

VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION
REGULAR MEETING

Council Chambers

Tuesday, May 12, 2026 @ 6PM.

The Village of Yellow Springs Planning Commission will meet in regular session on Tuesday, May 12, 2026 @ 6PM. The meeting will be broadcast live via Channel 5 Community Access cable station, which is simultaneously shown on the Village's "Community Access Yellow Springs" YouTube station. For any questions, contact the Council Clerk at clerk@yso.com or at 937-767-9126.

CALL TO ORDER

ROLL CALL

REVIEW OF AGENDA

REVIEW OF MINUTES

1. Minutes of April 14, 2026 Regular Meeting

COMMUNICATIONS

The Clerk will receive and file:

Albert Cawood re: Objection to Conditional Use
Theresa Dunphy re: Parking Concern

COUNCIL AND COMMITTEE REPORTS

Active Transportation Committee
Council

CITIZEN COMMENTS

PUBLIC HEARINGS

Conditional Use Request: R-C; High Density Residential District. Kim Limkau, property owner, has submitted a Conditional Use application to operate an Accessory Dwelling Unit (ADU) at 144 S. Walnut Street. Chapter 1262.08(e)(1) Conditional Use Requirements. Greene County Parcel #F19000100100007300.

OLD BUSINESS

PC Goal Setting Update (DeVore Leonard: 10 min.)

NEW BUSINESS

AGENDA PLANNING

ADJOURNMENT

Planning Commission Regular Meeting Minutes

In Council Chambers @ 6:00pm

Tuesday, April 14, 2026

CALL TO ORDER

The meeting was called to order at 6:01 P.M.

ROLL CALL

Planning Commission members present were Susan Stiles, Chair, Stephen Green, Gary Zaremsky, Gavin DeVore Leonard and Scott Osterholm. Also present were Solicitor Amy Blankenship, and Aaron Arellano, Planning and Economic Development Assistant.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

1. Minutes of March 10, 2026 Regular Meeting

Osterholm MOVED TO APPROVE the Minutes of the March 10, 2026 Regular Planning Commission meeting. Green SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

COMMUNICATIONS

Wishart/Wilson re: Support for Conditional Use
Taylor and Alex Sharp re: Support for Conditional Use
Mychael Roberts re: Support for Conditional Use
Mattie Fitch re: Support for Conditional Use
Steve Sikes-Gilbert & Sarah Gemzer re: Support for Conditional Use
Carly Perkins re: Support for Conditional Use
Donna Haller re: Support for Conditional Use
Aaron & Emily Gray re: Support for Conditional Use
Meagan Verbillion re: Support for Conditional Use
Julia Lee re: Support for Conditional Use
Jason & Esther Laveck re: Support for Conditional Use
Caryn Diamond re: Support for Conditional Use
Chelsey Harlow re: Support for Conditional Use
Aida Merhemic and Bob Barcus re: Support for Conditional Use
Emily Foubert re: Support for Conditional Use
Laura Hamilton re: Support for Conditional Use
Trent Kline re: Support for Conditional Use
Nancy Lineburgh re: Support for Conditional Use
Liz Cameron re: Support for Conditional Use
Lesley & Mark Obstalecki re: Support for Conditional Use
Heather McGee re: Support for Conditional Use
Kelly Carpe re: Support for Conditional Use
Tiffany Ward re: Support for Conditional Use
Laryssa Ingebo-Blanzky re: Support for Conditional Use
Lauren De Guzman re: Support for Conditional Use
Sammy Saber & Dorothee Bouquet re: Support for Conditional Use

Simone Demarzi re: Support for Conditional Use
Margi Gay re: Support for Conditional Use
David Hyde re: Support for Conditional Use
Bret Knickerbocker re: Support for Conditional Use
Colette Palamar re: Support for Conditional Use
Kelli Leingang Pitrone re: Support for Conditional Use
Erin & Alisha Ritter re: Support for Conditional Use
Liz Stacy re: Support for Conditional Use
Alison Kline re: Support for Conditional Use
Nancy Knickerbocker re: Support for Conditional Use
Johanna Northway re: Support for Conditional Use
Tom Knickerbocker re: Support for Conditional Use
Anne Kleinhenz re: Support for Conditional Use
Tatiana Daugherty re: Support for Conditional Use
Marcia Wallgren re: Support for Conditional Use
Meredith Florkey re: Support for Conditional Use
Rita Shires re: Support for Conditional Use
Patricia Peters re: Support for Conditional Use
Patricia Schneider & Andrew Junker re: Opposition to Conditional Use
Kathryn Van der Heiden re: Opposition to Conditional Use (2)
Ruth Lapp re: Opposition to Conditional Use
Hank Lapp re: Opposition to Conditional Use
Sandra Jessen re: Opposition to Conditional Use
Scott and Jeanine Clark re: Opposition to Conditional Use (2)
Lindsey & Aaron Engler re: Opposition to Conditional Use
Marcia Sutherland re: Opposition to Conditional Use
Philip King re: Opposition to Conditional Use
Donna Caslin re: Opposition to Conditional Use
Susan Mitchell re: Opposition to Conditional Use
William Mitchell re: Opposition to Conditional Use (2)
Petition re: Opposition to Conditional Use
Nicole Gay re: Additional Information

Stiles acknowledged communications.

COUNCIL AND COMMITTEE REPORTS

Active Transportation Committee. No Report.

Council. DeVore Leonard presented Council information as follows:

3/16: The request for increased signage around Mills Lawn and YSHS has been referred to Choice One for a professional recommendation. That recommendation should be available late April or early May.

4/6: Council granted one-year extensions to The Windsor Group for the Final Plans for two PUDs located on what was previously Antioch property. Eric Alfieri stated that the Final Plan will likely be presented to PC sooner than one year from the August 2027 deadline.

4/9: Council held a Housing Retreat. The six-hour meeting covered a wide range of housing topics and was geared towards better understanding of this complex issue and where staff and Council members stand regarding possibilities for addressing housing in the village.

Council agreed to work on the following areas, which will be further discussed at Council table: creation of a housing mission statement and a firm definition of “affordable housing” that will also be reflected in the zoning code; assessment of possibilities and possible creation of an RFP for the Glass Farm property; evaluation of the zoning code with an eye to any barriers to housing creation, possible formation of a housing commission or committee and/or a Manager’s advisory group, and evaluation of village rental availability and possible code enforcement with regard to rental properties.

CITIZEN COMMENTS

There were no comments made.

PUBLIC HEARINGS

Conditional Use Request – R-A; Low Density Residential District—1333 President Street. Nicole Gay, applicant, has submitted a Conditional Use application for Group Daycare. Chapter 1262.03(b) Conditional Use General Standards. Greene County Parcel #F1900000160005600.

Arellano acknowledged proper noticing of the request per Village code and introduced the hearing as follows:

Nicole Gay, applicant, submitted a Conditional Use application to operate a licensed in-home Group Daycare at 1333 President St, an existing single-family dwelling in the R-A (Low Density Residential) district.

Group daycare is a conditional use in this zoning district and is defined in Section 1248.02 of the Yellow Springs Zoning Code as the following: “**Day care, group.** A private home in which seven, but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.”

The applicant would like to operate a group daycare out of the existing single-family home. There are no planned changes to the exterior of the building itself although changes will be made to the basement level of the structure to accommodate the planned daycare. A portion of the first floor will accommodate a multi-use space for dining and parent group meetings.

The daycare as proposed will operate between the hours of 8:00am and 5:00pm, Monday through Friday. Specifically, morning arrival will be from 8:00am-9:00am and pickup between 3:00pm-4:00pm. A maximum of three families regularly pay for extended care, which ends at 5pm.

The applicant is requesting modification of parking requirements based on the provided pick up/drop off plan proposal.

Total number of children, per code, will not exceed a maximum of 12 preschool age students.

As part of the applicant’s updated contracts with families, they will be required to follow strict procedures regarding scheduled drop-off/pick-up times, driveway protocol, and posted speed limits. Those in breach of that contract will be at risk of dismissal from the program.

Licensing from the Ohio Department of Children and Youth (DCY) has been obtained to operate the daycare. The application meets the requirements of the Zoning Code for a group daycare in an R-A district.

Per Village Code 1264.02, the parking standard for the proposed use is “1 per 350 sq. ft. of UFA, plus 1 per employee. Sufficient area shall be designated for drop-off of children or adults in a safe manner that will not result in traffic disruptions”. Based solely on the Useable Floor Area (UFA) of 1,326 square feet in the basement area for the classroom, 4 parking spaces plus one per employee are required for this use category.

The applicant is requesting modification of the required minimum off-street parking spaces based upon the nature of the use, which requires a brief drop-off and brief pick-up during two distinct periods of the day, am and pm, respectively. Because the property has a large U-shaped driveway, neither drop-off nor pick-up is anticipated to require parking. Two parking spaces are available for the residents of the home in the garage adjacent to the home. The residents of the home are the only employees of the proposed daycare.

Arellano stated that staff recommend the following conditions of approval:

1. Provide a schedule and protocol for drop-off and pick-up and ensure all families are required to comply with the schedule and protocol
2. Obtain Certificate of Occupancy
3. Prior to installation of any sign, obtain Sign Permit approval

Stiles asked why the recommendation is neutral.

Arellano responded that because staff could not make a clear determination based on code, a neutral recommendation seemed appropriate.

Nicole and Bryan Gay addressed PC. They stated that the model began during Covid as a way to limit indoor time, and received a good response. The limit of 12 required for residential day care will require scaling back from their current number of 14 children.

Nicole spoke of the search for an alternative location at various sites in the village, none meeting their needs until this location was found. She described the parent handbook which is being developed which will delineate the drop-off and pick-up as well as a request that no parent park on the street. She stated that the “U” shaped drive would be a one-way drive. She added that parental failure to comply would ultimately result in their child(ren)’s dismissal from the program.

Green asked what percentage of the time children would be outside.

Nicole Gay responded that this is weather dependent to some extent, and described some aspects of the program as a descriptor.

Responding to perceived safety concerns, the Gays noted that structure and safety awareness are practiced as a general rule.

Green asked whether there are any noise protocols.

Nicole Gay responded, stating that their students are taught to interact and play with respect. She dismissed the characterization of students “screaming all day,” noting that this is antithetical to the precepts of the program.

Gay described unsafe conditions at their current location at Antioch College, including water leaks and a non-functioning fire alert system.

Stiles asked whether there are any noise mitigation plans.

Bryan Gay noted some natural barriers in place such as a hedge and trees.

Zaremsky commented that he had passed the property recently and noticed that several lawn care companies were at work, and the noise was significantly reduced when mowers were on the property as opposed to near the street.

DeVore Leonard received clarification that there are a maximum of twelve children at any one time, and followed up, asking how many drop-off/pick-ups would occur in a given day.

Bryan Gay explained that there would be an average total of 24 trips daily.

Zaremsky asked whether the Gays had held a neighbor meeting early on.

Nicole Gay described reaching out through e-mail to some neighbors who had expressed concerns. She stated that she had requested mediation to assist in the dialogue, but did not hear back from any of the concerned neighbors.

Nicole stated that it is difficult to see “fear influencing perception”. She described several aspects of the program, stating that the program encourages children to develop as individuals within community, and that any sounds neighbors may hear “are the sounds of community”. She stated that the program will result in adults who will become good neighbors and community members.

Stiles OPENED THE PUBLIC HEARING.

Maddie Fitch, resident on East Enon Road, parent of an OAV student, spoke in favor of the program. She opined that the program would not affect the character of the neighborhood in that the children are being taught to appreciate its pastoral nature.

Xenia resident Allison Kline spoke in favor of the program as the parent of a current student.

Brett Knickerbocker, Xenia Township, parent of a current student, spoke in favor of the conditional use and lauded the character of the applicants.

Larissa Ingebo, village resident, lauded the program and spoke in favor of the conditional use.

Jason Lavek, village resident, spoke in favor of the program. He stated his understanding that the question at hand is whether the use can operate responsibly at this location. He stated that conditions can be imposed to protect the neighborhood character.

Kelly Patrone, Cedarville resident and parent of children attending OAV stated that she has volunteered at the school a number of times and that noise has never been an issue.

Henry Lapp, near neighbor, described a confusing communication regarding mediation with OAV. He wondered why

Katherine Van Der Heiden spoke in opposition to the use, opining that there would be a great deal of noise and that this would ruin her living experience.

Ruth Lapp, near neighbor, asked that the standards of 1262.03 be applied. Lapp specified concerns related to traffic and the narrow nature of the street. She asked about Saturday classes and weekend gatherings listed on a website for the property, again citing traffic concerns.

Marcia Sunderland, next door neighbor to the property, spoke in objection to the use citing noise concerns.

Jeanine Clark, near neighbor, spoke against the use, citing traffic concerns and noise. She stated that PC should not approve the conditional use if it cannot meet the standards of chapter 1262.03, iterating ways in which she believes the use will not comply.

Sue Mitchell, near neighbor, stated that “residential noise volume is a protected right” and requested that the use be denied. Mitchell cited chapter 1262.

Dorothee Bouquet, village resident whose child attended noted that she had never experienced the program as loud or chaotic, and was not aware of any complaints in the program’s previous locations.

Tiffany Ward, Fairborn resident stated that she now teaches at OAV, having come from teaching in Fairborn. She commented that children who are not confined most of the day tend to make less noise.

Bill Mitchell, near neighbor, spoke against the use, complaining that he was not contacted by the applicants. He cited noise statistics and requested that PC adhere to 1262.03.

Sue Abendroth, who resides several blocks away, spoke against the conditional use, characterizing it as a violation of the zoning code.

Ethan Hamilton, village resident and parent of a current student spoke in favor of the use, stating that as the oldest of seven children, his household would have exceeded the limit for children on many occasions when they had friends over.

Paul Abendroth, Rice Road resident stated that the roads in the area are very narrow in speaking against the use.

Meridith Florkey, Waynesville resident and competitor to the Gays as a provider of a similar program, spoke in favor of the use. She described the inspection process as well as some of the rules the group day care must follow. She described the village as a day care desert, with only three licensed day care options available.

Stiles CLOSED THE PUBLIC HEARING.

Stiles asked whether a Conditional Use permit can be revoked.

Blankenship responded that if there is violation of a condition, the applicant has 15 days to correct the problem. She noted that some conditions might be difficult to enforce on both sides.

Stiles asked Blankenship to explain why Home Occupation standards are not applicable.

Blankenship responded that because the use request falls under Daycare: Group, not Home Occupation, only the standards required for “Daycare: Group” apply, since only one set of standards can apply.

Stiles asked whether noise could be conditioned.

Blankenship responded that this would be subjective, but would be complaint based in terms of response, which could prove difficult.

Zaremsky stated that noise measurements vary dramatically over space and is difficult to measure. He commented that any condition imposed should be based not upon a number of complaints, and that noise be defined qualitatively.

Stiles asked Blankenship what latitude PC has to condition the use with a limit on noise complaints.

Blankenship responded that PC has the authority to condition their approval as they see fit, commenting that such a condition would leave the applicant with a fair degree of uncertainty which could, potentially, create a barrier to licensing. The matter would then be up to staff to navigate.

Green expressed concern regarding complaints that may be based upon annoyance, rather than upon a true violation.

Stiles commented that it is not up to PC to address annoyance issues.

Osterholm remarked on previous complaints regarding the Gulch Saloon, opining that location presumes some overlap with certain uses. He added that noise-reducing fencing and shrubs are available and would be an option.

Zaremsky stated that defining noise for the purpose of setting a condition is very difficult.

Stiles expressed ‘empathy for both sides’, commenting on her experience of living next to the local Day-care Center as positive and with a Montessori school.

Stiles permitted Kathryn Van de Heiden to speak again without opening the public hearing.

Van der Heiden commented that ‘noise is dangerous for her’ and demanded a response to noise concerns.

Blankenship suggested that PC walk through the standards set forth in chapter 1262.03, reading the introduction to the standards to PC by way of explaining their significance to the decision, noting that code requires that each of the standards must be found to be satisfied.

Stiles directed discussion of each standard with results as follows:

- (a) The proposed use will be consistent with the intent and purposes of this zoning code and the vision, goals and recommendations of the Comprehensive Plan and Vision: Yellow Springs and Miami Township.

Stiles read the neutral finding provided by staff.

Green noted that it is an existing Conditional Use and was therefore considered a potentially appropriate location for a group daycare.

Zaremsky commented that the use satisfies the Vision's demographic goal of attracting families to the area.

- (b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use.

Blankenship explained that this could refer to the parking requirement, for example.

Arrillano read the parking requirements and the plan provided by the applicant.

- (c) The proposed use will be compatible with the character of the general vicinity.

Zaremsky commented that a school with "50 or 60" children is located "around the corner" from the proposed group daycare location.

Green commented that the house will continue to look like a house in all ways.

- (d) The area and proposed use will be adequately served by essential public facilities and services, as applicable, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools. The applicant or landowner will be required to install public utilities, streets or other public infrastructure as required by the Village, State or other agencies to applicable specifications. Dedication of said public infrastructure may be required.

Stiles stated that these services are "already in place."

- (e) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the zoning district.

Green stated that the identified objections to the use are that it will create additional traffic and noise. He added that the question at hand is whether those additions will be excessive or tax existing infrastructure, opining that he does not believe the use will be excessive.

DeVore Leonard stated that he struggles with what constitutes "excessive". He acknowledged that most residents of the village value its quiet nature. He noted that the Gays are on board with a number of mitigating factors and have addressed both noise and traffic issues. He added that he is therefore inclined to approve the use, but asked whether there might be the option to "check back in after

a year”.

Osterholm stated agreement with the idea of a one-year check-in. He again raised the condition of fencing as a possibility.

Arrellano commented that he had asked Chief Burge to review the pick-up/drop-off plan, and she has responded that she does not see any reason for traffic safety concerns.

- (f) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Stiles commented that she did not believe the use would impact the surrounding properties.

- (g) The proposed use will not block sight lines from the right-of-way to existing signs or windows on the front or side of a building.

Stiles commented that the use will not block sight lines.

Stiles asked for a motion and any conditions.

Osterholm stated that he would like to require sound reducing fencing.

Zaremsky challenged the requirement.

Stiles clarified that a “barrier” is required by the licensing agency.

DeVore Leonard noted that PC does not need to condition the number of students, since this is capped by State regulations. Regarding drop-of/pick-up, he said, this is conditioned and is reflected in the plan provided by the Gays. Parking, DeVore Leonard said, is adequately served via the U-shaped driveway.

PC members expressed confusion regarding whether on-street parking was to be eliminated through use of the driveway.

Blankenship interjected that there are two disparate issues at hand: PC, she stated, can enforce the zoning code regulation dictating the number of required off-street parking spaces. Beyond that, she said, PC cannot prohibit on-street parking. If PC wanted to condition on-street parking, she said, that could more readily be done if certain hours, such as 9am-5pm, were specified. Enforcement would be difficult, she added, noting that revocation of a conditional use is a specified process.

PC discussed the possibility of conditioning on-street parking.

Blankenship advised that Arellano would be the person contacted if there was any violation of the on-street parking prohibition.

Stiles read through the six conditions of approval PC had pulled together as follows: Schedule for pick-up/drop-off; obtain certificate of occupancy; obtain sign permit prior to erecting a sign; sound-reducing fencing or barrier; no on-street parking 8-5 for clients or employees.

Regarding fencing or barrier, Zaremsky suggested that “sound abatement features as practical” be required.

Blankenship pointed out that “practical” is a subjective standard, engendering further discussion.

PC then debated the proposed condition regulating parking.

DeVore Leonard opined that the Gays have indicated that they will work to prevent on-street parking for the day care. DeVore Leonard stated that the two significant issues raised by neighboring property owners are noise and traffic. “I just don’t think there is any way we can determine whether these things are going to be excessive,” he commented

Arellano pointed out that the pick-up/drop-off plan provided by the Gays, to which clients must adhere, requests that there be no on-street parking during these times, which would seem to cover that condition.

Stiles clarified that the conditions PC was requiring are those requested by staff with addition of “fencing or a barrier”.

Green MOVED TO APPROVE the conditional use as requested with the following conditions:

1. Provide a schedule and protocol for drop-off and pick-up and ensure all families are required to comply with the schedule and protocol
2. Obtain Certificate of Occupancy
3. Prior to installation of any sign, obtain Sign Permit approval
4. Install fencing or barrier

Blankenship asked that the fourth condition be specific to where fencing is required.

Stiles stated that she had “sound-reducing fencing or barrier where required”.

Bryan Gay asked whether there would be any requirement that a particular amount of sound be abated by means of the required fencing.

Blankenship asked that PC be specific regarding the type of sound abatement, such as “a six-foot solid fence lined with fast-growing evergreens” or similar.

DeVore Leonard stated that he objects to adding a condition that will be potentially cost-prohibitive. He added that the Gays have indicated that the use will be somewhat temporary. He opined that he is not certain the benefit of a fence is outweighed by the possible negatives.

Green commented that he is comfortable not adding a condition of fencing, adding that a barrier is required for licensing.

Bryan Gay responded that between licensing requirements, village code and what the homeowner will permit, they will put up some form of barrier.

Green restated his motion as follows: To APPROVE the conditional use with the three conditions requested by staff, and with no condition regarding fencing.

Osterholm asked to add a condition that once the licensing agency provides their request for a barrier, that that is then reported back to PC.

DeVore Leonard explained that in Osterholm's brief absence, Bryan Gay had explained that he required barrier could take several forms, including, potentially, vegetation.

Osterholm tried to find a condition that could be added to address the sound issue.

Stiles asked whether any changes that were to occur could be reported back.

Blankenship pointed out that this is a non-condition.

Osterholm reiterated that something should be done to address the many noise concerns raised.

Stiles asked whether there was general agreement with the three stated conditions, and was met with affirmation.

Stiles called for a SECOND.

Zaremsky SECONDED.

Blankenship clarified that the motion is to approve with the three listed conditions as follows:

1. Provide a schedule and protocol for drop-off and pick-up and ensure all families are required to comply with the schedule and protocol
2. Obtain Certificate of Occupancy
3. Prior to installation of any sign, obtain Sign Permit approval

Blankenship addressed DeVore Leonard's earlier suggestion, stating that while "check-ins" are not valid conditions, conditioning the use for a one-year or other specific time period would be permissible.

DeVore Leonard responded that he was seeking an option that does not require a stopping point.

Stiles CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Stiles commented to the Gays her hope that they have listened to their neighbors and will seek to address any concerns that might arise.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

There was no New Business.

AGENDA PLANNING

Arellano stated that PC may have a Conditional Use hearing for an ADU in May.

Stiles asked that PC's goals be addressed if Council has weighed in at that point.

ADJOURNMENT

At 8:20pm, DeVore Leonard MOVED and Green SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Susan Stiles, Chair

Attest: Judy Kintner, Clerk



The Village of **YELLOW SPRINGS**

— PLANNING & ECONOMIC DEVELOPMENT —

937-767-3402

aaron.arellano@yellowsprings.gov
100 Dayton St. Yellow Springs, OH 45387

TO: Planning Commission
FROM: Aaron Arellano, Planning & Economic Development Coordinator
REPORT DATE: Tuesday May 5, 2026
MEETING DATE: Tuesday May 12, 2026
RE: **PC01-2026 – Conditional Use for ADU – 114 S Walnut St. – Kim Lemkau**

SUMMARY

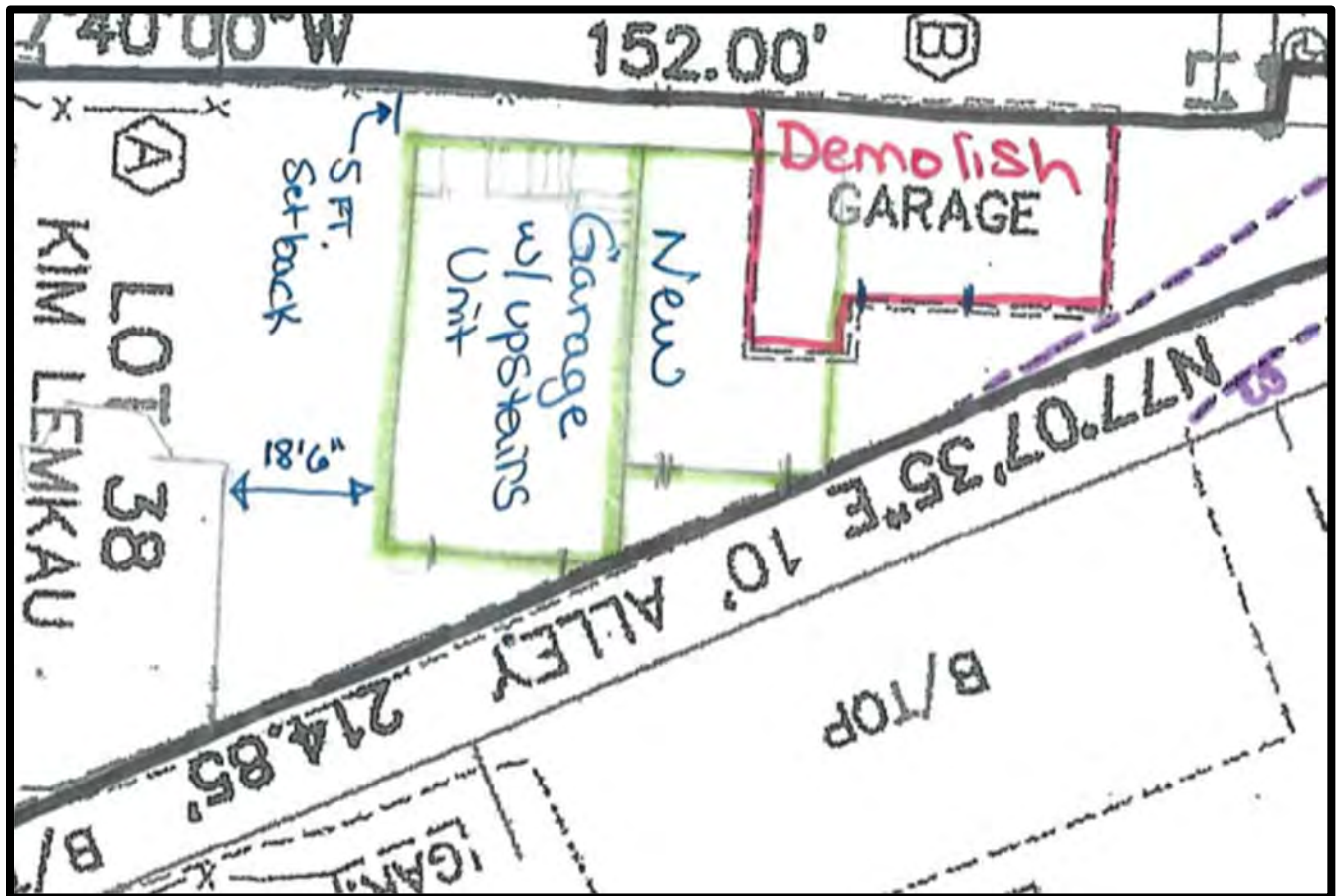
Kim Lemkau, property owner, has submitted a Conditional Use application (Exhibit A) seeking to build an Accessory Dwelling Unit (ADU) on the second floor of a proposed detached garage. The property is located at 114 S. Walnut St. in the High Density Residential (R-C) District.

Accessory Dwelling Units are a conditional use in this zoning district and is defined in Section 1248.02 of the Yellow Springs Zoning Code as the following: “**Accessory dwelling unit.** A second dwelling unit subordinate to the principal dwelling that shares ownership and utility connections with the principal unit on a single-family zoned lot.”

On April 15th the Board of Zoning Appeals approved two variances to allow for this new garage structure to be built. These include a variance to reduce the required minimum total side yard setback and another variance to allow the proposed structure to exceed the maximum allowed accessory structure size of 800 sq. ft. These variances were requested due to the unusual nature of the triangular lot shape.

The owner plans to demolish the existing non-conforming barn that currently extends two inches over the south lot line. The lower portion of the structure will accommodate two single garage bays. The owner is requesting approval of a conditional use to construct a dwelling unit the garage area that will include one bedroom, one bathroom, a kitchen, a living room, and a laundry closet.

The red outline in the image below illustrates the current garage that will be demolished. The green outline shows the proposed location for the new garage with an upstairs unit.



Should the Conditional Use be approved by the Commission, the owners would need to complete additional steps prior to starting construction. This includes a New Construction application to be reviewed by staff and subsequently a building permit.



Vicinity Map

PROJECT DESCRIPTION

ZONING DISTRICT: High Density Residential (R-C)

APPLICANT: Kim Lemkau

PROPERTY OWNER: Kim Lemkau

REQUESTED ACTION: Conditional Use – Accessory Dwelling Unit (ADU)

PARCEL ID: F19-0001-0010-0-0073-00

PUBLIC NOTICE: Adjoining property owners were mailed a notice on May 4, 2026 (Exhibit B), signs were posted on the property on May 1, 2026 (Exhibit C), and a notice was published in the YS News on May 1, 2026(Exhibit D).

APPLICABLE CODE & STAFF FINDINGS

1262.03 GENERAL STANDARDS. Any request for a conditional use shall only be approved upon a finding that each of the following general standards is satisfied, in addition to any applicable requirements pertaining to the specific use:

(a) The proposed use will be consistent with the intent and purposes of this zoning code and the vision, goals and recommendations of the Comprehensive Plan and Vision: Yellow Springs and Miami Township.

Finding: As proposed, the ADU is found to be consistent with the intent and purpose of the zoning code in that it is included as a conditional use in the R-C High Density Residential District.

(b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use.

Finding: As requested, the proposed use is found to comply with all applicable requirements of the zoning code.

(c) The proposed use will be compatible with the character of the general vicinity.

Finding: ADU's are a conditionally permitted use in R-C, the proposed structure replaces an existing structure on the property, is not out of scale with neighboring accessory structures, and is found to be compatible with the character of the general vicinity of the area.

(d) The area and proposed use will be adequately served by essential public facilities and services, as applicable, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools. The applicant or landowner will be required to install public utilities, streets or other public infrastructure as required by the Village, State or other agencies to applicable specifications. Dedication of said public infrastructure may be required.

Finding: Any utilities will be shared with the primary dwelling.

(e) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the zoning district.

Finding: The proposed use is a garage with an ADU above. The above list of factors should not be an issue for the use.

(f) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Finding: The proposed use should not impede development of surrounding properties.

(g) The proposed use will not block sight lines from the right-of-way to existing signs or windows on the front or side of a building.

Finding: The proposed use will not block sight lines from the ROW.

1260.04 USES.

(a) Accessory Buildings and Structures.

- (1) Accessory buildings or garages shall be considered to be part of the principal building and subject to all setback requirements of the principal building, if structurally and architecturally integrated into the building or if attached by an enclosed breezeway or similar enclosed structure not greater than ten feet in length. Detached accessory buildings shall be located at least ten feet from any principal building.

Finding: The proposed structure will be 18 feet and 6 inches away from the principal building.

- (5) An accessory building or structure designed for and containing a vehicle entrance to be accessed from an existing publicly dedicated and commonly used alley may be located on the rear lot line, if parking space plans have been approved by the Zoning Administrator.

Finding: The newly proposed garage will contain vehicle entrances off of an alley and on the rear lot line.

SPECIFIC REQUIREMENTS:

Section 1262.08 of the Zoning Code highlights specific requirements for conditional uses. The specific requirements for Accessory Dwelling Units are found in 1262.08 (e) (1) which include:

(1) Accessory dwelling units.

A. An accessory dwelling unit may be located within a principal single-family detached dwelling or a detached accessory building on the same lot as a principal dwelling.

Finding: The proposed ADU will be located in a detached accessory structure.

B. The accessory dwelling unit shall share all public utilities (water/ sewer/electric) with the principal dwelling unit. Accessory dwelling units will not be separately metered.

Finding: The ADU will not be separately metered.

C. A minimum of one off-street parking space shall be provided on the lot for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.

Finding: The applicant indicated 3-4 parking spaces available for accommodation. The zoning code requires a minimum total of four parking spaces (two for the primary dwelling, one for the TGL, and one for the ADU).

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 of the total living area of the principal dwelling or 800 square feet, whichever is less.

Finding: The Board of Zoning Appeals approved a variance to allow for the ADU size to exceed this requirement.

E. The accessory dwelling shall contain a living area, one bath and a kitchenette (including a refrigerator, microwave oven and/or stove, and sink) and may contain not more than one bedroom.

Finding: The applicants plans show the area to include one bedroom, one bathroom, a kitchen, and living room, and a laundry closet.

F. No more than two adults shall occupy the accessory dwelling unit.

Finding: The applicant is aware of this restriction. This will be a one-bedroom ADU as required by the zoning code.

G. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.

Finding: No new access points or driveways will be created.

RECOMMENDATION

Planning Commission shall consider the application (Exhibit A) with the requirements outlined in Section 1262.08(e)(1) for an ADU. Staff recommends its **APPROVAL**.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Arellano', with a stylized flourish at the end.

Aaron Arellano

Planning & Economic Development Coordinator
Village of Yellow Springs

EXHIBIT LIST:

Exhibit A – Application
Exhibit B – Neighbor Notice
Exhibit C – Yard Sign Posting
Exhibit D – YS Newspaper Notice
Exhibit E – BZA Approval Letter

Judy Kintner, Clerk of Council

From: HCawood <hcawood@aol.com>
Sent: Thursday, May 7, 2026 11:15 AM
To: Judy Kintner, Clerk of Council
Cc: Romy Cawood
Subject: variance request to operate an ADU at 114 S. Walnut Street

You don't often get email from hcawood@aol.com. [Learn why this is important](#)

7 May 2026

Village of Yellow Springs Board of Zoning Appeals
Office of the Zoning Administrator
Second Floor, Bryan Community Center
100 Dayton Street
Yellow Springs, Ohio. 45387

To the Office of the Zoning Administrator:

This letter is in response to the notice of the variance request by Ms. Kim Lemkau of 114 South Walnut Street to build an ADU on her property, which is adjacent to mine. As the owner of an adjoining property, I object to the variance request to build an ADU on the property at 114 South Walnut Street.

My understanding is that the purpose of an ADU is to provide affordable, long-term housing for a local workforce. I also understand that Ms. Lemkau already operates a short-term rental business within the structure of her home. Furthermore, I understand that it would be possible for Ms. Lemkau to transfer her TGL permit to the proposed ADU. This would not only conflict with the original value-based concept and purpose of the ADU, but would substantially alter the essential character of our block.

Given the close proximity of the proposed new building to my property, and the recently granted variance request permitting the proposed build to be larger in size than current Yellow Springs restrictions allow, I object to a variance that could easily open the door to a short-term rental business and transient occupants, with commensurate risks to privacy, security, as well as increased noise, foot traffic and vehicle traffic, to the heart of the block. As a resident of this block for over fifty years, it is important to me to protect its essential character.

If Ms. Lemkau's goal is to build an ADU strictly to accommodate family, and not for commercial purposes, then it should be no problem, were her variance request to be granted, that it be accompanied by a deed restriction so that it never be used for commercial purposes. I would strenuously request this.

Sincerely,

Albert Cawood
By Romy Cawood, POA

Judy Kintner, Clerk of Council

From: Teresa Dunphy
Sent: Friday, May 8, 2026 11:37 AM
To: Judy Kintner, Clerk of Council
Subject: revised memo to planning commision

Memo to: Members of Planning Commision

I am not opposed to the new garage but I would like to point out a few things to consider. The current property at 114 South Walnut already requires parking to accommodate the owner and the air bnb previously approved for the main house. Adding an apartment to the property will add more of a parking burden to South Walnut St. I realize the new structure will have space for two cars which would accommodate the owner. Will there be an additional requirement to accommodate the tenants in the long term rental? Please consider that the current alley is one car width wide and already difficult to navigate with a normal size car. Thank you.

Teresa Dunphy

Property Manager/Broker

Dunphy Real Estate, Inc.

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Teresa Dunphy
Property Manager/Broker
Dunphy Real Estate, Inc.





Planning Commission
Hearing Request:
Conditional Use

Planning & Zoning Department
100 Dayton St, 2nd Floor
Yellow Springs, OH 45387
(937) 767-1702

[FOR OFFICE USE ONLY]
Case #: PC01-2026

Hearing Date: ~~March 12, 2026~~ May 12, 2026

Applicant Information

Property Address:	<u>114 S. Walnut St., Yellow Springs, OH 45387</u>		
Property Owner:	<u>Kim Lemkau</u>	Phone:	<u>614-785-</u>
Applicant Name:	<u>Kim Lemkau</u>	Phone:	<u>5876</u>
Mailing Address:	<u>Same</u>	Email:	<u>gosellemmom@gmail.com</u>

Project Information

Current Use: Primary residence with Airbnb attached to main house.

Proposed Project/Use: Keep primary residence and current attached one room Airbnb as it is now. Tear down 150 year old barn that no car can fit in and rebuild a new garage with space above to rent out as a regular rental - 30 plus days or more.

Total off-street parking accommodation? 3-4 parking spaces.

Do you plan to install a sign(s)? Conditional Use Sign - yes.

Site Plan Attached (Required): ☒ Stormwater Mitigation Plan Attached: ☐

Initial

Not any other type of sign - no.

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: [Signature]

Date: 2/4/26

FOR OFFICE USE ONLY

Zoning Fee: \$ <u>200</u>	Payment Type: ☒ Check ☐ Cash ☐ Card	Approved ☐ Denied ☐
Other fees: \$ _____	Zoning District: <u>R-C</u>	Permit Number: _____
<u>Paid 2/4/26</u>		
Total \$ <u>200</u>	Zoning Official Name and Title	Date

351

VACATED
ALLEY

39

JND
5.14'
R

PT. LOT 49

FENCE

PT. LOT 49

PT. LOT 37

D.V., 500, PG. 123

152.00'

BLDG. N77°40'00"W

Demolish
GARAGE

New
Garage
w/ upstairs
Unit

5 FT.
Setback

18'0"

B/TOP

10' ALLEY

214.85'

GAR.

PT. LOT

B/TOP

FENCE

LOT 38
KIM LEMKAU
D.N. 2024011981

Existing
Main
House

35.25'

86.50'

SPARROWS POINT

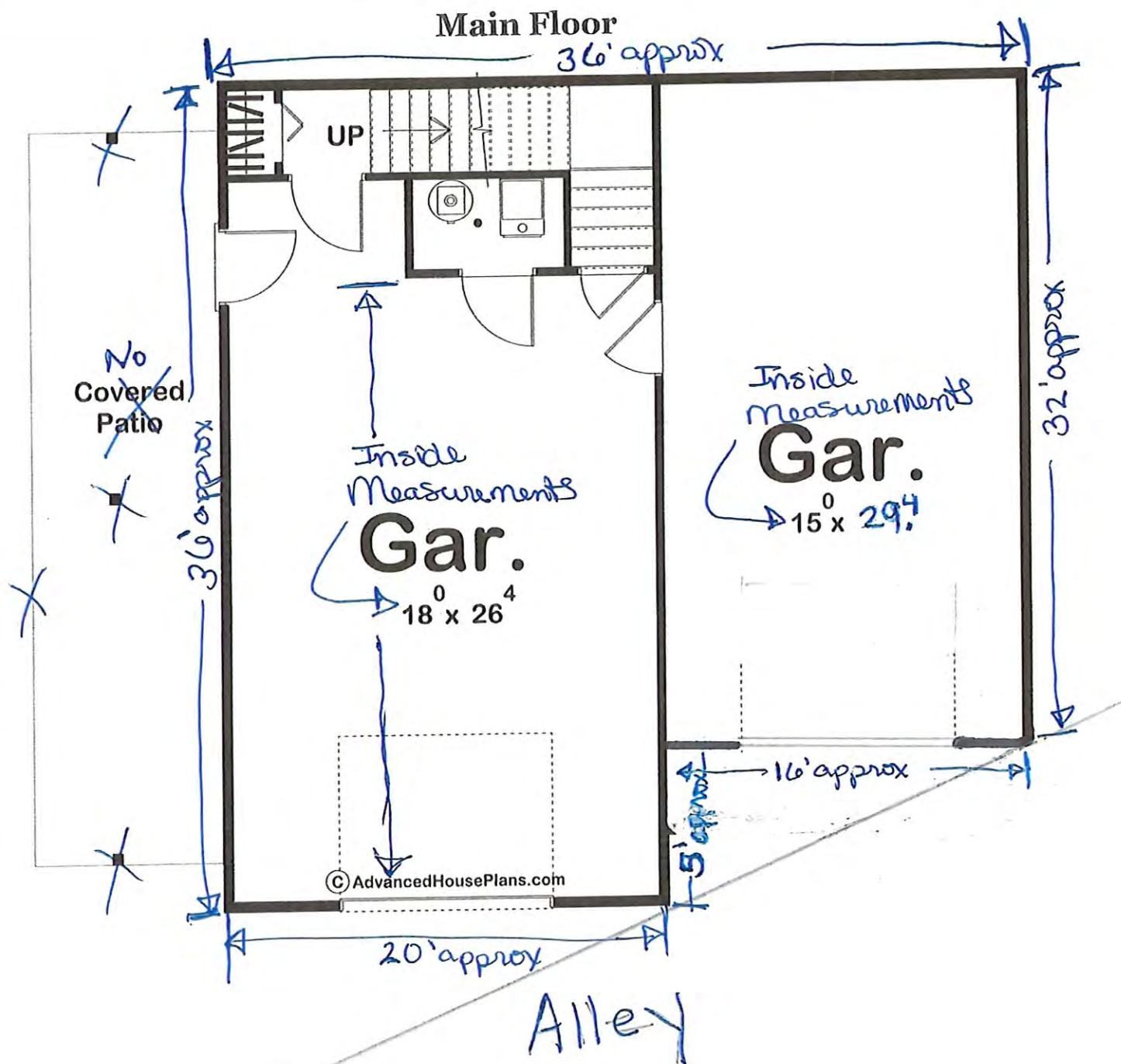
Plan #29751



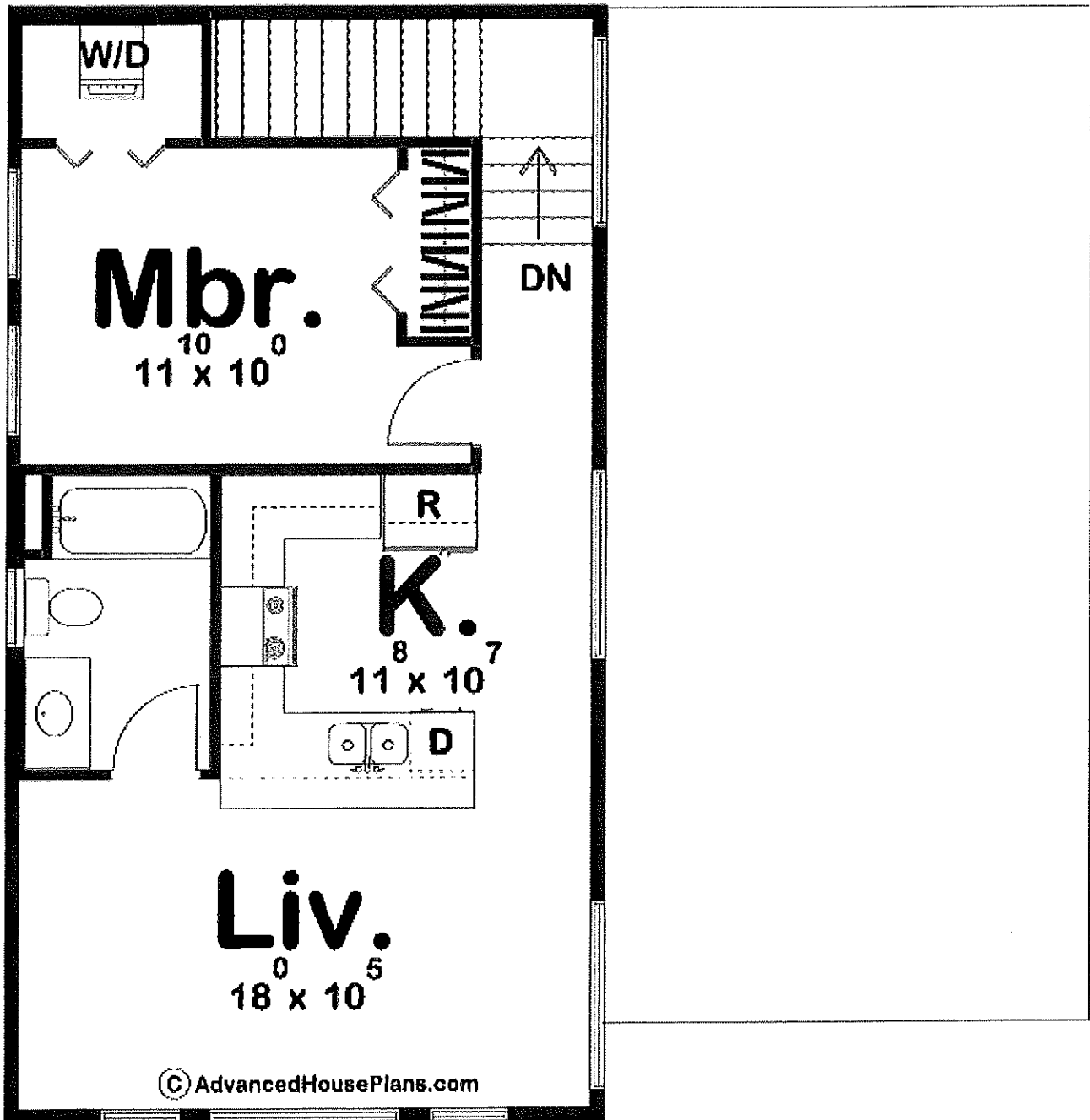
PLAN DESCRIPTION

Modern Mountain styling gives the Sparrows Point Carriage House excellent curb appeal. On the garage level, you will find 2 deep garage bays that are separated by a wall. Upstairs, there is a great efficient 1 bedroom apartment. The kitchen in the apartment has a bar-height counter. On the left side of the Sparrows Point Carriage House, there is an excellent covered patio that provides a space for outdoor entertainment.

FLOOR PLANS



Second Floor



PLAT OF SURVEY LOT NUMBER 38 & PART OF VACATED ALLEY ORIGINAL PLAT OF THE VILLAGE OF YELLOW SPRINGS GREENE COUNTY, OHIO

BASS OF BEARINGS
• WEST RIGHT-OF-WAY LINE OF WALNUT STREET --
S12°20'00"W - SUR. 34, PAGE 222

SURVEY REFERENCES:
• ALL DEEDS, PLATS AND SURVEY RECORDS
SHOWN ON THE FACE OF THIS SURVEY.
• VILLAGES OF YELLOW SPRINGS ORIGINAL PLAT --
P.C. 31, PG. 247A-B

SYMBOL LEGEND

①	FOUND 1/2" IRON PIN
②	FOUND 5/8" IRON PIN W/"HALEY-DUSA" CAP
③	FOUND 1/2" IRON PIPE
④	FOUND 3/4" IRON PIPE/ROD
⑤	FOUND 1" IRON ROD
⑥	SET 5/8" IRON PIN W/"HALEY-DUSA" CAP
⑦	SET MAG SPIKE

CERTIFICATION:
I HEREBY CERTIFY THAT ALL MEASUREMENTS ARE CORRECT
AND THAT ALL MONUMENTS WERE FOUND OR SET AS SHOWN.



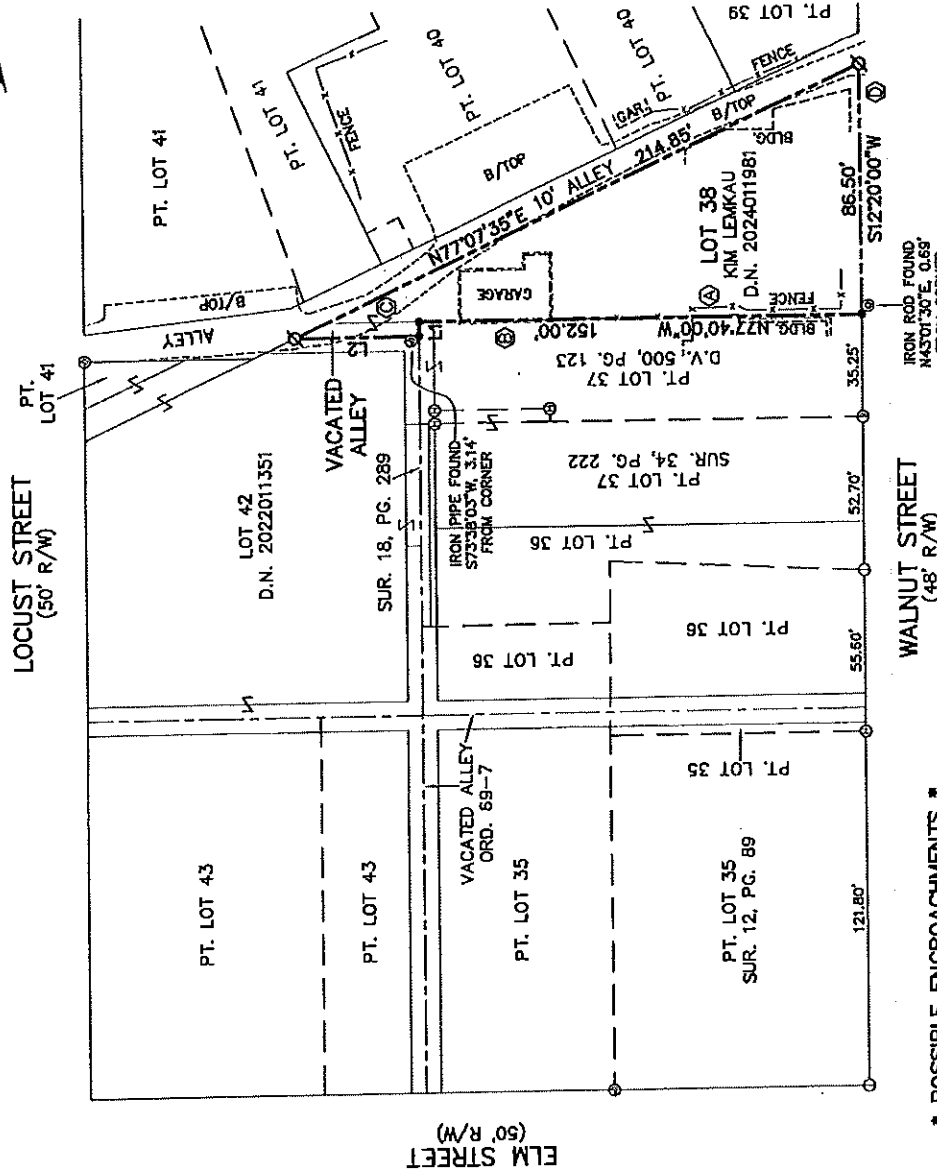
Thomas E. Dusa
Thomas E. Dusa
Registered Surveyor
Ohio License Number S-7143
Field Survey Date: 11-11-2025



Haley-Dusa
Engineering & Surveying Group, LLC
270 Freeway Ridge Drive, Suite 203
Dayton, Ohio 45424
Phone: (937) 439-1300 Fax: (937) 439-3005
Email: haley@haley-dusa.com
Website: www.haley-dusa.com

Scale: 1"=40' Drawn: SBM Checked: TED
Date: 12-02-2025 Job No.: S5460

LINE TABLE		
LINE	BEARING	LENGTH
L1	S12°20'00"E	5.00'
L2	N77°40'00"W	42.35'



- * POSSIBLE ENCROACHMENTS *
- ① ADJOINING BUILDING IS 0.5'± ONTO SUBJECT PROPERTY.
 - ② BUILDING IS 0.3'± ONTO ADJOINING PROPERTY.
 - ③ BUILDING EAVE IS OVER AN ADDITIONAL 0.7'±
 - ④ PAVEMENT IS 8.7'± ONTO SUBJECT PROPERTY.
 - ⑤ PAVEMENT IS 3.6'± ONTO SUBJECT PROPERTY.



-Public Notice-

PUBLIC HEARING

VILLAGE OF YELLOW SPRINGS PLANNING COMMISSION

Notice is hereby given that:

Conditional Use Request – R-C; High Density Residential District—Kim Lemkau, property owner, has submitted a Conditional Use application to operate an Accessory Dwelling Unit (ADU) at 114 S. Walnut St. — Chapter 1262.08(e)(1) Conditional Use Requirements. Greene County Parcel #F19000100100007300.



**A PUBLIC HEARING WILL BE HELD ON THIS PETITION BY THE
VILLAGE OF YELLOW SPRINGS PLANNING COMMISSION ON:**

DATE: Tuesday, May 12th, 2026

TIME: 6:00 p.m.

**LOCATION: John Bryan Center, Second Floor – Council Chambers
100 Dayton St.**

This notice provides you and every other interested party the opportunity to have input at the hearing. You may express your views in writing for inclusion in the record of the hearing by providing a copy to the Clerk of Council at clerk@yellowsprings.gov, or by calling 937-767-9126. Please submit your letter by no later than **Thursday, May 7th, 2026 for inclusion in the Commission packet: however, all letters received any time prior to the hearing will be provided to Commission members and the Zoning Administrator.** The applications, as prepared by the petitioners, 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 or on the Village website at www.yellowsprings.gov after Friday, May 8th, 2026. Questions regarding the applications, zoning code or procedures may be directed to the Planning & Economic Development Coordinator Aaron Arellano, phone (937) 767-3401 or by email to aaron.arellano@yellowsprings.gov .



A CONDITIONAL USE
REQUEST INVOLVING
THIS PROPERTY
WILL BE HEARD

MAY 12 6:00 PM

LIVE on CHANNEL 5 & WWW.YSO.COM

CALL (937) 767-9126

— Public Notice —

PUBLIC HEARING PLANNING COMMISSION

VILLAGE OF YELLOW SPRINGS, OHIO

Notice is hereby given that:

Conditional Use Request – R-C; High Density Residential District
— Kim Limkau, property owner, has submitted a Conditional Use application to operate an Accessory Dwelling Unit (ADU) at 144 S. Walnut St.
— Chapter 1262.08(e)(1) Conditional Use Requirements. **Greene County Parcel #F19000100100007300**

**A PUBLIC HEARING WILL BE HELD ON THIS PETITION
BY THE VILLAGE OF YELLOW SPRINGS
PLANNING COMMISSION ON:**

DATE: Tuesday, May 12, 2026 • TIME: 6 p.m.

**LOCATION: John Bryan Center, Second Floor,
Council Chambers, 100 Dayton St.**

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Questions regarding the applications, zoning code or procedures may be directed to the Planning and Economic Development Coordinator Aaron Arellano, phone 937-767-1702 or by email to aaron.arellano@yellowsprings.gov.

—Aaron Arellano, *Planning and Economic Development Coordinator*



The Village of **YELLOW SPRINGS**

— PLANNING & ECONOMIC DEVELOPMENT —

937-767-3402

aaron.arellano@yellowsprings.gov
100 Dayton St. Yellow Springs, OH 45387

Aaron Arellano
Planning & Economic Development Coordinator
Village of Yellow Springs
100 Dayton Street
Yellow Springs, OH 45387

May 7, 2026

Kim Lemkau
114 S. Walnut St.
Yellow Springs, OH, 45387

Kim,

At their meeting on April 15, 2026, the Board of Zoning Appeals voted 5-0 to approve the following Variance requests:

1. A variance request of five feet to the required 10' sideyard setback, to allow a side yard setback of five feet
2. A variance request of 450 square feet to the 800 foot maximum permitted size of an accessory structure.

Please be aware that prior to construction and operation of an ADU, Conditional Use approval from Planning Commission must be obtained along with any required zoning and building permits prior to construction.

Should you have any questions or concerns, please feel free to contact me at (937) 767-3401 or via email at aaron.arellano@yellowsprings.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Arellano", written over a horizontal line.

Aaron Arellano
Planning & Economic Development Coordinator
Village of Yellow Springs