

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](mailto: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 2<sup>nd</sup> 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](http://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](mailto:dswinger@vil.yellowsprings.oh.us).

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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.

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Ellis Jacobs, Chair

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Attest: Judy Kintner, Clerk



TO: Board of Zoning Appeals  
FROM: Denise Swinger, Zoning Administrator  
MEETING DATE: January 27, 2021  
RE: BZA21-01 – re: Size Variance

### **VARIANCE REQUEST**

A variance seeking relief from Chapter 1262.08 Conditional Use – Specific Requirements section (e)(1)(D) regarding size of an Accessory Dwelling Unit. Property owner Leonard Gavin – 143 E Limestone Street – R-C, High Density Residential District.

**Greene County Parcel ID #F19000100090025200**

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

### **BACKGROUND**

Gavin Leonard submitted a conditional use application to the Planning Commission for an accessory dwelling unit (ADU) in an existing barn at the rear of his property. The Planning Commission approved his request for an accessory dwelling unit with the condition that he seek a variance to the size of the ADU area.

The plan is to renovate and convert into living space an existing two-story barn. The Greene County Auditor lists the barn structure’s footprint as 950 sq. ft., but according to the architect, that is not an accurate measurement. He measures the main level at 38.25’ x 24.5’ = 937 sq. ft., plus the porch area measuring 190 sq. ft. = 1,127 total footprint area. The second floor area measures 22’ x 12’ = 264 sq. ft. for a total gross floor area of 1,391 sq. ft. (**Exhibit A**).

The three areas marked in yellow (**B, J & K**) are not part of the ADU floor plan (**Exhibit B**). The existing three-season room labeled **B** measures 190 sq. ft. This porch will not be for year-round use. Areas labeled **J** and **K** will continue as storage areas by the property owner and accounts for 250 sq. ft. of space. Total gross floor area of 1,391 sq. ft. minus two separate storage areas of 250 sq. ft. and the three-season porch area of 190 sq. ft. = 951 sq. ft. of livable floor area for a variance request of 151 sq. ft. over the 800 sq. ft. maximum for this up and downstairs space (**Exhibit A**).

### **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:

- A. 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.

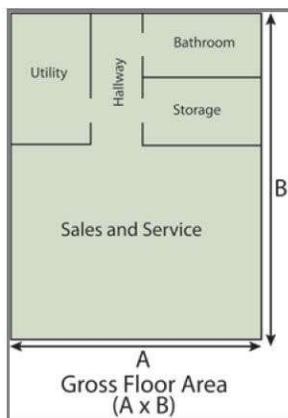
*The current zoning code restricts all accessory structures to a size no larger than 66% of the total sq. ft. of the principal dwelling, or 800 sq. ft., whichever is less. This is an existing grandfathered structure*

built in 1900.

*The maximum allowed size for an accessory dwelling unit based on the primary dwelling's total square footage is also 800 square feet, matching the accessory structure's size requirements. The property owner is requesting a variance of 151 square feet in order to use the existing grandfathered structure. There will be no increase in the size of this non-conforming structure, other than an awning at the main entry area.*

According to the definitions in Chapter 1284 of the zoning code, Floor area, gross and Floor area, usable are defined as:

**Floor area, gross.** The sum of the horizontal area of the several floors of a building, measured from the interior faces of the exterior walls.



**Floor area, residential.** For purposes of computing compliance with the minimum floor area requirements of a dwelling in a residential district, floor area shall include the total area of all floors whose height is more than half above finished grade, having a minimum floor to ceiling height of seven and a half feet, located on a permanent foundation, wired for electrical service and heated for year-round use.

## 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 151 square feet. This is less than a 19% increase in the ADU's size, which will not affect the essential character of the neighborhood nor will the adjoining properties suffer a substantial detriment as a result because the ADU will be in an existing accessory structure with no increase in the building's footprint.

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

## Project Description

Finish and functional upgrade of Existing Accessory Structure for use as Accessory Dwelling.

Project scope is limited to rear lot areas and access to existing Accessory Structure. Modifications to existing structure include change of use to Dwelling status with addition of bathroom. General refurbishment of structure to ensure code compliance for safety, comfort and energy efficiency. These include insulation of walls, roof, and foundation; Addition of bathroom with accompanying plumbing; Structural reinforcement as needed; Addition of windows for light and egress; and general finish upgrades from siding to interior paint.

## Design Criteria

Building Code: RCO 2019

Note: Foundation are designed on the assumption of soil bearing capacity of 2,000 PSF. It is the responsibility of the construction manager or general contractor to obtain soil tests and verify existing conditions and obtain engineering approval for bearing conditions.

Design Live Loads:

- Floor Load = 100 psf
- Roof Live Load = 20 psf
- Ground Snow Load = 25 psf
- Flat Roof Snow Load = 20 psf
- Snow Exposure Factor (Ce) = 1.0
- Snow Importance Factor (Is) = 1.1
- Thermal Factor (Ct) = 1.0
- Basic Wind Speed = 90 mph
- Window Exposure = C

Seismic Design Parameters:

- Seismic Use Group = II
- Site Class = D
- Design Category = B

Presumptive Soil Bearing Capacity:

- Sand, Clayey Sand, Gravel,
- Clayey Gravel = 2,000 psf

Minimum Uniformly Distributed Live Loads:

- Attics with Storage = 20 psf
- Attics without Storage = 10 psf
- Decks = 40 psf
- Guardrails and Handrails = 200 psf
- Passenger Vehicle Garages = 50 psf
- Rooms other than Sleeping Rooms = 40 psf
- Sleeping Rooms = 30 psf
- Stairs = 40 psf

Allowable Deflection of Structural Members:

- Rafters with no No Ceiling Attached = L/180
- Interior Walls and Partitions = H/180
- Floors = L/360
- All other Structured Members = L/240
- Exterior Walls = L/240

Energy Compliance Path:

- RCO 2019 Path 1 (Prescriptive)
- Windows min. U-value = 0.3
- Skylight min. U-value = 0.55
- Ceiling Min. R-value = 49
- Wall Min. R-value = 20
- Mass Wall R-value = 13/17
- Floor Min. R-value = 30
- Basement Wall Min. R-value = 10/13
- Slab Min. R-Value = 10
- Crawl Space Wall Min. R-value = 10/13
- Blower Door Max. ACH @ 50Pa = 3

## Building Code Review

Residential Code of Ohio 2019  
Minimum Work Necessary to meet Code

### DEMOLITION

- Pull existing Siding
- Selective finish demolition to gain access to services

### EARTHWORK

- Trenching for Plumbing
- Foundation Dig-out for Insulation
- Grade away from Foundation

### CONCRETE & MASONRY

- Potential cut and patch of slab for plumbing/Sanitary Drain.

### METALS

- N/A

### WOODS & PLASTIC

- Interior Framing for new partitions
- Roof Joist depth increase
- 2x12 Sister Joists
- 2019 RCO T-1102.1.2
- Collar ties for upper gable
- 2019 RCO 602
- Ensure wall bracing is adequate
- Make Stairs Code Compliant by reducing gaps to less than 4 inches and installing hand railing
- 2019 RCO 311.7

### THERMAL & MOISTURE PROTECTION

- Foundation Insulation (2" EPS) to 12" below grade and covering all exposed foundation. Protect Insulation with cement board or stucco.
- 2019 RCO 409.1
- Foundation Water Management
- Exterior Insulation on walls (2" EPS) R-20 or 13+5 (min.)
- 2019 RCO T1102.1.2
- Blow in or batt walls insulation
- Weather Resistive Barrier, Air Sealing
- 2019 RCO T1102.1.1
- Flashing at Openings
- Insulate Roofs to R-49 (min.):
- Kraft Faced roll batt
- 2019 RCO T1102.1.2

### DOORS & WINDOWS

- Egress Windows added in sleeping areas: (2) windows 24x48 inch opening
- Per 2019 RCO 310.2

### FINISHES & SAFETY

- Add Smoke and CO2 Detectors
- Wood stove safety check and clean
- Patch Drywall

### MECHANICAL

- Install Heating and Cooling (~24k BTU Heat Pump)
- Provide minimum ventilation from bathrooms

### ELECTRICAL

- Upgrade Breakers to Code
- Upgrade exposed wiring
- Add Lighting at exterior exists
- Add exterior rated outlets by exits
- Provide lighting for stairs
- Ensure wet areas have appropriate protections

### PLUMBING

- Install Toilet, Shower, Lavatory and associated Sanitary Drains
- Install Kitchen Sink
- Install vent stack through roof
- Ensure code compliant installation of rough and finish plumbing
- Lift Station to pressurized line for sanitary sewer line to Primary Structure

## Note on Cost

A detailed cost estimate can be created from a detailed plan. At this stage it is the opinion that bringing the structure to code compliance can be within Client's stated budget. Many of the above minimum features may fit or be value engineered to fit in the project budget. Project costs are created by agreement between General Contractor and Client.

## Additional Work

Anticipated Work Beyond Code Minimum

### DEMOLITION

- Pull finishes that don't meet quality or aesthetic standards of client

### EARTHWORK

plumbing/Sanitary Drain.

### CONCRETE & MASONRY

plumbing/Sanitary Drain.

### METALS

- Add exterior corrugated metal and flashing up to 36" on exterior.

### WOODS & PLASTIC

- Match Floor height in back with either framing or high density foam blocks, Cover with ¾" Subflooring (Plywood)

### THERMAL & MOISTURE PROTECTION

- Extra Insulation is always better
- Smart Vapor Barrier on Ceiling (Attic) Would be good for performance and moisture

### DOORS & WINDOWS

- In addition to Egress Windows added in sleeping areas windows for lights, views, and solar gain (South Windows) (4+) 24x48 Doors

- Add Skylight above Stairs

### FINISHES & SAFETY

- Pull finishes that don't meet quality or aesthetic standards of client
- Install Trim at baseboard and

### windows

- Install Tile in Bathroom and entry

### areas

- Install underlayment and flooring in all rooms

### MECHANICAL

- Install Heating and Cooling at higher efficiency (~24k BTU Heat Pump)
- Provide ventilation with Energy

### Recovery

### ELECTRICAL

- Cabinet Lighting, LED fixtures, Dimmers, etc are all nice, but come at a cost. TBD

### PLUMBING

- Roll in Shower is good upgrade and adds accessibility

## Zoning Review

Lot Area: 19,796.7 Square Feet\*  
(minimum = 4,800 Square Feet)  
Lot Frontage: 69'-11"\*\*\*  
(Minimum = 40 Feet)  
Primary Structure:  
Single Family Dwelling  
Total Gross: ~2200 Square Feet  
Footprint: ~1783 Square Feet  
Accessory Structure:  
Footprint: 1127 Square Feet  
Gross: 1391 Square Feet  
Habitable: 950 Square Feet  
Lot Coverage total: ~16%

Setbacks:

- Front: 20 Feet
- Rear: 15 Feet
- Sides: 5 Foot Min. - 10 Foot Total

\*Based on GIS Greene County, Surveys vary widely, but all show compliance with minimum setbacks.

"R-C," High Density Residential District. The R-C District is intended to promote a high quality mix of residential units, including multiple family dwellings, at a density of up to 14 units per acre. Other compatible, non-residential uses may also be permitted. Public sanitary sewer and water facilities are required.

Applicable Uses

- Accessory Dwelling Unit is Conditional
- Single Family Detached is Permitted
- Multifamily is Permitted
- Two-Family Homes are permitted
- PND would allow minimum 4 dwellings

Accessory Dwelling Units (Annotated)

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. Compliant

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. Compliant

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. Compliant; with room for many more parking spaces.

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. 66% criteria satisfied, Existing Structure should be exempt through grandfather clause. 66% x 2200 = 1452 > 1300 Size of ADU

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. Planned to be Compliant

F. No more than two adults shall occupy the accessory dwelling unit. Planned to be Compliant

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

NOTE ON COST

A detailed cost estimate can be created from a detailed plan. At this stage it is the opinion that bringing the structure to code compliance can be within Client's stated budget. Many of the above minimum features may fit or be value engineered to fit in the project budget. Project costs are created by agreement between General Contractor and Client.

NOTE ON SURVEY DATA

Code Review Based on Greene County GIS data. Recent and Older plans disagree about lot frontage lengths. With R-C setbacks any are compatible with Accessory compliance.

# EXHIBIT A

## Area Schedule

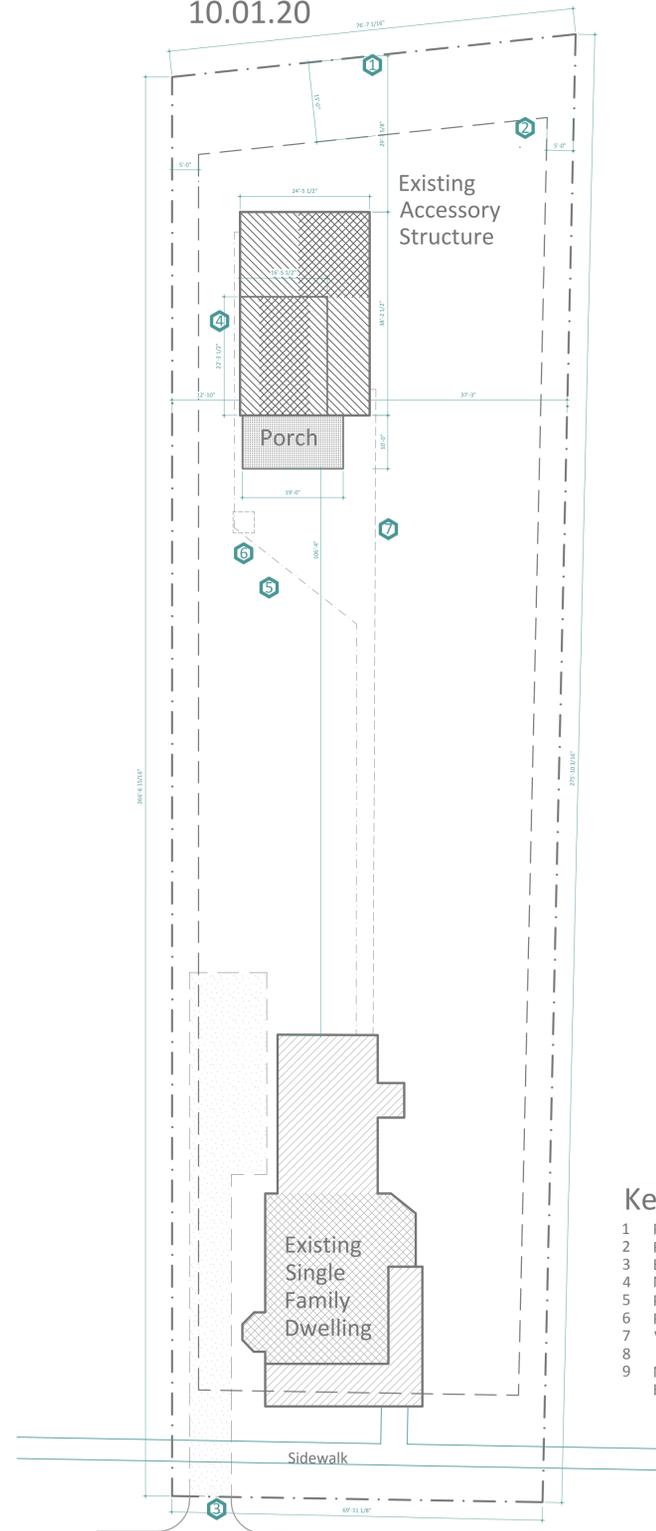
Name	Habitable	Area (SF)
Accessory Dwelling Main Floor	Yes	687
Accessory Dwelling Upper Floor (22'x12')	Yes	264
3-Season Room/Porch	No	190
Accessory Building Various Uses	No	153
Accessory Building Yard Tools	No	97

Total Footprint Area: 1127 Square Feet

Total Habitable Area: 950 Square Feet

Total Gross: 1391 Square Feet

## Greene County GIS Survey 10.01.20



Limestone Street

1 Site Plan Overview  
1/16" = 1'-0"



**AXIS Architecture**  
Ted Donnell, Architect  
150 Railroad Street Yellow Springs, Ohio 45387  
architecture@yellowsprings.com P: (937) 654-7501

**FOR**

**Leonard Accessory Study**  
FOR  
Gavin DeVore Leonard  
143 E. Limestone Street  
Yellow Springs, Ohio  
45387

REVISIONS / SUBMISSIONS	
NO.	DATE
1	1/20/21

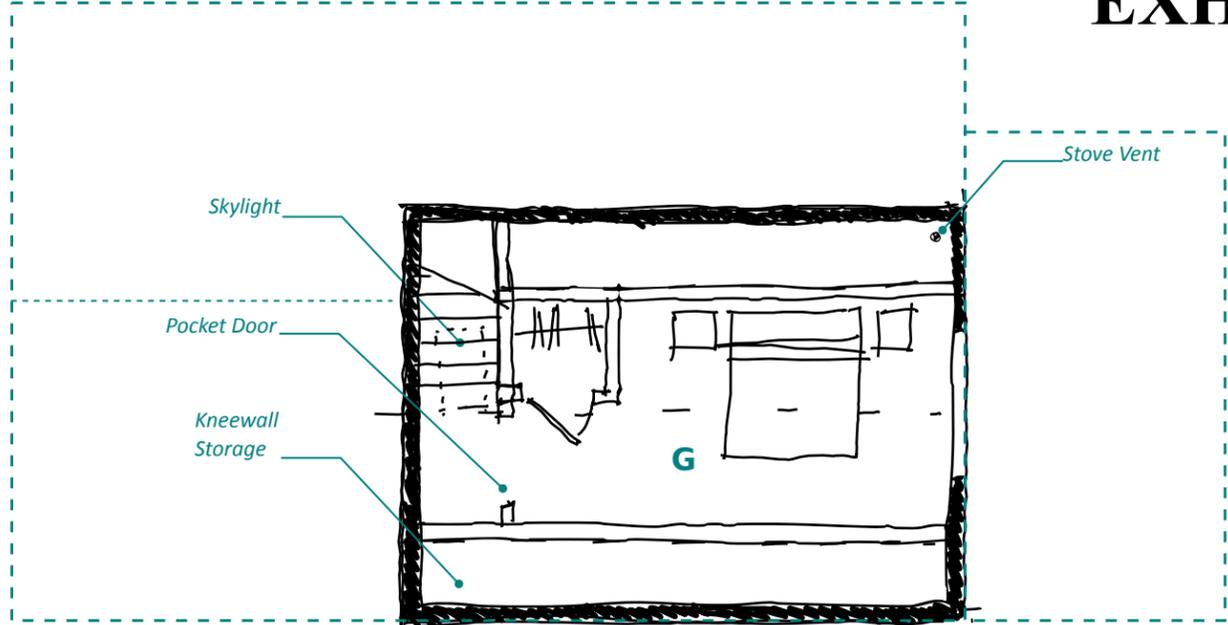
**Due Diligence Code Review Site Planning**

Drawn By:	Alex Melamed
Scale:	As Noted
Job No.:	20.12

**A0.1**

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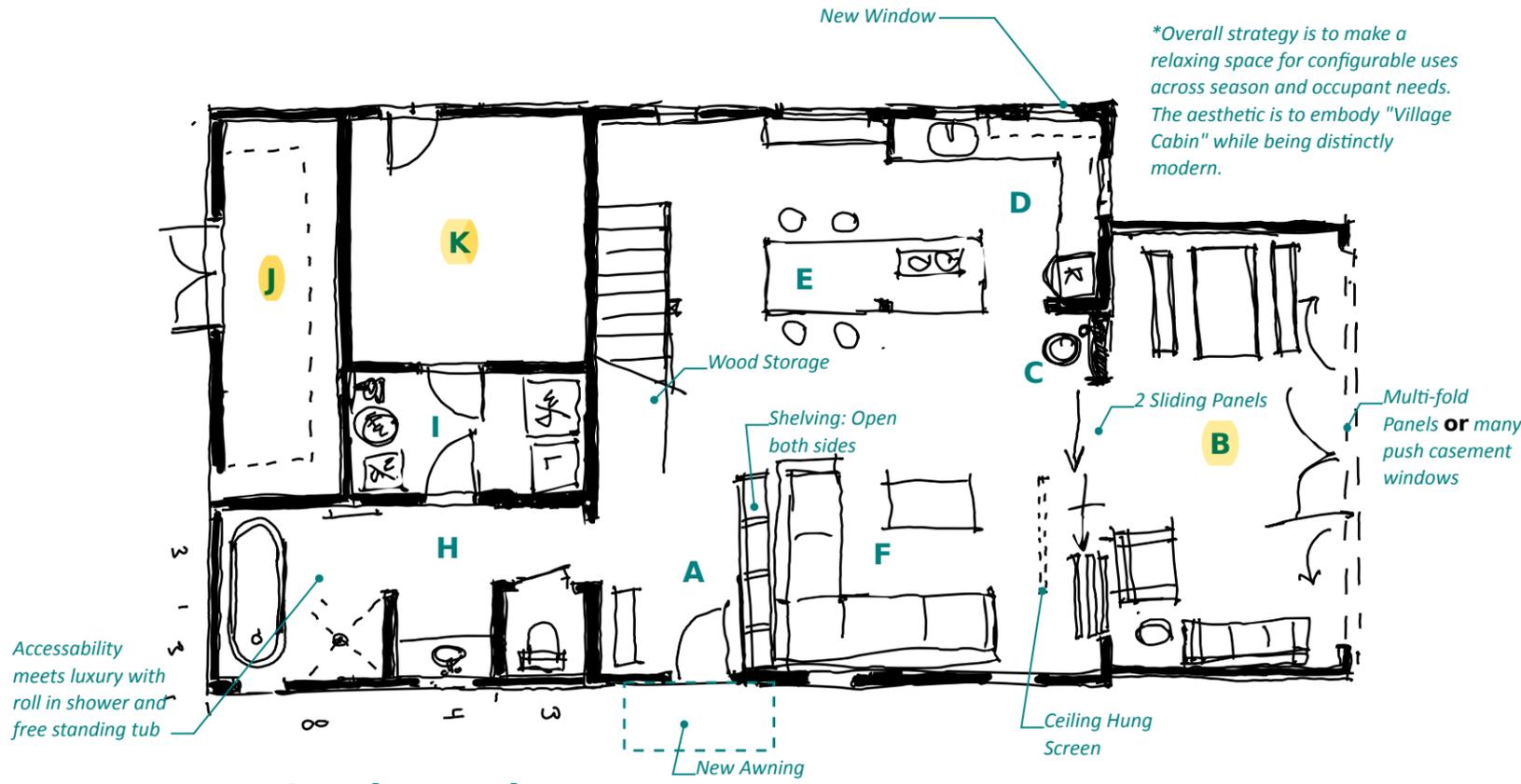
# EXHIBIT B



Upper Floor Plan



SW Elevation



*\*Overall strategy is to make a relaxing space for configurable uses across season and occupant needs. The aesthetic is to embody "Village Cabin" while being distinctly modern.*

- A. Main Entry Area
- B. 3-Season Room
- C. Wood Stove
- D. Kitchen
- E. Counter Height Dining
- F. Sitting Area
- G. Bedroom
- H. Bathroom
- I. Mechanical Room
- J. No Use Change: Storage and Yard
- K. No Use Change: Family Use

Main Floor Plan