

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

**IN COUNCIL CHAMBERS**

**June 2, 2004**

**CALL TO ORDER**

Chairperson Lee Huntington called the meeting to order at 7:06 p.m.

**ROLL CALL**

Lee Huntington, Andrew Brouard, Deborah Wilson and John Butz were present. Ted Donnell was absent from the meeting. Zoning Administrator/Planner Phil Hawkey and Planning Assistant Ed Amrhein were also present.

**PUBLIC HEARING**

Andrew & Elizabeth Holyoke request a variance to the accessory building regulations to build a detached garage 12.5 feet from the High Street property line and 5 feet from the rear (north) property line at 301 W. North College Street. Otherwise the garage would need to be 25 feet from the High Street property line and 10 feet from the rear line. The property, parts of parcels F1900010004000-7900, -8000 & -8100, is in a Residence B District. Code reference - Sections 1242.06 (d), 1250.02, 1278.02 (a) and 1278.03 (b). The garage is part of a lot development plan that also includes a single-family dwelling.

Andy Holyoke explained that is other request for a variance to the accessory building regulations for 307 West North College Street has been withdrawn.

Hawkey explained that he denied Holyoke's request because it did not comply with the rear yard setback for an accessory building. He added that there had been new legislation (#2004-12) passed regarding nonconforming structures. Hawkey distributed the newer version of legislation. Hawkey added that he was not advocating approval, however, it is allowable with a variance.

Huntington suggested it would not be difficult to bring the structure into compliance. She also suggested that the request of the 5' from the rear property line could be granted but expressed concerns about it being too close to High St.

Hawkey explained that the proposed property lines are not actually set. There are 3-1/2 lots within this area.

Butz suggested and then MOVED to grant variance for accessory building to be 5' from the rear property line and deny the 12.5' from the High Street property line. After a brief discussion, Butz withdrew his motion.

Brouard MOVED that Part (1) the variance request for the accessory building of 5' from rear of the property line be granted and Part (2) approval for the garage placement measuring from the sidewalk, which is 22-1/2' from the property line.

The roll was called on the Part 1 of the MOTION:

Butz – Yes; Brouard-Yes; Wilson-Yes; Huntington-Yes

Part 1 of the MOTION PASSED UNANIMOUSLY.

The roll was called on Part 2 of the MOTION:

Butz-No; Brouard-Yes; Wilson-Yes; Huntington-No

Part 2 of the MOTION was a split vote, which is a negative vote.

**REVIEW OF THE MINUTES**

Minutes from April 28, 2004: Butz MOVED and Brouard SECONDED MOTION for APPROVAL of the minutes as submitted.

**ADDITIONAL BUSINESS**

Hawkey would a copy of his memo to Planning Commission regarding amendments to the housing code in the next BZA packet.

The next scheduled hearing for the BZA would be June 16, 2004.

The BZA briefly discussed procedural methods and governance, which included quorums, meeting times and number of members.

**ADJOURNMENT**

By consensus, the BZA agreed to adjourn at 7:55 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.**