

VILLAGE OF YELLOW SPRINGS
BOARD OF ZONING APPEALS
MEETING AGENDA

The Village of Yellow Springs Board of Zoning Appeals will convene virtually on
Wednesday, November 17, 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, 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,
November 11, 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 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, November 12, 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.

6:00 CALL TO ORDER

ROLL CALL

REVIEW OF AGENDA

COMMUNICATIONS

The Clerk will receive and file:
Stephen and Vivian Markley re: 506 South High Variance

REVIEW OF MINUTES

Review of Minutes for August 11, 2021.

PUBLIC HEARINGS

- 1) **Variance Application** – B-1, Central Business District – 225 Corry Street – Max Crome of Crome Yellow Springs, on behalf of the property owner Iron Table Holdings LLC, has submitted an application for a variance seeking relief from the required rear yard setback - Chapter 1250 Business Districts, and a variance seeking relief from the number, size and height requirements for certain signs on the property –Chapter 1266 – Signs – Table 1266.03 (a) Permitted Signs. **Greene County Parcel ID #F19000100100020400**
- 2) **Variance Application** – R-A, Low Density Residential District – 202 Fairfield Pike – Josh Myers, property owner, has submitted an application for a variance seeking relief from the required number of bathrooms for Accessory Dwelling Units – Chapter 1262.08 (e) (1) Conditional Use – Specific Requirements. **Greene County Parcel ID #F19000100120001800**

- 3) **Variance Application** – R-B, Moderate Density Residential District – 506 S. High Street – Mark Massie of Massie Signs & Art on behalf of the Edward Jones Company, has submitted an application for a variance seeking relief from the required front yard setback for signs – Chapter 1266 Signs – Table 1266.03 (a) Permitted Signs. **Greene County Parcel ID #F19000100040007100**

AGENDA PLANNING

ADJOURNMENT

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

Virtual Meeting @ 7:00 P.M.

Wednesday, August 11, 2021

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Matt Reed, Acting Chair.

ROLL CALL

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

COMMUNICATIONS

There were no communications.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes for BZA Meeting of June 30, 2021 were reviewed. Salmonson MOVED and Raska SECONDED a MOTION TO ADOPT THE MINUTES AS AMENDED. The MOTION PASSED 3-0 on a ROLL CALL VOTE, with Jacobs and Reed abstaining due to absence from that meeting.

PUBLIC HEARINGS

1) Variance Request– R-B, Moderate Density Residential District – 213 N. Winter Street. Alex Melamed, on behalf of Tracy and Johnny Cooley, has submitted an application for a variance seeking relief from Chapter 1260.02 (a) (2) front yard setback for a garage. **Greene County Parcel ID # F19000100110017000.**

Swinger introduced the hearing, stating that Planning Commission has approved a garage/Accessory Dwelling Unit with the condition that the applicant seek a variance from the BZA for relief from the 20-foot setback requirement for a garage. The existing garage will be demolished and the Winter Street driveway apron will be abandoned for a new access off Cliff Street. The request is for a 10-foot variance to the setback requirement for driveways leading to the new garage/ADU.

Swinger explained that the ROW on that side is wide because there is a swale there. She commented that an upcoming Village project may impact the street, but it is likely that the project will take place on the other side of the street, in part because there is a large old magnolia tree on the garage side that the owners are eager to preserve, and PW Director Burns is working with them in this effort.

Jacobs received clarification as to the need for a variation.

BZA members reviewed the schematic of the site with the proposed addition.

Salmonson received confirmation that the owners will have two years to complete the addition.

Swinger responded to a question from Salmonson, stating that all other setback requirements have

been met.

Reed OPENED THE PUBLIC HEARING.

Andrew Melamed argued that the case before BZA is similar to a case on which they had ruled favorably the previous month.

Reed CLOSED THE PUBLIC HEARING.

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

Raska MOVED TO APPROVE THE VARIANCE AS REQUESTED. Osterholm SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

2) Variance Request– I-1, Mixed Use Industrial District – 108 Cliff Street
Patrick Lake of Massie Creek Ventures, LLC has submitted an application for a variance seeking

relief from Chapter 1252.03a - side yard setback for an outdoor patio. **Greene County Parcel ID # F19000100110025600.**

Swinger explained the general nature of the development, noting that Patrick Lake and his partner have met with PW Director Burns to discuss their ideas for improving the area located in the setback. There will be steps, bike path seating, bike parking and landscaping in the Village's right-of way. This was a suggestion by the Public Works Director as an improvement to the ROW for the Little Miami Scenic Trail, which the developer agreed to install. The steps are necessary to allow access to the market/eatery and the open to the public restrooms inside. Burns has indicated that if the two were willing to make the stated improvements, he would be agreeable to recommending a zero lot line.

Planning Commission approved a conditional use for a market/eatery with the condition that the applicant seek a variance from the BZA for relief from the 10-foot side yard setback requirement in order to bring the patio to the edge of the property line. The project will involve the repurposing of the existing building at 108 Cliff Street into tenant-leased spaces for food/drinks and market/retail stalls. The removal of the existing lumber storage area structure along the western property line as well as the accessory structure that faces Cliff Street will accommodate a one-way access driveway to Millworks.

The mezzanine area on the upper floor will be the location of the indoor seating area and measures 2,400 sq. ft. Outdoor seating will be located on the east by the bike path and also along the west side of the building at an estimated 3,000 sq. ft. A majority of the businesses that will occupy space in the market/eatery are existing businesses that have either operated in Yellow Springs or are locally based startups (and in one case an existing Yellow Springs business) that will set up operations.

Patrick Lake responded to a question from Salmonson, stating that the business is being structured around what Lake described as a "market gap", in which visitors come to town to shop, but regularly leave town and get a fast-food type of meal in another location. This fills a niche, he said, that makes fast, affordable, high quality food available. This means, he said, that the patrons are already here—we're encouraging them to remain in town longer, but are not increasing the need for parking by any significant extent.

Lake responded to a follow up question, stating that he and Allison Moody, Millworks owner, have developed an agreement for shared parking.

Raska asked about available parking, and Lake noted that a lane will be created from the business to the Millworks parking area which will accommodate more parking.

Jacobs received assurance that the neighbors had been contacted regarding the hearing.

Lake expanded upon this, stating that all of the previously skeptical neighbors had been reassured after meeting with Lake and his partner to discuss their concerns.

Parcels differentiated between this use of the ROW and the situation reviewed by BZA in a prior hearing involving a ROW.

Raska stated that he had spoken with a neighbor who was concerned about light entering her home, and asked if this had been addressed.

Swinger stated that per the zoning code, no light spill is permitted to interfere into an adjoining property.

Reed pointed out that BZA was authorized to address only the issue of the zero lot line.

Reed OPENED THE PUBLIC HEARING.

There being no further comments, Reed CLOSED THE PUBLIC HEARING.

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

Osterholm MOVED TO APPROVE THE VARIANCE AS REQUESTED. Salmonson SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

3) Variance Request– R-A, Low Density Residential District – 420 East Enon Road – Yellow Springs Schools – Jeff Eyrich, Athletic Director at

Yellow Springs School District has submitted an application for a variance seeking relief from Chapter 1266.05 Signs - Scoreboards. **Greene County Parcel ID: #F19000100200000100.**

Parcels noted that the school district, as a political subdivision, does not necessarily have to follow the zoning code, but must make a reasonable attempt to comply with it. This means, she said, that BZA only has to consider the sixth Duncan Factor.

Swinger explained that the Yellow Springs School District wishes to replace their old scoreboard with a new one that is larger and taller. Because of its height and size, a variance for relief from the zoning code is required. The height of the new scoreboard sign is 26-feet, requiring a variance of 6-feet to the height. The scoreboard is single-sided and measures 16' x 20' or 320 sq. ft., requiring a variance of 220 sq. ft. to the size.

The scoreboard will be placed at the north end of the stadium facing south. Although it will be internally illuminated, it will not project any light towards Dayton-Yellow Springs or East Enon Roads. The internal lighting is strictly for scorekeeping and will only be in use for athletic games. Swinger noted that the scoreboard faces South, so should not impact any neighboring properties.

Jeff Eyrich, YSHS Athletic Director, offered to address any questions.

Reed OPENED THE PUBLIC HEARING. There being no comment, Reed CLOSED THE PUBLIC HEARING.

Salmonson MOVED THAT THE CLERK READ IN ONLY THE APPLICABLE DUNCAN FACTOR. Osterholm SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

The Clerk read Duncan Standards number 6 as follows:

- (9) 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; Raska: N; Jacobs: N; Reed: N

Raska MOVED TO APPROVE THE VARIANCE AS REQUESTED. Osterholm SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

AGENDA PLANNING

Swinger noted that there will be a hearing tied to 314 Dayton Street, but that she has not yet received materials.

ADJOURNMENT

There being no further business, Jacobs MOVED and Osterholm SECONDED a MOTION to adjourn. The MOTION PASSED 5-0 on a voice vote. Meeting ADJOURNED at 7:53PM.

Matt Reed, Acting Chair

Attest: Judy Kintner, Clerk



TO: Board of Zoning Appeals
FROM: Denise Swinger, Zoning Administrator
MEETING DATE: Wednesday, November 17, 2021
RE: BZA21-09 Outdoor Patio Setback Variance/Signs Variance

Variance Application – B-1, Central Business District – 225 Corry Street – Max Crome of Crome Yellow Springs, on behalf of the property owner Iron Table Holdings LLC, has submitted an application for a variance seeking relief from the required rear yard setback - Chapter 1250 Business Districts, and a variance seeking relief from the number, size and height requirements for certain signs on the property – Chapter 1266 – Signs – Table 1266.03 (a) Permitted Signs
Greene County Parcel ID #F19000100100020400

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.



225 Corry Street

1266.01 PURPOSE

The regulations of this chapter are intended to protect and further the health, safety and welfare of the residents of the Village; to maintain and improve the appearance of the community; to conserve community character; to prevent traffic hazards; to provide safe conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location and number of signs. It is further determined that to allow signs of excessive number and size in the Village would unduly distract pedestrians and motorists, create traffic hazards and reduce the

effectiveness of signs needed to direct the public. The regulations of this chapter are intended to provide reasonable identification for businesses and other uses within the community; but are not intended to serve as a means of advertising.

Background

Max Crome on behalf of Iron Table Holdings has submitted a BZA variance application for 225 Corry Street (**Exhibit A**). Planning Commission approved a conditional use on September 14, 2021 for a restaurant serving alcohol, entertainment space, and outdoor patio seating with the condition that the applicant seek a variance from the BZA for relief from the five-foot rear yard setback requirement for their outdoor patio and for identified signs that exceed the size and/or height, the number per street frontage and total number of signs (**Exhibit B**). Max Crome has submitted a narrative to his application explaining the requested variances (**Exhibit C**).

The outdoor patio variance is for a zero lot line, and the applicant is seeking relief from the required five-foot rear yard setback. Only the rear yard has this five-foot setback requirement in the B-1 District. The front and side yard setbacks are zero in B-1 (see table below).

This is the same request as what BZA has allowed for the Yellow Springs Brewery at Millworks and the Lumber Company Market/Eatery at 108 Cliff Street. All three establishments are located along the Little Miami Scenic Trail.

Table 1250.03a Dimensional Requirements: Business Districts							
Zoning District	Maximum Building Height (Ft.)	Minimum Yard Setbacks (Ft.)					Lot Coverage (%)
		Front		Side		Rear	
		Parking	Building ¹	Total	Least		
B-1	35	0	1/10²	0	0³	5⁴	90

1 Average established setback shall apply, where applicable, in accordance with Section [1260.02\(a\)](#).
 2 Buildings shall be set back at least one foot, but not more than ten feet, from the right-of-way line.
 3 No side setback is required, unless the side yard abuts a Residential District in which case a minimum side yard of 15 feet shall be provided along that side.
 4 If the rear yard abuts a Residential District, a setback of 15 feet shall be provided..

Signs Variance: *In any B or I district, a maximum of three types of permitted signs and four total permitted signs per principal building shall be allowed. In the case of a multi-tenant building where the maximum number of permitted signs has been reached, one additional sign per tenant shall be permitted. The Zoning Administrator may exempt the maximum requirement if a site visit determines the location of the signs will not be visible from the street or public property.*

In this case, the allowance is five signs of three different types because there will be two tenants at this location. In **Exhibit B**, the site plan shows signs #2, #3, #6, #7, and #10, exempt from the sign code. The remaining signs #1, #4, #5, #8 and #9 are regulated by the sign code. Variances are requested for the following:

Signs #1, #4 and #5 are along the front of the property at Corry Street. The code allow one per street frontage and the applicant is requesting a variance to allow two additional.

Sign #9 exceeds the size limit of 25 sq. ft. by 4.7 sq. ft. and the applicant is requesting a variance to allow a size of 29.7 sq. ft. This sign is located along the bike path and meets the requirement of 5% of allowed wall area.

Sign #1 is the marquee – See requirements below:

Marquee sign

Number	One per business
Size	48 square feet maximum
Location	Projecting out from building wall not more than six feet
Height	A clearance of at least eight feet is required between the sidewalk and the bottom of the sign
Other	Flashing lights are not permitted

The marquee projects out from the building 5’- 9” and the clearance between the sidewalk and the bottom of the sign is 12-feet, in compliance with the zoning code.

There is a logo sign that is part of the marquee making it a single sign. A variance is required for the overall size of the marquee and height, which extends above the roofline, but is not a roof sign. The size of the marquee will allow for text large enough to be “legible from a reasonable distance,” (**Exhibit C**). The marquee with logo measures 134.6 sq. ft. at the street frontage and 106.8 sq. ft. at the side. The actual signage on the marquee measures 48 sq. ft. at the front and 20 sq. ft. on the side. The applicant did a mockup of the size of the marquee with the logo in order to show its impact in relationship to the rest of the building (**Exhibit D**). This is a unique use as a performance venue and Crome indicated the vertical element to this marquee is a common design for theatre marquees. It is staff’s opinion that the mockup, built to scale, is not extensive in proportion to the overall size of the building.

1250.03 SPATIAL REQUIREMENTS.

(a) All lots and buildings shall meet the minimum area and width requirements of [Table 1250.03](#). New lots shall not be created, except in conformance with these requirements.

Zoning District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)
B-1, Central Business	0	0

(b) All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in [Table 1250.03a](#).

Zoning District	Maximum Building Height (Ft.)	Minimum Yard Setbacks (Ft.)					Lot Coverage (%)
		Front		Side		Rear	
		Parking	Building ¹	Total	Least		
B-1	35	0	1/10²	0	0³	5⁴	90

- 1 Average established setback shall apply, where applicable, in accordance with Section [1260.02\(a\)](#).
- 2 Buildings shall be set back at least one foot, but not more than ten feet, from the right-of-way line.
- 3 No side setback is required, unless the side yard abuts a Residential District in which case a minimum side yard of 15 feet shall be provided along that side.
- 4 If the rear yard abuts a Residential District, a setback of 15 feet shall be provided.

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.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the outdoor patio zero lot line variance. Staff also recommends **APPROVAL** for two extra signs fronting Corry Street, an additional 4.9 sq. ft. in size for the sign at the rear of the building, and a variance to the size of the marquee/logo sign.

If you have any questions, please feel free to call me at 767-1702 or email dswinger@vil.yellowsprings.oh.us.

Respectfully submitted,

Denise Swinger
Zoning Administrator

EXHIBIT A



**Board of Zoning Appeals
Public Hearing Request:
Variance**

Planning & Zoning Department
100 Dayton St, 2nd Floor
Yellow Springs, OH 45387
Office: (937) 767-1702
Fax: (937) 767-3720

Case #: B2A21-09
Hearing Date: 11/17/2021

Applicant Information

Property Address:	225 Corry Street, Yellow Springs, OH 45387		
Property Owner:	Iron Table Holdings, LLC	Phone: 443-275-2108	Email: ivy@idavylc.com
Mailing Address:	241 Xenia Avenue, Yellow Springs, OH 45387		
Applicant Name:	Max Crome	Phone: 415-453-0700	Email: max@cromearchitecture.com
Applicant Address:	905 4th Street, San Rafael, CA 94901		

Project Information

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

Description: See attached narrative dated 10/05/2021

Dimensions of Project & Total measurement of Variance requested: _____

See attached narrative and reference drawings dated 10/05/2021

Site Plan Attached: Stormwater Mitigation Plan Attached:

I understand that approval of this application does not imply 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 easements or private restrictions or covenants affecting the property.

I understand that the Village is not responsible for inaccuracies in information I have presented, and that inaccuracies may result in the revocation of any Zoning permit as determined by the Village. I further certify that I am an owner, or lessee, or agent fully authorized by the owner to make this application. I understand any statements made to me about the time required to process this application are general estimates 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 understand this application is a public record and the property will be posted with signage by Village staff prior to any public hearings and that I am responsible for the cost of repair or replacement if such signage is damaged or removed by non-Village personnel.

I hereby certify under penalty of perjury that I am the applicant and the information and statements I have given on this application, drawings, and specifications are, to the best of my knowledge, true and correct.

Applicant Signature: *Max Crome* Date: 10/05/2021

FOR OFFICE USE ONLY		
Zoning Fee: \$ <u>100.00</u>	Payment Type: <input type="checkbox"/> Check <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Card	Approved <input type="checkbox"/> Denied <input type="checkbox"/>
Other fees: \$ _____	Zoning District: <u>B-1</u>	Permit Number: _____
	<u><i>Dennis Swings, Zoning Adm.</i></u>	
Total \$ <u>100.00</u>	Zoning Official Name and Title	Date <u>11/19/21</u>

pd - 11/9/21

EXHIBIT B

STORMWATER CALCULATION WORK SHEET

Impervious Area (Square Feet)	Stormwater Treatment Volume (Gallons)	Stormwater Treatment Volume (Cubic Feet)
100	62	8.3
200	124	16.6
300	186	24.9
400	248	33.2
500	310	41.4
600	372	49.7
700	434	58.0
800	496	66.3
900	558	74.6
1000	620	82.9
1100	682	91.2
1200	744	99.5
1300	806	107.8
1400	868	116.0
1500	930	124.3

If your square footage exceeds the chart above, use the following formula to determine the stormwater treatment volume in gallons:

$$(\text{total square feet of impervious area}) \times .0833 \times 7.48 = \text{gallons of runoff}$$

(.0833 converts inches to feet) (7.48 = number of gallons per cubic foot)

Selected stormwater management method: PERMEABLE PAVERS

Required stormwater volume to be managed (show calculation): 310 GALLONS (PER TABLE)
 $(310 \times 2) / 7.48 = 83 \text{ S.F. PERMEABLE}$

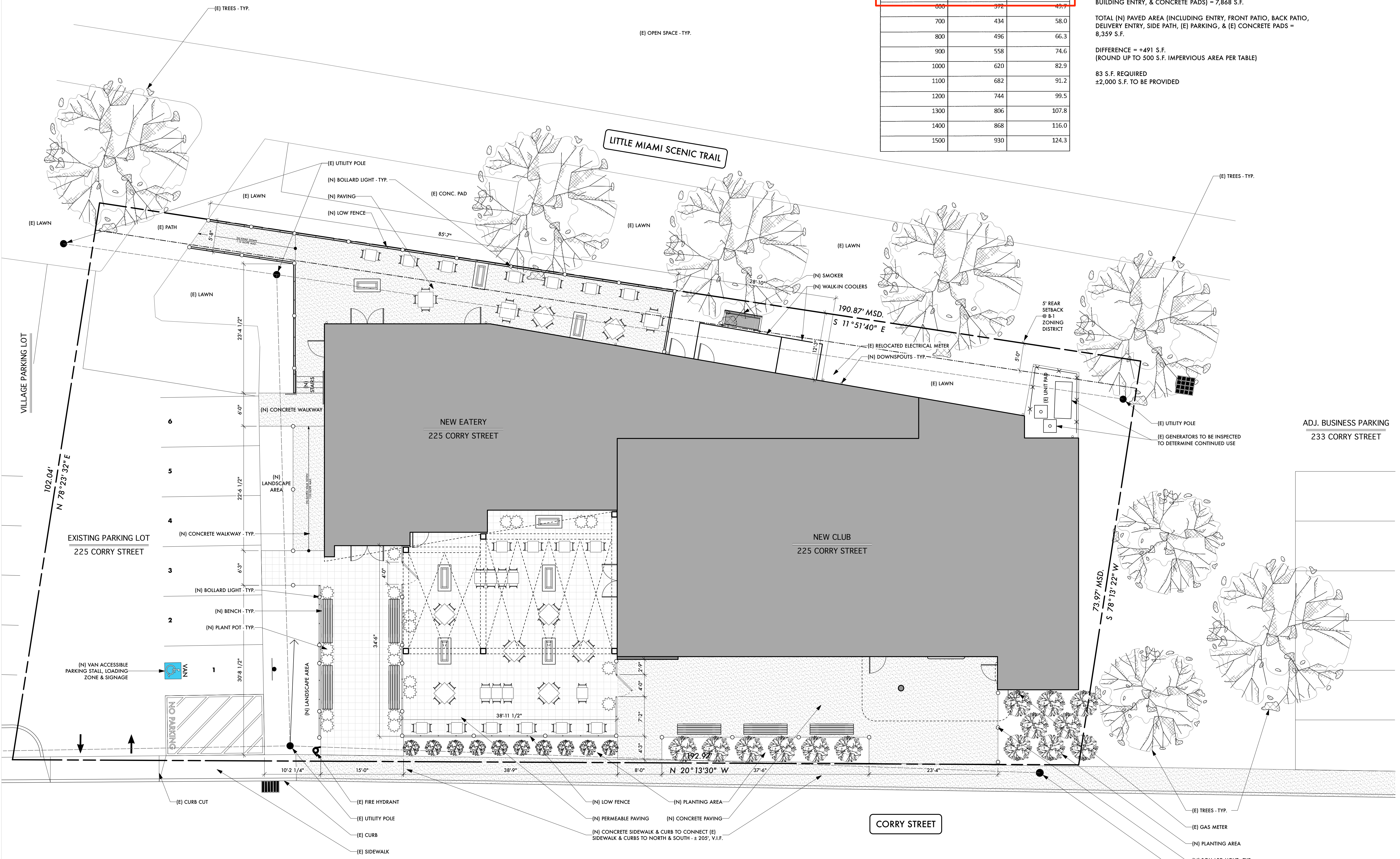
Volume capacity of stormwater management method: PAVER AREA MIN. W/12" GRAVEL DEPTH

TOTAL (E) PAVED AREA (INCLUDING PARKING, AC PATH, DRIVEWAYS, BUILDING ENTRY, & CONCRETE PADS) = 7,868 S.F.

TOTAL (N) PAVED AREA (INCLUDING ENTRY, FRONT PATIO, BACK PATIO, DELIVERY ENTRY, SIDE PATH, (E) PARKING, & (E) CONCRETE PADS = 8,359 S.F.

DIFFERENCE = +491 S.F.
 (ROUND UP TO 500 S.F. IMPERVIOUS AREA PER TABLE)

83 S.F. REQUIRED
 ±2,000 S.F. TO BE PROVIDED



1 Proposed Site Plan
 Scale: 1/8" = 1'-0"

DATE: 01.20.2021
 JOB NO: 20022
 SCALE: AS NOTED

225 Corry St.

225 Corry Street
 Yellow Springs, OH 45387
 APN: F19-0001-0010-0-0204-00

CROME

905 FOURTH STREET
 SAN RAFAEL CA 94901
 415 453 0700

SUBMITTAL
 ZERO LOT LINE VARIANCE 10/05/2021

PROPOSED SITE PLAN

SHEET NUMBER

A0.3

EXHIBIT C

225 Corry Street
Signage & Zero Lot-Line Variance Narrative

October 5, 2021

We would first like to ask for a zero lot line variance (reference Table 1250.03a for B-1 Zoning District, rear setbacks) at the East property line nearest the Little Miami Scenic Trail for an outdoor seating area. Please see the attached site plan as approved for a Conditional Use Permit on 9/14/2021. Given the re-use of the existing building on the site, there is little space available between the setback and the building, and therefore construction up to the property line is necessary to have useable outdoor space. This outdoor seating area will provide a gathering spot along the trail as well as provide for additional restaurant space, given that the indoor space of the existing building is limited. Please note that a variance was granted for a similar function to the YS Brewery in 2013.

Second, we would like to ask for a variance to the number, size and height of certain signs proposed on the building (reference Table 1266.05 for B-1 Zoning District). Please see the attached signage plan as approved for a Conditional Use Permit on 9/14/2021. Per the signage assessment by Denise Swinger, Planning & Zoning Administrator, in the B-1 Zoning District, we are allowed 5 signs (for two tenants) of three different types. Per the attached signage elevations, signs #2, #3, #6, #7, and #10 are excluded from regulation due to exemptions and exclusion from the sign code. This leaves 5 signs of 2 different types included in regulations for this project. We are requesting variances for the size of sign #9 (exceeds allowable area), the number of signs on the street frontage (allowed 1; we have 3), and the size and height of the marquee sign (over roof line).

Sign #9 exceeds the allowed area of 25 s.f. by 4.7 s.f., but is below the allowed wall area of 5% (3.4% shown). A reduction in sign size would result in a reduction of visibility for those moving up and down the bike path. Given the overall size of the full elevation at the East side of the building, we feel that the current size of the sign is reasonable.

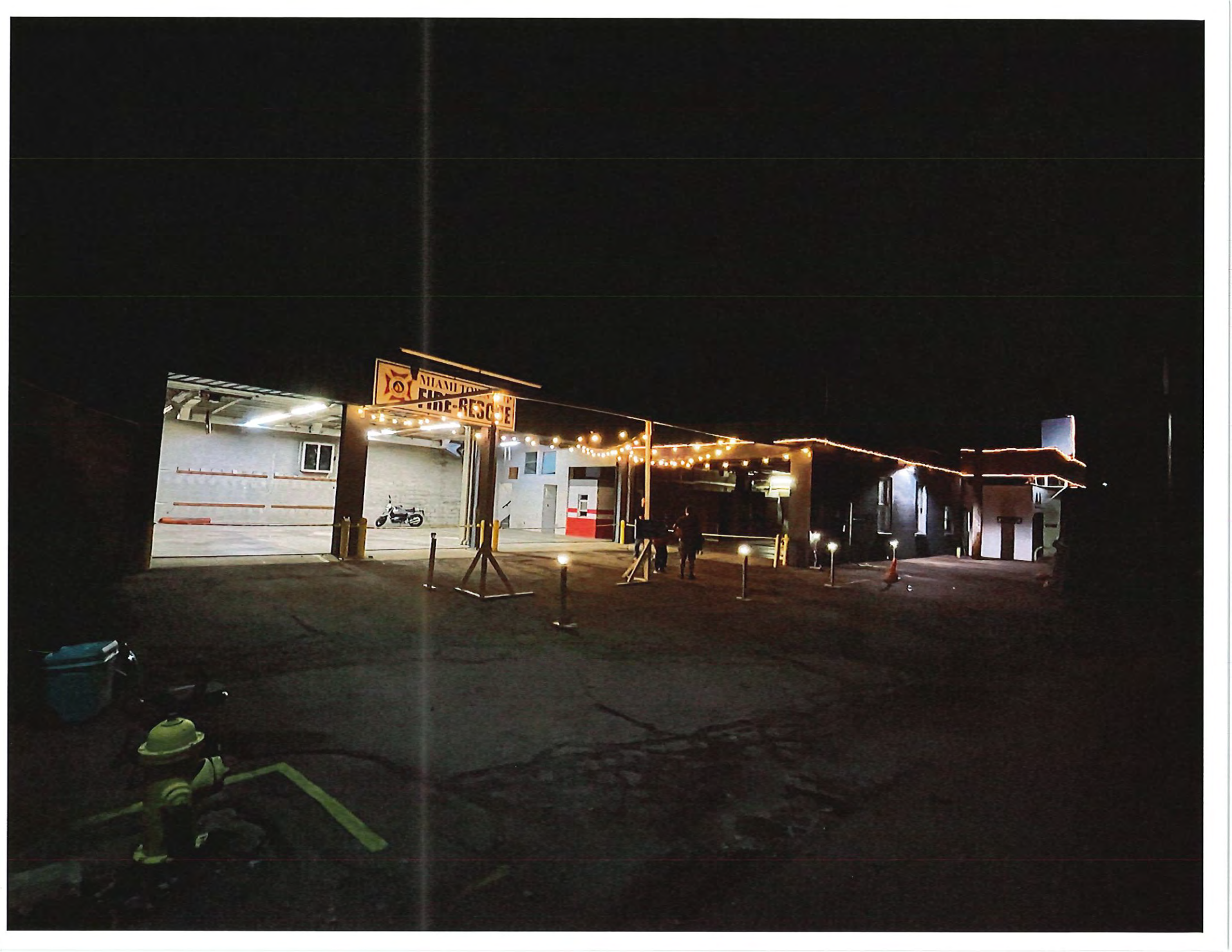
Signs #1, #4, and #5 are all along the Corry Street frontage and therefore exceed the allowable limit of one sign per frontage. Since there are to be two separate businesses, and two distinct elevations along this frontage, we feel that the number of signs is justified. Additionally, the marquee will advertise shows for the club, where the wall sign provides the building name. Any additional lighting for the extra signs will be direction and low-light LED fixtures.

Finally, the logo sign is considered part of the marquee and is therefore a single sign. A variance is required for the overall size of the marquee and height above the roof. Please note that the marquee is not part of the roof. A vertical element is standard among many theater marquee designs and the vertical logo sign is necessary for visibility from the intersection of Corry Street and Xenia Avenue. The size of the marquee is to scale with the existing structure and allows for text large enough to be legible from a reasonable distance.

In conclusion, the variance requests above represent a benefit to the businesses in terms of functionality and visibility without any negative impact to the surrounding neighborhood or existing infrastructure.

EXHIBIT D







TO: Board of Zoning Appeals
FROM: Denise Swinger, Zoning Administrator
MEETING DATE: November 17, 2021
RE: BZA21-10

VARIANCE REQUEST

Variance Application – R-A, Low Density Residential District – 202 Fairfield Pike – Josh Myers, property owner, has submitted an application for a variance seeking relief from the required number of bathrooms for Accessory Dwelling Units – Chapter 1262.08 (e) (1) Conditional Use – Specific Requirements

Greene County Parcel ID #F19000100120001800

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 noticing the public hearing.

BACKGROUND

Josh Myers submitted a conditional use application to the Planning Commission for an accessory dwelling unit (ADU). The Planning Commission approved his request for an accessory dwelling unit. Later, in a resubmission of plans due to the condition of the existing garage, which had to be demolished, he showed a second half bath (**Exhibit A**). Because ADU’s allow for only one bathroom, Josh Myers has submitted a variance application seeking relief to the number of required bathrooms (**Exhibit B**).

Mr. Myers currently lives in Columbus and rents out the primary dwelling. He is building the ADU to use when he is here with his family, and specifically wants to have outdoor access to the half bath for his family’s use. The original square footage of the ADU approved by the Planning Commission has not changed.

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

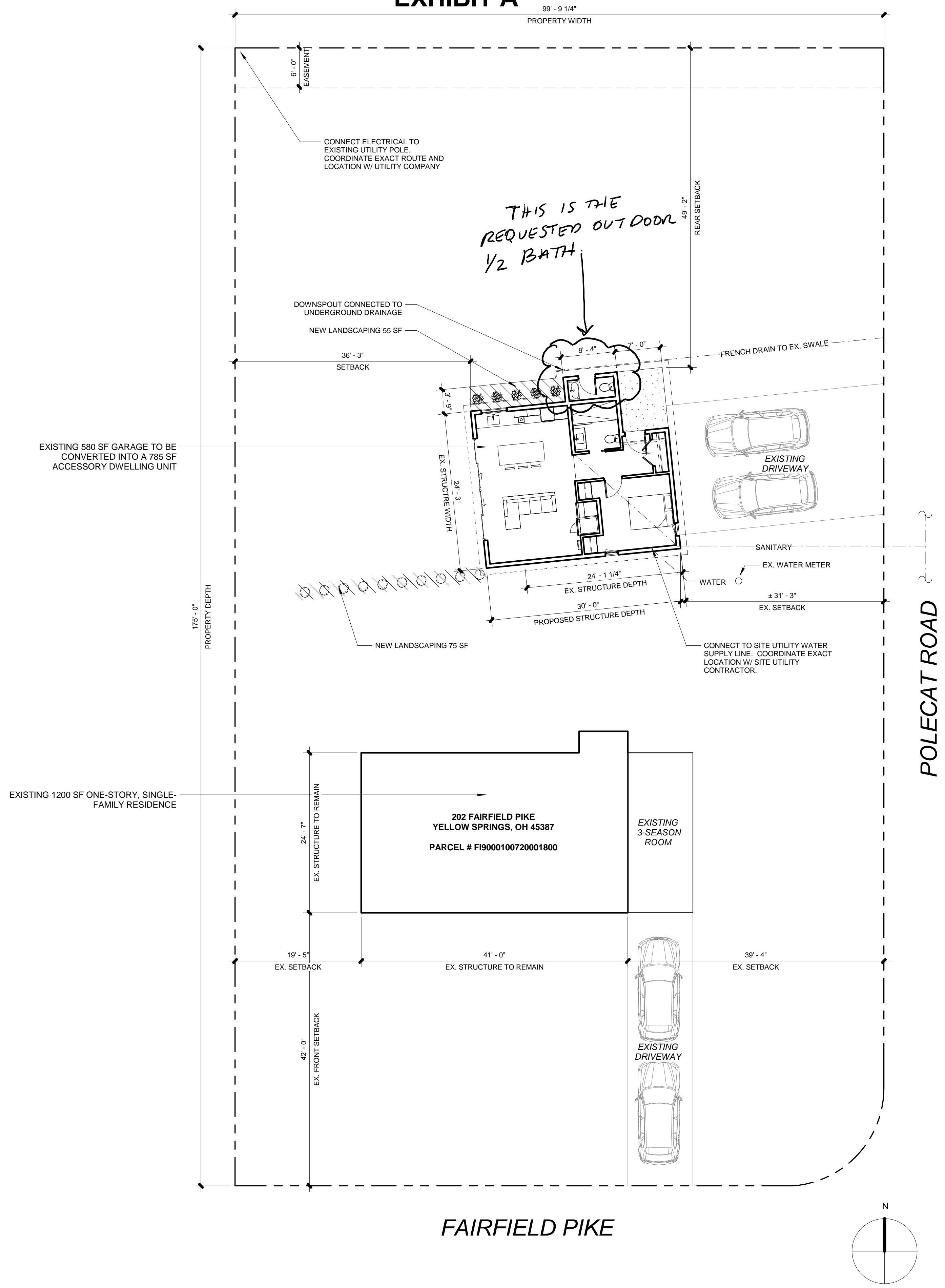
Staff recommends **APPROVAL** of this variance as it does not change the size of the ADU. It will not affect the character of the neighborhood nor will adjoining properties suffer a substantial detriment.

If you have any questions, please feel free to call me at 767-1702 or email dswinger@vil.yellowsprings.oh.us.

Respectfully submitted,

Denise Swinger
Zoning Administrator

EXHIBIT A



202 FAIRFIELD PIKE
YELLOW SPRINGS, OH 45387

PARCEL# F19000100120001800

ZONING DISTRICT: R-A

SETBACKS:

Front: ±42' Existing
 West Side (Proposed ADU): 36'-3" (10' Min.)
 East Side (Proposed ADU): ±31'-3" Existing (10' Min.)
 Rear (Proposed ADU): 49'-2" (25' Min.)

LOT COVERAGE:

Lot Size: 17,400 SF
 Maximum Building Footprint 35% = 6090 SF
 Square Footage of Existing Building Footprint= 1200 SF (House)
 580 SF (EX. Garage)

Maximum ADU Footprint 66% = 792 SF
 Square Footage of Proposed ADU Footprint= 785 SF (ADU)

Total Lot Coverage= 1985 SF (11%)

BUILDING HEIGHT:

Height (Proposed ADU): 24' to roof peak (24' Max.)

PARKING:

Total Off-Street: 4 Total (3 Min.)

WATER MITIGATION:

205 SF (New Impervious Area)= 125 (Gallons) Stormwater Treatment
 New Tree: 150 (Gallons) or Managed Natural Landscape: 103 SF

Midland
 ARCHITECTURE

PITTSBURG
 219 57TH STREET, STUDIO F
 PITTSBURGH, PA 15201
 412.444.0624

COLUMBUS
 1277 E BROAD ST
 COLUMBUS, OH 43205
 614.706.7847

PROJECT TITLE:
MYERS VACATION HOME
 202 FAIRFIELD PIKE
 YELLOW SPRINGS, OH 45387

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ISSUED FOR:	NEW CONSTRUCTION PERMIT
1	05.20.2021

PROJECT NO:

SHEET TITLE:
SITE PLAN

SHEET NO:

1 SITE PLAN
 SCALE: 1" = 10'-0"

A0.1



Board of Zoning Appeals
Public Hearing Request:
Variance

Planning & Zoning Department
100 Dayton St, 2nd Floor
Yellow Springs, OH 45387
Office: (937) 767-1702
Fax: (937)767-3720

[FOR OFFICE USE ONLY]

Case #: BZA21-10
Hearing Date: 11/17/2021

Applicant Information

Property Address:	<u>202 FAIRFIELD PIKE</u>		
Property Owner:	<u>ASHLEY + JOSH MYERS</u>	Phone:	<u>937-416-1456</u> Email: <u>JOSH@MYERSPROPERTYSOLUTIONS.COM</u>
Mailing Address:	<u>248 E. 4th AVE. COLUMBUS, OH 43201</u>		
Applicant Name:	<u>SAME</u>	Phone:	Email:
Applicant Address:	<u>SAME</u>		

Project Information

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

Description: WE ARE REQUESTING AN OUTDOOR ACCESS 1/2 BATH. WE PLAN TO MAKE FAMILY USE OF THE OUTDOOR SPACE AS MUCH AS POSSIBLE & WOULD LIKE TO HAVE THIS HALF BATH OFF OF THE BACKYARD SPACE. WE DO OUTDOOR ART PROJECTS + OUR KIDS ARE YOUNG & MESSY.

Dimensions of Project & Total measurement of Variance requested: THIS IS NOT A SF VARIANCE. OUR INTERIOR FLOOR PLAN HAS A FULL BATH & WE ARE REQUESTING

Site Plan Attached: Stormwater Mitigation Plan Attached: THIS ADDITIONAL 1/2 BATH.

I understand that approval of this application does not imply 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 easements or private restrictions or covenants affecting the property.

I understand that the Village is not responsible for inaccuracies in information I have presented, and that inaccuracies may result in the revocation of any Zoning permit as determined by the Village. I further certify that I am an owner, or lessee, or agent fully authorized by the owner to make this application. I understand any statements made to me about the time required to process this application are general estimates 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 understand this application is a public record and the property will be posted with signage by Village staff prior to any public hearings and that I am responsible for the cost of repair or replacement if such signage is damaged or removed by non-Village personnel.

I hereby certify under penalty of perjury that I am the applicant and the information and statements I have given on this application, drawings, and specifications are, to the best of my knowledge, true and correct.

Applicant Signature: *Josh Myers* Date: 10/14/2021

FOR OFFICE USE ONLY		
Zoning Fee: \$ _____	Payment Type: <input type="checkbox"/> Check <input type="checkbox"/> Cash <input type="checkbox"/> Card	Approved <input type="checkbox"/> Denied <input type="checkbox"/>
Other fees: \$ _____	Zoning District:	Permit Number: <u>R021-061</u>
Total \$	Zoning Official Name and Title	Date



TO: Board of Zoning Appeals
 FROM: Denise Swinger, Zoning Administrator
 MEETING DATE: Wednesday, November 17, 2021
 RE: BZA21-11–Sign setback

Variance Application – R-B, Moderate Density Residential District – 506 S. High Street – Mark Massie of Massie Signs & Art on behalf of the Edward Jones Company, has submitted an application for a variance seeking relief from the required front yard setback for signs – Chapter 1266 Signs – Table 1266.03 (a) Permitted Signs
Greene County Parcel ID #F19000100040007100 and F19000100040007200

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.

1266.01 PURPOSE

The regulations of this chapter are intended to protect and further the health, safety and welfare of the residents of the Village; to maintain and improve the appearance of the community; to conserve community character; to prevent traffic hazards; to provide safe conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location and number of signs. It is further determined that to allow signs of excessive number and size in the Village would unduly distract pedestrians and motorists, create traffic hazards and reduce the effectiveness of signs needed to direct the public. The regulations of this chapter are intended to provide reasonable identification for businesses and other uses within the community; but are not intended to serve as a means of advertising.

BACKGROUND

Coactive Yellow Springs is a building owned by Mark Obstalecki that provides small businesses a location to rent out space with common shared areas for tenants. The Edward Jones Company, a lessee, is requesting a sign at the front of the property. The property has two lots with a building setback that is non-conforming with the zoning code. Setbacks in R-B are a minimum of 20-feet. This building is setback 2 to 3-feet from the property line and 7-8 feet from the edge of the sidewalk.

(a) Type A: Ground/Free-Standing sign

Number	Residential	Other Zones	
	One	One per street frontage	
Size	Conservation	Residential	All Other Zones
	8 square feet	24 square feet	32 square feet
Location	Conservation	Industrial	All Other Zones
	Minimum 10 feet from front lot line		Minimum 10 feet from front lot line

	Minimum 50 feet from all other lot lines	Minimum 10 feet from all other lot lines
Height	Six feet maximum	

Location – The sign meets the size and height requirements at just under 13 sq. ft. and a height of five feet. The request is to place the sign at the same setback as the front of the building (**Exhibit A**). The building is setback 2 to 3 feet from the property line. The request is for a variance of 7 to 8 feet.



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.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the ground/free-standing sign for the tenant Edward Jones Company in the Coactive Yellow Springs building.

If you have any questions, please feel free to call me at 767-1702 or email dswinger@vil.yellowsprings.oh.us.

Respectfully submitted,

Denise Swinger
Zoning Administrator

EXHIBIT A



Board of Zoning Appeals
Public Hearing Request:
Variance

Planning & Zoning Department
100 Dayton St, 2nd Floor
Yellow Springs, OH 45387
Office: (937) 767-1702
Fax: (937)767-3720

[FOR OFFICE USE ONLY]

Case #: BA21-11
Hearing Date: 11/17/2021

Applicant Information

Property Address:	506 S. High St. Ste C, Yellow Springs, OH 45387				
Property Owner:		Phone:		Email:	
Mailing Address:	same				
Applicant Name:	Massie Signs & Art	Phone:	937-325-3535	Email:	massiesignart@gmail.com
Applicant Address:	2232 Sunset Ave, Springfield, OH 45505				

Project Information

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

Description: Install 50.5" x 36" post and panel sign that is 60" tall, direct burial at 7'- 8" backset from sidewalk
(same backset as building front)

Dimensions of Project & Total measurement of Variance requested: _____

Site Plan Attached: Stormwater Mitigation Plan Attached:

I understand that approval of this application does not imply 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 easements or private restrictions or covenants affecting the property.

I understand that the Village is not responsible for inaccuracies in information I have presented, and that inaccuracies may result in the revocation of any Zoning permit as determined by the Village. I further certify that I am an owner, or lessee, or agent fully authorized by the owner to make this application. I understand any statements made to me about the time required to process this application are general estimates 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 understand this application is a public record and the property will be posted with signage by Village staff prior to any public hearings and that I am responsible for the cost of repair or replacement if such signage is damaged or removed by non-Village personnel.

I hereby certify under penalty of perjury that I am the applicant and the information and statements I have given on this application, drawings, and specifications are, to the best of my knowledge, true and correct.

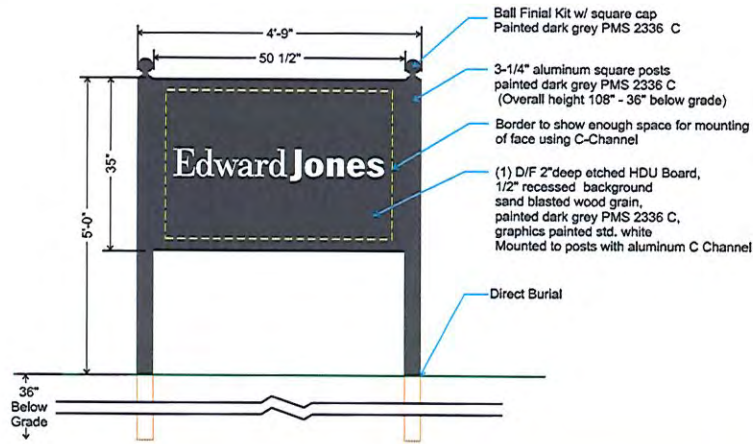
Applicant Signature: Mank Massie Date: 10-25-2021

FOR OFFICE USE ONLY		
Zoning Fee: \$ <u>100.00</u>	Payment Type: <input type="checkbox"/> Check <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Card	Approved <input type="checkbox"/> Denied <input type="checkbox"/>
Other fees: \$ _____	Zoning District:	Permit Number:
Total \$ <u>100.00</u>	Zoning Official Name and Title	Date

pd. 10/25/21
VIS CC

Proposed post and panel sign at 506 S High St., Yellow Springs , OH

Sign 03 - HDU D/F Panel with Aluminum Posts
3/4" = 1'



Site Plan

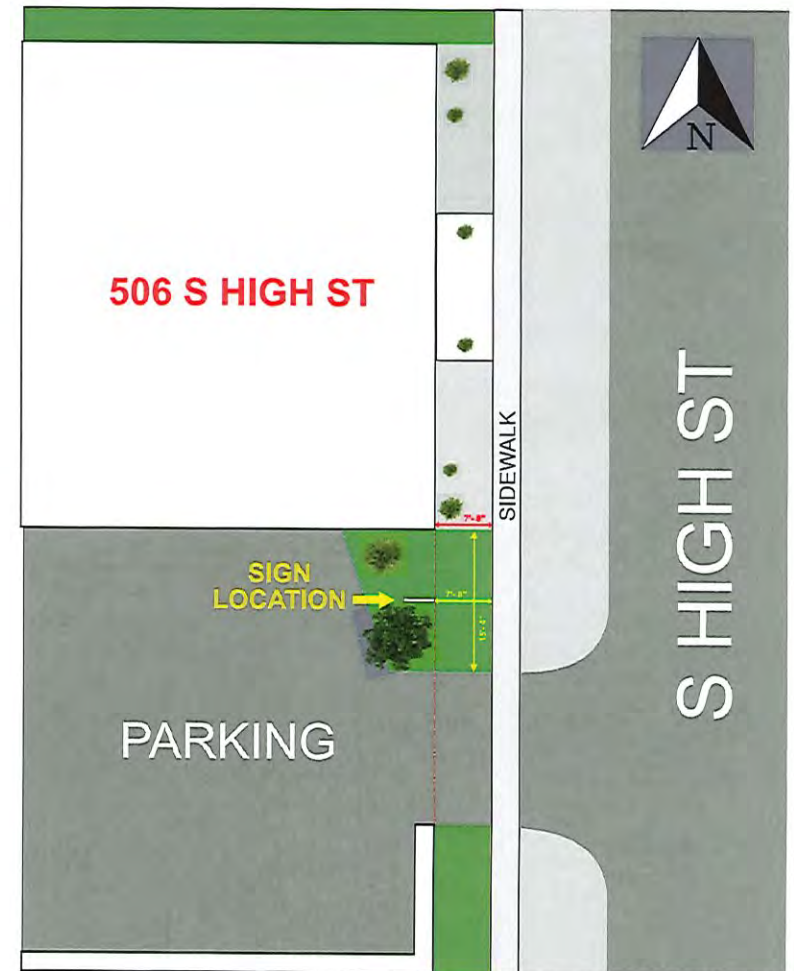


EXHIBIT A

Nov 9, 2020

Village of Yellow Springs Zoning -

In reply to a letter concerning
Parcel FD900010004007100
about a variance for a sign
set back.

We have no objection for this
variance to be granted.

Stephen + Vivian Maubly
511 S. High St.
Yellow Springs 45387
937-624-0670