

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

**Virtual Meeting @ 6:00 P.M.**

**Wednesday, July 6, 2022**

**CALL TO ORDER**

The meeting was called to order at 6:00 p.m. by Ellis Jacobs, Acting Chair.

**ROLL CALL**

Ellis Jacobs, Acting Chair, members Anthony Salmonson and Matt Raska were present. Zoning Administrator for the Village, Denise Swinger, was present, as was Solicitor Breanne Parcels. Scott Osterholm joined the meeting just after the Review of Minutes.

**COMMUNICATIONS**

There were no communications.

**REVIEW OF AGENDA**

There were no changes made.

**REVIEW OF MINUTES**

Minutes for BZA Meeting of June 15, 2022 were reviewed. Salmonson MOVED and Raska SECONDED a MOTION TO APPROVE THE MINUTES AS WRITTEN. The MOTION PASSED 3-0 on a ROLL CALL VOTE.

**PUBLIC HEARINGS**

**Variance Request– R-B, Moderate Density Residential District** – 575 Wright Street. Property owners Mark and Andrea Paulos have submitted an application for a variance seeking relief from Table 1248.03(a) Dimensional Requirements: Residential Districts - regarding a setback for a principal structure per Chapter 1248 Residential Districts. **Greene County Parcel ID # F19000100040002200.**

Swinger explained the request, stating that the property at 575 Wright Street has two front yards since it is a corner lot. The owners plan to have the front entrance and garage facing Suncrest Drive where the property width is 68.72 feet. They are requesting a variance of five feet on the Wright Street side of the property, leaving a 15-foot setback from the property line to the primary dwelling. On Wright Street from the property line to the road edge is an additional 12 to 13 feet of right-of-way. They will continue to have 20 feet for the front yard setback on Suncrest Drive.

Jacobs asked whether the request meets all other zoning requirements, and was informed that it does.

Mark and Andrea Paulis stated that in order to get a little more lot space at the rear, they are seeking the variance.

Jacobs OPENED THE PUBLIC HEARING. Jacobs ascertained that no letters had been received from neighbors regarding the variance. There being no public comment, Jacobs CLOSED THE PUBLIC HEARING.

Raska MOVED TO APPROVE THE REQUEST FOR A FIVE FOOT VARIANCE AS PRESENTED. Salmonson SECONDED.

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
- (2) Whether the variance is substantial; Salmonson: N; Osterholm: N; Raska: N; Jacobs: 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
- (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. Jacobs received assurance from Swinger that the Public Works Director has no issue with the variance from his perspective.

- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Salmonson: Y; Osterholm: Y; Raska: Y; Jacobs: 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
- (7) Whether the existing conditions from which a variance is being sought were self-created; Salmonson: Y; Osterholm: Y; Raska: Y; Jacobs: 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

The Clerk CALLED THE VOTE ON THE MOTION TO APPROVE and the MOTION PASSED 4-0 on a ROLL CALL VOTE.

**Variance Request– R-C, High Density Residential District** – 314 Dayton Street. Max Crome, on behalf of Iron Table Holdings, has submitted an application for a variance seeking relief from the required height of a building addition and the required height of a radio tower – Table 1248.03a Dimensional Requirements: Residential Districts and Chapter 1260.02 (d) (2) Dimensional Provisions . **Greene County Parcel ID #F19000100110000400.**

The 314 Dayton Street property, formerly known as the Union Schoolhouse, will be the new headquarters for WYSO. The request is for two variances. The first is a variance to the height of the addition. The zoning code allows a maximum height of 35-feet in residential districts. The addition on the 314 Dayton Street building measures 42’2”, for a variance request of 7’2”. This height will not be out of proportion with the rest of the building as it will be lower than the top of the existing roof on the main building and the bell tower.

The second variance is to the height of WYSO’s radio tower. The zoning code allows for a height of 100-feet for transmission towers. As a radio tower, the height will need to be 150-feet. This is a variance of 50-feet. The radio tower at WYSO’s current location on the Antioch campus is 145-feet.

The height of the addition is proportionally in scale with the existing building. The neighboring property to the west is also owned by Iron Table Holdings and will be used for parking. This property also provides an additional buffer between the addition and the neighbors on Union Street.

Salmonson inquired as to why the structure is not considered a “public building”.

Parcels explained that the public radio station will be a tenant, and not the owner of the building.

Jacobs received confirmation that the side setback on the west side does conform to code.

Jacobs asked whether neighboring homeowners have made any statements and was told that they have not.

Max Crome showed several visuals to indicate perspective.

Crome addressed the second variance in question, explaining the reason for the limestone addition, then stating that the north limestone tower was envisioned as “an homage” to the existing bell tower.

WYSO General Manager Luke Dennis spoke to the height requirement for the radio tower as standard for a STL (studio transmission link) tower. He stated that the tower would emit no radiation; that it will be gale-force rated, and that it will contain a safety feature that if the tower goes over it falls in chunks “accordion fashion.” He added that WYSO has been an STL broadcaster and had an STL tower since its inception.

Jacobs OPENED THE PUBLIC HEARING.

Jacobs received visual explanation of the location of the proposed additions.

Megan Bachman, a neighboring resident, stated her approval of the variances in general, and appreciation of the effort so far to preserve existing trees. She stated that the variance for the stair tower “is substantial” in R-C which is dense. She asked whether there are other options for this addition.

Bachman asked for clarification as to the location of the tower, and asked whether the tree line along the west side will be preserved.

Crome addressed the need for height on the stair tower. He stated that “the elevator needs to be accommodated.” He added that the height is stepped down on the west side to reduce the visual impact, and stated that the height is appropriate in his opinion.

Regarding the query about the tree line, Crome stated that “as many trees are being preserved as we can.”

Bachman asked whether “such a large addition” was necessary.

Crome responded that the building is on the scale of a public building and will therefore be larger than the surrounding structures, but that the design is meant to integrate into the neighborhood.

Swinger added that because of existing deed restrictions, no structures are permitted to extend past the original footprint, which limited options for expansion. She reiterated that the step down does mitigate the height, noting that the height of the original bell tower far exceeds the height of the addition.

Jacobs CLOSED THE PUBLIC HEARING.

Raska MOVED TO APPROVE THE REQUEST FOR A 50-FOOT VARIANCE TO THE HEIGHT OF THE RADIO TOWER. Osterholm SECONDED.

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: N; Osterholm: N; Raska: Y; Jacobs: Y
- (2) Whether the variance is substantial; Salmonson: N; Osterholm: N; Raska: Y; Jacobs: 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
- (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. Jacobs received assurance from Swinger that the Public Works Director has no issue with the variance from his perspective.
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Salmonson: Y; Osterholm: Y; Raska: Y; Jacobs: 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: N
- (7) Whether the existing conditions from which a variance is being sought were self-created; Salmonson: Y; Osterholm: Y; Raska: N; Jacobs: 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

The Clerk CALLED A VOTE ON THE MOTION and the MOTION PASSED 4-0 on a ROLL CALL VOTE.

Jacobs then asked for a motion on the second variance request.

Raska MOVED TO APPROVE THE REQUEST FOR A 7’2” VARIANCE TO THE HEIGHT OF THE ADDITION. Osterholm SECONDED.

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

- (2) Whether the variance is substantial; Salmonson: N; Osterholm: N; Raska: N; Jacobs: 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
- (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. Jacobs received assurance from Swinger that the Public Works Director has no issue with the variance from his perspective.
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Salmonson: Y; Osterholm: Y; Raska: Y; Jacobs: 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
- (7) Whether the existing conditions from which a variance is being sought were self-created; Salmonson: Y; Osterholm: Y; Raska: Y; Jacobs: 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

Midway through the roll call, Salmonson inquired as to whether he is able to vote on the matter if he has donated to WYSO in the past. He was told that this is not a conflict.

The Clerk CALLED THE VOTE ON THE MOTION and the MOTION PASSED 4-0 on a ROLL CALL VOTE.

**AGENDA PLANNING**

There were no items for consideration.

**ADJOURNMENT**

There being no further business, Raska MOVED and Osterholm SECONDED a MOTION to adjourn. The MOTION PASSED 4-0 on a voice vote. Meeting ADJOURNED at 6:55PM.

\_\_\_\_\_  
Ellis Jacobs, Acting Chair

\_\_\_\_\_  
Attest: Judy Kintner, Clerk