

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

In Council Chambers @ 5:00 P.M.

Wednesday, August 27, 2025

CALL TO ORDER

The meeting was called to order at 5:00 p.m. by Matt Reed, Acting Chair.

ROLL CALL

Matt Reed, Acting Chair, and members Scott Osterholm, Dino Pallotta and Alternate, Chad Runyon (filling in for Matt Raska who was unable to attend) were present. Planning and Economic Development Director, Meg Leatherman, was also present. Anthony Salmonson arrived at 5:15, due to a miscommunication regarding the start time for the meeting.

COMMUNICATIONS

Leatherman warned BZA members of a phishing email requesting payment and purporting to be from Leatherman that was recently sent to the applicant.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes for BZA Meeting of June 4, 2025 were reviewed. Osterholm MOVED and Pallotta SECONDED a MOTION TO ADOPT THE MINUTES AS WRITTEN. The MOTION PASSED 4-0 on a VOICE VOTE.

PUBLIC HEARING

Variance: Guy Glass has submitted a Variance application seeking relief from fence height at 624 Tulip Court. Chapter 1260.01(a)(1) Fence Height of corner lots; Chapter 1278.04 Variances. Moderate Density Residential District (R-B). Greene County Parcel #F19000100020019600.

After delineating compliance with noticing requirements, Leatherman introduced the request, noting that Fences in front yards must not exceed four (4) feet (VC 1260.01(a)(1)). The property is a corner lot and code section 1260.01(a) requires that corner lots have two front yards. The front entrance of the home faces Tulip Court, or east, while the side yard facing north has frontage along Snowdrop Drive. The applicant requests a six foot fence at the rear of the home which fronts on Snowdrop Drive.

Leatherman noted that one reason stated for the variance was so that the fence will match his neighbor's fence in height.

Leatherman affirmed that the proposed fence location is set back from the corner by more than 20 feet, and that Public Works has reviewed the request and has no objection to the proposal.

Pallotta noted that the HOA had granted approval for the same two-foot variance to the petitioner's neighbor at a prior hearing. He inquired as to whether the HOA had weighed in on this hearing and was told that they had not. Leatherman affirmed that the property owner would have to obtain that approval himself, but that she did not anticipate any objection being raised.

Reed OPENED THE PUBLIC HEARING.

Reed SWORE IN Meg Leatherman.

There being no comment, Reed CLOSED THE PUBLIC HEARING.

The Clerk then read the Duncan Standards as applicable to the variance of two feet, to allow a six foot fence in the front yard, 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; Osterholm: Y; Pallotta: Y; Runyon: Y; Reed Y
- (2) Whether the variance is substantial; Osterholm: N; Pallotta: N; Runyon: 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; Osterholm: N; Pallotta: N; Runyon: 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; Osterholm: N; Pallotta: N; Runyon: N; Reed: N
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Osterholm: Y; Pallotta: Y; Runyon: Y; Reed: Y
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; Osterholm: Y; Pallotta: N; Runyon: Y; Reed: Y
- (7) Whether the existing conditions from which a variance is being sought were self-created; Osterholm: Y; Pallotta: Y; Runyon: Y; Reed: Y
- (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance; Osterholm: Y; Pallotta: Y; Runyon: Y; Reed: Y

Osterholm MOVED and Runyon SECONDED a MOTION TO APPROVE A VARIANCE REQUEST OF TWO FEET, TO ALLOW A SIX FOOT FENCE IN THE FRONT YARD AS REQUESTED. The MOTION PASSED 4-0, ON A ROLL CALL VOTE.

AGENDA PLANNING

Leatherman noted that a meeting will be needed in the next several weeks.

ADJOURNMENT

There being no further business, Osterholm MOVED and Pallotta SECONDED a MOTION to adjourn. The MOTION PASSED 4-0 on a voice vote. Meeting ADJOURNED at 5:18PM.

Matt Reed, Acting Chair

Attest: Judy Kintner, Clerk