

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

**In Council Chambers @ 5:00 P.M.**

**Tuesday, March 28, 2022**

**CALL TO ORDER**

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

**ROLL CALL**

Ellis Jacobs, Acting Chair, members Anthony Salmonson, Scott Osterholm and Matt Reed were present. Zoning Administrator for the Village, Denise Swinger, was also present.

**COMMUNICATIONS**

The Clerk will receive and file:

- Susan and Dan Halm re: Objection to 1333 Corry Street TGL
- Doris Hubschman re: Objection to 1333 Corry Street TGL
- Char Schiff re: Objection to 1333 Corry Street TGL
- Marie Varandani re: Objection to 1333 Corry Street TGL
- Karen Denman re: Objection to 1333 Corry Street TGL
- Katherine Weir re: Objection to 1333 Corry Street TGL
- Kathy English re: Objection to 1333 Corry Street TGL

**REVIEW OF AGENDA**

There were no changes made.

**REVIEW OF MINUTES**

Minutes for BZA Meeting of October 26, 2022 were reviewed. Salmonson MOVED and Osterholm SECONDED a MOTION TO APPROVE THE MINUTES AS WRITTEN. The MOTION PASSED 3-0 on a VOICE VOTE, with Jacobs abstaining due to absence from that meeting.

**PUBLIC HEARINGS**

- 1) **Variance Request** – B-1, Central Business District – 255 Xenia Avenue – Shane Ayrsman has submitted an application for a variance seeking relief from Chapter 1266.03 (b) wall sign dimensions – Chapter 1266 Signs **Greene County Parcel ID# F19000100100000400.**

Swinger explained the request, stating that the applicant is requesting approval to place a sign that measures 2' x 8' or 16 sq. ft. in size, for a variance of 5 sq. ft. The reason for the variance is that the applicant would like the sign to be proportionate to the other signs in the village along Xenia Avenue, which tend to be larger. The second reason is that they would like to use as many of the existing holes already drilled into the building storefront where a sign was hanging before. This would mean a variance of 11.5%.

Shane Ayresman of Tweedledees stated his request as above.

Jacobs OPENED THE PUBLIC HEARING. There being no comment, Jacobs 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; Osterholm: Y; Jacobs: Y; Reed: Y
- (2) Whether the variance is substantial; Salmonson: N; Osterholm: N; Jacobs: 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; Osterholm: N; Jacobs: 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; Osterholm: N; Jacobs: N; Reed: N.
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Salmonson: Y; Osterholm: Y; Jacobs: N; Reed: Y

- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; Salmonson: Y; Osterholm: Y; Jacobs: Y; Reed: Y
- (7) Whether the existing conditions from which a variance is being sought were self-created; Salmonson: Y; Osterholm: N; Jacobs: N; 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; Osterholm: Y; Jacobs: Y; Reed: Y

Salmonson MOVED to APPROVE the variance as requested. Reed SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

- 2) **Variance Request** – R-A, Low Density Residential District – 405 Corry Street - Dirk Lackovich-van Gorp, on behalf of the Glen Helen Association, has submitted an application for a variance seeking relief from Chapter 1270.02 (c) Parking Lot Landscaping for a new parking lot at 1063 State Route 343 – Chapter 1264 Off-Street Parking and Loading; Chapter 1270 – Greenbelts and Parking Lot Landscaping . **Greene County Parcel ID# F19000100140005300.**

Swinger explained that Glen Helen Association owns 496.0710 acres on the eastern border of Yellow Springs. They have a parking lot located off Corry Street at their main entrance into the Glen. This new parking lot’s location will be off the existing Glen Helen State Route 343 entrance, which also leads to the Outdoor Education Center.

The proposed parking lot will be 120’ by 220’ or 26,400 sq. ft., containing 82 parking spaces, which includes three ADA-compliant spaces. Planning Commission has previously approved their parking lot design under the provision of Chapter 1270.02 (c) and Chapter 1264 Off-Street Parking and Loading. Because GHA wants a waiver to the required tree lawn requirement for parking lots, they have submitted this variance request.

GHA is requesting a waiver to the landscaping requirements, which based on the number of parking spaces, require eight trees located in 10-foot wide islands inside the parking lot area. Staff recommends approval of the variance to remove the requirement of eight trees within the parking lot for two reasons, 1) the parking lot area will be surrounded by trees, and 2) the parking lot will not be located in area where it is visible to the public.

Dirk Lackovich van Gorp introduced the request as a member of the GHA Board. He advised that he is asking that the requirement for tree islands be eliminated as possibly interfering with winter plowing and potentially “getting in the way of an AES service truck”.

Jacobs OPENED THE PUBLIC HEARING. There being no comment, Jacobs 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; Osterholm: Y; Jacobs: Y; Reed: Y
- (2) Whether the variance is substantial; Salmonson: N; Osterholm: N; Jacobs: 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: Y; Osterholm: N; Jacobs: 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; Osterholm: N; Jacobs: N; Reed: N.
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Salmonson: Y; Osterholm: N; Jacobs: Y; Reed: N
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; Salmonson: Y; Osterholm: Y; Jacobs: Y; Reed: N
- (7) Whether the existing conditions from which a variance is being sought were self-created; Salmonson: Y; Osterholm: Y; Jacobs: 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; Osterholm: Y; Jacobs: Y; Reed: Y

Osterholm MOVED to APPROVE the variance as requested. Reed SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

- 3) **Variance Request** – R-A, Low Density Residential District – 1333 Corry Street – Valerie Kosheleff has submitted an application for a variance seeking relief from the required distance – Chapter 1262.08 (7) B. Location - Transient Guest Lodging  
**Greene County Parcel ID# F19000100170002100.**

Reed RECUSED, due to potential conflict of interest, as he is a resident of the neighborhood.

Swinger noted that the applicant's father, Bruno Koshaleff will represent her interests, since she is unable to attend. Swinger commented that all abutting property owners as well as those across the street have registered their objection to the variance request. The applicant has provided a petition of those neighbors who are in support.

Swinger noted that only those air bnbs which are owner-occupied can be considered at this time.

Swinger explained that Planning Commission shall consider the proposed location relative to its proximity to other such uses in the vicinity in order to avoid an undue concentration that could have a negative effect on the surrounding neighborhood including affordable housing concerns. *In no case, can a transient guest lodging be located closer than 500 feet from another transient guest lodging, as measured from closest property line to closest property line.*

Koshaleff introduced himself as “the trustee of the property” and resident of Keene, NH.

Koshaleff urged commissioners to read “Valerie’s petition”. He stated that he had read all of the neighbors’ objections and found them to be without merit.

Koshaleff commenced addressing each objection in each letter serially until asked to stop.

He then added that the proprietor would be sensitive to privacy, and that this use would not change the character of the neighborhood.

Mary Sims stated that Valerie intended to “rent the house part of the time, but only for large Village events”. “In these instances, Valerie or I would be in the house to supervise,” Sims said. Sims stressed that this would fulfill a need to provide Valerie with income.

Jacobs OPENED THE PUBLIC HEARING.

Susan Halm commented that she has never been bothered by a renter in that location previously. She said that while she would be fine with the home being rented month-to-month, but does object to its use as a TGL.

Marie Verandani objected to an earlier remark made by Koshaleff in which he rebutted her concern for privacy, stating that her yard could not be seen from the Koshaleff yard. Verandani asked why the “actual person who is asking for the use is not here.” She noted that she does have parking concerns.

Wally Green, a neighbor, commented that there are other neighbors who have been unable to participate but who have objections to the use as an air bnb.

Boris Koshaleff commented that there is objection to change, characterizing the neighbors as fearful. He stated that the use will not change the character of the neighborhood.

Jacobs CLOSED THE PUBLIC HEARING.

Salmonson asked why Koshaleff prefers the air bnb over long term rental.

Salmonson asked whether there will be an owner of the house who will be living in the house.

Koshaleff responded that “the house is in a trust” and that while he lives in New Hampshire, the “nominal owner of the home, Ms. Sims” lives in the Masonic Home.

Jacobs explained that for the BZA to consider the variance, a property owner or their designee must live in the home full-time.

Swinger explained how residency is determined.

Koshaleff stated that “Valerie has been essentially homeless for over 15 years” and lives in California so that she can have MediCal to manage serious medical issues.

Jacobs received direction from Swinger that the applicant cannot qualify to operate an air bnb in the Village.

Swinger commented that a variance is permanent, and cannot be considered under these conditions.

Jacobs invited Koshaleff to withdraw the request rather than have it denied.

Koshaleff withdrew the request.

**AGENDA PLANNING**

There were no items for consideration.

**ADJOURNMENT**

There being no further business, Salmonson MOVED and Osterholm SECONDED a MOTION to adjourn. The MOTION PASSED 4-0 on a voice vote. Meeting ADJOURNED at 7:00PM.

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Ellis Jacobs, Acting Chair

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Attest: Judy Kintner, Clerk