

VILLAGE OF YELLOW SPRINGS  
BOARD OF ZONING APPEALS  
AGENDA

The Village of Yellow Springs Board of Zoning Appeals will convene on Wednesday,  
February 22, 2017 at 7:00 PM in Council Chambers, Second Floor, John Bryan  
Community Center, 100 Dayton Street, Yellow Springs, Ohio 45387

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7:00 CALL TO ORDER

ROLL CALL

REVIEW OF AGENDA

COMMUNICATIONS

NOMINATION OF CHAIR

7:05 REVIEW OF MINUTES  
Minutes for BZA Meeting of November 28, 2016

7:10 PUBLIC HEARINGS  
319 Allen Street, Property Owner ó Eric Juergens ó Parcel ID #F19000100150002200.

A variance seeking relief from section 1260.04 (a) (6) - Accessory structures shall not exceed 66% of the principal building floor area or 800 square feet, whichever is less, and

1262.08 (e)(1) D - The accessory dwelling unit shall be limited in size to a maximum of 66% of the total living area of the principal dwelling or 800 square feet, whichever is less.

8:45 AGENDA PLANNING  
Vote for Chair.

9:00 ADJOURNMENT

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

**IN COUNCIL CHAMBERS @ 7:00 P.M.**

**Wednesday, November 28, 2016**

**CALL TO ORDER**

The meeting was called to order at 7:00 p.m. by Ted Donnell, Chair.

**ROLL CALL**

Ted Donnell, Chair, Steve Conn, Kingsley Perry and Chris Peifer were present, as was the Zoning Administrator for the Village, Denise Swinger. Ellis Jacobs was not present.

**REVIEW OF AGENDA**

There were no changes made to the agenda.

**REVIEW OF MINUTES**

Minutes for BZA Meeting of August 31, 2016. Conn MOVED and Perry SECONDED a MOTION TO APPROVE THE MINUTES AS WRITTEN. The MOTION PASSED 4-0 on a voice vote.

**PUBLIC HEARINGS**

1) A variance seeking relief from section 1248.03 spatial requirements of 520 sq. ft. for a two-family dwelling on Dayton Street, Greene County Parcel ID # F19000100020017400. The property is located in the R-C High Density Residential Zoning District, Home, Inc., applicant.

Swinger explained that the property located on Dayton Street and identified as 102C meets the zoning code's requirements for minimum lot area and minimum lot width as defined in Table 1248.03a:

Zoning District	Maximum Building Height (Ft./stories)	Minimum Yard Setbacks (Ft.)				Max. Lot Coverage (%)
		Front	Side		Rear	
			Total	Least		
R-C	35/3	20	10	5	15	50

Swinger noted that the property front yard lot line is 69 feet and the lot area is 0.173 of an acre or 7,536 square feet.

Footnote #3 in Table 1248.03 above states that two-family dwellings shall provide 4,000 square feet per unit. With the lot size of 7,536 sq. feet, Home, Inc. is requesting a variance of 464 square feet.

In the zoning code's update in 2013, the minimum size for dwelling units was removed by Council, but spatial requirements were not adjusted accordingly. At the Planning Commission meeting of November 14, 2016, staff shared with members the ways in which it can be interpreted and after an initial review of these spatial requirements, the Planning Commission has directed staff to return for a public hearing in January to consider a text amendment to remove the lot area requirements for certain types of dwellings.

Donnell commented that the zoning code rewrite did not carefully consider some of the tables pertaining to all of the code sections. He commented specifically that one of the goals in writing the code had been to do away with arbitrary minimums to enable more infill. While this is reflected in the ability within the code to build smaller units, the lot minimums were not adjusted to reflect the changes when the code was finalized. Donnell opined that as many units as can meet the housing code standard and can fit on a lot while adhering to setback requirements should be permitted. Donnell suggested that the group permit the variance and then send the issue of the number of feet required per unit to Planning Commission for their consideration.

Conn commented that what is being addressed is a discrepancy from the time the code was updated, and opined that it would be gratuitous to ask the petitioner to wait for Planning Commission to make the change, agreeing that a decision should be made on the case, after which BZA could make the recommendation to planning Commission (PC) that they change the requirement.

Donnell OPENED THE PUBLIC HEARING.

Michael Wilson commented on the amount of traffic along Dayton Street, commenting that he lives there and is inconvenienced by the traffic when he attempts to pull on to Dayton Street.

Suzanne Patterson commented regarding both variances, noting that there is downsizing in the Village which is not accommodated in the available housing. She noted that there has not been new housing built, and that she would look forward to this housing becoming available.

Judith Schimpf, an across the street neighbor of the property in question, commented that egress onto Dayton Street is not easy given the traffic situation. She remarked that the proposed dwelling seems too close to the house it would abut to the rear. Schimpf commented that there does need to be more Senior housing, but commented that there must be other properties better suited to this purpose.

Schimpf commented that the proposed duplex is in a better location.

Chris Bonjourno, a Winter Street resident, spoke in favor of Senior housing and opined that the location seems good, given that the area is high density residential and near the downtown where walkability is possible.

Rebecca Fisher expressed general confusion regarding the topic.

Donnell sought to explain further the variance at hand, noting that the proposal is to construct two single family units on a single currently vacant lot in a high-density residential district. He noted that a builder would be permitted four units, and that the request is for two.

Donnell explained the second variance, which asks to build four units on a single lot.

Emily Seibel, Executive Director for Yellow Springs home, Inc. (YSHI) provided some detail regarding the proposed dwelling units. She noted that Forest Village Homes is a proposed six unit home arrangement to be constructed on two lots within the Village. Seibel stated that the proposal is intended to satisfy a need for increased housing for accessible, modest-sized housing. She assured the Board that the homes would blend in with the neighborhood and be tastefully constructed.

Seibel spoke about quality of life accommodations which are planned for residents of the units moving forward, and touted the positive impact the construction and project completion would have upon the Village.

Seibel stated that YSHI has worked with Swinger on the issue of parking, and is aware of the high level of traffic along Dayton Street.

Development Coordinator Brittany Keller noted that she has been working with Swinger since Summer of 2016. She noted that the lot coverage is only 25%, and that the setbacks are being met.

Chris Zurbuchen expressed support for the housing units, but objected to the parking and road access elements of the project, particularly for the second variance. She asked that parking for a fifth car be included in the requirement for the second variance.

Donnell CLOSED THE PUBLIC HEARING.

Peifer received clarification that application is for a variation to the square footage only, and has no bearing upon parking or any other aspect of the project.

Donnell reiterated that the recent update to the zoning code eliminated square footage minimums for units but did not concomitantly reduce requirements for lot size per unit.

Perry expressed concern for backing out onto Dayton Street.

Peifer sympathized with Perry's position, but expressed that the traffic issues are not before the Board.

Donnell commented that Dayton Street is the designated thoroughfare for high density housing.

Donnell CALLED FOR A MOTION.

Conn MOVED TO APPROVE a variance of 464 square feet from the two-family dwelling requirement of 4,000 square feet per unit for Lot 102C, Dayton Street. Perry SECONDED.

Donnell read through the variance standards, with roll call following each question, with the result as follows:

Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance; Peifer: Yes; Perry: Yes; Conn: Yes; Donnell: Yes.

(2) Whether the variance is substantial; Peifer: No; Perry: No; Conn: No; Donnell: No.

(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; Peifer: No; Perry: No; Conn: No; Donnell: No.

(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; Peifer: No; Perry: No; Conn: No; Donnell: No.

(5) Whether the property owner purchased the property with knowledge of the zoning restriction; Peifer: Yes; Perry: Yes; Conn: Yes; Donnell: Yes.

(6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; Peifer: Yes; Perry: Yes; Conn: Yes; Donnell: Yes.

(7) Whether the existing conditions from which a variance is being sought were self-created; Peifer: Yes; Perry: Yes; Conn: Yes; Donnell: Yes.

(8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: Peifer: Yes; Perry: Yes; Conn: Yes; Donnell: Yes.

The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

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2) A variance seeking relief from section 1248.03 spatial requirements for a 4-unit single-family attached dwelling and from section 1264.02 parking requirements of 1 space for senior apartments at 540 Dayton Street. The property is located in the R-C High Density Residential Zoning District, Home, Inc., applicant.

Swinger explained that the property addressed as 540 Dayton Street meets the zoning code's requirements for minimum lot area and minimum lot width.

The property has two front yards due to its location on a corner. In the case of a corner lot, the rear lot line is opposite the shorter of the two front lot lines making the front lot line Dayton Street with a width of 72.97 feet and the lot area of 0.228 of an acre or 9,932 sq. ft.

Table 1248.03 of the zoning code states that *attached single-family dwellings are permitted a density up to 14 units per acre*. This section of the zoning code is not clear and staff has found it can be interpreted in more than one way. With no minimum requirement for a dwelling's size, but minimum requirements on lot size for certain types of dwellings depending on the residential area, staff has requested the BZA for their interpretation and, if necessary, a variance.

In the zoning code's update in 2013, the minimum size for dwelling units was removed by Council, but spatial requirements were not adjusted accordingly. At the Planning Commission meeting of November 14, 2016, staff shared with members the ways in which it can be interpreted and after an initial review of these spatial requirements, the Planning Commission has directed staff to return for a public hearing in January to consider a text amendment to remove the lot area requirements for certain types of dwellings.

The maximum lot coverage in R-C is 50%, which equates to all structures on this property not exceeding 4,966 TOTAL sq. ft. The proposed structure is staggered and each unit measures no more than 24'0" X 30'0" or 3,048 sq. ft. which meets the zoning code's requirement of less than 4,966 sq. ft.

The minimum front yard setback of 20 feet is met on both Dayton and King Street, with a setback of 20 feet on Dayton and 32 feet on King. The side yard setback to the east is 5 feet and the rear yard setback is 15 feet.

The four single-family attached dwelling units will be strictly for the use of seniors and/or persons with disabilities into the foreseeable future. This means only five (5) parking spaces are needed, however a place for eight (8) spaces is shown in case the property would ever convert to general occupancy. The site plan shows four spaces at a 75 to 90 degree parking pattern. Each space is the required 9 feet by 18 feet with a 24 foot wide maneuvering lane. A variance by the BZA for one space is requested.

Because only one curb cut per street on a lot of less than 200 feet frontage is allowed, rather than require a curb cut on Dayton Street for the one extra parking space the applicant is showing an area for future parking on the site plan (the additional one parking space along with the three required) in the event that the property should convert to general use.

Donnell opined that the matter again seems to be a "cross-reference" issue, since the units could allowably be built stacked with an increase in square footage without increasing the parking requirement.

Peifer received clarification from Swinger that the variance request shows a future parking space at the front of the property in order not to require another curb cut if a fifth space becomes needed.

Donnell responded to a concern expressed by Peifer that the variance runs with the property, and it is possible that at some future point the property could change use, thus impacting parking. Donnell's comment was that the units are small, and do not lend themselves to multiple residents per unit.

Donnell commented that he prefers the option that does not entail a curb cut, since this would add to the issue of congestion and safety related to egress onto Dayton Street.

Conn commented that the parking requirement for multi-family dwellings will apply if the property changes use.

Swinger commented that return to PC for review of the parking requirement upon any change of use could be an attached condition to any approval.

Conn commented further that it is disappointing to him that parking is located at the front of the units rather than more hidden at the rear.

Swinger responded that rear parking had been considered, but was found to require so much space that it would have required multiple variances.

Donnell commented further that the lot coverage would have been much greater with rear parking, allowing for far less green space.

Swinger added that the parking is also kept out of view of neighbors to the side and rear with the proposed plan.

Donnell pointed out that BZA could also eliminate the need for a landscape buffer along the side and rear and create six total parking spaces, but that YSHI and the Planner preferred the "greener" approach of requesting a parking variance.

Peifer asked whether a condition could be attached that if the property is repurposed, the matter has to come before PC again.

The Board discussed various potential re-uses of the units, and decided that any other residential use was unlikely to create a parking concern.

Donnell OPENED THE PUBLIC HEARING.

Brittany Keller addressed the Board, assuring them that the terms of the grant require that the housing is restricted to Special Needs and senior housing clients, and reiterated that this would be the use into the foreseeable future. She affirmed that YSHI had looked at the parking issue from many angles.

Michael Wilson stated that the idea is good in principle, but argued that there is a lot of construction of homes in town. He opined that there could be senior couples in the units with two cars each in each unit. He also argued that the five-to-seven block walk to town is not senior friendly. Wilson suggested finding a location closer to the center of town, and suggested that an entrance from King Street be used.

Chris Zurbuchen commented that there is an existing curb cut on Dayton Street, and the fifth space could be located off the curb cut. She stated that more than four parking spaces will be needed, and stated that parking on King Street is difficult due to a blind curve. She stated her preference for a circular drive. She asked for more consideration of vehicle management.

Suzanne Patterson disagreed with any parking problem, noting that there will be bus service available to the housing units and that persons often utilize bikes. She commented that the units are tiny, and didn't envision that a couple would choose the space.

Alex Scott, YSHI Board member expressed her support for the project, noting that Senior housing has been a long term need in the Village for some time, and that this project attempts to address that need.

Senior Citizen Helen Eire stated that she hopes to move in to such a home one day, commenting that she has followed the debate and proposals for senior housing in the Village for years. Eire noted that anyone who can comment that the housing could readily be located elsewhere has not followed the struggle. Eire commented that there needs to be some give in the situation to finally get some housing started.

Emily Seibel pointed out that the maximum lot coverage for R-C would permit YSHI far more lot coverage. She noted that YSHI's goal was to provide for a greater amount of green space, which has driven their approach. Seibel commented that the four spaces make sense from her perspective, based upon conversations with Donnell and the Village Planner.

Seibel noted several projects and collaborations underway. She stated that the attempt to get senior housing in the Village has been underway for ten years, and that finding an affordable, appropriate location is a great challenge.

Perry questioned whether the required number of parking spaces would adequately handle any potential visitors.

Seibel noted street parking and potential parking at the adjacent church.

The discussion veered in direction of street flooding at the corner of King and Dayton.

Conn clarified with YSHI that if the BZA were to turn down the variance request that YSHI would place a parking space off street off the curb cut.

Seibel assured those present that YSHI would be thoughtful with regard to landscaping.

Donnell responded to a question from Peifer, who questioned the parking plan. Donnell opined that the curb cut might, in fact, increase the risk to drivers entering Dayton Street.

Conversation ensued relative to eliminating the curb cut.

Judith Schimpf commented in favor of street parking rather than off-street parking, and alluded that residents would store items in their back yards, close to neighboring properties.

Conn noted that all setback requirements are met in the proposal, and that the Board is not tasked with a review of the setback requirement.

Donnell CLOSED THE PUBLIC HEARING.

Peifer noted that if the property is no longer used for senior housing, the requirement would revert to a needed eight parking spaces. Any such change of use would have to go through PC.

Conn asked Swinger for clarification as to her interpretation of the zoning code requirement.

Swinger stated that her reading of the requirement for the multi-family unit limit of 14 units per acre, is that the maximum is 14 units per acre, and is scaled down incrementally if the lot is smaller than one acre. Donnell's reading of the same restriction is that up to 14 units are permitted on a lot of one acre or less, and that the only restriction to that upper number is in meeting other aspects of the code, eg, setbacks.

Conn asked whether there was, in fact a need for a variance.

Donnell stated that BZA would send the need for clarification in the code to Planning Commission, and opined that a decision on a variance would send a message to that body regarding the need for clarification.

Conn questioned what it was the BZA would actually be granting a variance for, given the ambiguity in the code.

Donnell opined that the Board has the ability to determine that there is no need for a variance, and that the issue is one of a technical writing error.

In response to a question of procedure, the Clerk opined that because there is some degree of controversy attached, it might be prudent for the Board to render the variance to any misinterpretation to the writing of the code.

Conn argued that issuing a variance might authorize a future variance.

Donnell polled the Board to determine whether each member believes the requirement as written to mean a maximum of 14 units on up to one acre, or whether they believe it to mean a maximum of up to 14 units per acre, with fewer units permitted based upon the lot size up to one acre.



Donnell explained further that his interpretation as an architect is that 14 units are permitted as long as all other requirements of the code are met. Such as setbacks, parking spaces, etc. Donnell characterized this as typical zoning code language, noting that in this region, the issue of density is uncommon in that there is a lot of acreage to work with in most municipalities.

Conn recalled that the intention at the time the code was written had been to preserve green space by permitting greater density, which supports Donnell's interpretation of the code language. Conn stated that this was his rationale for his opinion that no variance is needed.

Peifer, Perry and Donnell agreed with Conn's argument. Donnell noted that in the R-C there are not lots larger than one-acre, which "throws it off the table and back to Planning Commission."

Donnell stated that there was agreement that the Board did not interpret the matter as a variance request because their reading of the code is that density of up to 14 units on up to one acre is the meaning of the current code.

Donnell stated that the Board unanimously agrees that the language needs to be reviewed by PC.

Seibel asked Swinger for a formal decision of some sort for her grant application process.

Donnell then opened discussion on the matter of a variance of one parking spot for the property in question.

Donnell stated that he would prefer a comment from the Board that the property owner replace the curb to enable an additional parallel parking space at that location.

In response to a question from Peifer, Donnell opined that the cost to YSHI would be about \$250.00.

Conn commented that he was not comfortable with the parking requirement in general, stating that if the intention is to reduce the number of cars, you simply limit the number of parking spots. If residents have more than one car it becomes their problem to find a parking space for any additional vehicles. He concurred with the curb restoration.

Peifer commented that his issue is more that there is no real evidence that people are not using street parking because of the curb cut, and he is loath to require YSHI to pay for this measure in the absence of any evidence as to need.

Donnell explained that property owners are sometimes required to create a potential parking area which has gravel laid down as a substrate in the event of future use. Donnell stated that pedestrian access is more important from his perspective, and removal of the curb cut assures sidewalk access.

Donnell read through the variance standards, with roll call following each question, with the result as follows:

Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance; Peifer: Yes; Perry: Yes; Conn: Yes; Donnell: Yes.

(2) Whether the variance is substantial; Peifer: No; Perry: No; Conn: No; Donnell: No.

(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; Peifer: No; Perry: No; Conn: No; Donnell: No.

(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; Peifer: No; Perry: No; Conn: No; Donnell: No.

(5) Whether the property owner purchased the property with knowledge of the zoning restriction; Peifer: Yes; Perry: Yes; Conn: Yes; Donnell: Yes.

(6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; Peifer: Yes; Perry: Yes; Conn: Yes; Donnell: Yes.

(7) Whether the existing conditions from which a variance is being sought were self-created; Peifer: Yes; Perry: Yes; Conn: Yes; Donnell: No.

(8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance; Peifer: Yes; Perry: Yes; Conn: Yes; Donnell: Yes.

Conn MOVED to APPROVE the variance to 1264.02 to allow FOUR parking spaces instead of FIVE. Peifer SECONDED.

The Clerk asked whether conditions should be added to the motion.

Donnell proposed adding the condition that the curb cut in front of the property be restored by the property owner.

Peifer and Perry stated that they would oppose the motion.

Swinger stated that when the zoning code was rewritten, R-3's extension along Dayton Street was accompanied by a statement that on-street parking was to be encouraged as a traffic-calming method. She commented that she is in agreement with restoration of the curb.

Swinger commented further that there are setback requirements to the corner of King Street that prevent parking closer to the corner.

Peifer asked the applicant directly whether she would have any objection to the condition regarding restoration of the curb.

Seibel responded that while she is unable to openly agree to an increase in cost to the project, in the interest of moving forward, she could agree that YSHI would be able to absorb this cost within the bounds of the project.

Based on this information, Peifer commented his agreement to a motion that the property owner restore the curb cut.

Conn then ADDED TO HIS ORIGINAL MOTION TO ADD THE CONDITION THAT THE PROPERTY OWNER RESTORE THE CURB CUT LOCATED ALONG DAYTON STREET. Perry SECONDED.

Donnell CALLED THE VOTE, and the MOTION PASSED ON A ROLL CALL VOTE

**AGENDA PLANNING**

There was no Agenda Planning.

**ADJOURNMENT**

There being no further business, Conn MOVED and Perry SECONDED a MOTION to adjourn.  
The MOTION PASSED 4-0. Meeting ADJOURNED at 8:32pm.

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Ted Donnell, Chair

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Attest: Judy Kintner, Clerk



TO: Board of Zoning Appeals

FROM: Denise Swinger, Zoning Administrator

DATE: February 15, 2017

RE: BZ17-01 6 319 Allen Street 6 Owner: Eric Juergens  
Parcel ID #F19000100150002200

### **VARIANCE REQUEST**

An application for a variance seeking relief from section 1260.04 (a) (6) - Accessory structures shall not exceed 66% of the principal building floor area or 800 square feet, whichever is less. and 1262.08 (e)(1) D - The accessory dwelling unit shall be limited in size to a maximum of 66% of the total living area of the principal dwelling or 800 square feet, whichever is less.

### **PROPOSED PROJECT**

The property owner recently purchased this property (Exhibit 1) with its large lot located in Residential A 6 Low Density Residential District. He intends to add an accessory structure for use as a garage below and an accessory dwelling unit above. The size of the accessory structure being proposed is 936 square feet, and the property owner is requesting a variance of 136 square feet (Exhibit 2).

### **1248.03 SPATIAL REQUIREMENTS**

(a) All lots and buildings shall meet the minimum area and width requirements of [Table 1248.03](#). New lots shall not be created, except in conformance with these requirements.

<i>Table 1248.03 Lot and Width Requirements: Residential Districts</i>		
<b>Zoning District</b>	<b>Minimum Lot Area (Sq. Ft.)<sup>1</sup></b>	<b>Minimum Lot Width (Ft.)</b>
<b>R-A, Low-Density Residential</b>	<b>7,500</b>	<b>60</b>
1 Public water and sanitary sewer is required for all property in these districts.		

## **STAFF FINDINGS**

The property meets the minimum lot area requirements of 7,500 sq. ft. with its large 2.290 acres.

The property also meets the minimum lot width of 60 feet, with its 232.12 feet frontage.

The maximum lot coverage for this property of all structures is 35%. The property contains the principal dwelling at 1,674 sq. ft., a garage of 720 sq. ft. (being demolished for the new accessory structure), a shed approximately 80 x 120 or 96 sq. ft., and a tennis court (average size of the surface being 780 x 270) of 2,106 sq. ft. With the addition of the 926 sq. ft. accessory structure, the total of all buildings and structures (excluding the garage to be razed) is 4,802 sq. ft. With a lot size of 2.290 acres or 99,752 sq. ft., the lot coverage of 4.82 percent is well under the maximum lot coverage of 35%.

## **1260.04 USES.**

### **(a) Accessory Buildings and Structures.**

(3) Accessory buildings and structures may be erected in a rear yard if set back at least ten feet from the rear and five feet from the side property lines.

The accessory structure meets the setback requirements with a rear yard setback of 20 feet and a side yard setback of 32 feet.

(5) The height of an accessory structure shall not exceed 18 feet when a hip or gable roof is used, 15 feet when a mansard or gambrel roof is used and 12 feet when a flat or shed roof is used, except when a dwelling unit is included in the structure, in which case the height shall not exceed 24 feet.

The accessory structure's building height is 23 feet 10 inches, and does not exceed the 24 feet allowance for an accessory dwelling unit.

(6) Accessory structures shall not exceed 66% of the principal building floor area or 800 square feet, whichever is less.

The principal building measures 1,674 sq. ft. Sixty-six percent is 1,105 sq. ft. The accessory structure although larger than 800 sq. ft. at 926 sq. ft. does meet the 66% measurement.

**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.

## **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**

Staff recommends the Board of Zoning Appeals **APPROVE** the variance of 136 square feet. Because of the large lot size of 2.290 acres, staff does not believe the variance will affect the essential character of the neighborhood nor will the adjoining properties suffer a substantial detriment as a result.

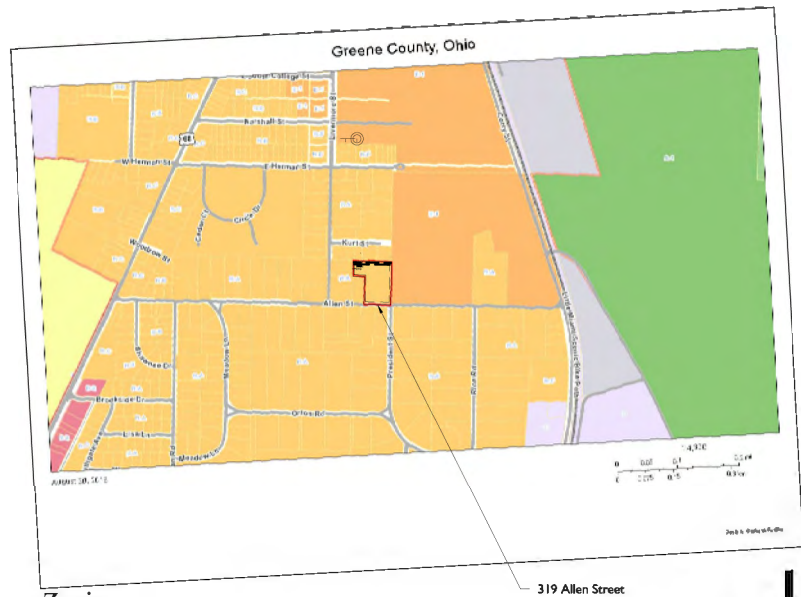
If you have any questions, please feel free to call me at 767-1702 or email [dswinger@vil.yellowsprings.oh.us](mailto:dswinger@vil.yellowsprings.oh.us).

Respectfully submitted,

Denise Swinger  
Zoning Administrator



Location Plan  
Scale: not to scale



Zoning  
Scale: not to scale

**Zoning Summary**  
**319 Allen Street**  
**Yellow Springs Ohio**

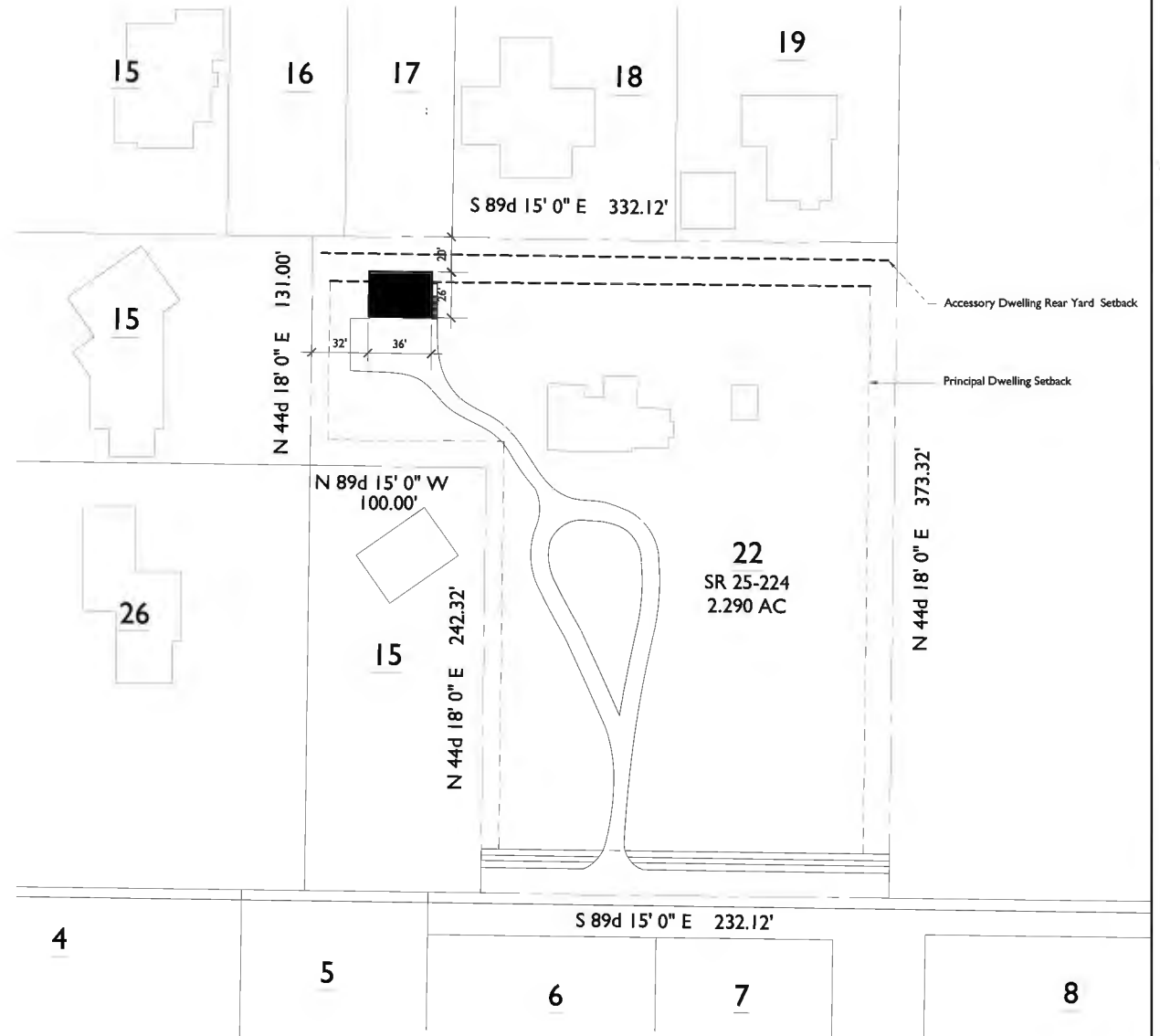
	Zone Standards	Existing	Proposed
Zoning: R-A			
Lot Area	7,500 sq.ft.	99,755 sq.ft. 2.29 acres	no change
Maximum Building Height (ft.stories)	35ft /2.5 stories		
Minimum Lot Width	60 ft	232.12 ft	no change
Lot Occupancy	35 %	2.0%	2.9%
Existing Dwelling	1656 sf		(incl. proposed ADU)
Existing Shed	300 sf		
Front Yard	25 ft.	251.00 ft.+-	no change ft.+-
Rear Yard	25 ft	76 ft.+-	no change ft
Side Yard	10 ft. min. 25 ft. total	127 ft.+- 262 ft. +-	no change ft. no change ft.

**ACCESSORY BUILDING**

Accessory Building Height	hip/gable	18 ft		
	mansard/gambrel	15 ft		
	flat/shed	12 ft		
w/ Accessory Dwelling Unit		24 ft	n/a	23'10" ft.
Accessory Building Rear Set Back		10 ft	n/a	20 ft.
Accessory Building Side Yard Set Back		5 ft		32 ft.
Accessory Building Area		800 sq.ft.	n/a	936 sq.ft.
	or <66% of principal dwelling whichever is less			

**PARKING**

Spaces per Dwelling Unit	2/ dwelling unit
	1/ accessory dwelling unit
	3 total parking spaces



SITE PLAN  
Scale: 1" = 50'

**ZONING SUMMARY**

**Scope of Work**

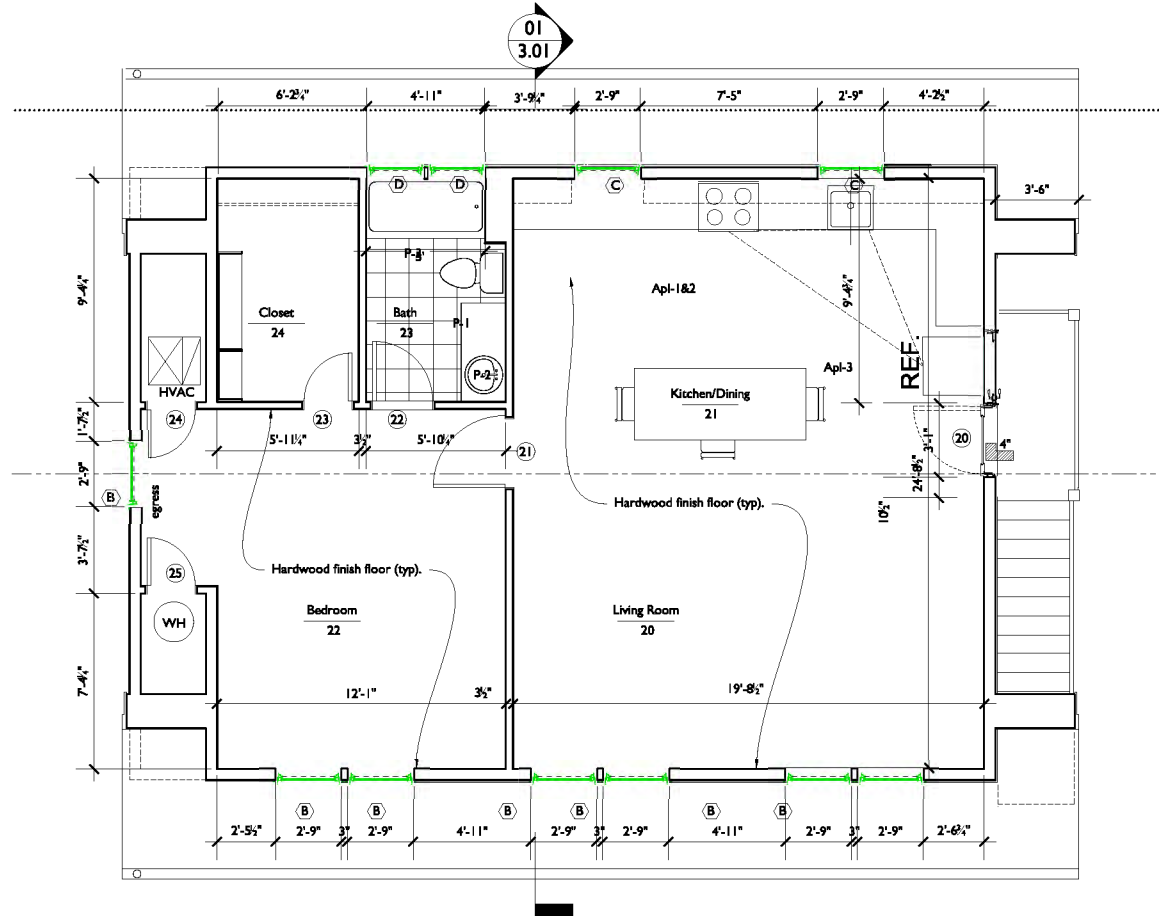
Work shall include a new accessory dwelling unit accessory building and associated utility building and associated utility services, modifications to existing retaining walls and fences, and associated site work including access walk, steps and paving.

**DRAWING INDEX**

SP-1 Site Plan/Roof Plan

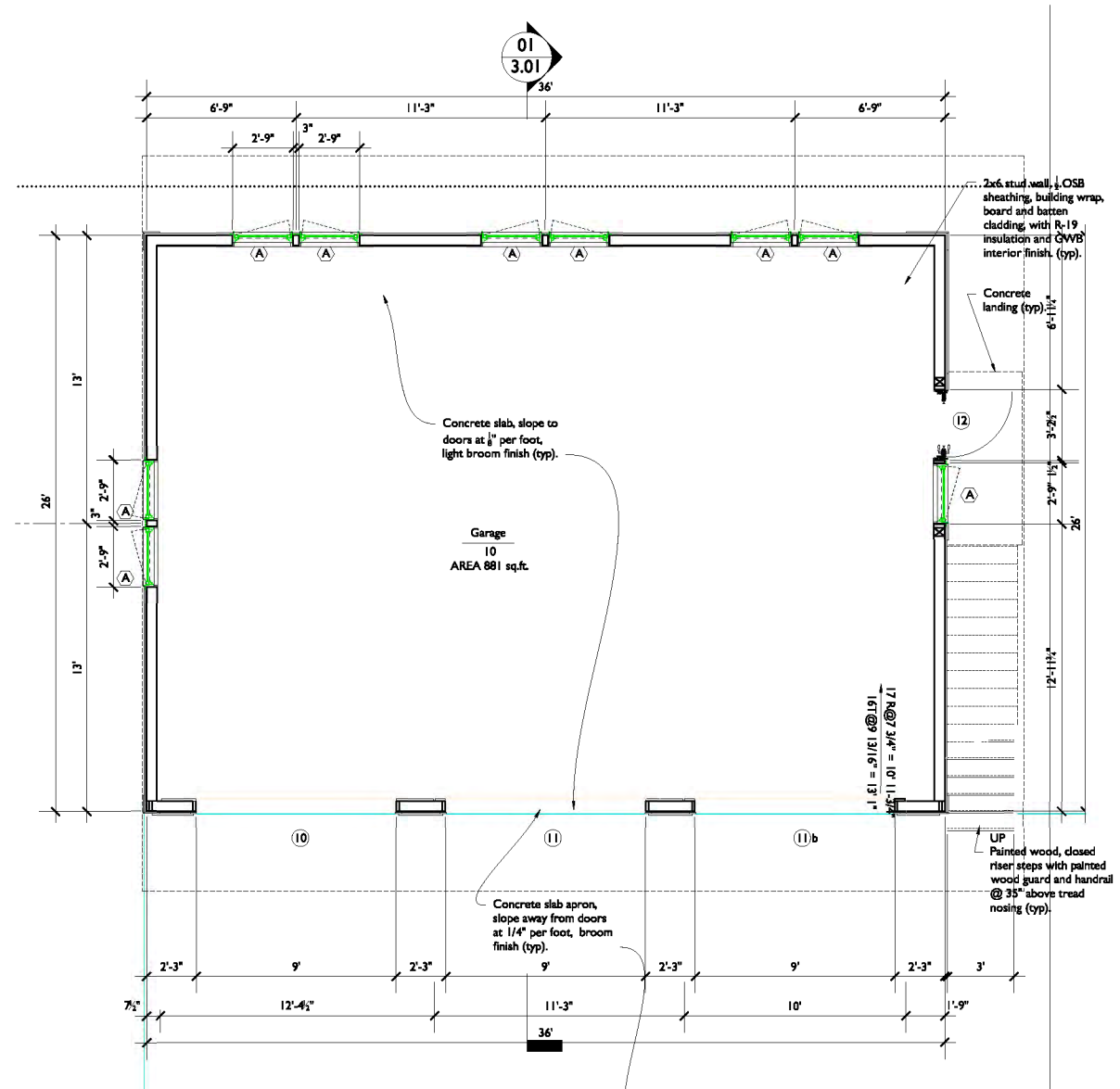
A-1 Floor Plans  
A-2 Elevations  
A-3 Building Section / Wall Section

S-1 Foundation & Framing Plans  
S-2 Section and Details



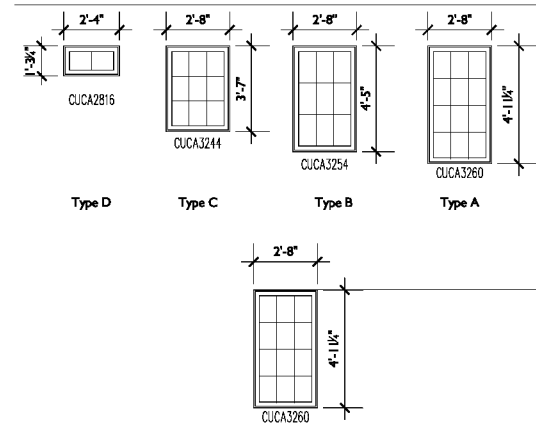
**2 Second Floor Plan**  
A-1  
Scale: 1/4" = 1'-0"

Door Schedule					Juergens Residence
Door #	Elev	Size	Description	Hardware Set	
<b>First Floor</b>					
10		9' w x 8' h	Garage Door- Clopay Grand Harbor Series Design 22 w/ window design REC 14 Color: Standard White Exterior hardware: Spade Lift handles only	w/ electric opener 1/2 horse power, belt drive, 3-button transmitter w/ individual door operation, automatic lightin and interior wall button	
11		16' w x 8' h	Garage Door- Clopay Grand Harbor Series Design 22 w/ window design REC 14 Color: Standard White Exterior hardware: Spade Lift handles only	w/ electric opener 1/2 horse power, belt drive, 3-button transmitter w/ individual door operation, automatic lightin and interior wall button	
12		3'0" x 7'0"	Exterior Door- Marvin 1 3/4" Ultimate Outswing 3070 w/ Low E1 with SDL & Space 3w x 4h	Entry Set w/ deadbolt -oil rubbed bronze finish US108	
<b>Second Floor</b>					
20		3'0" x 6'8"	Exterior Door- Marvin 1 3/4" Ultimate Inswing 3070 w/ Low E1 with SDL & Space 3w x 4h	Entry Set w/ deadbolt -oil rubbed bronze finish US108	
21		3'0" x 6'8"	Interior Door-Simpson Shaker #744-Paint grade	Passage	
22		2'6" x 6'8"	Interior Door-Simpson Shaker #744-Paint grade	Privacy	
23		2'0" x 6'8"	Interior Door-Simpson Shaker #744-Paint grade	Passage	
24		2'0" x 6'8"	Interior Door-Simpson Shaker #744-Paint grade	Passage	
25		2'0" x 6'8"	Interior Door-Simpson Shaker #744-Paint grade	Passage	

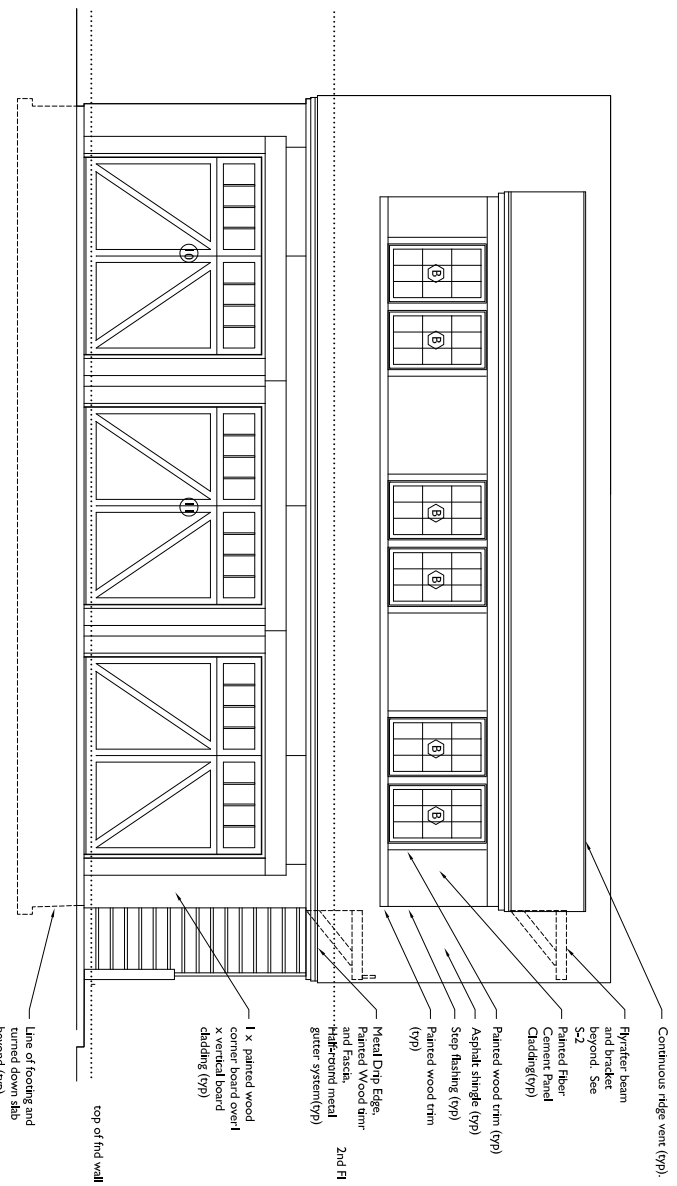
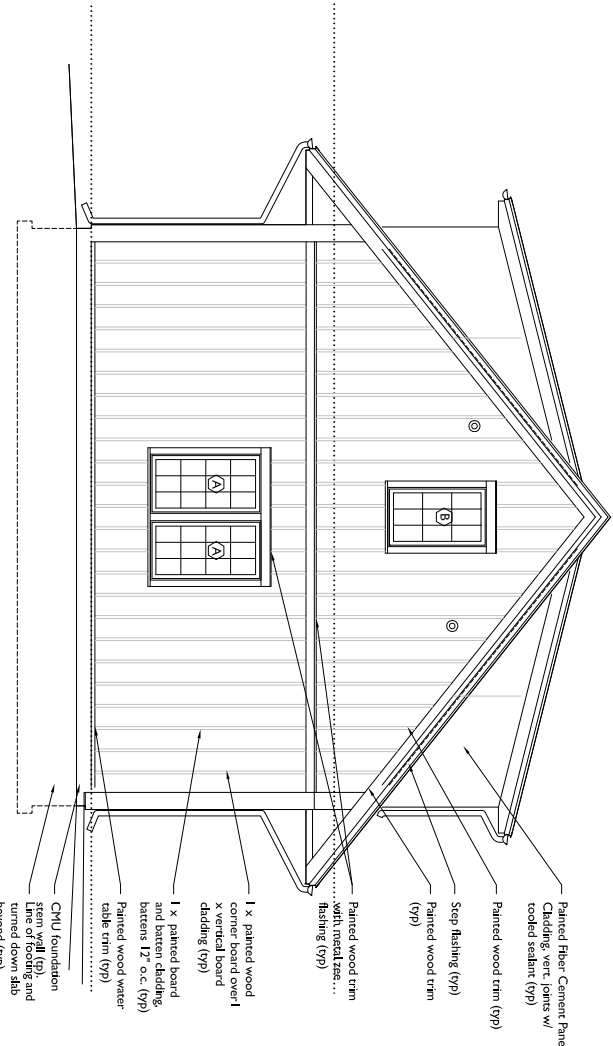
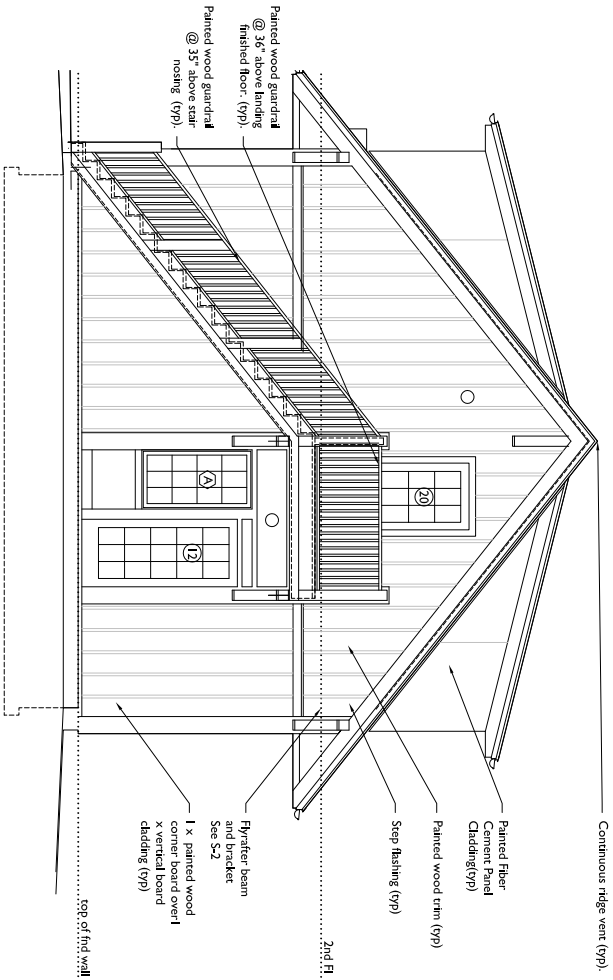


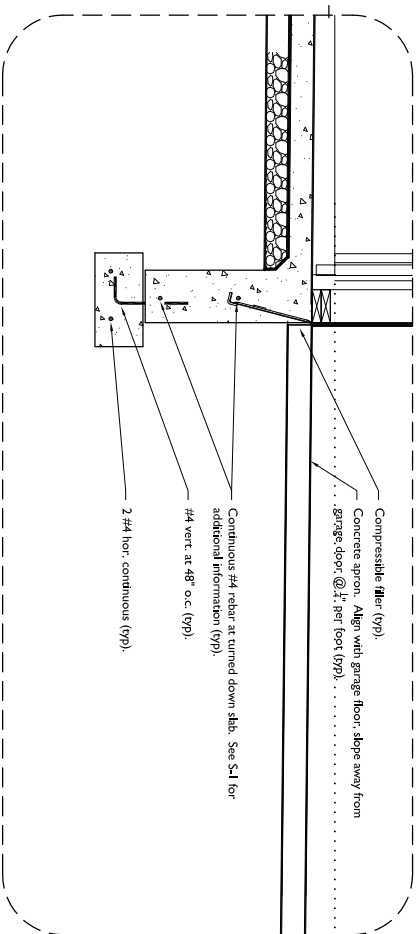
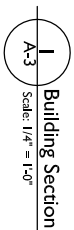
**1 First Floor Plan**  
A-1  
Scale: 1/4" = 1'-0"

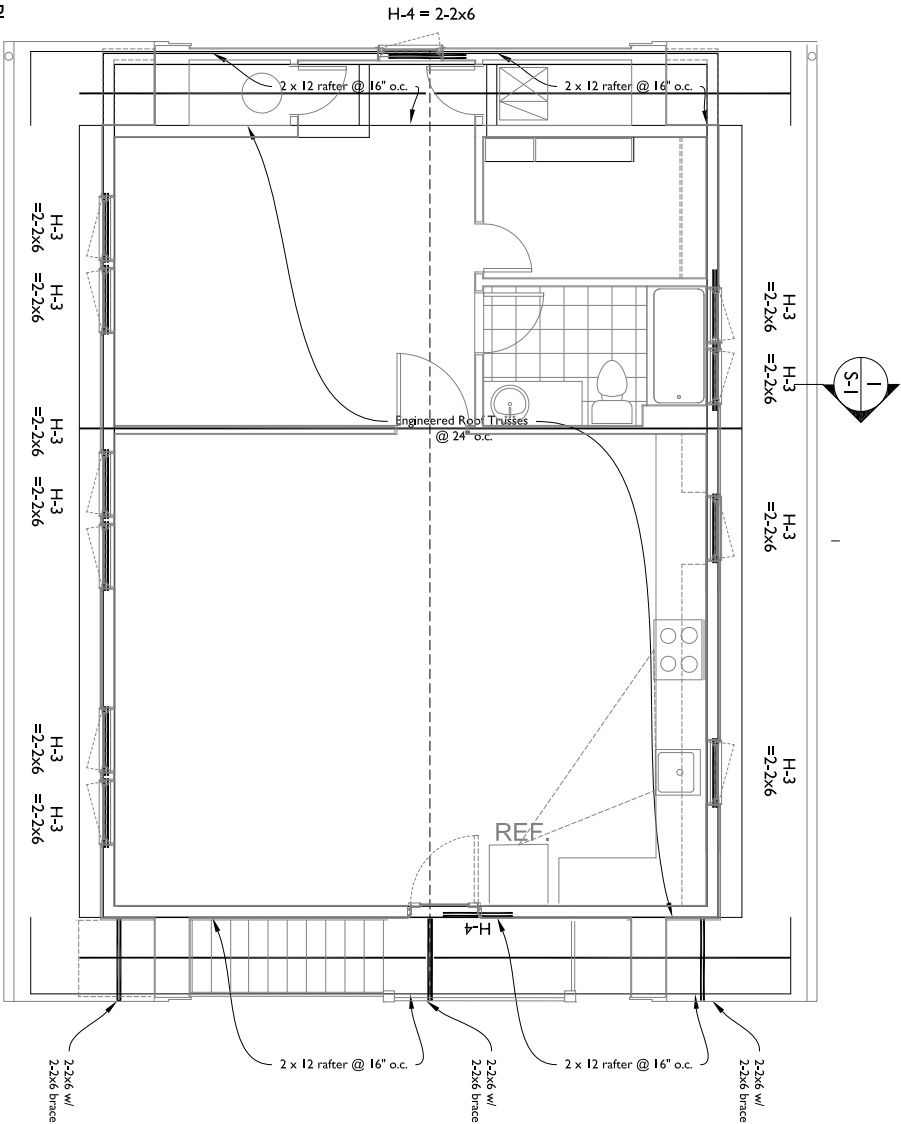
Window Schedule			Juergens Residence
Window Type	Description	Remarks	
A	Marvin Clad Ultimate Casement CUCA3260 frame size 2'-8" x 4'-11 1/8" jamb 6-9/16"	Insulated Low E1 - air NFRC u-value 0.33 NFRC SHGC 0.43 3w x 4h lites-SDL w/ spacer	
B	Marvin Clad Ultimate Casement CUCA3254 frame size 2'-8" x 4'-5 1/8" jamb 6-9/16"	Insulated Low E1 - air NFRC u-value 0.33 NFRC SHGC 0.43 3w x 3h lites-SDL w/ spacer	
C	Marvin Clad Ultimate Casement CUCA3244 frame size 2'-4" x 1'-3 1/8" jamb 6-9/16"	Insulated Low E1 - air NFRC u-value 0.33 NFRC SHGC 0.43 2w x 1h lites-SDL w/ spacer	
D	Marvin Clad Ultimate Casement CUCA2816 frame size 2'-4" x 1'-3 1/8" jamb 6-9/16"	Insulated Low E1 - air NFRC u-value 0.33 NFRC SHGC 0.43 2w x 1h lites-SDL w/ spacer	



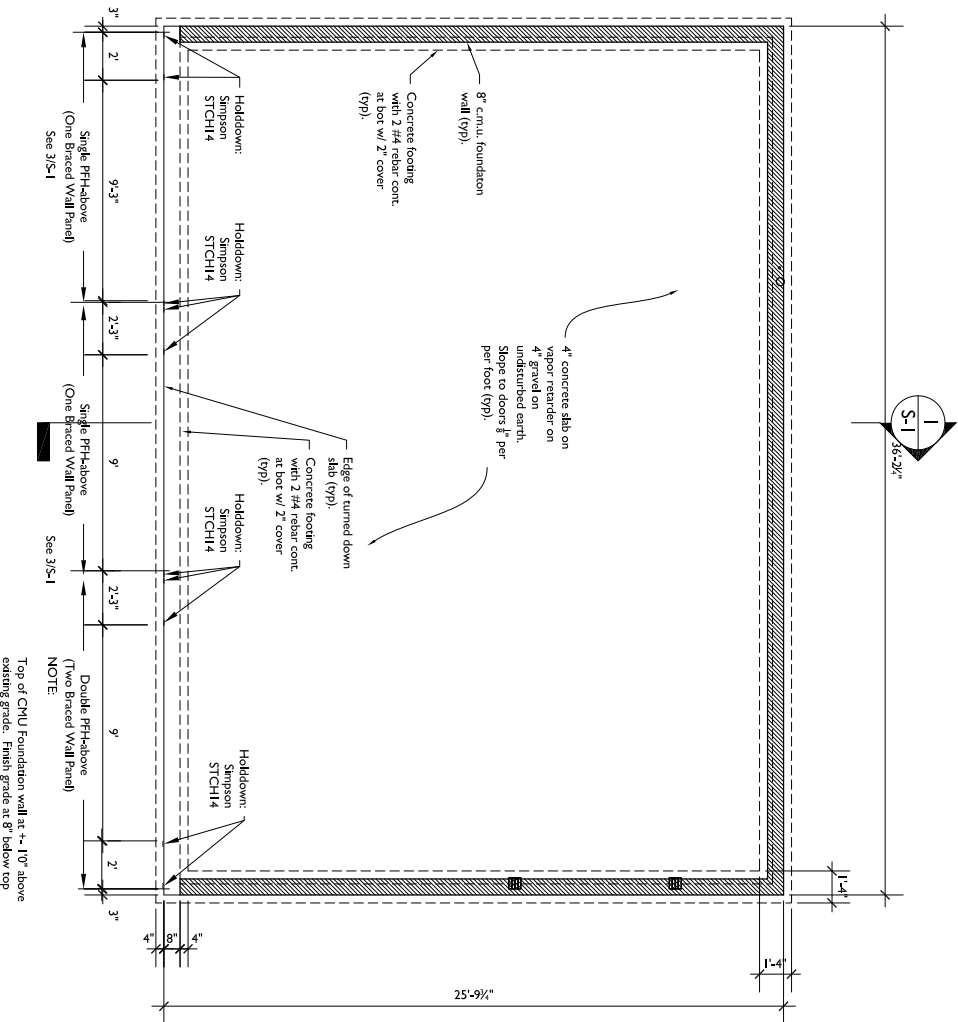




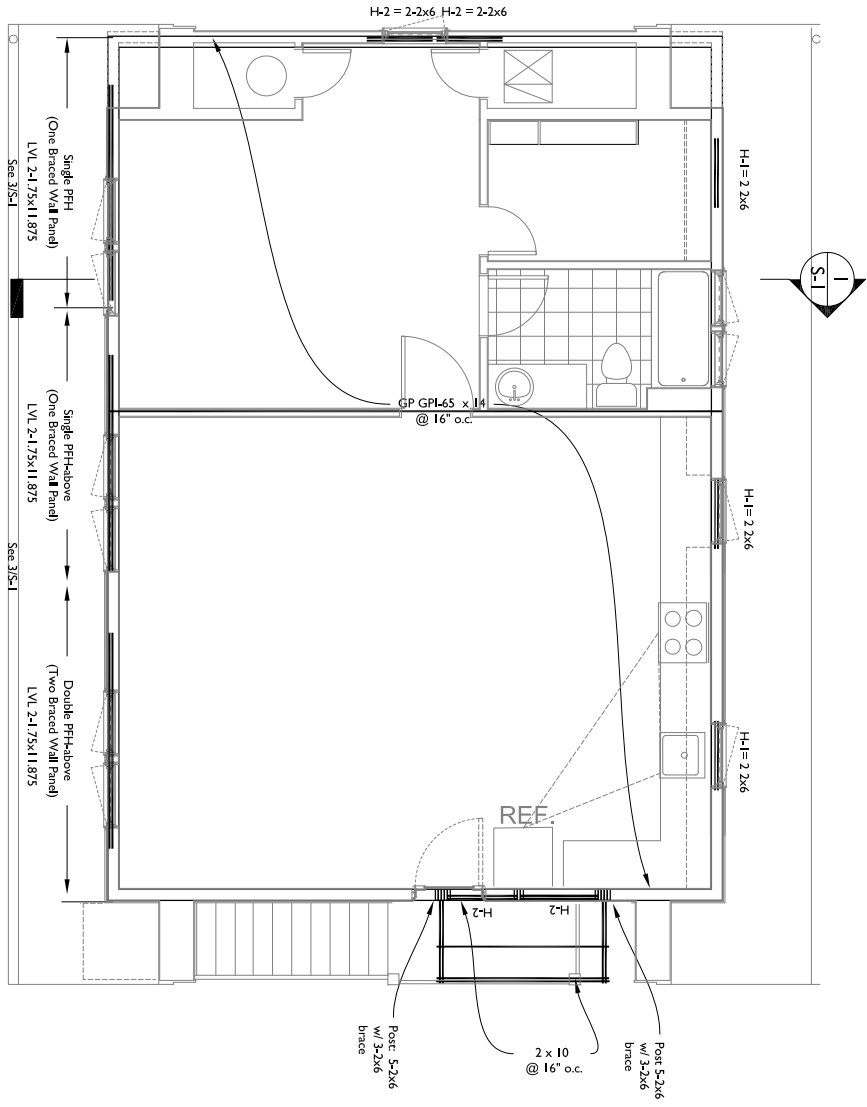




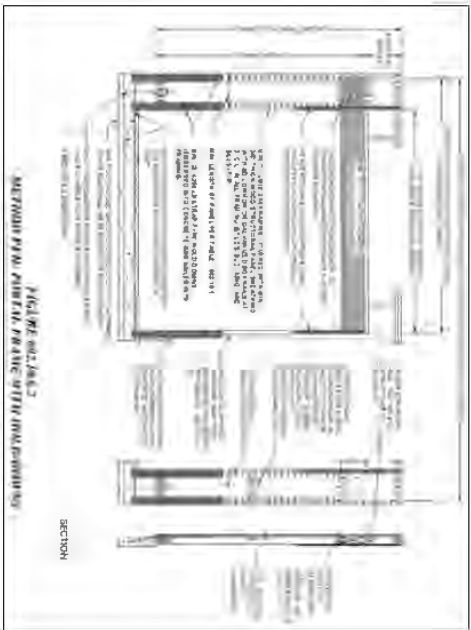
2  
S-2  
Roof Framing Plan  
Scale: 1/4" = 1'-0"



1  
S-1  
Foundation/Slab Plan  
Scale: 1/4" = 1'-0"

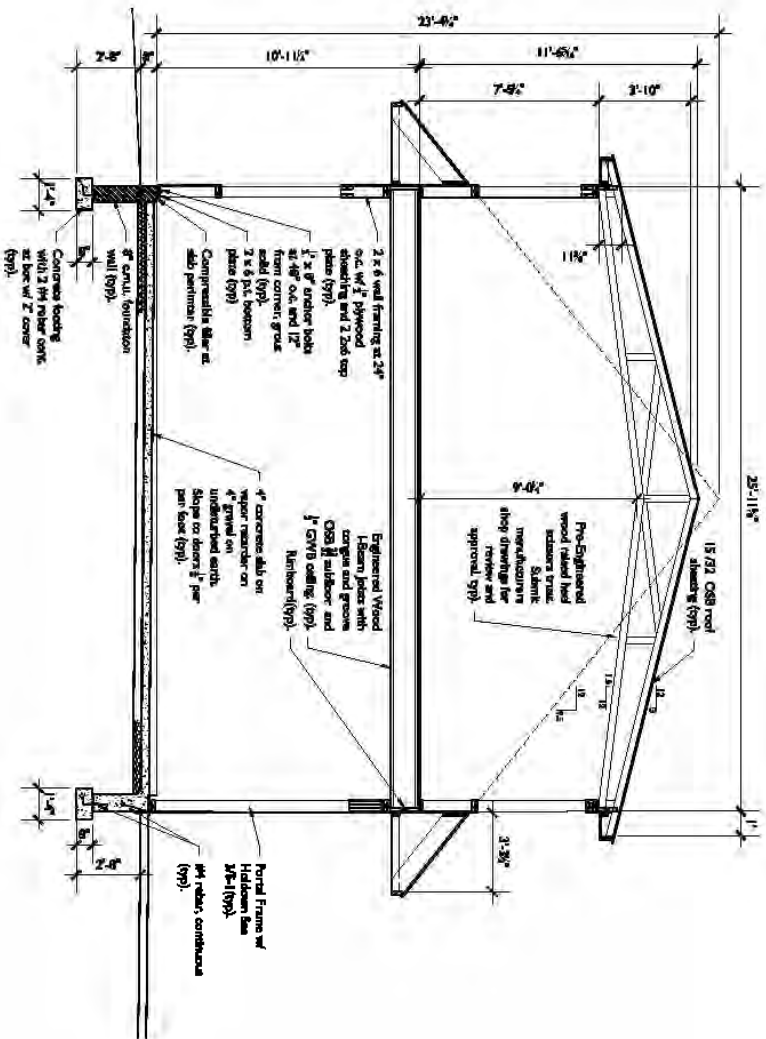


1  
S-2  
2nd Floor Framing  
Scale: 1/4" = 1'-0"



- Note:
1. Steel open hollows: Simpson STDP14 or equal 1200 lb capacity minimum.
  2. Header/jack: Simpson HMTA30 or equal 2050 lb capacity minimum.
  3. See Framing plan for header sizes.

3 Portal Frame with Hold-Downs-2013 RCO Detail



2 Building Section

Variance



## Village of Yellow Springs

100 Dayton Street, 45387

PHONE: (937) 767-1702

FAX: (937) 767-3720

## Board of Zoning Appeals Application

Case #: B217-01

Zoning District: R-A

TYPE OF REQUEST: (Check one)

☒ VARIANCE

☐ ZONING APPEAL

☐ OTHER (Please Specify): \_\_\_\_\_

1. Property Address and/or Parcel ID: 319 Allen St Yellow Springs

2. Property Owner: Eric Jurgens  
Address: ~~319 Allen St~~ 1108 Xenia Ave Phone: 937-631-1855

3. Description of request: Our request is for the allowance of an  
accessory building as per attached drawings

Tim Conrad  
937 405 6125

The owner of this property and undersigned do hereby certify that the information and statements given on this application, drawings, and specifications are to the best of their knowledge, true and correct.

Signature of Applicant Eric Jurgens

Title: Owner

Address: 1108 Xenia Ave Yellow Springs, OH 45378

Date: 12/28/2016

E-mail: ejurgens@madavex.com

DO NOT WRITE BELOW THIS LINE [OFFICE USE]

Zoning Classification: R-A

Fee: \$100.00 - pd. 12/28

Hearing Date: 2/22/17

Request Denied or Approved: \_\_\_\_\_

Chairman: \_\_\_\_\_

Attest: \_\_\_\_\_

## Justifications regarding 3/9 Allen st. variance request

- 800 ft<sup>2</sup> limitation imposes a hardship in our case on account of storage space for grounds maintenance items such as mowers chippers etc.
- on a 1/2 acre lot an 800 ft<sup>2</sup> structure covers 3 1/2 percent of the lot... in our case with a 2.29 acre lot a 936 ft<sup>2</sup> accessory structure covers less than 1%