

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

**IN COUNCIL CHAMBERS**

**October 6, 2004**

**CALL TO ORDER**

Chair Lee Huntington called the meeting to order at 7:09p.m.

**ROLL CALL**

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

**PUBLIC HEARING:**

Kent D. Bristol and Catherine Nancy Noonan request a variance to the structure setback regulations to build a 16-foot by 16-foot deck at the rear of their home at 114 South Walnut Street. The structure is planned to be at the level of the rear entry threshold of the house, and at the side lot line adjacent to the alley. Otherwise any structures or additions to structures in this zoning district must have a five-foot setback from the side lot line. The property, parcel F19000100100007300, is in zoning district Residence "C". Code reference is Chapter 1250.02

Hawkey explained that the 5' setback requirement would apply in this case to the side yard and the 16-foot by 16-foot deck would abut the alley that runs along the side of the property thus making the setback requirement impossible. The deck would be constructed at the rear entrance of the house and be located on the lot line adjacent to the alley. He added that there could be an exception granted under the supplemental regulations for patios.

Huntington asked that could a subsequent owner have the right to build on this new footprint? Hawkey explained that a condition could be included in the motion to address this issue.

Donnell asked was a building permit still required? Hawkey answered yes.

Bristol explained that he would have a contractor remove the existing fence, build a deck part of which would replace a short section of the existing patio that is in disrepair. He added that the new section would be constructed in such a way to give him handicap access into his home.

The Board briefly discussed the terms deck and patio as it relates to the code.

Butz asked if the alley was 15'? Hawkey answered yes.

Butz MOVED and Wilson SECONDED a MOTION to grant the variance as a "deck" as requested by the applicant in his original request.

Hawkey then reviewed the six primary points of the BZA application.

The roll was called. The MOTION PASSED UNANIMOUSLY.

John Butz, Yes Lee Huntington, Yes Andrew Brouard, Yes  
Deborah Wilson, Yes Ted Donnell, Yes

**REVIEW OF MINUTES**

Minutes from June 18, 2004- The Board agreed by consensus to approve the minutes as amended.

**ADDITIONAL BUSINESS**

Hawkey reported that there was no update regarding the Rahim hearing, which was held in June.

Hawkey also informed the Board that there could be a BZA hearing regarding property owned by Board member Donnell. Hawkey asked that Board members refrain from any discussions with Donnell about this issue. Donnell volunteered to recuse himself from the hearing.

**ADJOURNMENT**

Having no further business, Butz MOVED and Donnell SECONDED a MOTION to ADJOURN. The MOTION PASSED UNANIMOUSLY at 7:30 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.**

