspondence from Bob Baldwin. Baldwin owns property adjacent to the proposed restaurant. Baldwin expressed concern on how this additional need for parking would impact The Dayton Street Gulch as well as the Gypsy Café. Baldwin indicated that he would be willing to financially contribute (\$10,000) to the development of a parking lot on Dayton Street or Corry Street.

Stephanie and Todd Kaelin co-owners of The Dayton Street Gulch expressed concern that the parking lot that is used for their customers will be used for the restaurant and their customers would have nowhere to park. Stephanie Kaelin stated that it is always nice to have new small businesses in the Village but parking is always the issue.

Mike Chlanda, owner of the Dairy Freeze on the corner of Walnut and Dayton Streets, was also concerned that his parking lot would be used for restaurant visitors. He suggested that all businesses be held to the same standard.

Don Beard owner of Peach's Grill stated that parking is always a question for businesses located in the central business district. He suggested that the parking issue should motivate the Village to address this problem. He reminded the Board that parking was also an issue during his expansion of Peach's Grill. He added that his parking lot is full even before his establishment is opened.

Ted Donnell added that the precedent for allowing this parking exception has already been set.

Lisa Mullen stated that, “parking has always been an issue and that is the way it is”. She added that all the tenants on that section of Dayton Street and Corry Street are affected by the parking. Many of the businesses have apartments above them and they are occupied.

Mullen agreed to allow for restaurant parking in the lot on her property at 100 Corry Street and further agreed to signage indicating such.

Butz suggested that it might not matter about the signage because Mullen’s lot is a private lot. He did suggest that private lot owners could place a sign that would state “no restaurant parking”. Butz added that most of the eateries in the central business district do not meet the parking requirements.

Donnell MOVED and Brouard SECONDED a MOTION to APPROVE the Special Exception request to the parking regulations for Chen’s Dynasty. The MOTION PASSED UNANIMOUSLY.

Minute from the March 24, 2004 meeting. Butz MOVED and Brouard SECONDED a motion to APPROVE the minutes as submitted. The MOTION PASSED UNANIMOUSLY.

Amending 1242.06(a)(2) Board of Appeals. The Clerk of Council Deborah Benning submitted language amending 1242.06(a)(2). She stated the new language would be in agreement with the Village’s new Records Retention Policy. Butz suggested an additional amendment. The amended language would now read:

1242.06 BOARD OF APPEALS.

(a) Appointment; Meetings; Quorum.

- (2) The Board shall keep minutes of its proceedings showing each action of the Board and the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The Board shall act by resolution. Barring unforeseen equipment failures, each hearing shall be ~~tape~~ recorded, and the ~~tape recording~~ shall be kept ~~for six months before erasure.~~ **permanently**. Minutes and the records of all official actions shall be filed with the Clerk of Council and kept as a public record.

Wilson MOVED and Butz SECONDED a MOTION recommending the amended language to Council. The MOTION PASSED UNANIMOUSLY.

Having no further business, Brouard MOVED and Donnell SECONDED a MOTION for ADJOURNMENT at 7:55 p.m.

Lee Huntington, Chairperson

Deborah Benning, Recorder

A full and complete set of these minutes is available for review electronically. These electronic records are kept permanently and can be requested by referencing the date of this Board of Zoning Appeal hearing.