

VILLAGE OF YELLOW SPRINGS
BOARD OF ZONING APPEALS
MEETING AGENDA

The Village of Yellow Springs Board of Zoning Appeals will convene on
Wednesday, May 15, 2024 at 5:30 PM.

You may 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, May 9, 2024 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 2nd 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 after **Friday, May 10, 2024.** Questions regarding the application, zoning code or procedures may be directed to the Zoning Administrator Meg Leatherman, phone (937) 767-1702 or by email to mleatherman@yso.com.

5:30 CALL TO ORDER

ROLL CALL

REVIEW OF AGENDA

COMMUNICATIONS

REVIEW OF MINUTES

Review of Minutes for March 20, 2024.

PUBLIC HEARINGS

1. **Variance Request**– Medium Density Residential District (R-B), Gateway Overlay – 101 Cemetery St., Sam Durham, on behalf of Lisa Smale, has submitted an application for a variance seeking relief from Chapter 1260.01(a)(1), for allowance of a fence height of six (6) feet in the front yard. Greene County Parcel ID # F19000100130000200.
2. **Variance Request**– Medium Density Residential District (R-B), 410 N High St., Darren Gilley has submitted an application for a variance seeking relief from Chapter 1248.03(b), Table 1248.03(b), seeking relief to side yard setbacks. Greene County Parcel ID #F19000100010005100, F19000100010005200, F19000100010005300.

AGENDA PLANNING

ADJOURNMENT

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

In Council Chambers @ 5:00 P.M.

Wednesday, March 20, 2024

CALL TO ORDER

The meeting was called to order at 5:03 p.m. by Anthony Salmonson, Chair.

ROLL CALL

Anthony Salmonson, Chair, members Matt Reed and Matt Raska were present. Zoning Administrator for the Village, Meg Leatherman, was also present. Scott Osterholm arrived at 5:07.

COMMUNICATIONS

There were no Communications.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes for BZA Meeting of January 10, 2024 were reviewed. Reed MOVED and Raska SECONDED a MOTION TO ADOPT THE MINUTES AS WRITTEN. The MOTION PASSED 3-0 on a VOICE VOTE.

PUBLIC HEARINGS

Variance Request– General Business District (B-2) – 1425 Brookside Drive, Iron Table Holdings, LLC has submitted an application for a variance seeking relief from Chapter 1260.01(a)(1), for allowance of a fence height of seven (7) feet in the front yard. Greene County Parcel ID # F19000100060008500.

Leatherman introduced the variance request as follows:

Max Crome, on behalf of Iron Table Holdings LLC, submitted a variance application seeking relief from Chapter 1260.01(a)(1), for allowance of a fence height of seven (7) feet in the front yards along Xenia Ave and Brookside Drive. The property is located at 1425 Brookside Drive in the General Business (B-2) District, and Gateway Overlay District.

The owner recently acquired the property to convert it to a recording studio business for local recording artists. It was previously used as a doctor’s office. Per Village Code Section 1250.02, “Radio, Television and Recording Studios” are permitted uses in the B-2 zone. The applicant received zoning approval for the change of use on November 21, 2023. A building permit was approved on November 23, 2023 for interior improvements to re-configure the space to suit the needs of a recording studio. Construction is presently underway, with inspections being performed by NIC.

Village code has a separate section specifically for fences and walls, Section 1260.01. Fences in nonresidential zones are allowed to be up to eight (8) feet in height, provided for each foot exceeding six feet there shall be a one and a half foot setback from side property lines (VC 1260.01(6)). It also limits the height to four feet in front yards (VC 1260.01(1)). Since the property has frontage along Xenia Ave and Brookside Drive, it is considered a corner lot, and Village Code Section 1284.06 requires that corner lots have two front yards. Therefore, approval of a variance is required for the portion of the fence exceeding four (4) feet, along Xenia Avenue and Brookside Drive.

The fence is designed to abut the building wall and extend around the entire perimeter of the property, with gated access across the driveway entrance. The applicant is requesting a variance of three feet.

Leatherman stated her findings thus:

Part of the intent of the four foot maximum fence height on corners is to ensure visibility for drivers while turning. The proposed location of the fence will not obstruct visibility as it is set back approximately 70’ from the edge of pavement on Xenia Avenue, and approximately 95’ from the centerline of Xenia Avenue.

The essential character and impact on the neighborhood would not be substantially altered since the fence will abut the building face and blend in with the building design. It is in a business zone and is comparable in nature to the other businesses in the zone. The proposed fence would be set back 1.5 feet from the property line to feel less imposing on adjacent residential properties. In addition, it will be 50' from the existing sidewalk along Xenia Avenue and there is not a sidewalk adjoining the property along Brookside Drive.

Salmonson OPENED THE PUBLIC HEARING.

Max Crome, Iron Table Holdings, reiterated that the purpose of the higher fence (wall) is primarily security. He provided a sample of the stone that will be used.

Crome stated that the building will be used as a portion of the wall, with the wall following the building contour.

Reed asked whether Crome had spoken with the Fire Marshall regarding access to the fire hydrant.

Crome stated that he has not yet done so.

BZA members queried regarding the setback, the remaining trees, and the operation of the fence, ascertaining that the trees will remain, the fence will not open outward, and that the setback is 1.5 feet from the property line.

Becky Campbell, resident, commented generally, stating that while she is not opposed to the wall, she thought it resembled a cemetery wall. She inquired regarding increased traffic, and was informed by Crome that he expects the area to be only lightly trafficked.

There being no further comment, Salmonson CLOSED THE PUBLIC HEARING.

Reed reiterated the importance of obtaining approval from the Fire Marshall regarding accessibility to the hydrant.

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: N; Reed: Y; Osterholm: Y
- (2) Whether the variance is substantial; Salmonson: N; Raska: N; Reed: N; Osterholm: 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; Osterholm: 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: Y; Raska: N; Reed: Y; Osterholm: N
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Salmonson: N; Raska: Y; Reed: N; Osterholm: N
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; Salmonson: Y; Raska: Y; Reed: N; Osterholm: N
- (7) Whether the existing conditions from which a variance is being sought were self-created; Salmonson: Y; Raska: Y; Reed: Y; Osterholm: 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; Osterholm: Y

Raska MOVED to APPROVE the variance of three feet to the fence height of four feet in the B-2, as requested. Osterholm SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

AGENDA PLANNING

There were no items on the schedule.

ADJOURNMENT

There being no further business, Raska MOVED and Reed SECONDED a MOTION to adjourn. The MOTION PASSED 4-0 on a voice vote. Meeting ADJOURNED at 5:33PM.

Anthony Salmonson, Chair

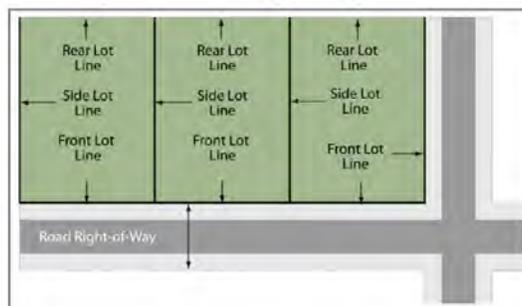
Attest: Judy Kintner, Clerk

TO: Board of Zoning Appeals
FROM: Meg Leatherman, Planning & Zoning Administrator
REPORT DATE: May 7, 2024
MEETING DATE: Wednesday, May 14, 2024
RE: **BZA02-2024 – Variance to Fence Height –101 Cemetery St. – Lisa Smale**

SUMMARY

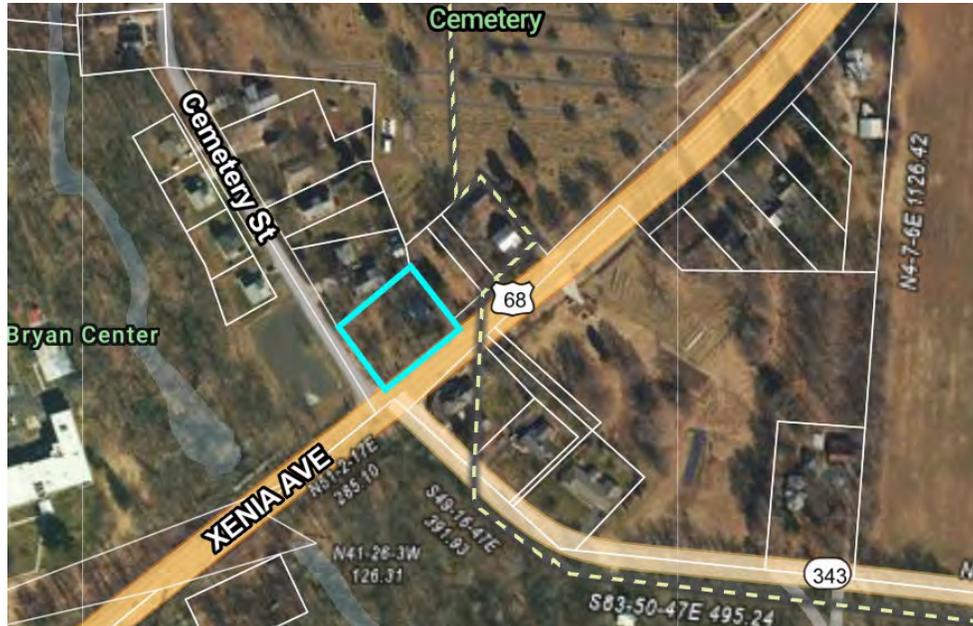
Sam Durham, applicant, on behalf of Lisa Smale, property owner, submitted a Variance application (Exhibit A) seeking relief from Chapter 1260.01(a)(1), for allowance of a fence height of six (6) feet in the front yard along Xenia Ave. The property is located at 101 Cemetery St. in the Medium Density Residential (R-B) District, and Gateway Overlay District.

The code has a separate section specifically for fences and walls, Section 1260.01. Fences in residential zones are allowed to be up to six (6) feet in height, except in the front yard where they are limited to four feet (VC 1260.01(a)(1)). Since the property has frontage along Xenia Ave and Cemetery, it is considered a corner lot, and the code requires that corner lots have two front yards.



Therefore, approval of a variance is required for the portion of the fence exceeding four (4) feet, along Xenia Ave. Should this Variance application be approved, a fence permit would need to be submitted and approved by staff, prior to starting construction. A fence permit was submitted and approved for the three sides of the fence that are in compliance with the code (Exhibit D).

The owner is requesting the six (6) foot fence, a two (2) foot variance, along Xenia Ave to reduce noise levels and provide a visual barrier to the highway.



Vicinity Map

PROJECT DESCRIPTION

ZONING DISTRICT: Medium Density Residential (R-B)

APPLICANT: Sam Durham

PROPERTY OWNER: Lisa Smale

REQUESTED ACTION: BZA02-2024 – Variance to fence height

PARCEL ID: F19000100130000200

PUBLIC NOTICE: Adjoining property owners were mailed a notice on April 25th (Exhibit B), signs were posted on the property on April 28th (Exhibit C), and a notice was published in the online paper on May 1st.

APPLICABLE CODE & STAFF FINDINGS

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.

Finding: The proposal has practical difficulties so inequitable as to justify a variance for several reasons. The property has direct frontage along HWY 68 but is also located at the intersection of HWY 68 and SR 343. A traffic light is installed at the intersection and unofficially marks the entrance to Yellow Springs for travelers entering the Village from the north. A majority of vehicles entering the Village from the north travel at speeds that produce a higher noise level comparative to other residential areas. Traffic volume at this intersection is one of the highest in the Village, especially during community events and nice weather. Large trucks entering and leaving the Village must stop and start at the traffic light, adding to the noise.

RECOMMENDATION

The Board shall consider the application (Exhibit A) with the requirements outlined in Section 1278.04. Staff recommends **APPROVAL**.

Sincerely,

A handwritten signature in black ink that reads "Meg Leatherman".

Meg Leatherman
Planning & Zoning Administrator
Economic Sustainability Liaison
Village of Yellow Springs



EXHIBIT LIST:

Exhibit A – Application

Exhibit B – Neighbor Notice

Exhibit C – Sign Posting

Exhibit D – Fence Application



Board of Zoning Appeals
Public Hearing Request:
Variance

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

[FOR OFFICE USE ONLY]

Case #: BZA02-2024

Hearing Date: 4/15/24

Applicant Information

Property Address: 101 Cemetery St, Yellow Springs, OH 45387
Property Owner: Lisa Smale Phone: 513-544-6803 Email: ratherboggy@gmail.com
Mailing Address: 2401 Ingleside Ave, Unit 6B Cincinnati, OH, 45206
Applicant Name: Lisa Smale/Sam Durham Phone: 513-544-6409 Email: ratherboggy@gmail.com
Applicant Address: 2401 Ingleside Ave, Unit 6B, Cincinnati, OH. 45206

Project Information

I am requesting a variance on the dimensional requirement as outlined in (cite Zoning code section):

Description: Requesting a variance to allow a 6' cedar cap & trimmed privacy fence along the section abutting highway 68. It would match the neighbors fence across the street and provide a much needed barrier between the house a busy highway w/ motorist offer 180' traveling in excess of 55mph.
Dimensions of Project & Total measurement of Variance requested: 180' of 6" cedar privacy fence along highway 68

Site Plan Attached: [X] Stormwater Mitigation Plan Attached: []

I understand that approval of this application does not constitute 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 private restrictions of covenants appurtenant to the property.

I, the undersigned do hereby certify that I am the applicant, and the information and statements given on this application, drawings, and specifications are to the best of my/our knowledge, true and correct. I understand that the Village is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of this Zoning permit as determined by the Village. I further certify that I am the Owner, or the lessee, or agent, fully authorized by the owner to make this submission. I certify that statements made to me about the time required to process this application are general estimations 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 hereby certify, under penalty of perjury, that all the information provided on this application is true and correct.

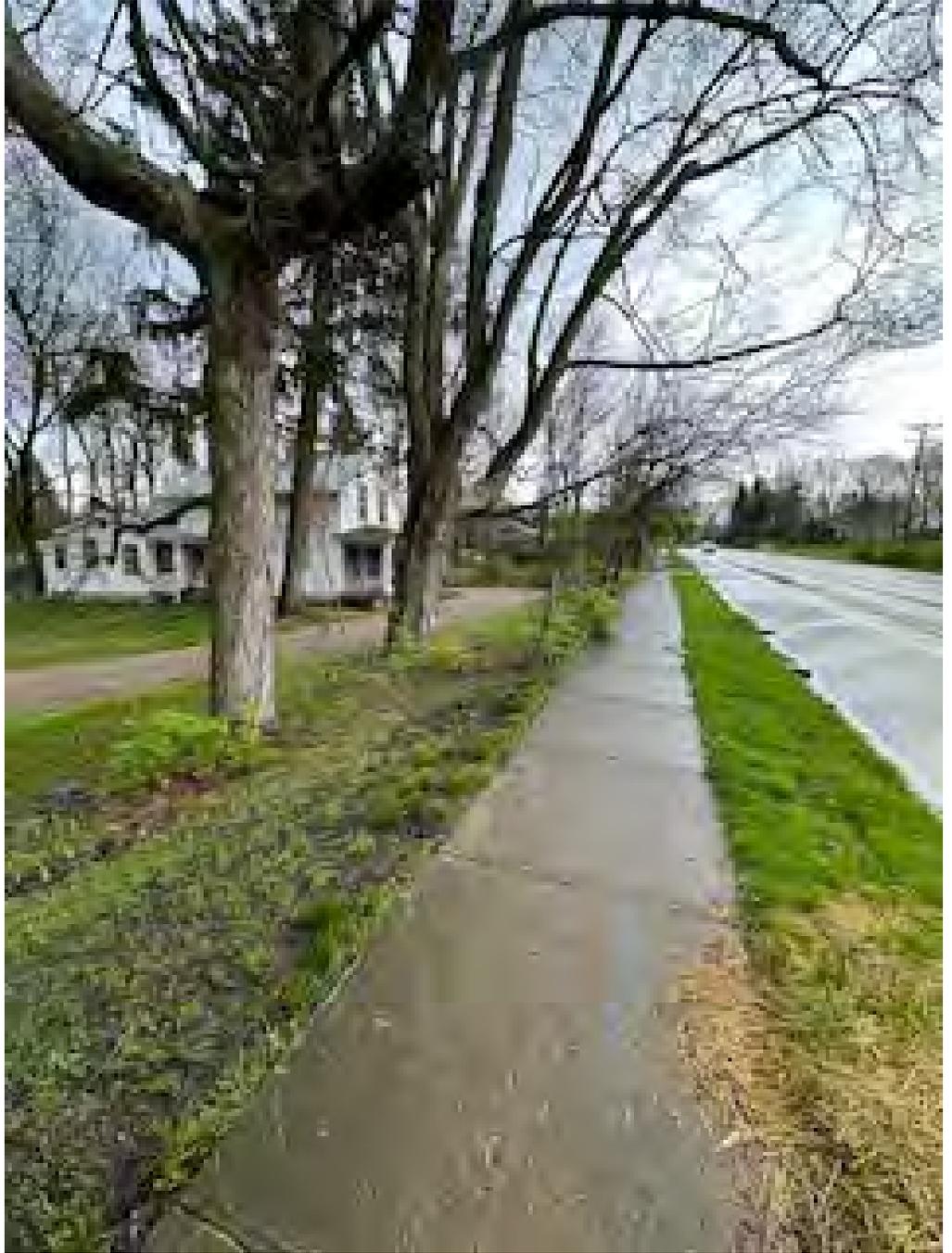
Applicant Signature: [Signature] Date: 4/12/24

FOR OFFICE USE ONLY

Table with 3 columns: Fees, Payment Type, and Zoning District/Permit Number. Includes fields for Zoning Fee (\$700.00), Payment Type (Cash checked), Zoning District (R-B), Permit Number (BZA02-2024), and Zoning Official Name and Title.











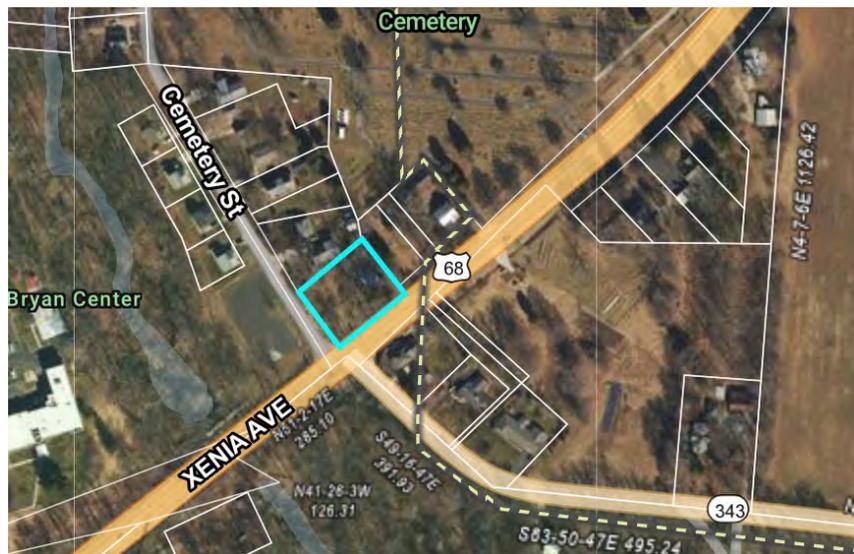


**-Public Notice-
PUBLIC HEARING**

VILLAGE OF YELLOW SPRINGS BOARD OF ZONING APPEALS

Notice is hereby given that:

- 1) **Variance Request**– Medium Density Residential District (R-B), Gateway Overlay – 101 Cemetery St., Sam Durham, on behalf of Lisa Smale, has submitted an application for a variance seeking relief from Chapter 1260.01(a)(1), for allowance of a fence height of six (6) feet in the front yard. **Greene County Parcel ID # F19000100130000200**



A PUBLIC HEARING WILL BE HELD ON THIS PETITION BY THE VILLAGE OF YELLOW SPRINGS BOARD OF ZONING APPEALS ON:

DATE: Wednesday, May 15th, 2024 TIME: 5:30 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@yso.com, or by calling 937-767-9126. Please submit your letter by no later than **Thursday, May 9th, 2024 for inclusion in the Commission packet: however, all letters received any time prior to the hearing will be provided to the 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.yso.com after Friday, May 10th, 2024. Questions regarding the applications, zoning code or procedures may be directed to the Zoning Administrator Meg Leatherman, phone (937) 767-1702 or by email to mleatherman@yso.com.

VARIANCE
REQUEST INVOLVING
THIS PROPERTY
WILL BE HEARD

MAY

15

5:30 PM

LIVE on CHANNEL 5 & WWW.YSO.COM
CALL (937) 767-9126



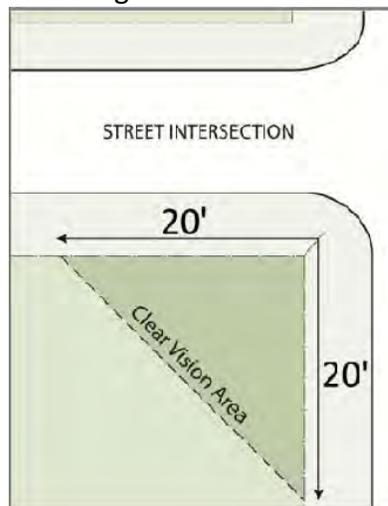
100 Dayton St.
Yellow Springs, OH 45387

April 12, 2024

Ed Fences via email
Lisa Small
101 Cemetery St.
Yellow Springs, OH 45387

Your application for a fence permit (#2024-047) at 101 Cemetery St. has been approved with the following conditions:

1. This approval is for a 4' fence along three sides of the property, the side and rear and front on Cemetery St. A Variance application for a 6' fence is required for the front on Xenia Ave and will be submitted in the future.
2. A Clear Vision area of 20' is required along street intersections. See image below



3. Fences erected or maintained in an existing utility easement are subject to removal and the owner shall be responsible for the removal costs if utility access is necessary.
4. If both sides of the fence are not identical, the finished side shall face the adjoining property.
5. It is important to know where your property line is. We suggest that you do not use a mapping application to determine this. Contact a licensed surveyor to mark the location of your property line pins.
6. We do not enforce or regulate Home Owners CC&R's. Please be aware that they may have different requirements.
7. Contact OUPS at 1.800.362.2764 before digging to have the utilities on your property marked.



100 Dayton St.
Yellow Springs, OH 45387

The above conditions and requirements are hereby made a part of the attached permit and are enforceable under provision of village ordinance. Should you have any questions concerning this permit, please feel free to contact me at (937) 767-1702 or by e-mail at mleatherman@yso.com.

Sincerely,

A handwritten signature in black ink that reads 'M Leatherman'.

Meg Leatherman
Planning & Zoning Administrator
Economic Sustainability Liaison
Village of Yellow Springs



Permit Application: Fence

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

(FOR OFFICE USE ONLY)
Permit #: 2024-047
Application Received: 4/9/24

LISA SMALE 513-544-6803
Eds Fence 937-718-5947

Applicant Information

Property Address: 101 Cemetery St Yellow Springs OH
Property Owner: LISA SMALE Phone: (513) 544-6803 Email: Eds Fence And Deck @ yspva
Applicant Name: Eds Fence Phone: _____ Email: ~~Eds Fence Deck~~

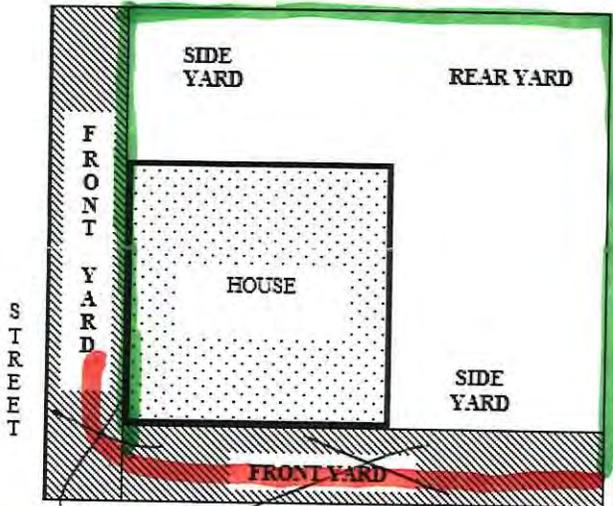
Project Information

Fence Heights: Front: 4ft/6ft Side 1: 4ft Side 2 (if different): ~~6ft~~ Rear: 4ft

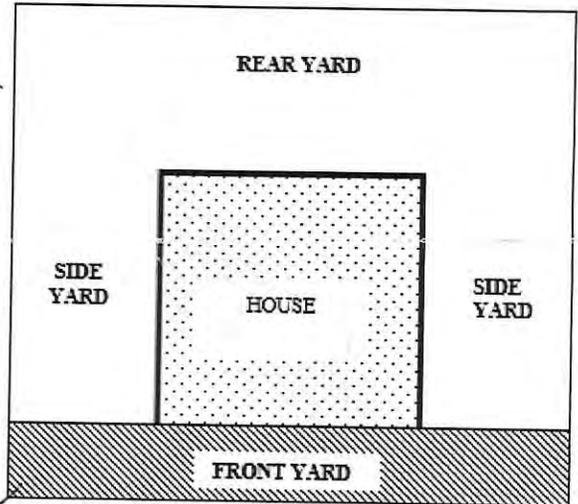
Does this fence cover any easements (Right-of-way/utilities/other)? Yes: No:

Fence Material/Type: 4ft cedar pickett Lot Type (Please select one) Corner Lot: Interior Lot:
6ft cap and trim cedar

Indicate where you wish to install the fence(s) in relation to your house.



See page #2



4'ft spaced pickett
concave cut,
Corner Lot

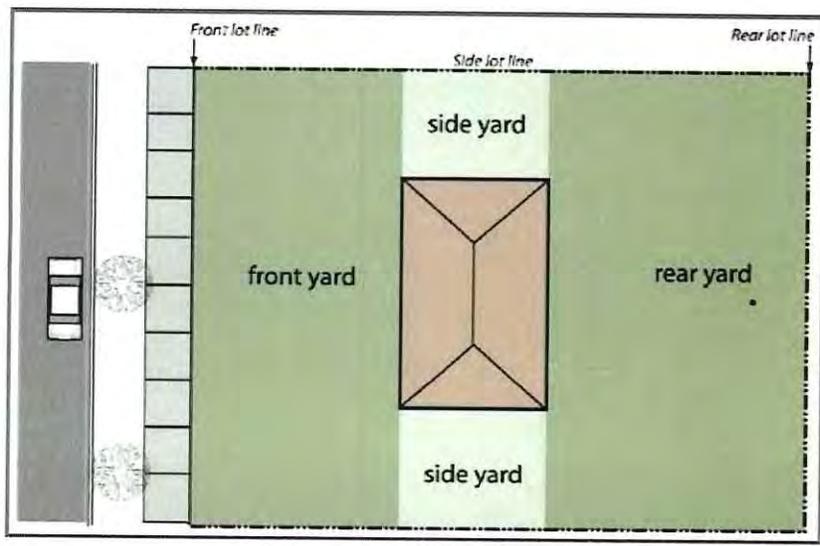
6' cap and trim cedar
matching neighbor across
Interior Lot

I, the undersigned do hereby certify that I am the applicant, and the information and statements given on this application, drawings, and specifications are to the best of my/our knowledge, true and correct. I understand that the Village is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of this Zoning permit as determined by the Village. I further certify that I am the Owner, or the lessee, or agent, fully authorized by the owner to make this submission. I certify that statements made to me about the time required to process this application are general estimations 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.

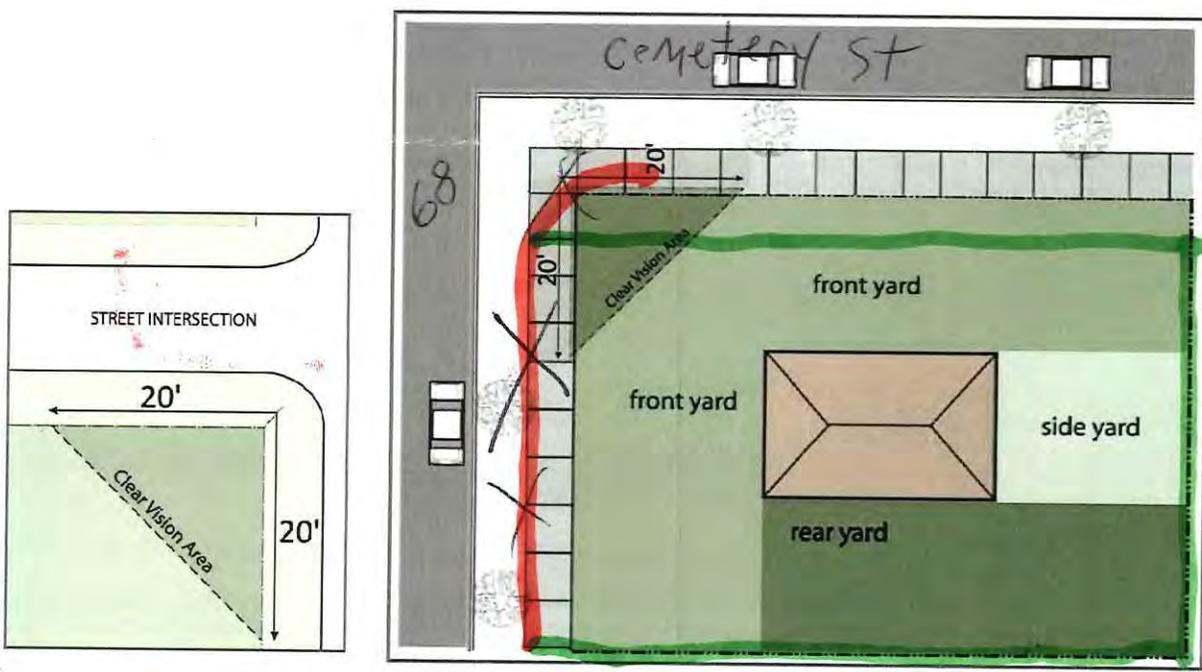
I hereby certify, under penalty of perjury, that all the information provided on this application is true and correct.

Applicant Signature: Eds Fence and Deck Date: 4-9-2023

FOR OFFICE USE ONLY		
Zoning Fee: \$ <u>35.00</u>	Payment Type: <input type="checkbox"/> Check <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Card	Approved <input checked="" type="checkbox"/> Denied <input type="checkbox"/>
Other fees: \$ _____	Zoning District: <u>R-B</u>	SEE ATTACHED LETTER FOR CONDITIONS
Total \$ <u>35.00</u> pd 4/9	<u>[Signature]</u> Zoning Official Name and Title	<u>4/12/24</u> Date



(b) Clear Vision Corner. Fences, walls, structures, shrubbery or other potential obstructions to vision, except utility poles, lights and street signs, shall not be permitted to exceed a height of three feet within a triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 20 feet from the point of intersection with the right-of-way lines.



4' ft cedar spaced picket concave cut,

For more details on the information provided, see section [1260.01 General Provisions](#), and section [1284.11 Definitions X-Y-Z](#) of the Codified Ordinances.

If you have any questions, please reach out to us by email: permits@yso.com or phone: (937) 767-1702

Removed 6' Fence

MRS SMale wants to put A privacy wall to Reduce sound sight and protect her Puppies from A very BUSY street AND interSection we want to MATCH the neighbors right Across 68 with MATCHING BUT Better fence



Fence Permit Packet

Please read and review this informational document to help you apply for your permit.

Fence Height, and location requirements

- Fences may be installed directly on your property line. You are responsible for knowing where your property line is, and if you aren't sure we recommend contacting a licensed surveyor to locate your property pins.
- In front yards, the height cannot exceed four (4) feet.
- Corner lots have two front yards, the lot lines abutting public roads, and the 4-foot height limit applies.
- For corner lots, the height cannot exceed three (3) feet in the "Clear Vision Triangle" (see diagram below)
- For side and rear yards, the height cannot exceed six (6) feet.
- Fences, walls, or foliage adjacent to any public sidewalk must be setback at least one foot from the inside line of the sidewalk.
- Visibility into and out of any driveway or street must remain unobstructed.
- Fences, walls or foliage erected or maintained above or within utility easements shall be subject to removal, as necessary in emergency circumstances, to provide access to such easements.

Requirements pertaining to material

- If there is an unfinished side of the fence material used, the finished side must face out away from the property towards neighbors.
- Barbed wire or electrically charged fences may be erected in non-residential districts, provided the electrically charged or barbed section of the fence shall be no lower than seven feet above grade.

Definitions

Yard. An unoccupied open space from the ground upward, between the building wall and the adjoining lot lines.

(1) Front yard. The space extending the full width of the lot between the nearest edge of a building and the front lot line.

(2) Rear yard. The space extending the full width of the lot between the nearest edge of a building and the rear lot line.

(3) Side yard. An open space extending from the front yard to the rear yard between the nearest edge of a building and the nearest side lot line.





TO: Board of Zoning Appeals
FROM: Meg Leatherman, Planning & Zoning Administrator
REPORT DATE: April 30, 2024
MEETING DATE: Wednesday, May 15, 2024
RE: **BZA03-2024 – Variance –410 N. High St. – Darren Gilley**

SUMMARY

Darren Gilley, property owner, submitted a Variance application (Exhibit A) for front (side) yard setback relief, section 1248.03(b). The property is located at 410 N. High St. in the Medium Density Residential (R-B) District.

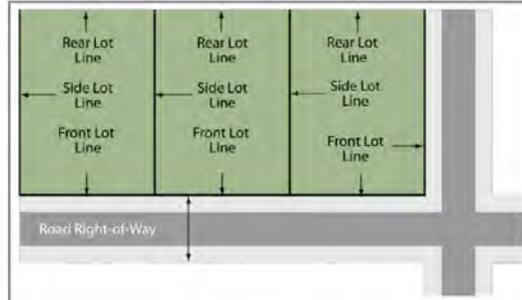
The proposal includes construction of a new single-family dwelling on a vacant lot. The existing single-family home is situated across two adjoining lots also owned by Darren Gilley. The vacant lot is 50’ wide and 150’ long, which meet the lot standards from table 1248.03.

<i>Table 1248.03 Lot and Width Requirements: Residential Districts</i>		
Zoning District	Minimum Lot Area (Sq. Ft.) ¹	Minimum Lot Width (Ft.)
R-B, Moderate-Density Residential	6,000²	50

The applicant would like to install a pre-fabricated structure with a footprint of 40’x40’ and with two-stories. The total livable area would be approximately 2,400 sq ft.

<i>Table 1248.03a Dimensional Requirements: Residential Districts</i>						
Zoning District	Maximum Building Height (Ft./stories)	Minimum Yard Setbacks (Ft.)				Max. Lot Coverage (%)
		Front	Side		Rear	
			Total	Least		
R-B	35/2.5	20	15	5	20	40

The property is located on the corner of Pleasant St. and N. High St. The code (1284.06) requires that corner lots have two front lot lines.

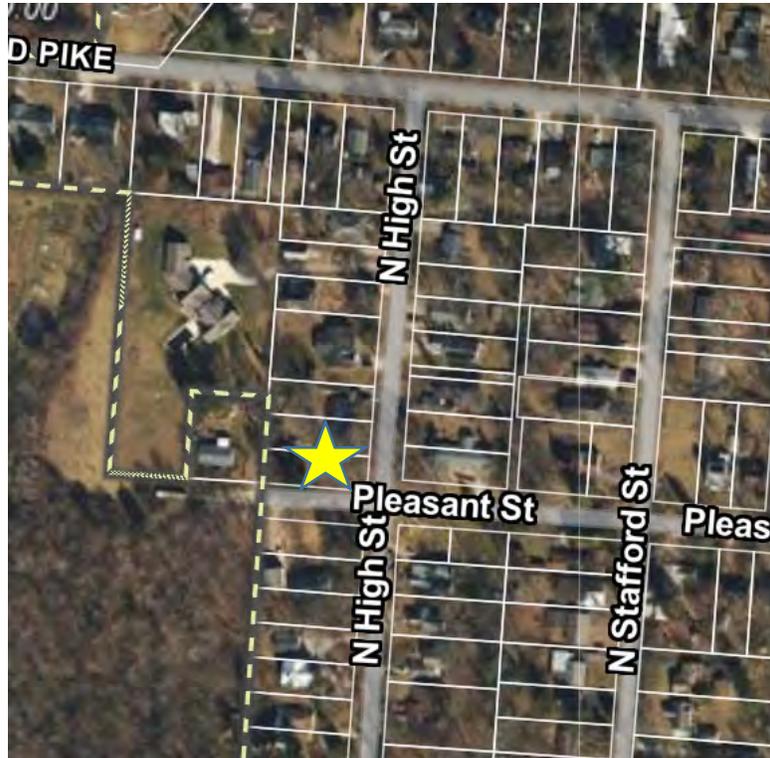


This means that a 20' setback is required along Pleasant St. and N. High St. The applicant is requesting a 5' setback along Pleasant St (a variance of 15 ft).

The improved portion of Pleasant St. ends at N. High St. and the Pleasant St right-of-way extends beyond High St. to the west as gravel. The gravel portion is not part of the Village street system and is not maintained by the Village. Two homes use this gravel section as their primary access point. The Village has no future plans to improve this section of Pleasant St. since it extends into an enclave of un-annexed property.

Should the Board approve the fifteen (15) foot variance request, the applicant should be aware of the following:

- Approval of a building permit is required prior to starting construction;
- Stormwater is required to be addressed per Section 1226.06(a)(7) with the building permit submittal;
- All light fixtures shall be direct cut-off fixtures, designed to prevent light spill or trespass beyond the boundaries of the property where the fixture is located.



Vicinity Map

PROJECT DESCRIPTION

ZONING DISTRICT: Medium Density Residential (R-B)

APPLICANT: Darren Gilley

PROPERTY OWNER: Darren Gilley

REQUESTED ACTION: BZA0-2024 – Variance to front yard setbacks

PUBLIC NOTICE: Adjoining property owners were mailed a notice on April 25th (Exhibit B), signs were posted on the property on April 28th (Exhibit C), and a notice was published in the online paper on May 1st (Exhibit D).

APPLICABLE CODE & STAFF FINDINGS

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.

Finding: The proposal has practical difficulties so inequitable as to justify a variance for several reasons. The code classifies the property as a corner lot but since the improved (asphalt) portion of Pleasant St. ends at N. High St. the road doesn't function the same way as the majority of other roads on corner lots in the Village. The unimproved portion of Pleasant St is solely used by two homes. One that also has frontage on N. High St. and is in the Village corporate limits. A second dwelling uses the unimproved segment as their primary access and is located outside of the Village corporate limits. There are no plans to improve Pleasant St. beyond High St since it extends into an un-annexed enclave.

RECOMMENDATION

The Board shall consider the application (Exhibit A) with the requirements outlined in Section 1278.04. Staff recommends **APPROVAL**.

Sincerely,

A handwritten signature in black ink that reads "Meg Leatherman".

Meg Leatherman
Planning & Zoning Administrator
Economic Sustainability Liaison



Village of Yellow Springs

EXHIBIT LIST:

Exhibit A – Application

Exhibit B – Neighbor Notice

Exhibit C – Sign Posting



Board of Zoning Appeals
Public Hearing Request:
Variance

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

[FOR OFFICE USE ONLY]

Case #: BZA03-2024

Hearing Date: 4/15/24

Applicant Information

Table with applicant details: Property Address (410 N High St), Property Owner (Darren Gilley), Mailing Address (same), Applicant Name (same), Applicant Address (same), Phone (937-287-6044), Email (darrengilley70@gmail.com).

Project Information

I am requesting a variance on the dimensional requirement as outlined in (cite Zoning code section):

Description: I am requesting that the minimum yard setback on the Pleasant Street side of the property be changed from 20 feet to 5 feet and for the interior side yard lot line I will have 5'. I own three adjoining lots. My home is situated across two lots. The lot I would like to build on is vacant.

Dimensions of Project & Total measurement of Variance requested: Proposed structure would be 40'x40' see site plan

Site Plan Attached: [X] Stormwater Mitigation Plan Attached: [X] to be provided with building plans

I understand that approval of this application does not constitute 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.

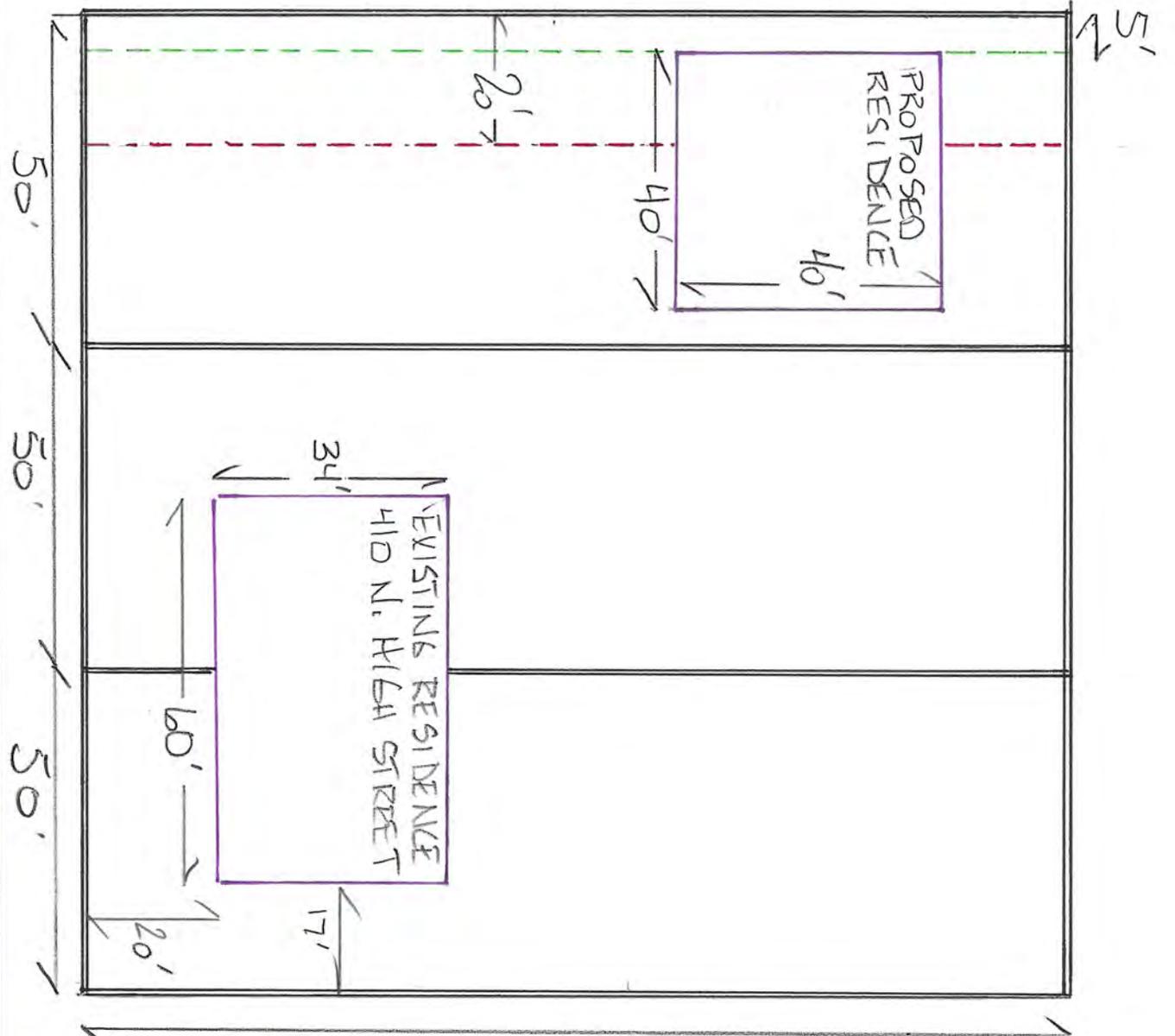
I, the undersigned do hereby certify that I am the applicant, and the information and statements given on this application, drawings, and specifications are to the best of my/our knowledge, true and correct. I understand that the Village is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of this Zoning permit as determined by the Village.

I hereby certify, under penalty of perjury, that all the information provided on this application is true and correct.

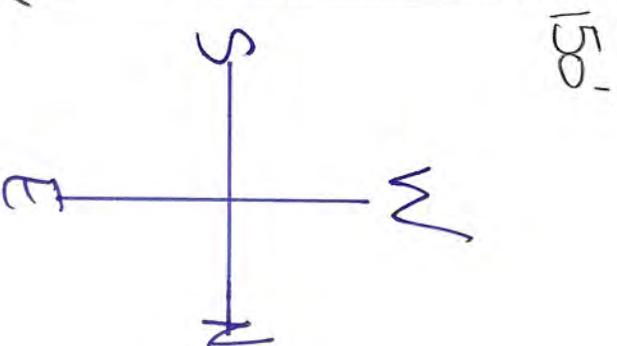
Applicant Signature: [Handwritten Signature] Date: 4/22/2024

FOR OFFICE USE ONLY table with columns for Zoning Fee (\$200), Payment Type (Card checked), Zoning District (R-B), Permit Number (BZA03-2024), Total (\$200), Zoning Official Name and Title, and Date.

PLEASANT STREET



NORTH HIGH STREET

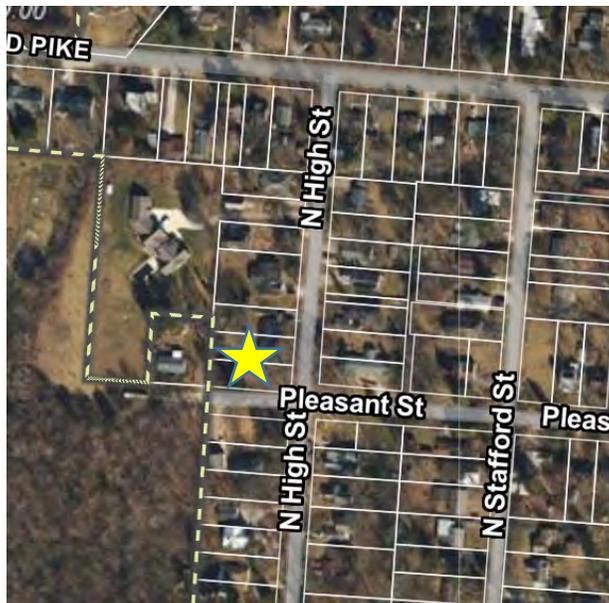




**-Public Notice-
PUBLIC HEARING**

VILLAGE OF YELLOW SPRINGS BOARD OF ZONING APPEALS
Notice is hereby given that:

- 1) **Variance Request**– Medium Density Residential District (R-B), Gateway Overlay – 410 N High St., Darren Gilley has submitted an application for a variance seeking relief from Chapter 1248.03(b), Table 1248.03(b), seeking relief to side yard setbacks. **Greene County Parcel ID #** Greene County Parcel #F19000100010005100, F19000100010005200, F19000100010005300



A PUBLIC HEARING WILL BE HELD ON THIS PETITION BY THE VILLAGE OF YELLOW SPRINGS BOARD OF ZONING APPEALS ON:

DATE: Wednesday, May 15th, 2024 TIME: 5:30 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@yso.com, or by calling 937-767-9126. Please submit your letter by no later than **Thursday, May 9th, 2024 for inclusion in the Commission packet: however, all letters received any time prior to the hearing will be provided to the 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.yso.com after Friday, May 10th, 2024. Questions regarding the applications, zoning code or procedures may be directed to the Zoning Administrator Meg Leatherman, phone (937) 767-1702 or by email to mleatherman@yso.com.

VARIANCE
REQUEST INVOLVING
THIS PROPERTY
WILL BE HEARD
MAY 15 5:30 PM
LIVE on CHANNEL 5 & WWW.YSO.COM
CALL (937) 767-9126

