

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

**In Council Chambers @ 6:00 P.M.**

**Wednesday, January 10, 2024**

**CALL TO ORDER**

The meeting was called to order at 6:04 p.m. by Matt Reed, Chair.

**ROLL CALL**

Matt Reed, Chair, members Anthony Salmonson and Matt Raska were present. Zoning Administrator for the Village, Meg Leatherman, was also present.

**COMMUNICATIONS**

There were no Communications.

**REVIEW OF AGENDA**

Nomination and Vote for Chair was added to New Business.

**REVIEW OF MINUTES**

Minutes for BZA Meeting of June 14, 2023 were reviewed. Salmonson MOVED and Raska SECONDED a MOTION TO ADOPT THE MINUTES AS WRITTEN. The MOTION PASSED 3-0 on a VOICE VOTE.

**PUBLIC HEARINGS**

- 1. Variance Request – I-1**, Mixed Industrial District – 845 Dayton Street, Jonathan Meier with MQ Rentals, LLC has submitted an application for a variance seeking relief from Chapter 1260.04(7), regarding size of accessory structure. Greene County Parcel ID #F19000100030005500.

Leatherman noted all notices and communications complying with the zoning code requirements.

Leatherman introduced the hearing as follows:

Jonathon Meier, owner of MQ Rentals, LLC, and property owner, submitted a Variance application seeking relief from the Accessory Structure standard, section 1264.04 (a)(7), that limits the size of an accessory structure to 66% of the principal building's gross floor area or 800 square feet, whichever is less. On July 12, 2022 Planning Commission approved a Conditional Use (File #PC10-2022) for a Contractor's Office with outdoor storage. The applicant is requesting an accessory structure of 2,000 sq feet in order to have a large enough building to hold all of their supplies.

The business, Rain Brothers, re-located to Yellow Springs in 2022 into the existing building on the property that was previously used as a recording studio. Rain Brothers sells water cistern systems and rainwater harvesting supplies, such as rain barrels, tanks, filters, pumps, etc. Most business activity occurs within the existing structure, with some outdoor storage of equipment. The building was configured to meet the needs of a recording studio and is divided into multiple rooms that make it challenging to accommodate all aspects of the business, especially storage of supplies.

Leatherman stated that the variance is justifiable for the following reasons: The property is zoned Mixed Industrial (I-1) and is presently used for a Light Industrial business, Rain Brothers. The code restricts the size of an accessory structure to the same allowable size in all zones throughout the Village, which is impractical since equipment for industrial uses takes up more space than items associated with residential uses.

Currently, most business activity occurs within the structure, but there is some outdoor storage of equipment. The prior use of the building was as a recording studio and the structure is divided into multiple rooms that make it challenging to accommodate all aspects of the business, especially storage of supplies. In addition, the property and the surrounding 18 acres is restricted to further development due to an on-going environmental remediation project. The restriction and environmental remediation is expected to continue for several more decades. Furthermore, the business is expanding their customer base and requires additional supply storage area to adequately advance the business.

Reed asked Leatherman whether she thought a change needed to be made to the zoning code to differentiate the industrial districts in terms of accessory structures.

Leatherman responded that this is a rare issue, given the limited industrial zones in the village, but stated that she will make note of this as she reviews the zoning code for amendments.

Reed received confirmation that the only adjoining properties were the former Rabbit Run farm and the Vernay property.

Salmonson received affirmation that there would be no foreseeable impact on this property from the environmental mitigation.

Jonathon Meier addressed BZA members, stating that Rain Brothers has been in business for 17 years, with the last three being in the village.

Meier stated that he wants to be as respectful of neighbors as possible, and to that end commented that the downgrade from Dayton Street south means that the rear of the property is not highly visible from the street.

Reed OPENED THE PUBLIC HEARING.

There being no public, Reed CLOSED THE PUBLIC HEARING.

The Clerk then read the Duncan Standards as follows, calling roll on each standard:

- (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: Y; Raska: Y; Reed: Y
- (2) Whether the variance is substantial; Salmonson: N; Raska: N; Reed: N
- (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: N; Raska: N; Reed: N
- (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; Salmonson: N; Raska: N; Reed: N
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Salmonson: Y; Raska: N; Reed: Y
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; Salmonson: Y; Raska: N; Reed: N
- (7) Whether the existing conditions from which a variance is being sought were self-created; Salmonson: Y; Raska: Y; Reed: Y
- (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Salmonson: Y; Raska: Y; Reed: Y

Salmonson MOVED to APPROVE the variance of 1,200 square feet, as requested. Reed SECONDED, and the MOTION PASSED 3-0 ON A ROLL CALL VOTE.

#### **VOTE FOR CHAIR**

Raska MOVED TO NOMINATE SALMONSON. Salmonson ACCEPTED THE NOMINATION. Reed CALLED THE VOTE, and the NOMINATION PASSED 2-1, with Salmonson voting no in an effort not to appear self-aggrandizing.

#### **AGENDA PLANNING**

There were no items for consideration, although Leatherman noted that she will need a variance hearing in the next one-to-two months.

#### **ADJOURNMENT**

There being no further business, Salmonson MOVED and Raska SECONDED a MOTION to adjourn. The MOTION PASSED 3-0 on a voice vote. Meeting ADJOURNED at 6:19PM.

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Matt Reed, Chair

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Attest: Judy Kintner, Clerk