

VILLAGE OF YELLOW SPRINGS
BOARD OF ZONING APPEALS
AGENDA

The Village of Yellow Springs Board of Zoning Appeals will convene on Wednesday, January 9, 2013 at 7:00 PM in Council Chambers, Second Floor, John Bryan Community Center, 100 Dayton Street, Yellow Springs, Ohio 45387

- 7:00 CALL TO ORDER
ROLL CALL
- 7:05 REVIEW OF AGENDA
- 7:06 REVIEW OF MINUTES
Minutes BZA Meeting of March 21, 2012
- 7:08 NOMINATION OF CHAIR
- 7:10 PUBLIC HEARINGS
1. Yellow Springs Brewery, 305 N. Walnut, Suite B (Millworks)

2. Fank Riley, 329 N. High.

3. Maria Inman , 9 Lawson Place
- 8:45 AGENDA PLANNING
- 9:00 ADJOURNMENT

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

IN COUNCIL CHAMBERS @ 7:00 P.M.

Wednesday March 21, 2012

CALL TO ORDER

The meeting was called to order at 7:01 p.m. by Ted Donnell, Chair.

ROLL CALL

Ted Donnell, Ellis Jacobs, Steve Conn, Kingsley Perry and Alternate Dan Reyes were present, as was Assistant Planner Ed Amrhein Chris Peifer was absent. The group acknowledged the presence in the audience of Village Solicitor John Chambers.

REVIEW OF AGENDA

There was no review of the agenda.

REVIEW OF MINUTES

Perry MOVED and Conn SECONDED a MOTION to APPROVE the Minutes for October, 2011. Reyes abstained due to his not being a member at the time of the October meeting, and Jacobs abstained due to absence from that meeting. The MOTION PASSED 3-0.

STATEMENT FROM THE SOLICITOR

Village solicitor John Chambers informed the Board of their status as a quasi-judicial body, and their responsibilities because of that status. Specifically, Chambers cautioned the Board that should any matter be contested at a later point, all proceedings would be subject to scrutiny from a Court of Common Pleas.

Chambers observed that as long as the Board has followed proper procedure, and has maintained clarity in all its proceedings, their decision is likely to be upheld. If, however, there is a lack of clarity, or if procedure is not carefully followed, the matter may be returned to the BZA or overturned.

Chambers noted that BZA will need to make Findings of Fact on the decision made at this meeting, and will need to follow the criteria point by point and either vote on each point, or make a motion to vote on multiple points.

NOMINATION OF CHAIR

Steve Conn nominated Ted Donnell, who nominated Ellis Jacobs, who made an articulate and impassioned refusal, leaving Donnell as the only nominee. Kingsley MOVED and Conn SECONDED a nomination for Ted Donnell as Chair.

A vote will take place at the next scheduled meeting of the BZA.

NEW BUSINESS

Donnell announced a public hearing on the matter of a Special Exception for 315 Elm Street.

Amrhein introduced the case by reading statute 1242.06(e)1 E, which allows the Board of Appeals the authority to grant a Special Exception “to vary parking and loading-unloading regulations whenever the character or use of the building is such as to make unnecessary the full provision of parking

and loading-unloading facilities or when such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or convenience.”

Amrhein noted that the contractor for the proposed renovation will present an application from Judith Hempfling regarding the conversion and enlargement of an existing two-car accessory garage on her rental property at 315 Elm St. to a dwelling unit. The plan as submitted meets lot size and bulk requirements, but does not provide off-street parking. In fact, the conversion would eliminate the two existing off-street spaces now located in the garage.

Amrhein noted that the zoning code has defined density as the number of dwelling units divided by the number of acres, including public rights of way. Given that definition, the density of the area is not violated by a third dwelling unit on the parcel. Likewise, setback requirements are met.

The only factor in dispute is the matter of parking.

Jacobs raised the question as to whether the Special Exception should be heard by the Planning Commission. Chambers responded that his decision was based on his interpretation that Special Exception was designed as a BZA decision.

Amrhein then laid out the considerations for Special Exception as follows:

- A. “Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;” Staff is concerned with the addition of on-street parking pressure in the proximity of an already problematic intersection (Dayton-Stafford-Elm Streets).
- B. “Off-street parking and loading areas where required, with particular attention to the items in paragraph (e)(2)A. hereof, the economic effects and the effects of noise, glare or odor of the Special Exception on adjoining properties and properties generally in the district;” Staff believes that economic impact, as well as the effects of noise, glare or odor are insignificant in this case.
- C. “Refuse and service areas, with particular reference to the items in paragraphs (e)(2)A. and B. hereof;” If the Special Exception were to be granted, staff will need to enforce current regulations against storage of refuse containers in front yards.
- D. “Utilities, with reference to locations, availability and compatibility;” All utilities are readily available.
- E. “Screening and buffering, with reference to type, dimensions and character;” Staff does not believe that additional screening or buffering will be necessary.
- F. “Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects and compatibility and harmony with properties in the district;” The Board should confirm that no signs or additional exterior lighting are planned.
- G. “Required yards and other open space;” Density and setback requirements are met by the proposal.
- H. “General compatibility with adjacent properties and other properties in the district;” Staff believes that since most other properties in the district provide off-street parking, often by use of a garage located on an alley, the same can be reasonably expected of this property.

Amrhein reiterated that the Board has the option of weighing the following statement either in total, or in sections, as follows: “To vary parking and loading-unloading regulations whenever the character or use of the building is such as to make unnecessary the full provision of parking and loading-

unloading facilities” OR “ when such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or convenience.”

Chambers clarified that if either condition can be satisfied, then the Special Exception should be approved: if neither can be justified, then the Special Exception should not be approved.

Conn sought clarification that the house, currently divided into two units, currently satisfies zoning requirements with regard to parking. Amrhein responded that the house is classified as a legally non-conforming lot in this regard.

Amrhein then clarified that the owner is asking for an exemption from all six parking spaces required for a three-dwelling lot.

Conn restated for clarity: Where there should now be four parking spaces there are two, and where there should be six, there will be none.” Amrhein concurred.

Chambers noted that increasing the number of dwelling units on the lot increases the non-conformity with regard to parking. Conn received clarification that by granting a Special Exception, the BZA would essentially be wiping out all non-conformities and approving the lot, with three dwelling units, and no off-street parking, as conforming.

Conn asked Amrhein to elaborate on an earlier comment regarding a “problematic intersection,” and the relationship, if any, between the Special Exception and a problematic intersection.

Amrhein explained that the potential for the need for additional on-street parking might affect sight lines or create a need to reconstruct the intersection.

In response to a follow up question from Conn, Amrhein noted that there are two 90 degree turns when turning onto Elm from Dayton Street or Elm to Dayton Street, and that vehicles frequently cheat the angles, and do so at a fairly high rate of speed.

Conn then asked rhetorically whether the homeowner should be held accountable for a poorly designed intersection.

Donnell commented that BZA is discussing the addition of parking spaces off the property and on the public right-of-way. The public, he noted, has as much right to that access as the property owner, and indeed an intersection improvement for safety reasons might encroach on the spaces currently available in front of 315 Elm.

Amrhein stated that if the Special Exception were approved, he would erect a “No Parking Past This Point” sign such that sight lines to stop signs would remain clear, and to prevent parking from getting too close to the stop sign on Elm Street.

Conn commented that the applicant has noted that there will be one additional on-street parking space created once the driveway to the garage is eliminated in the renovation process.

Amrhein added that in order for the property owner to create off-street parking, s/he could only use the space between the house and the garage, which would sacrifice two on-street parking spaces to driveway space.

Reyes asked how the use of the church located in that neighborhood would impact parking load.

Amrhein responded that while heaviest load is indeed on Sunday mornings, it tends to concentrate on the streets fronting Mills Lawn School.

Donnell noted that the revised zoning code will eliminate Special Exceptions, and asked whether the Board will still be causing a precedent-creating exception should it grant the Special Exception in question. In response, Chambers observed that that would be a tenuous argument at best and not readily proven. Chambers commented that judges tend to acknowledge that every situation considered for variance or exception, by definition is unique, and will be considered on its own merits.

Donnell asked about the location of fire hydrants in the area, and was told there is one, on the north side of Elm Street at Stafford.

Ed noted obstructions to off street parking in the area, in the form of a guy wire and a newly planted tree.

Conn stated that he was inclined to support the special exception, based upon its meeting the criteria set forth in sections A and B. Conn said that he likes the idea of making the structure legal through this process.

PUBLIC HEARING

Donnell OPENED THE PUBLIC HEARING. Upon the advice of the Solicitor, Donnell swore in audience member Les Guilford, who is the contractor for the renovation at 315 Elm. Donnell followed this by swearing in the solicitor.

Guilford stated the situation as relatively simple, and noted that the current driveway does eliminate one on-street parking spot, which will be restored if the exception is permitted. Guilford noted that there are few affordable apartments close to the downtown area, and stated his belief that the addition of an affordable apartment near town will be an enhancement.

Paul Abendroth was sworn in, then commented that he had accompanied the Safe Routes to School Committee last Spring on a safety walk which passed that property. He commented that that intersection is difficult for pedestrians, and asked BZA to address this safety matter, perhaps by closing Elm Street west of Phillips Street to parking.

Donnell CLOSED THE PUBLIC HEARING.

NEW BUSINESS, CONTINUED

Donnell asked the Board to consider issues of safety as a starting point: fire hydrant access, availability of sidewalks, public utilities, and suggested that if the group can reach a consensus regarding the safety of all of those areas of consideration, they could then decide upon the Special Exception.

Reyes asked why there was no response from neighboring properties.

Conn noted that there is one favorable letter in the packet. Amrhein followed up by explaining that neighbors living within 300 feet of the property are contacted by mail regarding the request.

Reyes stated that he has no immediate objections, but stated some concern regarding the possibility of setting a precedent.

Donnell stated that he is satisfied that there is little danger of establishing precedent, given the upcoming zoning code rewrite. He directed conversation to sections A and B, stating that those are the sections that contain information most relevant to the matter at hand.

Jacobs interjected, stating that the Board needs to figure out which section under (e) (1) is most relevant. Jacobs then stated his opinion that the statement “whenever the character or use of the building is such as to make unnecessary the full provision of parking. . .” clearly applies. Jacobs stated that he is convinced that the loss of off street parking will not harm the neighborhood in any way, and that there are no other negative effects in allowing this particular Special Exception.

Reyes noted that in looking at the lot, it would be detrimental to the site to use it to provide off street parking, in that it would require paving a large portion of the available space, increasing runoff, increasing impermeable space.

Donnell commented that he sees the issue as one of a residence which was platted and designed for a single family which was then divided into two residences as a non-conforming structure, and which is now under consideration for an additional residence on that original site. In sum, a non-conforming site would be granted a Special Exception so that a third residence could be added.

Conn received confirmation that the residence aspect of the equation is legally conforming—it is only the parking aspect which is non-conforming.

Donnell pointed out that on-street parking is a shared amenity, and that adjacent property owners, church goers, and others should have equal access to that parking.

Conn stated that he agrees with Jacobs that there is no conflict with the first part of 1242.06(e)(1)E, and that to impose off-street parking requirements would constitute a hardship for the property owner, given the layout of the property. Conn stated that he believes both criteria for granting the exception are fulfilled.

In response to a suggestion from Jacobs, Donnell asked for confirmation from the Board that the Board agrees to grant the application for a Special Exception to include the following: A, B, C, D and E. Donnell stated, “We, as a Board, feel that these situations exist in total, which lets the Board consider a Special Exception.”

Donnell restated, “Section 1242.06(e)(1)E makes Special Exception valid for this applicant.”

Solicitor Chambers sought to clarify, stating that the first portion of the sentence of (e)(1)E supports the application for Special Exception. Chambers further noted that he understands the Board to believe that sections C through H are not impacted by a decision made regarding A or B.

Conn MOVED that criteria B through H are not applicable to the issues at hand. Jacobs SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Conn directed the conversation back to the matter of parking, suggesting that it may be a red herring in that there is no history of traffic problems in the area. Conn suggested further that increasing the on street parking might indeed increase safety, by acting to calm traffic. Conn stated his belief that therefore the issue of parking and related safety concerns can be argued either way, and thus becomes a non-issue.

Donnell agreed with Conn, noting that off-street parking is often considered less safe than on street parking.

Jacobs voiced his agreement, as did Reyes, who added that orderly off street parking adds to traffic calming. Reyes suggested that the traffic cut for the driveway be eliminated, to add to the orderly nature of on street parking.

Donnell agreed with Reyes' suggestion.

Perry disagreed with Conn's statement that it is not certain that each unit would actually have two cars, stating that the Board needs to assume two cars per unit.

Donnell asked the Board if they agree to stipulate that the owner of the property eliminate the curb cut and gravel the area over to restore the continuity of the sidewalk.

Reyes MOVED that pending the approval of the Special Exception, driveway apron curb cut be removed. Perry SECONDED, and the MOTION PASSED 5-0 on a VOICE VOTE.

The Board then addressed Part A. Jacobs MOVED to require that satisfactory arrangements be made to satisfy the criteria contained in 2A. Conn SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Jacobs MOVED that the Board finds that the application satisfies the criteria contained in section 1242.06 (e)(1)E. Conn SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

AGENDA PLANNING

Amrhein stated that he has no pending business for the Board.

ADJOURNMENT

There being no further business, Jacobs MOVED and Perry SECONDED a MOTION to adjourn. The MOTION PASSED 5-0. Meeting ADJOURNED at 7:10 pm.

Ted Donnell, Chair

Attest: Judy Kintner, Clerk

BOARD OF ZONING APPEALS

MEETING DATE: January 9, 2013

STAFF REPORT; Recommendation by Village Manager Laura Curliss

APPLICANTS: Lisa Wolters & Nate Cornett; Property Owners: Rod Hoover & Sam Young

REQUESTED ACTION: Request for variance to increase the amount of floor space devoted to retail from the 10% allowed in the current Zoning code. Request to use 30% of floor space for retail.

Hearing notice: *“Lisa Wolters and Nate Cornett are the owners of Yellow Springs Brewery, located in the Millworks Commerce Park at 305 N. Walnut Street. Zoning regulations permit the sale of products manufactured on site, as long as the floor area devoted to such sales does not exceed ten percent (10%) of the total floor area of the business (1260.03)(c) (Conditional Use section) As proposed, the floor area devoted to sales will be approximately thirty percent (30%) of the total floor area. LOCATION: 305 N. Walnut Street*

GREENE COUNTY PARCEL ID#: F19000100110025900.

EXISTING ZONING: The property is zoned Light Industrial

STAFF ANALYSIS OF THE APPLICATION: The applicant requests approval of a variance to allow for a tasting room as part of the retail sales of their product.

Property Information and analysis:

The business is located at 305 North Walnut Street. It is inside the Millworks Commerce Park. The Millworks Commerce Park is a 2.997 acre property with various business enterprises existing within its structures. It is surrounded on three sides by a residential area and backs up against the bike trail.

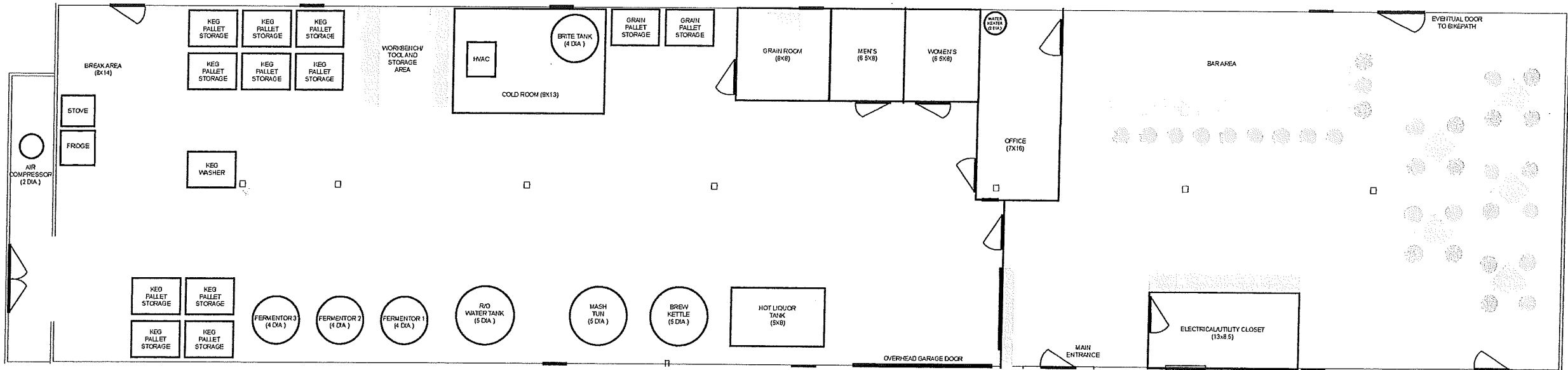
VARIANCE CRITERIA: *This case has an unusual procedural posture in that the proper request should have been for a Conditional Use permit rather than a variance; however, under the revisions to the Zoning Code that are nearing completion, this request would likely be granted to allow the use of 30% of the floor space for retail.*

Pursuant to the requirements of Section 1242.06(d) of the Village Zoning Code, Variances from the terms of the Zoning Code shall be granted only where the property owner shows that the application of a zoning requirement to the property owner's property is inequitable causing the property owner 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 owner's property are identified in Section 1242.06(d)(1) (A)(1-7).

STAFF RECOMMENDATION: Staff recommends that the Board of Zoning Appeals allow a variance for use of 30% of the floor space for retail related to manufacturing in a brewery. The

reason for allowing this is due to a proposed change to the current zoning code which will allow for this as a conditional use if adopted by Council. Staff will request the business owners return to the Village Planning Office to apply for a conditional use permit after the new zoning code has been adopted. Staff recommends ALLOWING the variance at this time on condition that the applicants return after the effective date of the new zoning code to apply for a Conditional Use Permit.

VILLAGE MANAGER'S RECOMMENDATION: To adopt the Staff recommendation and GRANT the variance with the stated condition.



APPROXIMATE SPACE USE:

- 65% BREWERY OPERATIONS
- 30% TAPROOM
- 5% OFFICE/STORAGE

BOARD OF ZONING APPEALS

MEETING DATE: January 9, 2013

STAFF REPORT by Steve Anderson, Executive Director, Greene County Regional Planning, Recommendation by Laura Curliss, Village Manager

APPLICANT: Frank M. Riley, property owner

REQUESTED ACTION: Consider a variance request from Section 1250.02 Permitted Uses, Lot Size and Bulk Requirements.

HEARING NOTICE: *“Mr. Frank Riley requests a variance to the front yard setback in order to build a new dwelling unit on his property at 329 North High St. As proposed, the front of the property will shift to Pleasant St., with a setback of about 5 feet. According to 1250.02, a 25-foot front yard setback is required.”*

LOCATION: 329 North High Street.

GREENE COUNTY PARCEL ID#: F19000100110007700

EXISTING ZONING: The property is zoned Residence “B”

District Requirements for single family dwelling

Lot area per dwelling: 7,500 sq. ft.

Lot width: 50 ft.

Minimum setbacks:

Front: 25 ft. (setback shall be 30 ft. on streets other than local streets.)

Side: 5/15 (one side yard may be 5 ft. however the sum of both yards must be 15 ft.)

Rear: 25 ft.

STAFF ANALYSIS OF THE APPLICATION: The applicant requests approval of a variance to allow for the construction of a new single family dwelling.

Property Information and Analysis:

The property is located at 329 North High Street. The lot is a corner lot measuring 50 ft. along North High Street and 75 ft. along Pleasant Street, equaling 3,750 sq. ft. in size, this would be an existing non-conforming lot for lot area. By definition this lot would have 2 front yards, with N. High St., being a residential collector requiring a 30 ft. setback and Pleasant St., being a local street requiring a 25 ft. setback. The rear yard for this lot would be opposite N. High St. and require a 25 ft. setback and the side yard would be opposite Pleasant St. and require a 5 ft. setback. If all setbacks were adhered to, it would leave a building envelope of 20 ft. by 20 ft. allowing a 400 sq. ft. foot print. The applicant proposes to build a dwelling that is approximately 56 ft. wide by 42 ft. deep facing Pleasant St. Without knowing exactly where this dwelling will sit on the lot it appears that with the lot size and setbacks and the dwelling size a variance would

be needed for both fronts-- rear and side. Therefore, multiple setback variances would be needed in order to locate the proposed dwelling on this lot. Further, the maximum lot coverage as identified in Section 1250.02 is 40% whereas the floor plan provided proposes a dwelling of 2040+/- sq. ft. that would cover approximately 54% of the lot, which would lead to another variance request.

Additional Information:

Section 1250.07 Minimum Habitable Space: No dwelling unit shall be less than 500 sq. ft. for an efficiency; 700 sq. ft. for a one-bedroom unit; 800 sq. ft. for a two-bedroom unit and 900 sq. ft. for a three-bedroom or larger unit.

VARIANCE CRITERIA: Pursuant to the requirements of Section 1242.06(d) of the Village Zoning Code, Variances from the terms of the Zoning Code shall be granted only where the property owner shows that the application of a zoning requirement to the property owner's property is inequitable causing the property owner 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 owner's property are identified in Section 1242.06(d)(1) (A)(1-7):

STAFF RECOMMENDATION: Staff recommends that the Board of Zoning Appeals **deny** the variance request for the property located at 329 North High Street to reduce the front setback along Pleasant St., to about 5 feet because this would not allow this proposed dwelling to be constructed without further variances (front yard setback along N. High Street, rear yard setback, side yard setback and lot coverage).

VILLAGE MANAGER'S RECOMMENDATION: I respectfully request that the Board of Zoning Appeals follow the staff recommendation and DENY the application for a variance. In sum, the footprint of the house is too large for it to be accommodated legally on this lot given the lot coverage and setback requirements.

END OF REPORT

Filename:K/data/word/shared/ys bza riley

Greene County, Ohio

Owner: RILEY FRANK M
Address: 329 N HIGH ST
Parcel No: F19000100110007700

Search Print

David Graham, County Auditor

Search Results

Map Layers

Property Information

Additional Property Information

Parcel ID	F19000100110007700
Owner Name	RILEY FRANK M
Property Address	329 N HIGH ST
Mailing Address	PO BOX 835 YELLOW SPRINGS OH 45387
Description	OAKWOOD 5 ALL EX 50X75 E LOT 6 END 329 N HIGH ST
Class	RESIDENTIAL
Land Use	500
Acres	
Appraised Bldg	\$0.00
Appraised Land	\$12,640.00
Appraised Total	\$12,640
Total Taxes	\$243.36
Taxes Owed	\$0.00
Delinq Taxes:	\$0.00
Sale Date	
Sales Amount	\$0.00
Neighborhood	00126000
Zoning	
Deed Volume/Page	0437 / 0010
Survey Record	/
Cabinet Vol/Pg	31/246A
Taxing District	YELLOW SPRINGS VII

[Click Here To View Map](#)



No Image is Available

[Click Here To View Additional Property Information](#)

Greene County, Ohio

Search Print

Owner: RILEY FRANK M
Address: 329 N HIGH ST
Parcel No: F19000100110007700

David Graham, County Auditor

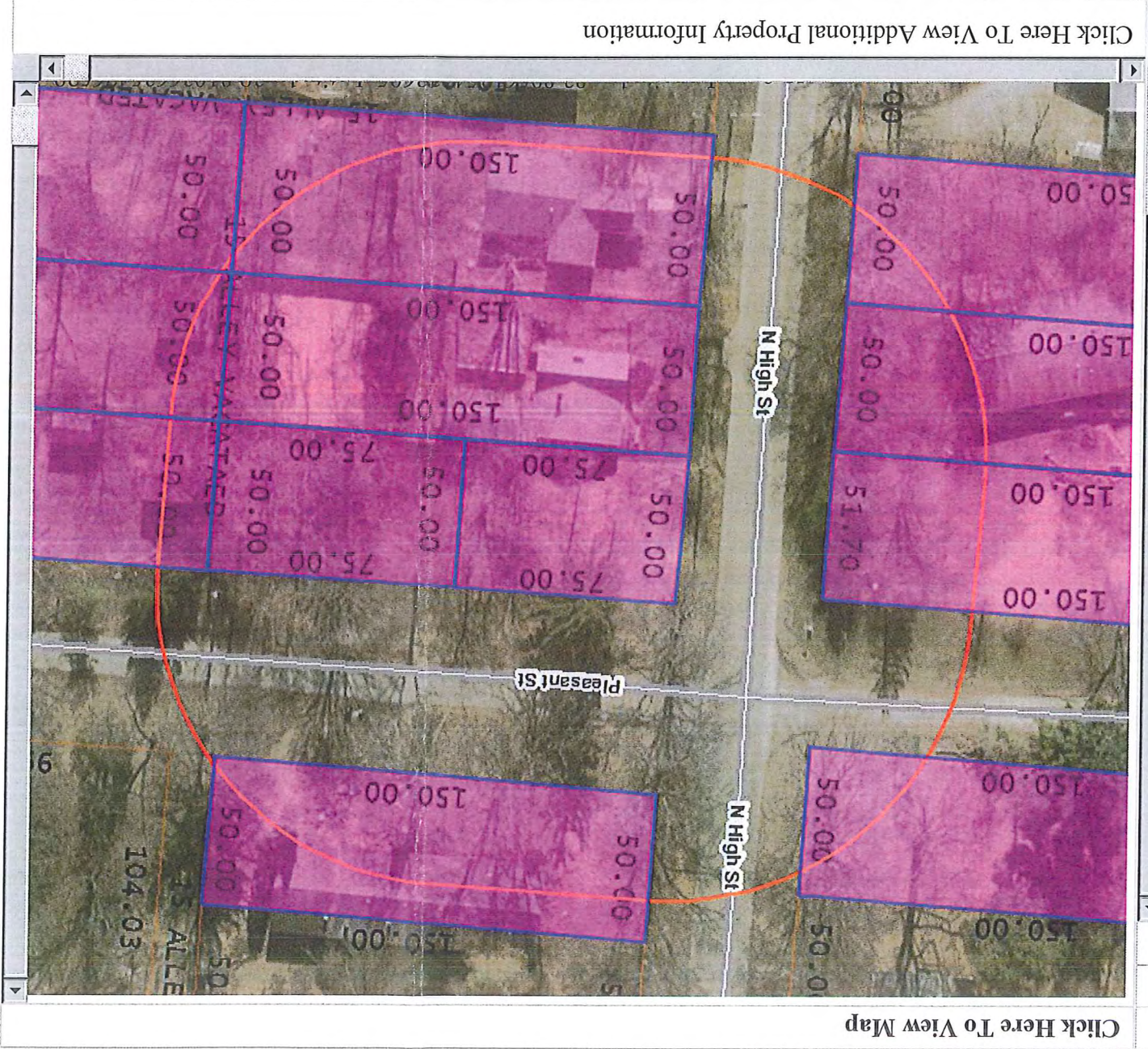
Search Results

Map Layers

Property Information

Additional Property Information

Parcel ID	F19000100110007700
Owner Name	RILEY FRANK M
Property Address	329 N HIGH ST
Mailing Address	PO BOX 835
Description	OAKWOOD 5 ALL EX 50X75 E LOT 6 END 329 N HIGH ST
Class	RESIDENTIAL
Land Use	500
Acres	
Appraised Bldg	\$0.00
Appraised Land	\$12,640.00
Appraised Total	\$12,640
Total Taxes	\$243.36
Taxes Owed	\$0.00
Delinq Taxes:	\$0.00
Sale Date	
Sales Amount	\$0.00
Neighborhood	00126000
Zoning	
Deed Volume/Page / Survey Record / Cabinet Vol/Pg	
Taxing District	YELLOW SPRINGS VII



Click Here To View Additional Property Information

BOARD OF ZONING APPEALS
MEETING DATE: January 9, 2013
STAFF REPORT

APPLICANT: Maria Inman, property owner.

REQUESTED ACTION: Consider variance requests from Section 1250.02 Permitted Uses, Lot Size and Bulk Requirements.

HEARING NOTICE: *“Maria Inman has requested variances to both front and side yard setback requirements in order to construct additions to her home at 9 Lawson Place. As proposed, the plan would result in both front (for a carport in an existing driveway) and side yard setbacks of about 3.5 ft. 1250.02, requires a front yard setback of 25 and a least side yard setback of five feet.”*

LOCATION: 9 Lawson Place.

GREENE COUNTY PARCEL ID#: F19000100040004300.

EXISTING ZONING: The property is zoned Residence “B”

District Requirements for single family dwelling

Lot area per dwelling: 7,500 sq. ft.

Lot width: 50 ft.

Minimum setbacks:

Front: 25 ft. (setback shall be 30 ft. on streets other than local streets.)

Side: 5/15 (one side yard may be 5 ft. however the sum of both yards must be 15 ft.)

Rear: 25 ft.

STAFF ANALYSIS OF THE APPLICATION: The applicant requests approval of a front yard setback variance and a side yard setback variance for the construction of an addition and a carport.

Property Information and analysis:

The property is located at 9 Lawson Place. The lot is an interior lot measuring approximately 84 ft. along Lawson Place and 98 ft. deep, equaling approximately 8,232 sq. ft. By definition this lot has a front yard along Lawson Place with a 25 ft. front yard setback. The applicant proposes to build an addition on the north side of the existing dwelling that will be approximately 3.5 feet from the property line (not including the overhang), approximately 1 foot 10 inches from the front and north property line (including overhang) where a 5 foot side yard setback is required (other side yard will be approximately 26 ft.). The proposed carport will be approximately 1 foot 10 inches from the front and north side yard (including overhang) where a 25 ft. front yard setback is required and a 5 ft. side yard setback is required (other side yard will be approximately 26 ft.)

Additional Information:

Lawson Place has a right of way of approximately 50 ft. and a pavement width of approximately 20 ft. Lawson Place is not a thru street but leads to the Greene Metropolitan Housing Authority housing complex to the south. This street is heavily travelled due to the number of residents at GMHA. Besides the above mentioned complex, only two other residential dwellings and a multifamily dwelling have driveway access to Lawson Place.

VARIANCE CRITERIA: Pursuant to the requirements of Section 1242.06(d) of the Village Zoning Code, variances from the terms of the Zoning Code shall be granted only where the property owner shows that the application of a zoning requirement to the property owner's property is inequitable causing the property owner 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 owner's property are identified in Section 1242.06(d)(1) (A)(1-7).

STAFF COMMENTS:

By using the definition of "Building, edge of" the property owner is requesting a variance of approximately 3 ft. 2 inches from the required 5 ft. side yard setback (carport and addition) leaving approximately 1 ft. 10 inch as the side yard setback. For the Carport the property owner is also requesting a variance of approximately 23 ft. 2 inches from the required 25 ft. front yard setback leaving approximately 1 ft. 10 inches as the front yard setback.

VILLAGE MANAGER RECOMMENDATION: It is important to preserve the right-of-way for pedestrian traffic (now or future) as well as traffic on the street. This is the purpose for front yard setbacks. 25 feet allows for adequate future use. Also, if any person were to park a car in the driveway, the 25 foot setback allows the vehicle to be pulled in so as not to encroach on the right-of-way. Side yard setbacks are needed for public service access (fire trucks, electric, water, etc.).

SIDE YARD SETBACK -- In the Inman case, they have 26 feet on the south but would end up with only 1.5 feet on the north and so have met the total of 15 feet required for side yard setbacks; however, the adjacent (north) property's back yard is large enough to allow public service access on the side even with the 1.5 foot setback. This setback would not adversely affect the delivery of government services. Therefore, I recommend GRANTING a variance from the back yard setback requirement.

FRONT YARD SETBACK. The request to use 23 feet of the 25 foot set back on the front will adversely affect the delivery of government services, particularly in the event that in the future sidewalks were constructed, if utilities were placed in this area or if the street foot print were expanded. I recommend DENYING the variance for the front yard setback.

END OF REPORT

Filename:K/data/word/shared/ys bza inman