

VILLAGE OF YELLOW SPRINGS
BOARD OF ZONING APPEALS
MEETING AGENDA

The Village of Yellow Springs Board of Zoning Appeals will convene virtually on
Wednesday, January 26, 2021 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, January 21, 2021 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, January 22, 2021**. 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 November 18, 2020.

PUBLIC HEARINGS

1. Variance Application – R-C, High Density Residential District – 143 E. Limestone St. – Gavin Leonard has submitted an application for a variance, seeking relief from the square footage minimum requirement for an Accessory Dwelling Unit. Chapter 1262.08 Conditional Use –Specific Requirements Section (e)(1)(D); Chapter 1260 General Provisions Section 1260.01(a)(6).
Greene County Parcel ID #F19000100090025200

AGENDA PLANNING

ADJOURNMENT

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

Virtual Meeting @ 5:00 P.M.

Wednesday, November 18, 2020

CALL TO ORDER

The meeting was called to order at 5:00 p.m. by Ellis Jacobs, Acting Chair.

ROLL CALL

Ellis Jacobs, Chair, members Dino Pallotta, Ellis Jacobs, Anthony Salmonson, Scott Osterholm were present, and Alternate Richard Zopf. Zoning Administrator for the Village, Denise Swinger, was present. Solicitor Breanne Parcels was also present.

REVIEW OF MINUTES

Minutes for BZA Meeting of September 23, 2020. Zopf MOVED and Salmonson SECONDED a MOTION TO ADOPT THE MINUTES AS WRITTEN. The MOTION PASSED 5-0 on a voice vote.

COMMUNICATIONS

Mary Gail Simpson re: 607 Omar Circle

REVIEW OF AGENDA

There were no changes made.

PUBLIC HEARINGS

1. Continuation of Hearing: variance seeking relief from Chapter 1260 General Provisions Section 1260.04 Uses (a) (3) regarding the setback for an accessory structure - Property owner Ruben Schultz – 607 Omar Circle - R-A, Low Density Residential District. Greene County Parcel ID #F19000100080023900.

Jacobs read the Duncan Standards as follows, with some discussion of each, and the Clerk calling roll on each.

- (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: Yes; Pallotta: Yes; Osterholm: Yes; Zopf: No; Jacobs: Yes.
- (2) Whether the variance is substantial; Pallotta: Yes; Osterholm: Yes; Zopf: No; Salmonson: Yes; Jacobs: Yes.
- (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: Yes; Pallotta: No; Osterholm: No; Zopf: No; Jacobs: 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; Osterholm: No; Zopf: No; Pallotta: No; Salmonson: No; Jacobs: No.
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Pallotta: No; Osterholm: No; Salmonson: No; Zopf: No; Jacobs: Yes.

- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; Zopf: No; Osterholm: Yes; Pallotta: No; Salmonson: Yes; Jacobs: No.
- (7) Whether the existing conditions from which a variance is being sought were self-created; Zopf: Yes; Pallotta: Yes; Salmonson: Yes; Osterholm: Yes; Jacobs: Yes.
- (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Osterholm: Yes; Pallotta: Yes; Zopf: Yes; Salmonson: Yes; Jacobs: Yes.

Jacobs MOVED TO APPROVE the variance, with the following conditions; that Mr. Felder signs that he has no argument with the variance, that Mr. Shultz signs the legal agreement provided by the Village of Yellow Springs, that the zoning permit is applied for and granted, and that the recording fees are paid by Mr. Schultz. Pallotta SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

- 2. A variance seeking relief from Chapter 1260 General Provisions Section 1260.01(a)(1) regarding the height of a fence in the front yard – Property owner Jordan Gray – 960 Talus Drive - R-A, Low Density Residential District. Greene County Parcel ID #F19000100050017200

Jacobs read the Duncan Standards as follows, with some discussion of each, and the Clerk calling roll on each.

- (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; Osterholm: Yes; Salmonson: Yes; Zopf: Yes; Pallotta: Yes; Jacobs: Yes;
- (2) Whether the variance is substantial; Pallotta: No; Osterholm: No; Salmonson: No; Zopf: No; Jacobs: 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; Zopf: No; Osterholm: No; Salmonson: No; Pallotta: No; Jacobs: 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; NOT APPLICABLE.
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Pallotta: Yes; Salmonson: Yes; Osterholm: Yes; Zopf: Yes; Jacobs: Yes;
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; Pallotta: No; Osterholm: No; Zopf: No; Salmonson: No; Jacobs: No.
- (7) Whether the existing conditions from which a variance is being sought were self-created; Zopf: No; Salmonson: Yes; Osterholm: No; Pallotta: Yes; Jacobs: No.
- (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Osterholm: Yes; Zopf: Yes; Pallotta: Yes;

Salmonson: Yes; Jacobs: Yes.

Jacobs MOVED TO APPROVE the variance as requested. Pallotta SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

AGENDA PLANNING

There were no future agenda items.

ADJOURNMENT

There being no further business, Zopf MOVED and Salmonson SECONDED a MOTION to adjourn. The MOTION PASSED 5-0. Meeting ADJOURNED at 5:57 PM.

Ellis Jacobs, Chair

Attest: Judy Kintner, Clerk