VILLAGE OF YELLOW SPRINGS BOARD OF ZONING APPEALS MEETING AGENDA

The Village of Yellow Springs Board of Zoning Appeals will convene virtually on Wednesday, July 6, 2022 at 6:00 PM.

We will broadcast the public hearing "live" via our Community Access cable station, which is simultaneously shown on the Village's "Community Access Yellow Springs" YouTube station. To join live to make a statement during the public hearing, contact the Council Clerk at: clerk@yso.com, or at 937-767-9126.

You may also express your views in writing by providing a copy to the Clerk of Council for inclusion in the record of the hearing. Please submit your letter by no later than **Thursday, June 9, 2022 for inclusion in the BZA packet: however, all letters received any time prior to the hearing will be provided to Board of Zoning Appeals members and the Zoning Administrator.** The application, as prepared by the petitioner, may be examined at the office of the Zoning Administrator on the 2nd floor of the Bryan Community Center, 100 Dayton Street, Yellow Springs, Ohio 45387 at any time during regular office hours or on the Village website at www.yso.com after **Friday, July 1, 2022.** Questions regarding the application, zoning code or procedures may be directed to the Zoning Administrator Denise Swinger, phone (937) 767-1702 or by email to dswinger@vil.yellowsprings.oh.us.

6:00 CALL TO ORDER

ROLL CALL

REVIEW OF AGENDA

COMMUNICATIONS

REVIEW OF MINUTES Review of Minutes for June 15, 2022.

PUBLIC HEARINGS

<u>Variance Request</u>– R-B, Moderate Density Residential District – 575 Wright Street. Property owners Mark and Andrea Paulos have submitted an application for a variance seeking relief from Table 1248.03(a) Dimensional Requirements: Residential Districts - regarding a setback for a principal structure per Chapter 1248 Residential Districts. Greene County Parcel ID # F19000100040002200

<u>Variance Request</u>– R-C, High Density Residential District – 314 Dayton Street. Max Crome, on behalf of Iron Table Holdings, has submitted an application for a variance seeking relief from the required height of a building addition and the required height of a radio tower – Table 1248.03a Dimensional Requirements: Residential Districts and Chapter 1260.02 (d) (2) Dimensional Provisions . Greene County Parcel ID #F19000100110000400

AGENDA PLANNING

ADJOURNMENT

VILLAGE OF YELLOW SPRINGS BOARD OF ZONING APPEALS MINUTES

Virtual Meeting @ 6:00 P.M.

Wednesday, June 15, 2022

CALL TO ORDER

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

ROLL CALL

Ellis Jacobs, Acting Chair, members Anthony Salmonson, Scott Osterholm (entered meeting at 6:06) and Matt Raska were present. Zoning Administrator for the Village, Denise Swinger, was present. Solicitor Breanne Parcels was also present.

COMMUNICATIONS

Matt Raska re: Zoning Zine Matt Raska re: Conservation of Gas

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes for BZA Meeting of February 16, 2022 were reviewed. Salmonson MOVED and Raska SECONDED a MOTION TO APPROVE THE MINUTES AS WRITTEN. The MOTION PASSED 3-0 on a ROLL CALL VOTE.

PUBLIC HEARINGS

Variance Request– R-B, Moderate Density Residential District – 380 West North College Street. Keith Gunderkline has submitted an application for a variance seeking relief from the required fence height – Chapter 1260.01 (a) (1) General Provisions. Greene County Parcel ID # F19000100050013500.

Keith and Molly Gunderkline have submitted a variance application seeking relief from the fence height requirement. The property is located at the corner of West North College and Green Street on three lots and a vacated alley for a total measurement of 13,125 sq. ft. The front of their house and driveway are on West North College Street and they would like to run a six-foot fence along the Green Street side, running to the front of their deck and covering a portion of it. This property has two front yards, but the fence is outside the clear vision triangle area.

Staff has included in the packet a modified site plan from the Gunderklines to show two additional areas where the fence is non-compliant due to the required height changes from side yard to front yard. The Gunderklines are asking for a two-foot variance in order to run a six-foot fence along the Green Street side of their property.

The area where the fence will be located does not have an effect on visibility for drivers traveling on West North College or Green Street as the fence will not block that northwest corner of the property. There are also no driveways on the east side of Green Street where drivers would be visually impacted by the fence's location if pulling out. The closest driveway on the east side of Green Street is one of several entrances to Hawthorne Apartments and is over 100-feet from the Gunderkline's southwest property line.

Swinger noted that the fence extends only up to the enclosed deck on the Gunderkline property.

Jacobs received confirmation that there is no fence on the College Street side of the property.

Gunderkline stated that the fence is to be located on the sides of the property that face the Hawthorne Apartments, and is meant to afford them greater property.

Salmonson received confirmation that the fence can be built right along the property line.

Swinger noted that any property owner who receives a fence permit to build along a property line signs an agreement assuring that if the Village requires access to the property for a utility matter that the Village is not liable for any repair of structures.

Salmonson inquired as to the type of fence proposed, and was told that it will be a solid style fence.

Gunderkline noted that there is 14 feet between the road and the fence.

Jacobs OPENED THE PUBLIC HEARING.

Jacobs inquired as to whether any neighbors had expressed objections and was told that none had, and that one neighbor had expressed support for the plan.

Jacobs CLOSED THE PUBLIC HEARING.

Salmonson MOVED TO APPROVE THE VARIANCE. Osterholm SECONDED.

Jacobs commented that front yard fence heights can have a profound effect on the feel of the town, and it is important that BZA be cognizant of this reality. Jacobs noted that this is not the case for the variance at hand, given that the fence height does not traverse into the side onto which the front door faces.

Jacobs noted the effect on the feel of a community that a front yard fence can have.

Gunderkline responded that if the fence were in fact across the front yard—the area faced by the front door of the house—it would be a different matter.

Swinger commented that corner lots have two front yards, and she would not recommend the variance if the fence were to be located in the "true" front of the house.

Parcels commented that one of the Duncan standards relates to the "essential character of the neighborhood", which she sees as being addressed by Jacobs' comments.

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

- 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; Jacobs: Y
- (2) Whether the variance is substantial; Salmonson: N; Osterholm: N; Raska: N; Jacobs: 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; Jacobs: 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: N; Raska: N; Jacobs: N
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Salmonson: Y; Osterholm: Y; Raska: Y; Jacobs: Y
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; Salmonson: Y; Osterholm: N; Raska: N; Jacobs: Y
- (7) Whether the existing conditions from which a variance is being sought were self-created; Salmonson: Y; Osterholm: Y; Raska: Y; Jacobs: Y
- (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Salmonson: N; Osterholm: Y; Raska: Y; Jacobs: Y

Raska MOVED TO APPROVE THE VARIANCE REQUEST AS PRESENTED. Salmonson SECONDED.

The Clerk CALLED THE VOTE ON THE MOTION and the MOTION PASSED 4-0 on a ROLL CALL VOTE.

AGENDA PLANNING

Jacobs noted Raska's contributions. Raska thanked a number of people for their collaboration on the Zines.

Swinger commented that there are two variance requests upcoming, and the group agreed to a July 6^{th} meeting to address these.

ADJOURNMENT

There being no further business, Osterholm MOVED and Raska SECONDED a MOTION to adjourn. The MOTION PASSED 4-0 on a voice vote. Meeting ADJOURNED at 6:28PM.

Ellis Jacobs, Acting Chair

Attest: Judy Kintner, Clerk



TO:Board of Zoning AppealsFROM:Denise Swinger, Zoning AdministratorMEETING DATE:Wednesday, July 6, 2022RE:BZA22-004 - re: Setback Variance

<u>Variance Request</u> – **R-B, Moderate Density Residential District** – 575 Wright Street. Property owners Mark and Andrea Paulos have submitted an application for a variance seeking relief from Table 1248.03(a) Dimensional Requirements: Residential Districts - regarding a setback for a principal structure per Chapter 1248 Residential Districts

Greene County Parcel ID # F19000100040002200

Notification Of Public Hearing – A public hearing notification was provided in accordance with the Village's zoning regulations including publication in the Yellow Springs News, mailed notice to abutting and adjacent neighbors of the property, and the posting of a sign on the property about the public hearing.

Background



575 Wright Street

The property at 575 Wright Street has two front yards. The owners plan to have the front entrance and garage facing Suncrest Drive where the property width is 68.72 feet. They are requesting a variance of five feet on the Wright Street side of the property (**Exhibit A**) leaving a 15-foot setback from the property line to the primary dwelling. On Wright Street from the property line to the road edge is an additional 12 to 13 feet of right-of-way. They will continue to have 20 feet for the front yard setback on Suncrest Drive (**Exhibit B**).

VARIANCE CRITERIA

1278.04 Variances

The Board's power to grant variances from the dimensional provisions of the zoning code, including by way of example, lot size, width, setbacks, parking requirements and height, shall be in harmony with the intent and purposes of the code, as provided below.

(a) Variance Standards. Variances from the terms of the code shall be granted only where the applicant shows that the strict application of a zoning requirement causes practical difficulties in the use of the property. The factors to be considered and weighed by the Board in determining whether a property owner has encountered practical difficulties in the use of the property include, but are not limited to:

- (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;
- (2) Whether the variance is substantial;
- (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;
- (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;
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- (7) Whether the existing conditions from which a variance is being sought were self-created; and
- (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

(b) The Board shall determine, after weighing the factors described above and any other factors the Board deems relevant, whether the property owner has shown practical difficulties so inequitable as to justify granting a variance to the property owner.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the 5' setback variance on the Wright Street side of the property.

If you have any questions, please feel free to call me at 767-1702 or email <u>dswinger@vil.yellowsprings.oh.us</u>.

Respectfully submitted,

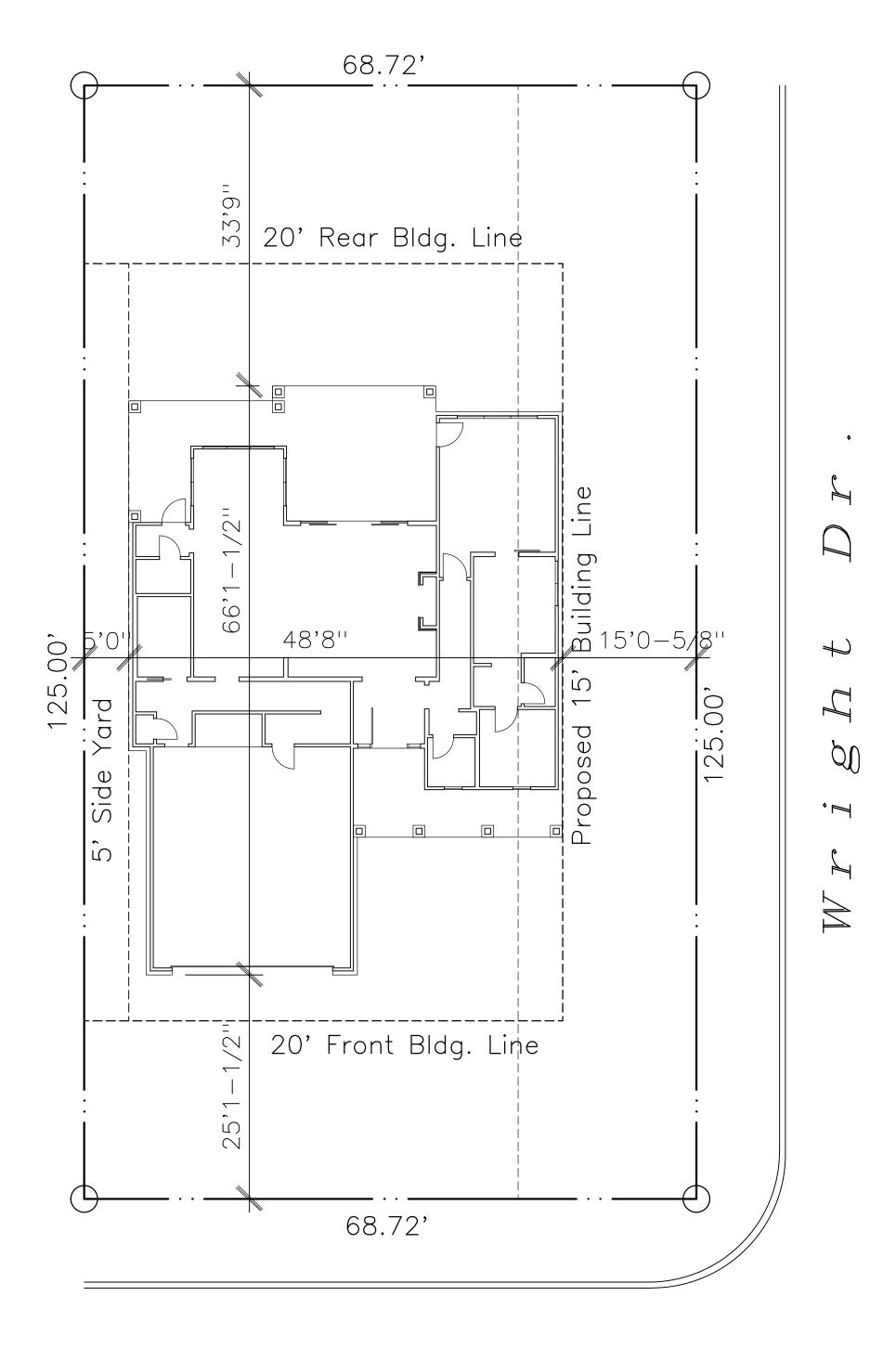
Denise Swinger Zoning Administrator

	EXHIBIT A	Planning & Zoning Department
Village of Yellow Springs	Board of Zoning Appeals Public Hearing Request: <u>Variance</u>	100 Dayton St, 2 nd Floor Yellow Springs, OH 45387 Office: (937) 767-1702 Fax: (937)767-3720
[FOR OFFICE USE ONLY] Case #: B2A22-004 Hearing Date: 7612022		
	Applicant Information	
Property Address: 545 Wrigh Property Owner: Mailing Address: 4000 Stone Applicant Name: 30 me as a Applicant Address:	Brooke Dr. Grapevine	Email: androspanlos@aol.com TX 1605 1 Email:
	Project Information	
I am requesting a variance on the dimen Description: 151 Scfbau	<u>sional requirement as outlined in (cite Zonin</u> KOFF OF SMS WC	ight A.
Dimensions of Project & Total measuren	nent of variance requested.	viance
variance, or exception from any other Village emain responsible for satisfying requirements	blication does not imply approval for any administ regulations which are not specifically the subject s of any easements or private restrictions or coven	ants affecting the property.
he revocation of any Zoning permit as detern	esponsible for inaccuracies in information I have p nined by the Village. I further certify that I am an end any statements made to me about the time requ nd that it may be necessary for the Village to requ ompanying documentation.	fired to process this application are general
I understand this application is a puble earings and that I am responsible for the cost	lic record and the property will be posted with sign of repair or replacement if such signage is dama	ged or removed by non-vinage personner.
I hereby certify under penalty of perju- pulication, drawings, and specifications are, t	ury that I am the applicant and the information a o the best of my knowledge, true and correct.	nd statements I have given on this
a service a service ser		Date:
	FOR OFFICE USE ONLY	

	FOR OFFICE USE ONLY		
Zoning Fee: \$ 100.00	Payment Type: Check Cash Card	Approved 🗆 Denied 🗆	
Other fees: \$	Zoning District:	Permit Number:	
	Renie Dura Zonny Adr		
Total \$ 100.00	Zoning Official Name and Title	Date	

a

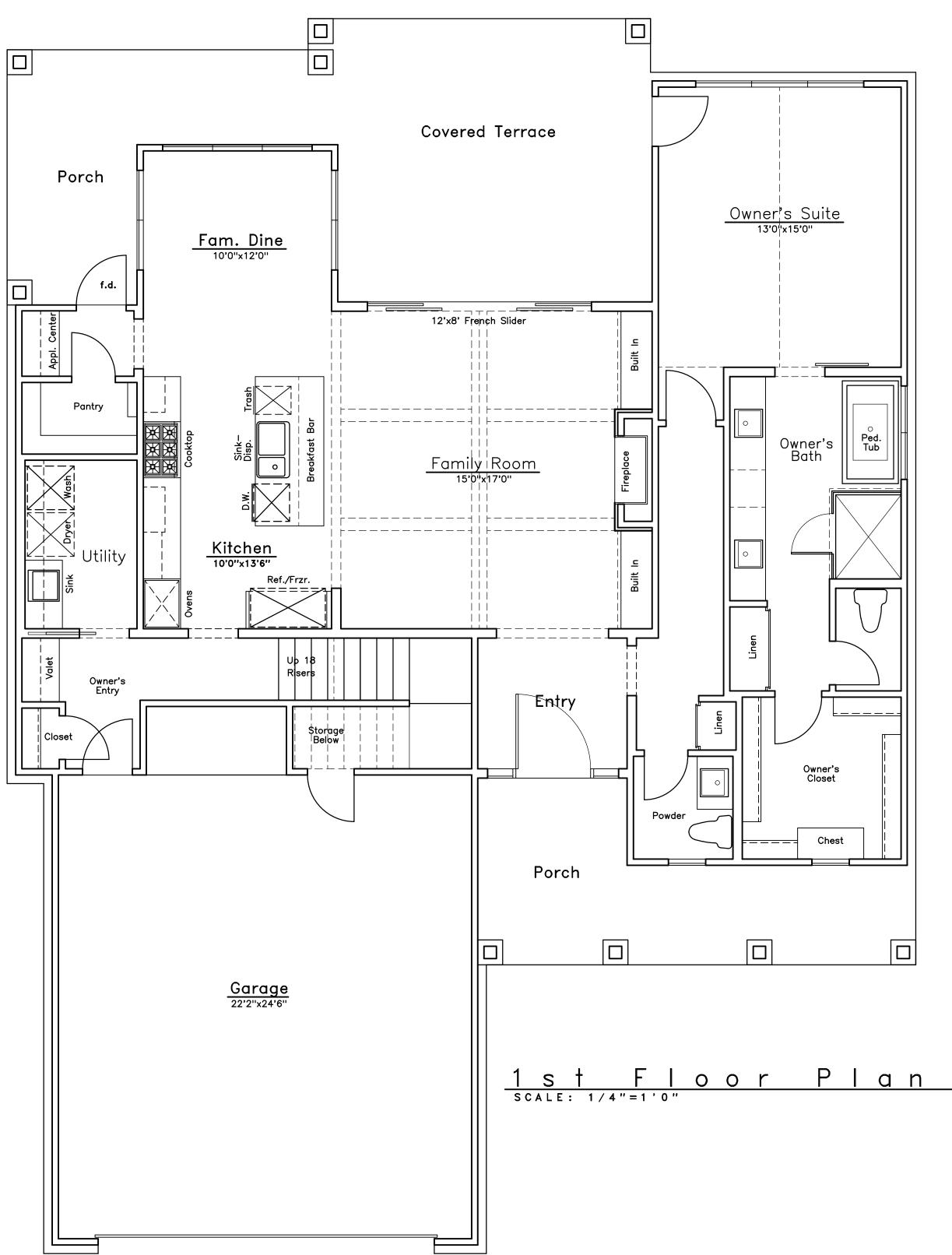
EXHIBIT B

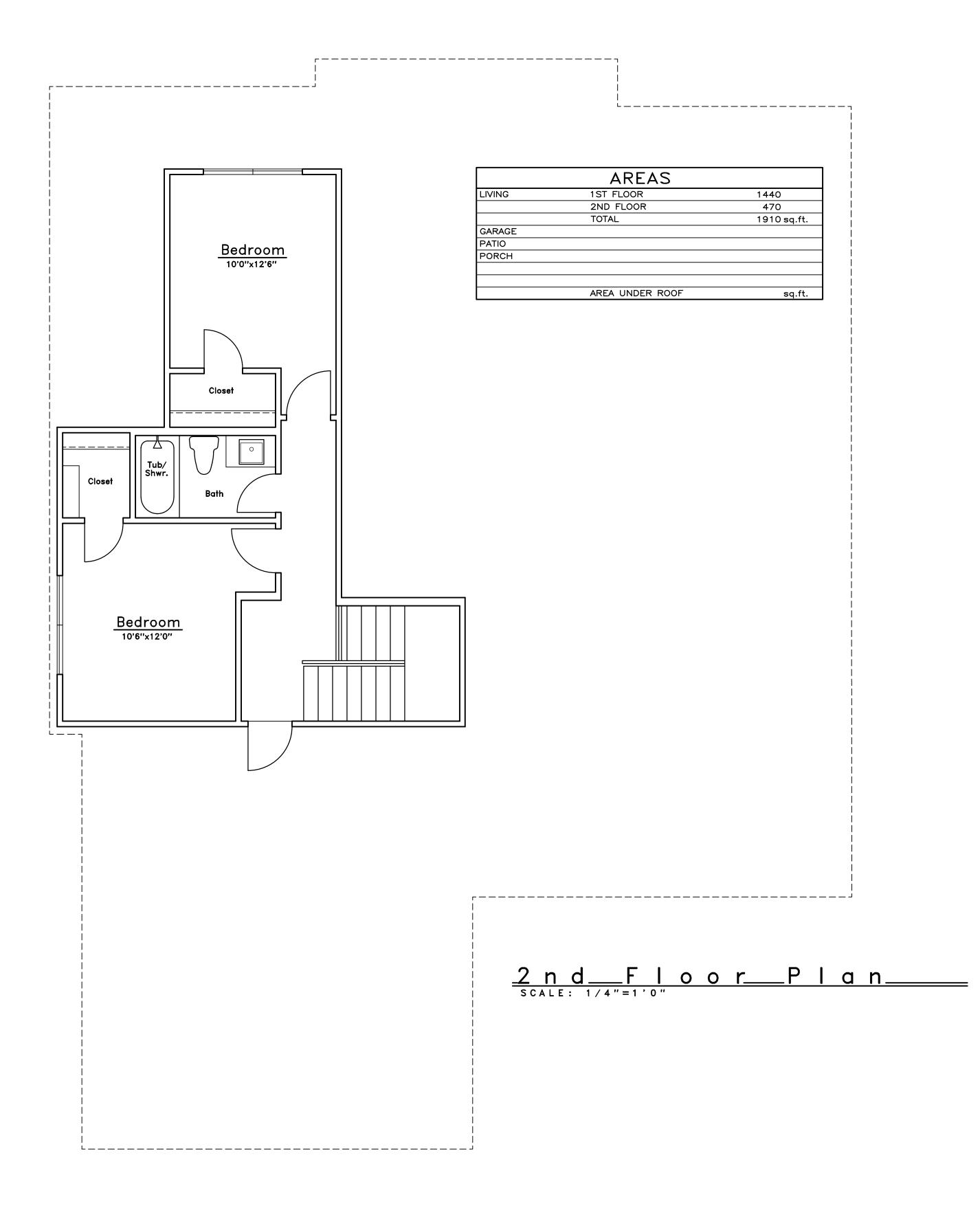


Suncrest Dr.

PLOT PLAN Scale 1''=10'-0''

1







TO:Board of Zoning AppealsFROM:Denise Swinger, Zoning AdministratorMEETING DATE:Wednesday, July 6, 2022RE:BZA22-003 – Height Variances

<u>VARIANCE REQUEST</u>– **R-C**, **High Density Residential District** – 314 Dayton Street. Max Crome, on behalf of Iron Table Holdings, has submitted an application for a variance seeking relief from the required height of a building addition and the required height of a radio tower – Table 1248.03a Dimensional Requirements: Residential Districts and Chapter 1260.02 (d) (2) Dimensional Provisions Greene County Parcel ID #F19000100110000400

NOTIFICATION OF PUBLIC HEARING – A public hearing notification was provided in accordance with the Village's zoning regulations including publication in the Yellow Springs News, mailed notice to abutting and adjacent neighbors of the property, and the posting of a sign on the property noticing the public hearing.

BACKGROUND

The 314 Dayton Street property, formerly known as the Union Schoolhouse, will be the new headquarters for WYSO. The request is for two variances. The first is a variance to the height of the addition (**Exhibit A**). The zoning code allows a maximum height of 35-feet in residential districts. The addition on the 314 Dayton Street building measures 42'2", for a variance request of 7'2". This height will not be out of proportion with the rest of the building as it will be lower than the top of the existing roof on the main building and the bell tower.

Table 1248.03a Dimensional Requirements: Residential Districts						
Zoning District	Maximum Building Height	Minima (Ft.)	Minimum Yard Setbacks (Ft.)			Max. Lot Coverage
	(Ft./stories)	Front	Side		Doga	(%)
		From	Total	Least	Rear	
R-C	35/3	20	10	5	15	50

The second variance is to the height of WYSO's radio tower. The zoning code allows for a height of 100-feet for transmission towers. As a radio tower, the height will need to be 150-feet. This is a variance of 50-feet (**Exhibit B**). The radio tower at their current location on the Antioch campus is 145-feet.

1260.02 (d) <u>Height Exceptions</u>. Height limits specified elsewhere in this zoning code shall not apply to:

(1) Churches, schools, hospitals and public buildings including, but not limited to: libraries, museums, art galleries, fire stations or public buildings of a cultural, recreational or administrative nature.

(2) Barns, silos or other buildings or structures on farms; church spires, belfries, cupolas and domes; monuments; transmission towers; windmills; chimneys; smokestacks; flagpoles; and radio

towers, masts and aerials. These structures shall be limited to 100 feet in height in any case, unless otherwise permitted in this code.



UTH PERSPECTIVE



314 Dayton Street

VARIANCE CRITERIA

1278.04 Variances

The Board's power to grant variances from the dimensional provisions of the zoning code, including by way of example, lot size, width, setbacks, parking requirements and height, shall be in harmony with the intent and purposes of the code, as provided below.

(a) Variance Standards. Variances from the terms of the code shall be granted only where the applicant shows that the strict application of a zoning requirement causes practical difficulties in the use of the property. The factors to be considered and weighed by the Board in determining whether a property owner has encountered practical difficulties in the use of the property include, but are not limited to:

- (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;
- (2) Whether the variance is substantial;
- (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;

- (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;
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- (7) Whether the existing conditions from which a variance is being sought were self-created; and
- (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

(b) The Board shall determine, after weighing the factors described above and any other factors the Board deems relevant, whether the property owner has shown practical difficulties so inequitable as to justify granting a variance to the property owner.

RECOMMENDATION

The height of the addition is proportionally in scale with the existing building. The neighboring property to the west is also owned by Iron Table Holdings and will be used for parking. This property also provides an additional buffer between the addition and the neighbors on Union Street. See second property outlined in red below.



According to WYSO's website, they broadcast 24/7 with 50,000 watts of power to fourteen counties in southwest Ohio, reaching a potential audience of nearly two million. Because of the topography of the property, the radio tower is a height that is necessary for WYSO to continue to broadcast throughout the region.

For the reasons stated above, staff recommends approval of the building height variance of 7'2" and the variance of 50-feet for the radio tower height.

If you have any questions, please feel free to call me at 767-1702 or email <u>dswinger@vil.yellowsprings.oh.us</u>.

Respectfully submitted,

Denise Swinger Zoning Administrator



EXHIBIT A

Board of Zoning Appeals Public Hearing Request: <u>Variance</u> Planning & Zoning Department 100 Dayton St, 2nd Floor Yellow Springs, OH 45387 Office: (937) 767-1702 Fax: (937)767-3720

[FOR OFFICE	USE ONLY]
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Case #:_

Hearing Date:_

Section 200	Applica	nt Inform	ation		
Property Address:	314 Doyton Street Yel	low S	prings Ot	+ 45	387
Property Owner:	Fron Table Holdings	Phone:		Email:	
Mailing Address:	P.O. BOX 739 Yellow S		044538		
Applicant Name:	Max crome	Phone:	415.336.8633	Email:	Max@cromearchitecture.co
Applicant Address:					

Project Information

I am requesting a variance on the dimensional requirement as outlined in (cite Zoning code section):

Description: We are requesting a variance on the height of the
WYSO Radio Tower, 150" is required for the function of the
tower. The tallest point of the North Tower addition is 42'2"
which is substantially lover than the existing bell taver.
Dimensions of Project & Total measurement of Variance requested: Radio Tauer: 150'
Norm Tower: 42'-2"

Site Plan Attached: Stormwater Mitigation Plan Attached:

I understand that approval of this application does not imply approval for any administrative review, conditional use permit, variance, or exception from any other Village regulations which are not specifically the subject of this application. I understand that I remain responsible for satisfying requirements of any easements or private restrictions or covenants affecting the property.

I understand that the Village is not responsible for inaccuracies in information I have presented, and that inaccuracies may result in the revocation of any Zoning permit as determined by the Village. I further certify that I am an owner, or lessee, or agent fully authorized by the owner to make this application. I understand any statements made to me about the time required to process this application are general estimates and not binding. Further, I understand that it may be necessary for the Village to request additional information and clarification after I have submitted this application and accompanying documentation.

I understand this application is a public record and the property will be posted with signage by Village staff prior to any public hearings and that I am responsible for the cost of repair or replacement if such signage is damaged or removed by non-Village personnel.

I hereby certify under penalty of perjury that I am the applicant and the information and statements I have given on this application, drawings, and specifications are, to the best of my knowledge, true and correct.

Applicant Signature:

Date:

	FOR OFFICE USE ONLY	
Zoning Fee: \$	Payment Type: Check Cash Card	Approved 🗆 Denied 🗆
Other fees: \$	Zoning District:	Permit Number:
Total \$	Zoning Official Name and Title	Date

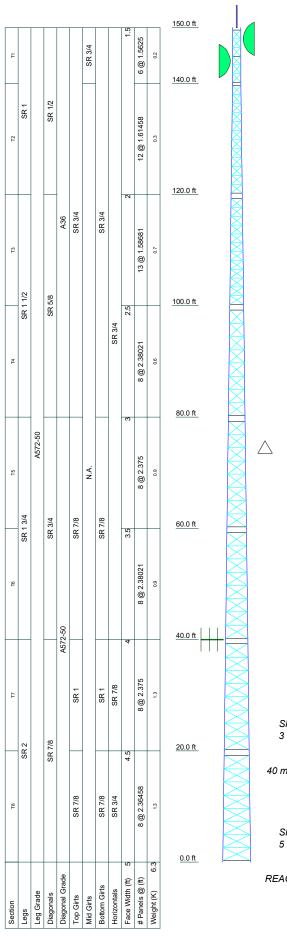


EXHIBIT B

DESIGNED APPURTENANCE LOADING

TYPE	ELEVATION	TYPE	ELEVATION
1/2" x 4' lightning rod	150	SP1 R5 (Includes 4.5"x72" Pipe)	144
PR-950	148	Yagi (3 sq.ft. CaAa assumed)	40
SP1 R5 (Includes 4.5"x72" Pipe)	148	SP1 R5 (Includes 2.375"x72" Pipe)	40
PR-950	144		

MATERIAL STRENGTH

	GRADE	Fy	Fu	GRADE	Fy	Fu
[A572-50	50 ksi	65 ksi	A36	36 ksi	58 ksi

TOWER DESIGN NOTES

1. Tower is located in Greene County, Ohio.

2. Tower designed for Exposure C to the TIA-222-G Standard.

3. Tower designed for a 107 mph basic wind in accordance with the TIA-222-G Standard. Tower is also designed for a 40 mph basic wind with 0.75 in ice. Ice is considered to increase in thickness with height.

5. Deflections are based upon a 60 mph wind.

6. Tower Risk Category II.

Topographic Category 1 with Crest Height of 0.00 ft TOWER RATING: 95.4% 7.

8.



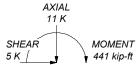
MAX. CORNER REACTIONS AT BASE: DOWN: 106 K SHEAR: 3 K

UPLIFT: -97 K SHEAR: 3 K

AXIAL 27 K

SHEAR MOMENT 3 K (249 kip-ft

TORQUE 1 kip-ft 40 mph WIND - 0.7500 in ICE



TORQUE 2 kip-ft REACTIONS - 107 mph WIND

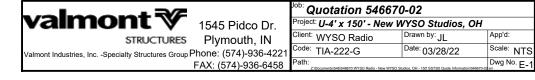


EXHIBIT B

PRELIMINARY SELF SUPPORTING TOWER DESIGN- GENERAL NOTES

- 1. The TIA standard used in the Preliminary design is per Valmont's investigation on the state code adoption per <u>https://codeadoptions.iccsafe.org/</u>, during the time of this design.
- 2. Please confirm the loading, and Risk category shown on the Preliminary Tower Design sheet.
- 3. Valmont manufactures the antenna mounts used in the design.
- 4. Unless otherwise noted, the wind speed used is the ASCE 7-16 ultimate wind speed, based on the ASCE 7 hazards report at the provided tower coordinates.
- 5. If not provided, all dishes are assumed to have zero azimuth, installed on legs, A, B and C, with leg A apex facing true north.
- 6. If not provided, dishes are assumed to have maximum frequency of 6 ghz with 10db degradation
- 7. Wherever possible, all feedlines are assumed to be stacked on (2) rows on wave guide ladders (unless leg brackets are requested) to minimize wind effect
- 8. Unless otherwise requested no additional climbing ladder considered in loading, if the tower already has built in climbing facility, to minimize wind effect. However, safety line considered in the loading.
- 9. Should any changes be required on above items, please contact Valmont for reevaluation, prior to ordering the PE stamped Permit Drawings/ Construction Drawings/ Tower Materials.
- 10. If not provided, a geotechnical investigation is required for all Risk category III and Risk category IV structures, for review prior to the installation of foundations. Design changes and/or recommendations may be required based on the site investigation.
- 11. (1) feedline ladder is considered in the tower design