

**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