

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

In Council Chambers @ 5:00 P.M.

Wednesday, November 13, 2024

CALL TO ORDER

The meeting was called to order at 5:00 p.m. by Anthony Salmonson, Chair.

ROLL CALL

Anthony Salmonson, Chair, members Scott Osterholm, Matt Reed, Matt Raska and Dino Pallotta were present. Zoning Administrator for the Village, Meg Leatherman, and Solicitor Amy Blankenship were also present.

COMMUNICATIONS

There were no communications received.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes for BZA Meeting of October 16, 2024 were reviewed. Raska MOVED and Osterholm SECONDED a MOTION TO APPROVE THE MINUTES AS WRITTEN. The MOTION PASSED 4-0 on a VOICE VOTE.

PUBLIC HEARINGS

Variance: Arthur and Julie Allison have submitted a Variance application for side and rear yard setback encroachment at 615 Omar Circle; Chapter 1248.03 Residential Districts, Spatial Requirements, Chapter 1278.04 Variances – Low Density Residential District (R-A). Green County Parcel #F19000100050004300.

The Clerk SWORE IN ALL PERSONS INTENDING TO PROVIDE TESTIMONY.

Leatherman introduced the hearing as follows:

The proposal includes construction of 1,155 sq foot addition to the existing single-family dwelling. The addition would expand the garage and add a bedroom, bathroom, laundry, and utility room. The existing structure is 1,492 square feet and the lot is 10,020 square feet, for a lot coverage of 14.89%.

With the addition the lot coverage would be 26.42%. The front of the home is 26 ft from the front property line. The owner would like to encroach into the side and rear yard setbacks. The proposal includes a side yard setback of 9 ft and a rear yard setback of 15 ft 9 inches.

Raska received confirmation that the Public Works Director had no concerns with the requested variances from the perspective of any utility access.

Property owner Arthur Allison explained that the addition would allow the couple to age in place, providing a wheelchair accessible area of the home.

Allison stated that he had spoken to all adjoining neighbors to explain the plans and had heard no objection.

Runyon inquired as to whether there would be any way to enact the addition without a variance.

Allison stated that the variance to the side yard is to accommodate the eve overhang only, and that the rear yard variance is required to build out the addition as envisioned.

Runyon suggested moving the addition to the east, to which Allison responded that the option had been considered, but that this would eliminate a light source to the kitchen area.

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

The Clerk then read the Duncan Standards as applicable to the variance of one foot to the side yard setback 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; Runyon: Y
- (2) Whether the variance is substantial; Salmonson: N; Osterholm: N; Raska: N; Runyon: 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; Runyon: 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; Runyon: N
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Salmonson: Y; Osterholm: Y; Raska: Y; Runyon: Y
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; Salmonson: Y; Osterholm: Y; Raska: Y; Runyon: Y
- (7) Whether the existing conditions from which a variance is being sought were self-created; Salmonson: Y; Osterholm: Y; Raska: Y; Runyon: 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; Runyon: Y

Raska MOVED to APPROVE the variance of one foot to the side yard setback requirement. Osterholm SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

The Clerk then read the Duncan Standards as applicable to the variance of nine feet three inches to the rear yard setback 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; Runyon: Y
- (2) Whether the variance is substantial; Salmonson: N; Osterholm: N; Raska: N; Runyon: Y
- (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; Runyon: 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; Runyon: N
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Salmonson: Y; Osterholm: Y; Raska: Y; Runyon: Y
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; Salmonson: Y; Osterholm: Y; Raska: Y; Runyon: Y
- (7) Whether the existing conditions from which a variance is being sought were self-created; Salmonson: Y; Osterholm: Y; Raska: Y; Runyon: 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; Runyon: N

Raska MOVED to APPROVE the variance of nine feet three inches to the rear yard setback requirement. Osterholm SECONDED, and the MOTION PASSED 3-1 ON A ROLL CALL VOTE, with Runyon voting against.

AGENDA PLANNING

There are no applications pending.

ADJOURNMENT

There being no further business, Raska MOVED and Osterholm SECONDED a MOTION to adjourn. The MOTION PASSED 5-0 on a voice vote. Meeting ADJOURNED at 5:17PM.

Anthony Salmonson, Chair

Attest: Judy Kintner, Clerk