

**YELLOW SPRINGS BOARD OF ZONING APPEALS  
MINUTES**

**In Council Chambers**

**January 7, 2004**

**CALL TO ORDER**

Chairperson Huntington called the meeting to order at 7:05 p.m.

**ROLL CALL**

Lee Huntington, John Butz, Ted Donnell, Debra Wilson and Andrew Brouard were present. The Zoning Administrator Phil Hawkey was also present.

**REVIEW OF AGENDA**

There were no changes to the agenda.

**OLD BUSINESS**

- 1. A request from Terry Lawson for a variance to the minimum lot size requirement to divide the property at 503 Dayton Street into 2 single-family building lots.** He requests approval to reduce each of the lots areas by up to 625 square feet (pending survey). Otherwise the minimum area would be 7,500 square feet per lot. The property, parcel F19000100020003000, is in Residence B. The Code reference; Sections 1250.02, 1242.06 (d) & 1266.06 (amended).

Hawkey explained that Lawson wanted to split the lot into two lots. He has entered into a contract to sell the lots to Home Inc. He further explained that there was a tax map discrepancy in the lot size that now diminishes the size of the existing lot. A survey has not been done. Lawson is request permission within a certain framework prior to the survey. Hawkey reviewed the application and stated that it is possible to have two homes built on the divided lot.

Hawkey explained that the discrepancy has the lot at two different sizes. He suggested the footage be altered so as not to into this problem later. He added that this was a common problem when the additional right-of-way was taken from Dayton St., which is not recorded with the deed.

Huntington explained that whom Lawson would sell the lots to is not relevant and would not be a consideration in the Board's decision. She added that it is her assumption that if the Board agrees to the split, Lawson could sell the lots to anyone.

Terry Lawson explained that the family agreed via a contract to sell the lots to Home Inc. He added that the family has been paying taxes based on the previous measurement of the land, which was 6864. He further added that his family has owned this land for over 100 years.

Ellen Hoover stated that she needed more information before making a decision. She asked if the houses would both face High St? There is a house located on the lot at the corner of Dayton St. and High St.

Marianne MacQueen Executive Director of Home Inc. explained that Home Inc. has decided to rehab the existing house and build a smaller home on the other lot that would face High St.

Ellen Hoover stated that she now had no objections.

Huntington asked if notices were sent to the neighbors. Hawkey stated that all the neighbors within 300' were sent notices.

Butz MOVED that the BZA grant the variance request with each lot being a minimum of up to 6500 square feet. Donnell asked if the 6500 sq feet still would work with the existing house? Hawkey stated yes. Donnell offered a SECOND. The roll was called. The MOTION PASSED UNANIMOUSLY.

- 2. Gerard Poortinga requests a Special Exception to the parking regulations to construct a new parking area at his proposed conditional use, a professional office (chiropractic) at 521 Dayton St.** The new parking area would be constructed 10 feet from the front property line and 3 feet from the side (west) property line. Otherwise the front setback would be 25 feet and the side setback would be 10 feet. The property, parcel F19000100024500, is in Residence B. Code reference, Sections 1272.05, 1268.02, 1250.03 & 1242.06 (e)(1)(E).

Hawkey explained the request added that the Planning Commission had held a public hearing December 8, 2003. The Commission approved the conditional use request subject to the screening, one practitioner and BZA approval of the setbacks regarding parking.

Huntington stated that nothing in the paperwork demonstrates that the owner of the property wants this. She added this it was unusual for a tenant to make such a request and not the property owner.

Gerard Poortinga explained that his partner owned the property. He further explained that this was a two-unit residence and one unit would be rented to Poortinga for his business. Poortinga and his partner live in the other unit. He added that he had spoken to his neighbors and that they had suggested a wood fence between the two properties. The fence has been constructed and additional landscaping.

Isabel Newman stated that she was concerned about the parking. Her property abuts this property in the rear and she wanted to be sure the parking would remain in the front of the property. She added she would have no objections since the parking has been designated for the front of 521 Dayton St.

Richard Zopf asked what was the reason for making a Special Exception? Was it the code restrictions or just the situation in general? Hawkey explained that the definition and the criteria in the code 1242.06 (e)(1)(E) require that this issue be dealt with under Special Exception.

Wilson asked if there would be any glare from the lights in the evening? Poortinga stated that in the winter the lights would be on until 7 p.m. two days per week. The light would be a standard pole light designed for yards. He added there would be no glare onto the street.

Zopf stated that the plan provides for parking space for 2 clients autos on the street. He added that there was no need to provide more. He further added that the neighborhood's integrity should not be compromised.

Huntington added that consideration for some of the handicapped clients would justify parking adjacent to the business. Poortinga explained that although he does have handicapped clients, there is no obligation for handicapped parking spaces. Huntington suggested that it would be safer for handicapped clients to park on the property but parking with a 25' setback does not work for this property.

Ellen Hoover stated that she has spoken with Poortinga and the property owner. She added that there are many home occupations in this area. She had no objections.

Donnell MOVED and Butz SECONDED a MOTION for APPROVAL to grant the Special Exception for parking as presented. An amendment was added to include the drawings to show the screening, fence, lights and sign and that the property owner signs the necessary paperwork. The roll was called. The MOTION PASSED UNANIMOUSLY.

#### **SCHEDULING OF MEETINGS**

Hawkey suggested that the BZA schedule regular hearing times and dates. This would help facilitate regularity for the Board as well as petitioners. The Board agreed to schedule the hearings for the second Wednesday of each month. Huntington suggested that a notice be placed in the YS News

announcing the dates and time. The filing date would be two weeks prior to the hearing. This would also allow for enough time to notify the neighbors.

**ELECTION OF THE CHAIR**

Butz MOVED and Donnell SECONDED a MOTION to nominate Lee Huntington as Chairperson to the Board of Zoning Appeals. The MOTION PASSED UNANIMOUSLY.

**OTHER**

Huntington requested that the minutes should be emailed to the members thirty days after the hearing. She also expressed concern that the minutes from the March 2003 hearing did not adequately stated all the information that was exchanged at the hearing. She added that the hearing was a very difficult one and more information should be included. The Board agreed not to review the minutes from that hearing until after a further review from the Clerk. Huntington also requested copies of minutes from Planning Commission.

**ADJOURNMENT**

The Board agreed by consensus to adjourn at 8:05 p.m.

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Lee Huntington, Chairperson

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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.**