

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

**Virtual Meeting @ 6:00 P.M.**

**Wednesday, June 30, 2021**

**CALL TO ORDER**

The meeting was called to order at 6:00 p.m. by Anthony Salmonson, Acting Chair.

**ROLL CALL**

Anthony Salmonson, Acting Chair, members Matt Raska and Scott Osterholm were present. Zoning Administrator for the Village, Denise Swinger, was present. Solicitor Breanne Parcels was also present.

**REVIEW OF MINUTES**

Minutes for BZA Meeting of May 19, 2021 were reviewed. Salmonson MOVED and Osterholm SECONDED a MOTION TO ADOPT THE MINUTES AS WRITTEN. The MOTION PASSED 3-0 on a ROLL CALL VOTE.

**COMMUNICATIONS**

There were no communications.

**REVIEW OF AGENDA**

There were no changes made.

**PUBLIC HEARINGS**

- 1) Variance Request**– R-B, Moderate Density Residential District – 402 N. Winter Street. Jill Pauley has submitted an application for a variance seeking relief from Chapter 1260.02 (a) (2) front yard setback for a garage. **Greene County Parcel ID #F19000100110013600.**

Jill Pauley received Planning Commission approval for a garage/Accessory Dwelling Unit (ADU) with the condition that the applicant orient the garage door towards North Winter Street and seek a variance from the BZA to do so. This variance is to the setback requirement for driveways (Exhibit A). Her original plan met the setback requirements. However, in order to meet the Planning Commission’s condition to allow for a larger setback than five feet from the western side yard property line (the neighbors’ request), she is orienting the ADU facing east.

The proposed driveway length is 12-feet, which is a setback variance of 8-feet for the driveway. The entrance to the property will be 22-feet, allowing for a 34-foot driveway to the edge of the street. Swinger noted that there is a good amount of frontage on Winter Street, and there is no off street parking currently.

An accessory structure cannot be located in the front yard and its location is determined by the site of the primary dwelling. In this case, the garage/ADU will not be located in front of the primary dwelling and is subject to only the setback requirements for rear and side yard lot lines.

Matt Raska asked what type of plantings are planned for storm water mitigation.

Swinger responded that these will be submitted to her by the applicant.

Parcels added that BZA members can consider materials submitted to the Planning Commission if the material is related to the zoning request.

Jill Pauley commented that the variance request is in response to the desire of neighbors to the north and west of her property to allow more space between their properties and the proposed ADU/garage.

Salmonson determined that there are not letters on file regarding the request.

Salmonson OPENED THE PUBLIC HEARING. There being no comment, Salmonson CLOSED THE PUBLIC HEARING.

The Clerk read the Duncan Standards as follows, calling roll on each standard:

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance; Salmonson: Y; Osterholm: Y; Raska: Y;
- (2) Whether the variance is substantial; Salmonson: N; Osterholm: Y; Raska: N;
- (3) 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; Salmonson: N; Osterholm: N; Raska: N;
- (4) Whether the variance would adversely affect the delivery of governmental services such as water distribution, sanitary sewer collection, electric distribution, storm water collection, or refuse collection; Salmonson: N; Osterholm: Y; Raska: N; (Salmonson received confirmation that the Public Works Director has no issue with the proposed variance).
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Salmonson: Y; Osterholm: N; Raska: Y;
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; Salmonson: Y; Osterholm: Y; Raska: Y;
- (7) Whether the existing conditions from which a variance is being sought were self-created; Salmonson: Y; Osterholm: Y; Raska: Y;
- (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Salmonson: Y; Osterholm: Y; Raska: Y;

Raska MOVED TO APPROVE THE VARIANCE AS REQUESTED. Osterholm SECONDED, and the MOTION PASSED 3-0 ON A ROLL CALL VOTE.

**AGENDA PLANNING**

Swinger noted that 213 North Winter Street may be ready to request a variance in August if their use is approved by Planning Commission on July 13<sup>th</sup>.

Swinger stated that 314 Dayton Street and 108 Cliff Street will also require variances, and will first need to receive permission for their uses at the Planning Commission meeting on July 13<sup>th</sup>.

The Clerk noted that Council had passed a requirement for all Council and Board and Commission members to take ethics training, and she will be in contact with further information regarding access to the training.

**ADJOURNMENT**

There being no further business, Salmonson MOVED and Raska SECONDED a MOTION to adjourn. The MOTION PASSED 3-0 on a voice vote. Meeting ADJOURNED at 6:20 PM.

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Anthony Salmonson, Acting Chair

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Attest: Judy Kintner, Clerk