

VILLAGE OF YELLOW SPRINGS
BOARD OF ZONING APPEALS
MEETING AGENDA

The Village of Yellow Springs Board of Zoning Appeals will convene virtually on
Wednesday, June 15, 2022 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, June
9, 2022 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, May 10, 2022.** 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

Matt Raska re: Zoning Zine

Matt Raska re: Gasoline Economy

REVIEW OF MINUTES

Review of Minutes for February 16, 2022.

PUBLIC HEARINGS

Variance Request– R-B, Moderate Density Residential District – 380 West North
College Street. Keith Gunderkline has submitted an application for a variance seeking
relief from the required fence height – Chapter 1260.01 (a) (1) General Provisions.
Greene County Parcel ID # F19000100050013500.

AGENDA PLANNING

ADJOURNMENT

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

Virtual Meeting @ 6:00 P.M.

Wednesday, February 16, 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, Scott Osterholm and Matt Raska 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 November 17, 2021 were reviewed. Salmonson MOVED and Raska SECONDED a MOTION TO APPROVE THE MINUTES AS AMENDED. The MOTION PASSED 4-0 on a ROLL CALL VOTE.

PUBLIC HEARINGS

Variance Application – R-B, Moderate Density Residential District – 200 West South College Street – Nadia Malarkey on behalf of property owners Susan Stiles and Alan Raney, has submitted an application for a variance seeking relief from the required fence height – 1260.01 (a) (1) General Provisions. **Greene County Parcel ID #F19000100080023900.**

Swinger introduced the hearing as follows:

Nadia Malarkey, on behalf of property owners Susan Stiles and Alan Raney, has submitted a variance application seeking relief from the fence height requirement. The property owners have a dog, and desire a higher fence of 4 ½ to 5 feet. The request is for a one to two foot height variance depending on its location. Within rear and side yards, the zoning code allows a height of six feet. Front yards allow a height of four feet, except within the clear vision triangle where the height maximum is three feet.

Swinger noted that a fence cannot be located outside of the property line. If the property line abuts the public sidewalk, the fence must be set back at least one foot. Given that the fence is not a privacy fence and the existing pillar and yew hedges will remain, staff does not have an issue with this variance.

The Chief of Police and Street Foreman have both observed the intersection and have no issue with the requested variance, particularly given that the fence is see-through.

Susan Stiles stated that the fence is wrought iron and is see-through.

Nadia Malarkey noted the photos that indicate a clear line of sight for the intersection.

Malarkey stated that the front of the fence will be eleven feet back from the West South College side, and on the High Street side the fence will be as close to the property line as permitted.

Osterholm received clarification that the trees and pillar will be on the outer side of the fence.

Swinger noted that that type of fence can pose an entanglement hazard to deer.

Malarkey noted that the fence will be no higher than five feet and will not have a sharp top.

Salmonson suggested that the variance be stated as “ up to two feet” rather than “one-to-two feet”.

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

Raska MOVED TO APPROVE THE VARIANCE OF UP TO TWO FEET REGARDING THE FENCE HEIGHT. 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
- (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: Y; Raska: Y; 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: N; Osterholm: Y; Raska: Y; Jacobs: Y

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

Jacobs commented that front yard fence heights can have a profound effect on the feel of the town, and it is important that BZA be cognizant of this reality. Jacobs noted that this is not the case for the variance at hand, given that it is see-through, but that he did want note the potential for impact regarding a fence variance.

AGENDA PLANNING

There was no Agenda Planning.

ADJOURNMENT

There being no further business, Osterholm MOVED and Salmonson SECONDED a MOTION to adjourn. The MOTION PASSED 5-0 on a voice vote. Meeting ADJOURNED at 7:31PM.

Ellis Jacobs, Acting Chair

Attest: Judy Kintner, Clerk



TO: Board of Zoning Appeals
FROM: Denise Swinger, Zoning Administrator
MEETING DATE: Wednesday, June 15, 2022
RE: BZA22-002

VARIANCE REQUEST

Variance Application– R-B, Moderate Density Residential District – 380 West North College Street. Keith Gunderkline has submitted an application for a variance seeking relief from the required fence height – Chapter 1260.01 (a) (1) General Provisions.
Greene County Parcel ID # F19000100050013500

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

Keith and Molly Gunderkline have submitted a variance application seeking relief from the fence height requirement (**Exhibit A**). The property is located at the corner of West North College and Green Street on three lots and a vacated alley for a total measurement of 13,125 sq. ft. The front of their house and driveway are on West North College Street and they would like to run a six-foot fence along the Green Street side, running to the front of their deck and covering a portion of it (**Exhibit A**). This property has two front yards, but the fence is outside the clear vision triangle area. The zoning code regarding the height of fences and the clear vision corner states the following:

1260.01 BUILDINGS AND STRUCTURES.

(a) **Fences and Walls**. Notwithstanding other provisions of this zoning code, fences, walls and foliage are permitted in required yards under the following conditions:

- (1) The height shall not exceed four feet in the front yard, including both front yards of a corner or through lot, except within the clear vision triangle (see Section [1260.02\(b\)](#)) which shall be three feet.
- (2) Fences, walls and foliage adjacent to any public sidewalk shall be set back at least one foot from the inside of the sidewalk.
- (3) Visibility into and out of any driveway or street shall remain unobstructed.
- (4) Within a side or rear yard in a Residential District, no fence or wall shall be permitted to exceed a height of six feet, measured from the natural grade to the uppermost portion of the fence.

1260.02 DIMENSIONAL PROVISIONS

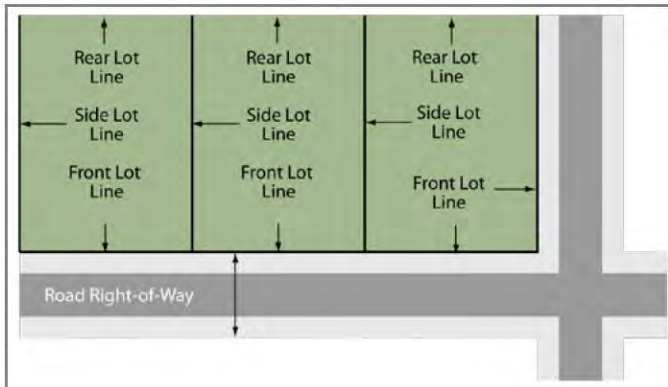
(b) **Clear Vision Corner**. Fences, walls, structures, shrubbery or other potential obstructions to vision, except utility poles, lights and street signs, shall not be permitted to exceed a height of three feet within a triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 20 feet from the point of intersection with the right-of-way lines.

1284.06 Definitions: L-M-N Lot lines. The lines bounding a lot, as defined below:

(1) Lot line, front. In the case of an interior lot, the line separating the lot from the street right-of-way or road easement. Through and corner lots shall have two front lot lines.

(2) Lot line, rear. The lot line opposite and most distant from the front lot line. On a corner lot, the rear lot line is opposite the shorter of the two front lot lines. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. A through lot has no rear lot line.

(3) Lot line, side. The lot lines connecting the front and rear lot lines of an interior or corner lot or connecting the front lot lines of a through lot.



Staff Response to Variance Application

Staff has included a modified site plan from the Gunderkline's (**Exhibit B**) to show two additional areas where the fence is non-compliant due to the required height changes from side yard to front yard. The Gunderkline's are asking for a two-foot variance in order to run a six-foot fence along the Green Street side of their property.



380 West North College Street

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

The area where the fence will be located does not have an effect on the visibility of drivers traveling on West North College or Green Street as the fence will not block that northwest corner of the property. There are also no driveways on the east side of Green Street where drivers will be visually impacted by the fence's location if pulling out. The closest driveway on the east side of Green Street is one of several entrances to Hawthorne Apartments and is over 100-feet from the Gunderkline's southwest property line. Because of this, staff does not have an issue with this variance.

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 #: B2A22-002

Hearing Date: 6/15/2022

Applicant Information

Property Address:	<u>380 West North College Street</u>		
Property Owner:	<u>Keith & Molly GunderKline</u>	Phone: <u>937.823.3173</u>	Email: <u>gunderk1@yahoo.com</u>
Mailing Address:	<u>same</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: See attachment

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: Keith Gunderkline Date: 5/22/2022

FOR OFFICE USE ONLY

Zoning Fee: \$ <u>100.00</u>	Payment Type: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Cash <input type="checkbox"/> Card	Approved <input type="checkbox"/> Denied <input type="checkbox"/>
Other fees: \$ _____	Zoning District: <u>R-B</u>	Permit Number: _____
Total \$ <u>100.00</u>	<u>Denise Dunning</u> Zoning Admin Zoning Official Name and Title	Date <u>5/24/22</u>

EXHIBIT A

The subject property is located on Lots 127-130 plus a vacated alley, in the Fairview Addition. The size of all four lots that comprise the property is 87.5 by 150 feet. We have a 63' driveway off of North College Street that goes into a two-car carport that abuts the house.

We are requesting a variance in the dimensional requirement as outlined in Section 1260.1 of the Zoning Code.

- (a) Fences and Walls. Notwithstanding other provisions of this zoning code, fences, walls and foliage are permitted in required yards under the following conditions:
- 1) The height shall not exceed four feet in the front yard, including both front yards of a corner or through lot

The whole project is to install a privacy fence around our yard. Two stretches of this 6' tall fence are to run between our property and Hawthorn Apartments, and this is in compliance with the zoning code. These two sections are on our eastern and southern (rear) property line. On the west side of our property we would like to continue the fence another 70' up to our deck. It would actually block the exposed 13' of the south side of the deck. The remaining 24' of screen porch and deck and the entire house would remain open to the street. The reasons for extending the fence here along Green Street, are to provide some privacy in our back yard and to deter deer from entering and destroying vegetable and flower gardens planned in our back yard.

For an interior lot, this would be in compliance with the code, but since we are on a corner lot this side of our yard is considered a front yard, with a corresponding restriction on fence height.

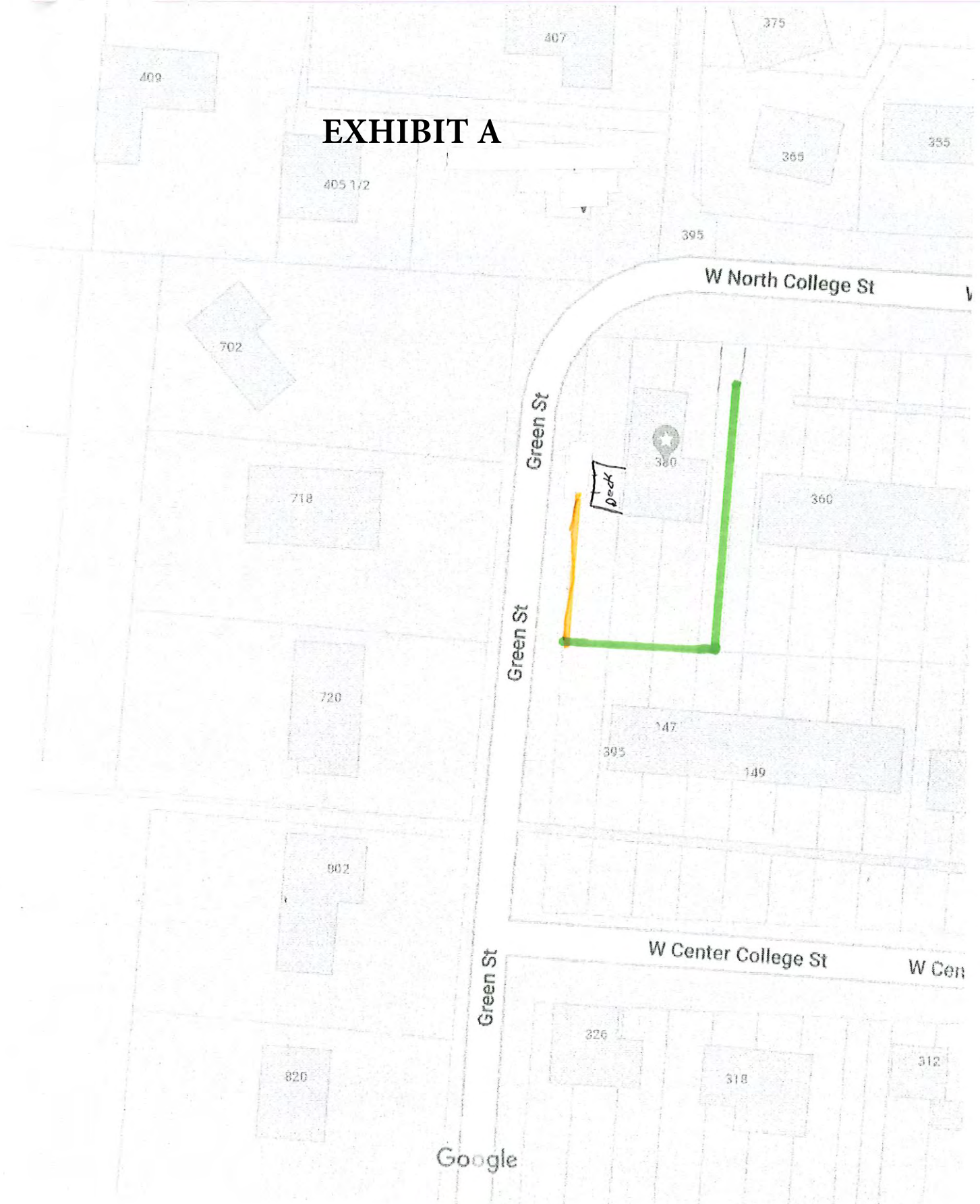
Regarding any traffic safety concern, the Code calls for minimum of a 20' Clear Vision Area in both directions from the inside edge of a street intersection. As planned, there will still be 60' from the northern end of the fence along Green Street to the stop sign at the corner of Green and North College Street. And it is actually about another 20' from there to the front yard property line. So a 6' high fence will not obstruct any possible sight lines along Green Street or North College Street. Neither will any resident along North College, Green, or Center College Street have any obstructed sight lines coming out of their driveways. This is a unique intersection as you can see from the maps and so being able to go from a 4' to a 6' foot fence along this one section really poses no safety concern.

We do not believe that allowing a 6' fence on this section as proposed is an aesthetic concern either. We expect to plant flowers/shrubs on both sides of this fence. And this allows us to have the privacy that any interior lot resident would automatically be entitled to. Just two blocks away, there is a house on the corner of South College and Green Street that has a 6' privacy fence to enclose its 'back' yard that does not create any traffic safety concern or stand out in any unappealing way.

Dimensions of Project & Total measurement of Variance requested:

We plan to install 230' of 6' tall dog-eared privacy fence around two sides of our house and would like the remaining 70' along Green Street to also be 6' tall instead of 4' maximum allowed by the current code.

EXHIBIT A



Google

Map data ©2022 50 ft



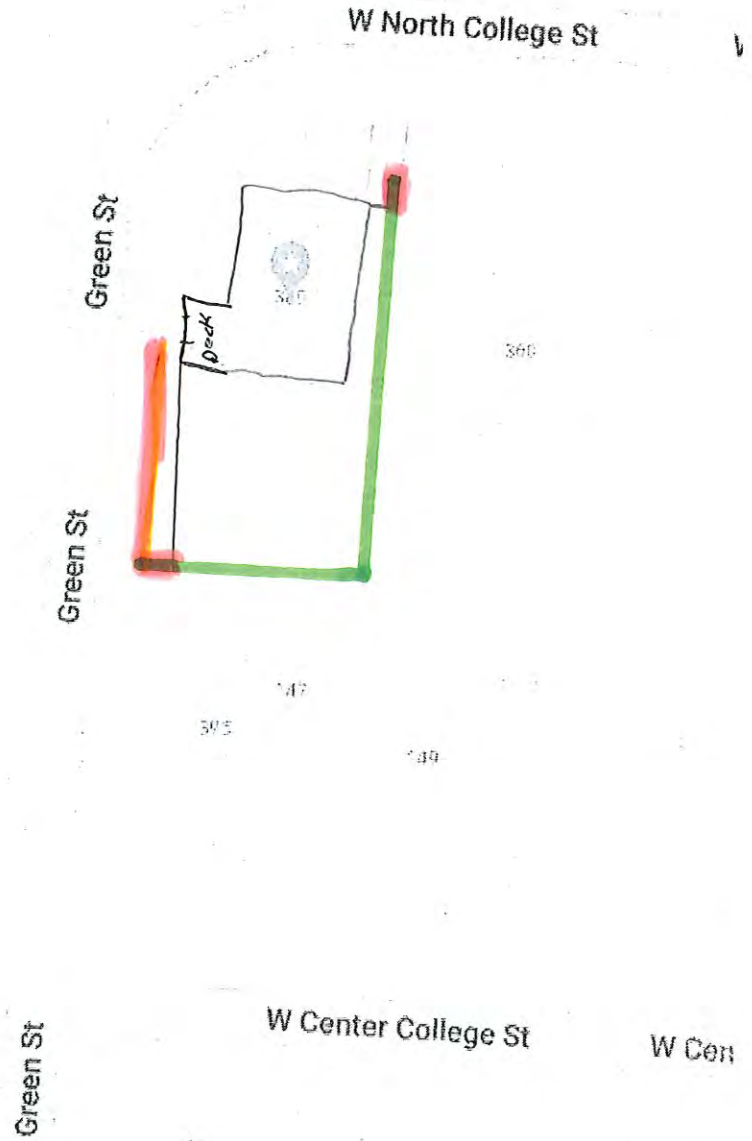


-  — compliant fence plan
-  — non-compliant portion of fence

EXHIBIT B



Google

Map data ©2022 50 ft

-  — compliant fence plan
-  — non-compliant portion of fence

Dear Village Council,

I drive to work every day, *keenly aware* that the gas in my car either comes from repressive regimes or corporations that hobknob with repressive regimes. Watching Russia's invasion, Ukraine's resistance, and the myriad ways people are helping Ukraine, I say to myself "I wish I could do more. I wish I could stop contributing to the demand for (e.g. Russian or Saudi) oil."

Now gas is steadily, surely creeping up past 5.00\$ per gallon, so—being the heartless opportunist that I am—I see this as a *great time* to flog eliminating parking minimums.

"No! No! We have to have parking minimums! The tourists are everywhere! Coming out of the walls and cracks in the floors!"

There are (unofficially) about 600 spaces either on-street or in parking lots around the central business district, and including streets around Antioch College. If we include street parking, driveways, and the scattered parking lots in the village along (but not limited to) S. High St. and Xenia Ave, I bet we have more spaces for cars than we do for people in the village.

St. Paul, Buffalo, San Francisco, Minneapolis, and Berkeley have eliminated parking minimums. Akron, Sandusky, Columbus, Cleveland, and *Zanesville* have rolled back their parking minimums, entirely eliminating them in their downtown districts.

Yes, that's right. No parking minimums in the busiest parts of real deal *cities*. The horror.

And the heat! Parking requirements *require* the destruction of shading greenery. Traditional asphalt absorbs up to 90% of the sun's radiation and contributes to warming up the surrounding air not only during the day, but also at night. It suffocates tree roots and contributes to stormwater runoff as surely as a well-sealed roof.

Furthermore, *minimum parking requirements* are an implicit way to limit housing density. Requiring a certain number of parking spaces for new developments stresses the spatial and budgetary constraints of development, especially in urban areas, effectively limiting the number of units that can be built. Parking minimums may seem trivial at first glance, but they have a significant impact on home prices, especially in places where land is expensive. For example, at last count undeveloped land in downtown Yellow Springs sells for about 270,000\$ per acre—about 6.20\$ per square foot. Asphalt is about 5\$ per square foot. *The land costs more than the pavement.*

Families who are poor and who are struggling to put a roof over their children's heads are unlikely to be concerned about whether there are sufficient "green spaces" or if new construction has enough parking spaces. Such regulations represent the preferences of the wealthy and come at the expense of low-income households.

So let's STOP MANDATING THIS. Let's stop designing Yellow Springs for cars. Let's take a brave step towards ending our dependence on oil. Yellow Springs likes to talk about accessibility, the environment, and affordability...

And talk and talk and talk and talk and talk and talk and talk and talk and talk and talk and...

Let's jump. Let's eliminate parking minimums.

Thank-you,
Matthew Raska

Reference:

"A Map of Cities That Got Rid of Parking Minimums." *Strong Towns*. Accessed: 6-3-2022.
<https://www.strongtowns.org/journal/2015/11/18/a-map-of-cities-that-got-rid-of-parking-minimums>

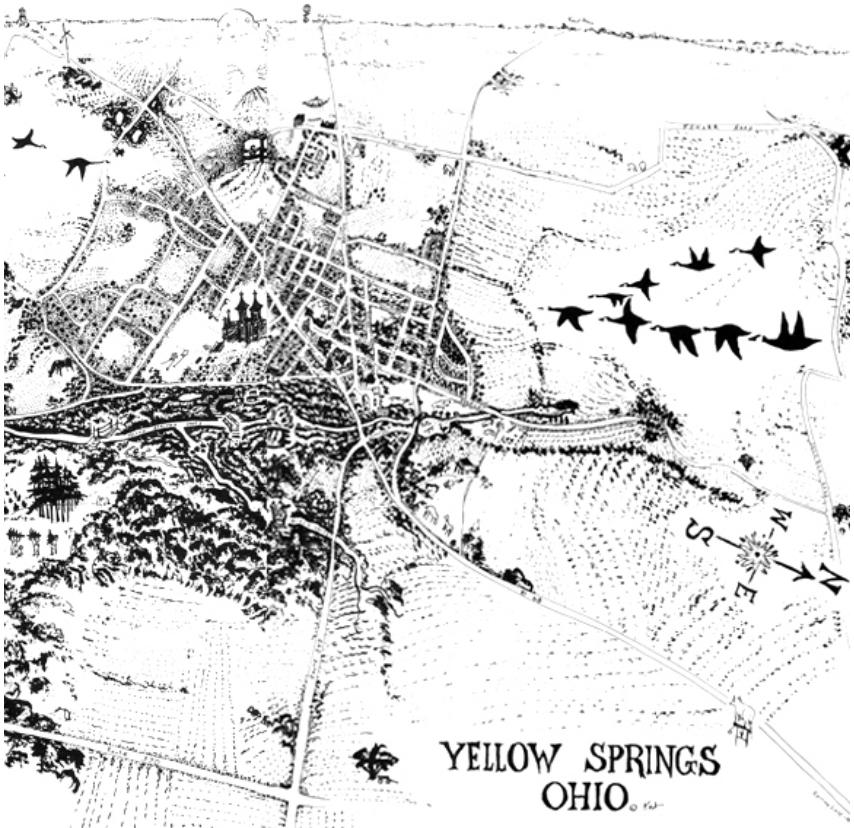
Netburn, Deborah. "L.A.'s mayor wants to lower the city's temperature. These scientists are figuring out how to do it." *L.A. Times*. 2-9-2017.

<https://www.latimes.com/projects/la-sci-cooling-los-angeles/>

Tanner, Michael. "The Inclusive Economy." *Cato Institute*, 2018, pp. 169-183.

How to Improve Zoning in Yellow Springs Part 3

Changes for resilience, inclusivity, and financial strength



"Higher Construction Standard Needed" and Comics by Alex Melamed, Design Professional

"Ys Zoning vs. Ys Values" by John Hempfling

"Zoning Excluded Blacks" by Kevin McGruder, Ph.D., Associate Professor of History, Antioch College

"Dear Council" by Nick Boutis

"Thought Zone" formatting and editing by Matt Raska

"Advisable Changes" and "Frequently Asked Questions" by collaboration, with major contributions by Dawn Johnson and Rose Pelzi

Thanks to Marianne MacQueen, Richard Zopf, Ellen Dawson-Witt, Tanya Maus, Brian Housh, Amy Wamsley, Dan Robrish & Randall Henry of the Rotary Club, Denise Swinger, Ellis Jacobs, Matt Kirk, Scott Osterholm, Breanne Parcels, and Josue Salmeron

YS Zoning vs. YS Values

For decades it has been obvious that a clear majority of villagers would like to see more affordable housing in Yellow Springs. For me, the need for more affordable housing trumps all other concerns. However, as a matter of practical politics, we have often seen concerns about the environment or the village's budget come into tension with the desire to create more affordable housing.

The current Yellow Springs zoning code is so terrible that reforming it will simultaneously benefit affordable housing, the environment, and village government.

Our Current Zoning Code Makes New Housing Expensive

Our current residential zoning code is very similar to other zoning codes in the United States, which is to say, it is hostile to the construction of new housing, especially new affordable housing.

In most of the village, the total number of units on a lot is limited by restrictions on all residential uses other than detached single-family homes.

Furthermore, the code limits how much of the land can be used for housing units. Lot coverage maximums and minimum setbacks require that most of the land be left empty. Off-street parking requirements demand that the land contain two off-street parking spaces per residential unit, regardless of the availability of on-street parking.

Single-family, detached houses are obviously more expensive to construct than each unit in a multifamily building or a set of townhouses. Anything that limits the total number of housing units that can be easily built on a lot makes the cost of constructing additional housing units more expensive whether those limits come in the form of height limits, lot coverage maximums, minimum setbacks, or residential use restrictions.

To the extent that the code allows people to apply for variances or conditional permission from the village before they can begin construction, the code makes it more difficult for people of limited means to pursue construction projects. People with more

resources can hire lawyers and architects to help them get through the process, and they can afford to wait while their application is pending. For people with fewer resources, these requirements can push them to either abandon the project or structure the project such that it doesn't require such special permissions, which under the current code means that the project will probably look more like the sort of housing development that Yellow Springs doesn't want.

The Environmental Cost of Our Current Zoning Code

Smaller residential units require fewer resources to construct and less energy to heat and cool. Currently, our code allows tiny houses but renders them uneconomical to build because of the minimum land requirement inherent in the minimum lot size, minimum setbacks, and off-street parking requirements.

Multifamily housing units share walls and a foundation, which tends to make them more efficient to build, heat and cool. However, multifamily housing is completely disallowed in R-A and only a conditional use in R-B.

Unnecessary off-street parking creates more impermeable surfaces, which is bad for water drainage and the environment. The zoning code should take into account the availability of adjacent on-street parking.

Additional Costs of Our Current Zoning Code

Our current zoning code in some ways requires and in other ways encourages the development of low-density housing. Neighborhoods with low-density housing still need about the same number of roads and water, sewer, and electric lines as higher-density neighborhoods but bring in less tax revenue to cover these costs.

Conclusion

These concerns—environmental, local, and concern for affordable housing and resisting gentrification—do not always align. They are frequently in conflict. That the current zoning code is such a significant obstacle to all of these concerns is strong evidence that the code is overdue for reform.



Zoning Excluded Blacks

Kevin McGruder, Ph.D., Associate Professor of History, Antioch College

July 19, 2021

I am writing to add my perspective to the recent discussions regarding exclusionary zoning in Yellow Springs that have centered on zoning restricting housing construction to single-family homes with minimum lot sizes. A common motivation for such zoning is a desire, inspired by aesthetics, to promote developments with relatively large expanses between homes. As the development of these types of communities expanded in the United States after World War II, there were corollary motivations such as a desire to exclude people below certain incomes who would not be able to afford the large lots and large homes required by some zoning codes. Because African Americans experienced limitations in opportunities for education and therefore for higher incomes, single-family zoning codes often had the additional result, whether intended or not, of excluding Black home buyers from certain communities.

The conversation in Yellow Springs that has begun regarding exclusionary zoning is beginning to get bogged down with accusations of racism being directed at those who support single-family lot zoning. This is unfortunate. **Using the template for dismantling institutional racism suggested by Ibram X. Kendi in his book *How to Be an Anti-Racist*, rather than focusing on the intent of people, we should instead focus on the outcome of policies. If a policy has an outcome that supports institutional racism, even if that was not the intent of the policymakers, we should work to dismantle it if we say we are committed to dismantling racism.** It is well known that single-family zoning policies reinforce racially discriminatory housing patterns that proliferated during the twentieth century and continue today. This was most likely not the intent of those who developed the Yellow Springs zoning code, but once we are aware that such codes promote this outcome, what should we do? I believe that we should work for a zoning code that promotes a greater variety of housing types, smaller single-family homes on smaller lots, as well as multifamily homes of

one-to-four units, and apartment buildings of five units or more. Through a community conversation, we could determine where such homes might be located, ideally throughout the village, according to a revised zoning code.

There are Black people in Ohio who can afford to live wherever they would like, including in Yellow Springs, but they are underrepresented compared with White home buyers. The emancipation process that freed four million formerly enslaved people in 1863 was not accompanied by land reform that would have provided them with the opportunity to own land, and often other assets, to pass on to their descendants. Instead, they, and most of their descendants, including myself, experienced the legacy of limited opportunities to acquire wealth. If we cannot acknowledge the enduring nature of this legacy, including the link between housing and school quality today, we will never be able to achieve the housing vision for this village that was adopted by Council in 2018, to be a place with “housing that enables people of diverse races, ages, sexual orientations, gender identities, ethnicities, economic statuses, physical and mental abilities, religious affiliations, skills and lifestyles to afford to live here.”

Dear Council¹ “No such thing as free...”

Nick Boutis

November 7, 2021

How we allocate spaces for cars is fundamental to the character of our village. I believe that the renderings shared in the October 12 memo are a firm step in the wrong direction in terms of both local economic development and the values and priorities of our community, particularly around affordability and carbon neutrality.

There is a lot to say on this subject, but I'll limit myself to four central points:

1. Yellow Springs has plenty of parking.

Parking challenges are not day-in, day-out: Monday through Friday, regardless of the weather, there are typically multiple available spaces along Xenia Avenue between Corry and Limestone Streets. My walk to work takes me on the bike path past village parking at the Bryan Center, Railroad Street, and Corry Street. The only one of those lots that is ever full during the week is the Corry Street lot. Certainly, Saturdays between 10 a.m. and 4 p.m. can be busy downtown when the weather is nice. Sundays, less so. **But, even when downtown is crowded, side streets are typically wide open.** I live on North Walnut St, in an area less than a 10-minute walk from downtown and where the road is wide enough for cars to park curbside on both sides. It is not unusual, even on a Saturday when downtown is busy, for there to be zero cars parked on my street. In my experience, this is similarly true for other streets near the downtown. Moreover, I think it would be a good thing if more cars parked on the street in front of my house. Cars routinely speed as they head north out of town, and if there were more cars parked on the road, it would slow traffic down and the street

¹ This letter was submitted to the Village Council of Yellow Springs in response to a planning memo that included renderings for multiple new or expanded on- and off-street parking areas.

would be and feel safer. Further, additional curbside parking could be identified and/or demarcated without paving additional areas.

2. There is no such thing as free parking.

Instead, the question is, Who is paying for parking? Every parking space will be paid for by either the user, the property owner or their tenants, or taxpayers. I am not here to advocate for fee-based parking but also think that we should be open to it from a planning perspective. If the village takes a position that we will not charge users for parking, then we are fixing the cost of parking on either the property owner/tenant (such as King's Yard, Tom's Market) or us as taxpayers (curbside, plus lots at Corry Street, Railroad Street, the Bryan Center, and Kieth's Alley).

3. The proposed parking renderings are inconsistent with everything that I understand to be the vision and ethos of Yellow Springs.

The underlying thesis of the proposed parking plan seemed to be "create as many village-owned parking spaces as possible in downtown Yellow Springs." Yet, increasing downtown parking undermines the things that make Yellow Springs unique in our region and runs counter to other community priorities, such as lowering our carbon footprint and increasing affordable housing options. **Parking lots are a barrier to walkability and a barrier to building a streetscape that is desirable to walk on.**

I think here of the village lot at Railroad Street, a parcel that has the potential to stitch together the Millworks and lumber yard businesses with the downtown and other businesses along the bike path. If that were developed—say with retail on the ground floor and housing above—it would create additional housing stock in a location where people could meet their daily needs without a car. And, if we're going to actually take steps toward carbon neutrality, we need to prioritize housing over parking in developable lots downtown. What's

more, we have an opportunity to see that parcels such as this become contributors to the local economy, rather than burdens on taxpayers. If that lot were developed, it would mean additional businesses and residents helping fund the village and our schools.

I also hold a poor view of the proposed parking near Glen Helen, including the Corry/Limestone lot and the micro-lots along the bike path. These proposals would not help downtown businesses but would hurt the Glen. The proposed lots are too far from downtown to be of utility to visitors, but they would create free parking right next to the Glen's paid parking. I do not believe that Yellow Springs taxpayers would want to subsidize parking that would undermine Glen Helen operations.

4. Even if Yellow Springs doesn't have abundant parking, there are other strategies that would be preferential to pursue that are better aligned with how we want our community to look.

Around the world, the great places that humans have created have scant parking. We should not fear a dearth of parking spaces. We are not going to strengthen our downtown by suburbanizing it though an abundance of parking. At the same time, we have a lot of people who work or shop in our downtown and come from more than half a mile away. I recognize that we need options that make it so we can be welcoming to people who need to get here by car, while not prioritizing parking spaces over the things that make Yellow Springs wonderful. Options that may be worthy of consideration include:

- A. Incentives (or perhaps mandates) for downtown employees to park outside the downtown core so that as many spaces as possible remain for customers.
- B. Identification (and expansion) of locations for curbside parking within a half-mile of downtown.
- C. Parking education for visitors about places to park. There are so many options that are being generally unused.

- D. Incentives for villagers to go car free when they come downtown. Bikes? Mopeds? Segways?
- E. Incentives for visitors to go car free when they visit. Ride hailing services?
- F. Maximum parking times along Xenia Avenue to discourage daylong parking.
- G. Shuttles from existing larger lots. It works on Street Fair days. If we ever get to the point where we don't have enough curbside parking, this might be an option for those busy Saturdays.
- H. Fees for the most desirable spaces. Again, if we ever get to the point where we actually don't have sufficient parking spaces to meet demand, charging for parking would create a market-based tool to maintain vacant curbside spaces in the downtown core.

I appreciate your work in this area. I look forward to staying involved in this discussion and would be happy to speak to any of the above points in additional detail.



The Upper Valley Mall's parking problem fixed.



**BUILD PLACES LIKE
THIS**



**SO WE CAN ALL HAVE
THIS**



Higher Construction Standard Needed²

The International Code Commission phased out 2x4-only exterior walls more than 20 years ago in the International Residential Code (IRC). The IRC is the basis for Ohio's residential code in each new revision cycle. For decades, R-19 insulation has been the expectation in most states and countries where there is a cold season.

Ohio's code has been held back by the home builders lobby to water down efficiency requirements so they can squeeze a few more pennies from their investment tracts. I just want Yellow Springs to join civilization in this regard, if not be a leader in efficiency. This is a position worth fighting for.

Cost impacts are truly minimal because wood is priced by the board foot and 2x6s can be spaced at 24 inches in an R-19 wall, whereas 2x4s are required to be 16 inches on center. The actual difference in wood installed is tiny. Every other aspect of the typical home is identical. Home, Inc. wisely builds this way, and if they can afford it, it's not too expensive.

In addition, homeowners will be asked to heat the homes they live in for perpetuity. Builders don't care; it's not their problem. It's ours, though. The village has to upgrade and maintain infrastructure to accommodate energy needs for homes, and a subdivision full of 2x4 homes, as compared to more efficient homes, will have a significant impact on that calculation.

This is the tiniest baby step in regulation and would have a significant positive impact on the health, comfort, resilience, and utility cost to the future residents of the village. We are in the midst of a climate disaster that won't get better with business as usual. Strategies such as insulating buildings are the easiest action to take and greatest return on investment for climate action. It's also the most basic consumer protection against bottom-rate builders who would deliver a cardboard housing stock to our village, and we don't need that liability.

Please, consider getting behind this most basic goal: **Homes should at least have R-19 walls.**

² Originally published in the *Yellow Springs News*, May 5, 2022.

Thought Zone

It's 2 a.m. I can't sleep. I'm thinking of the Oberer PUD. Of the Kinney Farm development. Of my neighbors and friends whom I have come to love, slowly trickling out of Yellow Springs as economic refugees. So ,what do I do? Punish myself with housing and zoning-related articles.

People are being displaced constantly in Yellow Springs. The only people who are able to afford land and homes in town are the wealthy or folks who bought decades ago. This is a fact. Our housing supply has not changed significantly in years. Opposing new construction does not protect neighborhoods from gentrification; it increases exclusivity.

According to Ranjani Chakraborty, "There's a growing body of research on what actually happens when we add units of housing to neighborhoods: Market-rate units decrease displacement and rents in neighborhoods, while adding strictly affordable units decreases gentrification. And while people may not love the aesthetics of the new architecture, these buildings all look so similar for a reason: **It's the cheapest way to build, at a time when the US needs more housing quickly.**"³

Kate Pennington says, "We have seen that the net effect of proximity to new construction on rents is negative. This negative net effect suggests that the supply effect dominates."⁴

³ Chakraborty, Ranjani. "Why 'Gentrification Buildings' Are Misunderstood." *Vox*. February 14, 2022.

⁴ Pennington, Kate. "Does Building New Housing Cause Displacement? The Supply and Demand Effects of Construction in San Francisco." *Social Science Research Network*. June 15, 2021.

Xiaodi Li states, “I find that the supply effect [on gentrification] is larger, causing net reductions in the rents and sales prices of nearby residential properties.”⁵

By restricting housing in Yellow Springs, we put pressure on the most vulnerable members of our community. We are not pushing out theoretical, disheveled dirty morlocks; we are pushing out real people whom *we see each day*. We push out the employees at Current Cuisine who make our sandwiches, the servers who bring us beans and rice at Calypso, the cashiers at Tom’s, the caregivers at the Children’s Center and Friends Care, *the volunteers who staff our fire department and repair our infrastructure*.⁶ The fragile backbone of our town can only be held in disdain for so long.⁷

I bet every single person in Yellow Springs knows someone who has had to leave Yellow Springs because our community is too expensive. My wife and I saved and waited until we had a home in Yellow Springs to have kids. We mortgaged time on our biological clocks for a place in Yellow Springs. Because we waited, we may not live to see our grandkids.

Why are we asking people to postpone their families to live here? To satisfy some vague notion of aesthetics at the cost of the soul and future of our town?

Anecdotally, municipalities that experience disinvestment reform their laws and codes to become more accepting of development much too late. We are not immune to the disinvestment of Springfield, Trotwood, Detroit, and anon.

No, zoning reform is not a silver bullet. It will not fix *our* issue of high rent and low vacancy tomorrow. No, it will not instantly grow affordable homes from the dirt. But these reforms might fix these problems for our children and our grandchildren.

⁵ Li, Xiaodi. “Do New Housing Units in Your Backyard Raise Your Rents?” *Blocks and Lots*. December 16, 2019.

⁶ Morris, Frank. “Volunteer fire departments that the U.S. relies on are stretched dangerously thin.” *National Public Radio*. February 1, 2022.

⁷ On a societal level, we are marginalizing the people sent to fight and die in our wars.

“The true meaning of life is to plant trees under whose shade you do not expect to sit.” -Nelson Henderson⁸

Advisable Changes for Better Zoning:

1. Allow all residential uses in all residential zones.
 - a. Accessory dwelling units (ADUs)
 - b. Dwellings, attached single-family
 - c. Dwellings, multiple family
 - d. Dwellings, single-family detached
 - e. Dwellings, two-family
 - f. Accessory buildings, structures, and uses
 - g. Boarding homes
 - h. Continuing care retirement communities
 - i. Day care, family
 - j. Day care, group
 - k. Pocket neighborhood developments

By allowing ADUs, attached dwellings *by right*, and the like, existing housing stock *instantly* becomes more flexible. We allow for mother-in-law suites, houses split into apartments, and co-housing. Currently, Table 1248.02 of the Yellow Springs Code of Ordinances is very restrictive, often not even allowing the *consideration* of uses.

2. Reduce minimum lot sizes.

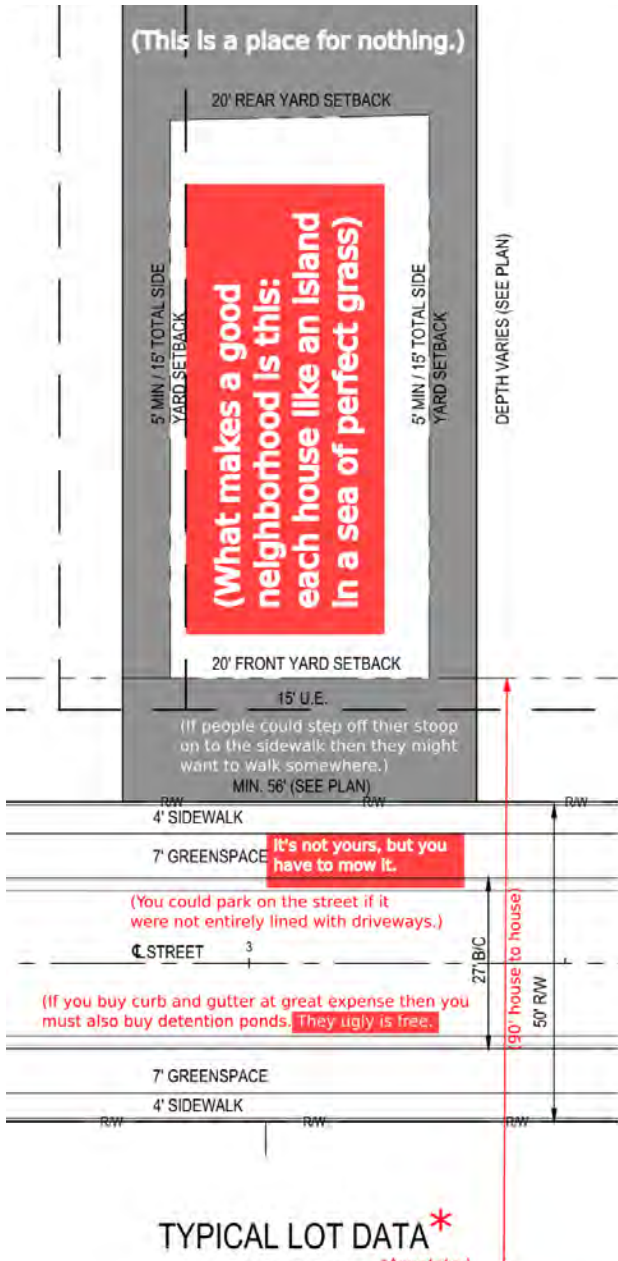
According to Table 1248.03, the smallest possible lot size is 4800 sq. ft. in R-C. By reducing minimum lots sizes (in all zones!) to 1000 sq. ft., we make tiny homes *feasible*. Who would *ever* build a tiny home on a giant lot?

3. *Vastly* reduce setbacks.

⁸ Horst, Guy R. “For a long time now, I have tried to simply write the best I can. Sometimes I have good luck and write better than I can.” (Ernest Hemingway). February 24, 2014.

- a. Eliminate side setbacks in R-B (allowing for row housing, duplexing).
- b. Eliminate side and front setbacks in R-C and R-B.
 - i. Reduce to 15 ft. clear vision corners on streets of 25 mph or less.

But in order to fit a tiny home on a tiny lot, setbacks must *also* be overcome. Consider as an example a typical R-B plot from the proposed Kinney Development. At 56' of minimum width and 120' of typical depth, the lot is 6720 sq. ft. With the setback as noted in Table 1248.03a, the total *available area* for building is less than *half*.



4. Increase maximum lot coverage.
 - a. 50 percent in R-A
 - b. 60 percent in R-B
 - c. 70 percent in R-C

Even if the lot were larger and the setbacks less impactful, the current maximum lot coverage of (for example) R-B is only 40 percent according to Table 1248.03a. These lot coverage maximums further impact the ability to actualize ADUs and tiny homes.⁹

To the extent that affordable/subsidized housing can be built, construction must conform to zoning codes. Since our underlying code was written with single-family homes in mind, apartments, plexes, and condos built on single-family lots have to fit within the footprint of a *single-family home*. These limitations must be loosened up.

5. Eliminate maximum building height.

Height restrictions are the same: they limit our construction.^{10,11} Consider how many of the Vernacular and Victorian Italianate buildings of downtown (and their apartments!) are nonconforming to the arbitrary height limits of Table 1248.03a.¹²

6. Eliminate accessory dwelling unit occupancy limits.
- a. Reduce boarding house occupancy limits.
 - b. Strike all limits on upper-floor dwelling units.
 - c. Strike pocket neighborhood density requirements.

The limits of 1262.08 (e) should be loosened up. What's the use of having the space to fit a boarding house or an ADU if the process of approval is uncertain? Whereas large developers (such as Oberer or DDC) can afford to take their time, the *smallest* developers tend to be

⁹ Herriges, Daniel. "If You're Going to Allow ADUs, Don't Make It So Hard to Build One." *Strong Towns*. September 11, 2018.

¹⁰ Herriges, Daniel. "What If They Passed Zoning Reform and Nobody Came?" *Strong Towns*. September 3, 2020.

¹¹ Keller, Noah. "Minneapolis Zoning: Some Positives, but More Changes Needed." *Twin Cities Habitat for Humanity*. April 14, 2021.

¹² Dixon, Reilly. "The Architecture of a Village." *Yellow Springs News*. March 10, 2022.

local individuals for whom the bureaucracy of approval can grind so slowly as to derail their plans.

There is a walkable radius around downtown. It's bigger for some people and when the weather is nice. People want to live within that radius, and we want to upzone it to allow more people to live within it. There are few to no empty lots, so the only option is infill. This is not growth, but maturation. We want to make walkable options for people in all neighborhoods—corner stores, etc.—facilitating less need for cars.

Less energy is used for infill, and compounding savings will be realized by sharing walls and fewer car trips. Infill is far and away the lowest energy option. Building only a few feet of road takes as much energy as building a house—and *we have plenty of roads*.

7. Replace minimum lot width with minimum street, *easement*, or *alley* access of 15'.

There are numerous houses in the village with less frontage than required by Table 1248.03. The Library Loft off Davis Street, Kenneth Hamilton Way, Littlewood, and several (flagpole) lots on High Street have *significantly* less than the minimum frontage. Some have only alley access; some have *no frontage* and share a driveway. Access could be ensured by subdivision covenant. By allowing easement access (or smaller frontages), we would allow for more flexibility in lots.

8. Variously eliminate and prune off-street parking minimums by allowing for parklets and curb extensions.
9. Require sidewalks *on all new construction*, including outside sidewalk access to cul de sacs.
10. Require awnings in business districts.

The very reason YS is pleasant and desirable is that it was largely built prior to these codes in a time when everyone walked to work, play, and home. All of Yellow Springs could be a walkable, affordable community, but our ordinances are geared towards cars.

Consider the parking minimums of Yellow Springs: the typical parking lot is 300-350 sq. ft. of asphalt per parking stall.¹³ How many acres of grass are suffocated under parking lots?

According to the Ohio Housing Finance Agency, the average annual transportation cost of Greene County residents is \$12,910.¹⁴ Affordability means *reducing the necessity of cars*.¹⁵

Regarding bikes in the winter: There are parts of the world (such as Oulu, Finland) where cycling infrastructure is laid out safely and maintained *year-round* to the same levels expected of car roads.¹⁶

Awnings make the sidewalks in our downtown more welcoming. Compare Yellow Springs' vibrant business district with the featureless desert of a strip mall.¹⁷

11. Permit mixed use (i.e., home businesses in residential districts and residences in business districts).
12. Reduce restrictions on home occupations.
13. Legalize farming *everywhere*; leave farming (livestock) conditional everywhere.

Our zoning code reinforces car dependency, not *just* by creating parking minimums, but by forcing monoculture zoning. Our zoning code restricts people from building complementary land uses within walking distance of one another. As Jane Jacobs observed, in order for a city to be walkable, there must be places to walk to.

¹³ Schaefer, Mark. "How to Calculate the Square Feet of Pavement for Parking Spaces." *Hunker*.

¹⁴ "Southwest Ohio Regional Housing Needs Assessment." *Ohio Housing Finance Agency, Fiscal Year 2022*.

¹⁵ Furthermore, our national dependence on cars (and therefore oil) is a strategic liability.

¹⁶ "Why Canadians Can't Bike in the Winter (but Finnish People Can)." *YouTube*, uploaded by Not Just Bikes. January 25, 2021.

¹⁷ Randl, Chad. "The Use of Awnings on Historic Buildings, Repair, Replacement and New Design." *National Park Service, Heritage Preservation Services*, 2004.

Consider all the businesses along S. High Street, a nominally residential neighborhood. Accessory commercial units (ACUs) should be permitted in all zones. ACUs (such as bodegas) were widely prevalent until the function-segregated zoning of the mid-twentieth century.

For most of human history, work and home have been inextricably intertwined. Farmers, city dwellers, almost *everyone* worked at home. Houses and apartments were not only dwelling places but also centers of commercial activity. Physicians treated patients and attorneys serviced clients from offices located in their homes; butchers, bakers, and candlestick makers lived above, below, or behind their shops. Tailors and seamstresses greeted customers in their living rooms and altered clothes in their bedrooms. Blacksmiths and carpenters plied their trades in backyard workshops. Families regularly rented out a room or two to make ends meet.¹⁸ Table 1248.02, Table 1250.02, and 1262.08 (e) (5) fetter the original affordable housing: home businesses.

14. Levy a *steep* “habita¹⁸” upon transient guest lodgings in residential districts to build affordable housing or ban *new non-owner-occupied* transient guest lodgings in residential districts.

At the time of this writing, House Bill 563, a piece of legislation that would limit the legislative power municipalities have over short-term rentals, including Airbnbs and breakfast ventures, is being debated in the Ohio Legislature.¹⁹

We should welcome visitors while providing a solution to the problems that their habitations necessarily impose. Dedicating a house to an Airbnb means that a renter (or family) cannot live there. Shunting all short-term lease and transient guest lodging taxes and fees into building low-income housing or (ideally) towards grants for housing

¹⁸ Garnett, Nicole Stelle. “On Castles and Commerce: Zoning Law and the Home Business Dilemma.” *Notre Dame Law School*, 2001.

¹⁹ Thomas, Jessica. “Village Council Responds to HB 563.” *Yellow Springs News*, March 1, 2022.

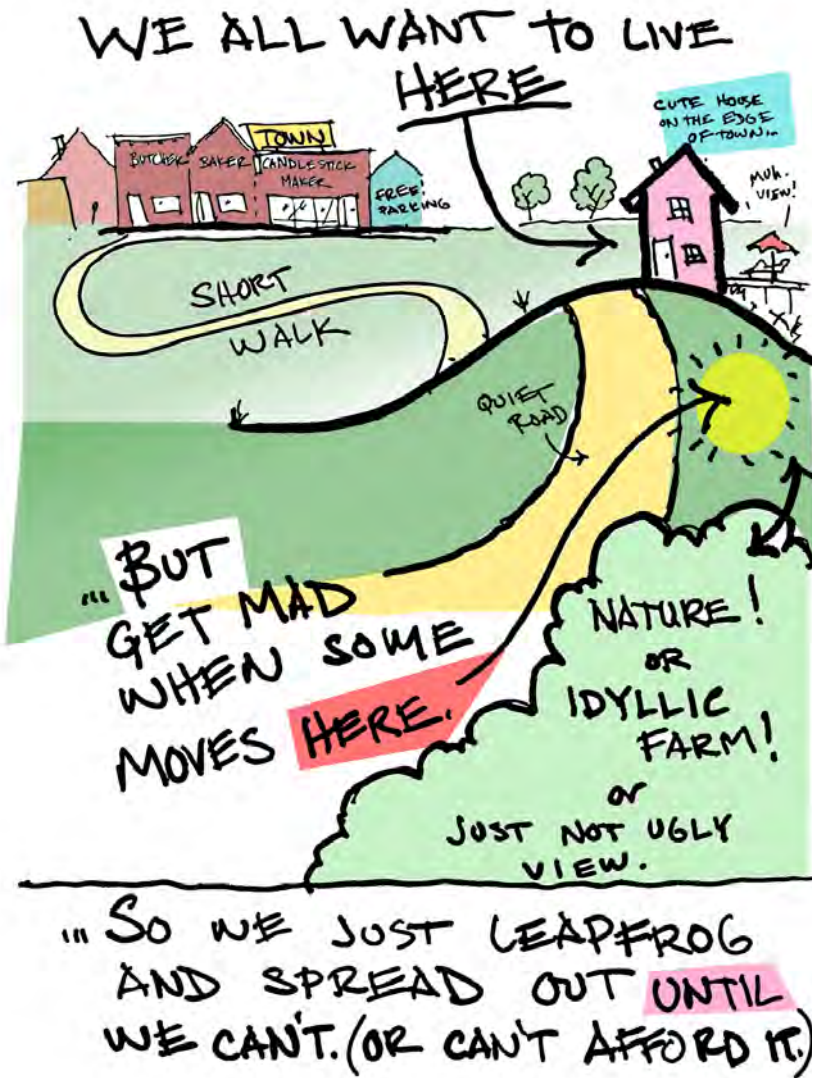
cooperatives and owner rehabs would be a superior option to a ban in fact or practice. The Yellow Springs Development Corporation and Home, Inc. are ready-made for this purpose. Furthermore, this approach would mitigate the need for outside investors with no roots in Yellow Springs. Augment lodging fees as necessary; tourists are insensitive to price and come here to luxuriate in progressivism. Call it a habitax if you will.

15. Reform road requirements to allow/encourage narrower roads. Road design—*not speed limit*—determines the speed of drivers.
16. Create an R-D district or overlay for conservation development on village borders with Glen Helen and the Tecumseh Land Trust.

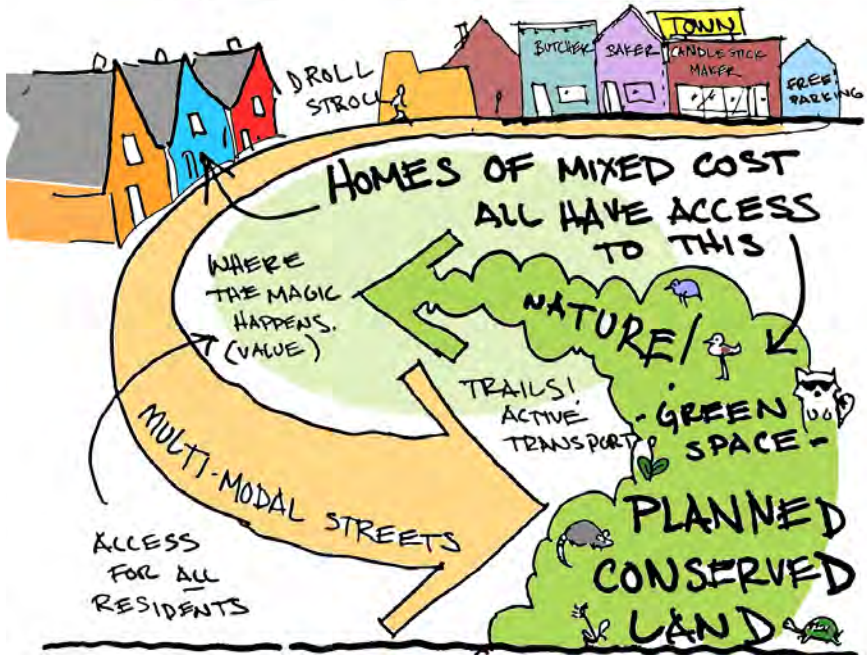
The R-D district is intended to improve residential land use at the edge of the village. The primary goals are to blend residential uses with the “green belt” and provide active transportation corridors and pedestrian ways that improve connectivity. Density is the same as in the underlying district, but conserved land is included in the total site density calculation, and a minimum of 50 percent of the land must be set aside for natural, recreational, and/or wildlife habitat use. For example, a 10-acre plot with an R-A underlying site can have 120 units on it, but they must all be placed on 5 acres. The set-aside land may not be counted for detention basins but may be used for wetlands and vegetated buffers.

17. Extend storage and repair of vehicles to 180 days.

Section 1260.03 (d) has nothing to do with zoning but jumped out as clearly classist and written by someone who has never repaired his or her own car.



THE PROBLEM IS THAT
WE DON'T OWN THE VIEW.
SO... LET'S MAKE IT OURS.
FOREVER!



How do we want the village
to meet the green belt?

We can have car-free living with all the amenities, including proximity to nature. We just need to stop confusing what is town and what is country. Then we can design an edge to the village that provides views and access for all villagers.

Frequently Asked Questions

“I’m a renter; how will all this help me?”

It won’t happen overnight, but these changes will allow *many more options* for modification, retrofit, and construction. There is no substitute for subsidized housing, but we can attempt to reduce barriers to property ownership and building new homes.

“I’m a homeowner; how will all this help me?”

These residential zoning changes will allow you more flexibility in the use of *your property* regarding new and future construction. It will reduce uncertainty for those who wish to add on, split a lot, or build any kind of home in Yellow Springs. You may get new neighbors who can share the community and help pay for roads, schools, and utility infrastructure.

“I’m a business owner; how will all this affect me?”

Increasing walkability is *good* for local business, and so is increasing the number of households within walking distance of your business. You may get new resident customers. Residents of walkable communities are more likely to shop locally than those of car-oriented communities.

“Won’t increasing density cause stormwater problems?”

Yellow Springs is presently investing in new storm sewers on the north side. That will alleviate some flooding worries, but this issue is *also* addressed by our new, home-grown storm water mitigation legislation.²⁰ As each lot is redeveloped, as incentivized by our zoning changes, it must all be brought into compliance with the new stormwater laws and will manage stormwater on site better than previously. If lot coverage is too high for simple methods like rain gardens, then more expensive ones, like cisterns and green roofs, can/will be used.

²⁰ Yellow Springs Code of Ordinances. Part 12: Planning and Zoning Code. Appendix A: Stormwater Guidelines for Low-Impact Developments.

“But if there’s not enough parking, will businesses fail?”

Every time we close our streets to cars, people *throng* the streets. People come to Yellow Springs because of the pedestrian accessibility of town, precisely *because* we emphasize walkability over drivability. The best places put people first and car storage second.

“I don’t want density; it’s noisy.”

People aren’t noisy; cars are noisy. And *dangerous*. Also, with density comes higher-quality construction that can prevent sound transmission between units or through walls. Even while many say they want space and privacy, most find they are happier when they share a community full of vibrancy and human interactions.

“Don’t we need setbacks for emergency access to yards and sanitation?”

It’s often cited that setbacks are needed for emergency access or to prevent places for burglars to hide or so we can turn your residential street into a four-lane highway. Truth is, these are all justifications for spacing homes apart for reasons mainly having to do with economic segregation.

“My taxes are already high; if property values go up, won’t this make the community less affordable?”

Reappraisal changes result in a reduced tax rate on most levy types. So, in theory, you are two for two. The problems are the exceptions to the rule.

The first exception is the 10 mills of inside millage. As values increase, regardless of why they increase, revenue increases an equal percentage. In tax district F19 (Yellow Springs Village), inside millage represents approximately 16 percent of the total millage.

The second exception, and the one least understood, is the 20-mill floor applicable to school districts and the 2-mill floor applicable to joint vocational schools (JVSs). These floors prevent the general fund millage for schools from falling too low. So, as values increase when the schools are at the floor, the floor acts like inside

millage because the tax rate cannot be reduced. Yellow Springs Exempted Village School District (YSEVSD) has 15.7 mills of fixed-rate levies that would traditionally be subject to rate reduction that cannot be reduced any further. The JVS has 2 mills of fixed-rate levies that cannot be reduced any further. So, when you consider all of this, there are 27.7 mills that act like inside millage when values increase. This represents 43 percent of the total millage for tax district F19.

Speaking specifically of the village, it has 8.56 mills, 2.6 of which are inside millage and, of course, the village has no floor protection.

This is a complex issue. County Auditor David Graham has written a white paper that attempts to explain property taxes.²¹

“What if I split up my lot? How does that affect taxes?”

Short answer: Individual taxes go down, and total revenue for the village goes up.

As population density goes up within a given parcel, that parcel can house more income earners and hence more income tax providers and more utility consumers on existing community assets. The same infrastructure servicing *more people* spreads the tax burden required for maintenance over more taxpayers.

If you had a one-acre parcel, it is worth less per acre than four quarter-acre parcels would be (assuming all of the parcels are buildable). This is because there are more people in the market (normally due to cost) for a quarter-acre parcel than for a one-acre parcel. The increase in the land value because of the split would be considered a reappraisal change, which would lower the effective rate on fixed-rate levies, except for the exceptions noted above. The new houses would be new construction and would result in additional tax revenue.

²¹ Graham, David A. “Understanding Real Estate Taxes in Ohio.” *Greene County Auditor*.
<https://www.greenecountyohio.gov/DocumentCenter/View/23348/Understanding-Real-Estate-Taxes-in-Ohio?bidId=>

Some costs are fixed, some are variable, and some are *variable within a range*. Take for example, schools. Your fixed cost is your superintendent; regardless of the number of students, you will have only one. Your variable costs are school supplies for students, which are directly proportional to the number of students. And your *variable within a range* could be teachers. To maintain certain class sizes, you may or may not have to add teachers.

Remember: we're not splitting lots for fun; we're splitting them to put houses and people on.

“With new developments like Kinney and (maybe) Oberer, why do we need to worry about rezoning?”

For new residential subdivision construction generally, the cost associated with the increase in demand for services exceeds the increase in tax revenue.

A new subdivision results in more dramatic increases in all variable costs. Look at Beaver Creek Township as an example. The development occurring on the eastern portion of the township has resulted in an additional fire station and another one in the planning stage. Or consider roads: While your initial cost is low because the developer puts them in, the municipality will have to maintain them, so in 20 years, you will have *major* expenses.



Anecdotes and Reflections²²

By Louise Betcher

Outrage of Progress

For forty years now, we have watched asphalt cover up more and more favorite spots where greenery once grew. Like some malevolent volcano spewing forth pavement, it erupts all over town, turning shady glades and bosky dells into housing developments and parking lots.

Down Kieth's Alley from Glen Street, a willow tree once grew beside a round pool in a palisade-fenced corner, where the tree's pale green foliage "wept" over the fence into the alley. It was a scene straight out of a Japanese print and not what you'd expect to find in an alley behind the buildings on Route 68. When we looked for it again, we found a paved parking space for a few cars instead.

In what is now the parking lot behind King's Yard on Walnut Street, I remember a little one-story house built so low to the ground it was almost covered by the forsythia bushes that surrounded it. It didn't amount to much, but it had a certain ramshackle charm. It, too, was on an alley—the one behind a small building on Route 68 that housed the Railway Express Agency.

Alleys! I walked the route from the Old House on High Street to the grocery store (Weiss's, which became Luttrell's, which became Weaver's, [which became Tom's]) every day, and after memorizing every inch of the way, I took to the alleys, which were even more charming.

Abandoned outhouses leaned against locust trees for support, and roses grew against weathered gray barn siding. Long-stemmed pink ones (Dr. Van Vleet) climbed up the big barn on Shellhaas corner, and somewhere in the middle of the block, ivory buds opened into pure whites (Silver Moon).

I'm told that roses require a lot of care. Hah! I doubt that the roses I saw all over town in those days were dusted and pruned and mulched. They climbed ten or fifteen feet into the tall pear trees along

²² An excerpt from Betcher, Louise "Yellow Springs: Anecdotes and Reflections." *Wild Goose Press*. Yellow Springs, Ohio. 1986, 55-56.

the edge of the Fess orchard across from us on High Street—long-stemmed beauties in pink and yellow and white and red, which nobody even looked at, much less tended. Coming from the pavements of Chicago, is it any wonder I thought this was heaven? It was!

Changes came. Houses grew where roses died. Even the old Shellhaas barn had to go. Downtown, the Railway Express building and the alley behind it became King's Yard, lined with shops in what was once the Bookplate Company.

One never needs to flinch at anything designed by Read Viemeister, and we soon saw that Roger Hart, the King's Yard owner after Upland Corporation, was an artist, too. His creative landscaping of Read's original design is an asset to the town, which goes a long way toward explaining the tourists we see there on Saturday afternoons.

On the Weaver's side of the lot line, there was one expansion after another until finally the building took over the driveway that had so conveniently, and safely, encircled the building. The parking lot had long since pushed its way through to Walnut Street. All that remained to remind us that this was still not the big city was a fringe of honeysuckle bushes and some shrubby buckeye along the King property edge. We always looked for a place to park there so I could say, "How nice it is to live where one noses the car into a shrubbery to park it." I repeated these words every time, like a litany.

Then one Saturday we came down to find heavy bulldozing equipment parked in "our" spot. A digger with ugly steel teeth sat under "our" maple tree. A few Saturdays later the honeysuckle and buckeye were gone, and the blacktop extended right to the palisade fence of The Winds' little outdoor dining spot. Not one green leaf remained on the Weaver's side. We now have a heavy guard rail on the original property line—the ugliest, and most hostile, thing I have ever seen. In Yellow Springs!

Playborhood²³

By Mike Lanza

Front Porches and Stoops

Homebuilders practically ceased building front porches on homes in the latter half of the 20th century as population migrated out of middle-class urban areas in favor of new suburban tracts, with homes built for automobile access in front and leisure in back, often walled off behind fences. **On the other hand, before the end of World War II, almost all homes had front porches and stoops.**

Back then, porches and stoops were vital settings for American social life, deeply embedded in its cultural fabric. Families came out there every night after dinner to share gossip and community talk with neighbors. My mother and father, raised in ethnic urban enclaves in New York and Pittsburgh in the 1930s and '40s, hung out most evenings on their front stoops playing cards, inventing imaginative games, or just chatting with neighbors. Countless courtships, from first formal meeting to marriage proposal, occurred on front porches. In fact, a study about how courtship in the United States changed over the 20th century is titled *From Front Porch to Back Seat: Courtship in Twentieth-Century America*.

The porch was such a popular setting among Americans that four major-party presidential campaigns in the late 19th and early 20th centuries were conducted on the front porches of the candidates—James A. Garfield in 1880, Benjamin Harrison in 1888, William McKinley in 1896, and Warren Harding in 1920. In other words, the candidates did not travel the country making campaign speeches, instead addressing the press daily from their porches. Three out of four times, this strategy worked, and the front porch campaigner was elected president.

Why were Americans decades ago so enamored of porches? Researchers studying the impact of them on social life observe that

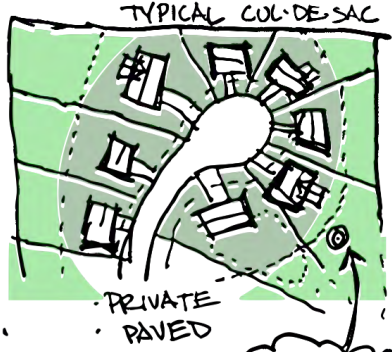
²³ An excerpt from Lanza, Mike. "Playborhood: Turn Your Neighborhood into a Place for Play." *Free Play Press*. Menlo Park, CA. 2012, 118-119.

they make certain social interactions possible. A porch provides a zone that is in between the private domain of the home and the public domain of the street, a “transitional space.” Thus, those on a porch can engage in many of the same activities that they would inside their house, but they do this in public view, so they are apt to engage in spontaneous conversations with passers-by. These social meetings can be quite casual and open-ended. Also, parents can hang out comfortably on their porch while keeping an eye on their kids playing outside in the front yard.

Front porches have been making a strong comeback in new homes in the past two decades, but a majority of homes for sale still have no porch. Plus, porches today are often attached to houses that are far from the street or sidewalk, so they are more private than public. Parents hanging out on a porch far off the street wouldn't be as able to strike up conversations with passers-by or see children outside of their own yard. In contrast, homes in New Urbanist communities like The Waters are right next to the sidewalk by design. Porches like these are best for promoting neighborhood life and can be quite an asset for families.

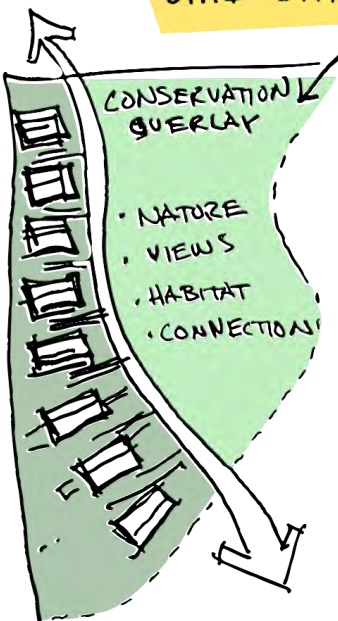
THE COMMON SENSE OF COMMON SPACE:

WHEN LAND IS DIVIDED EVENLY, EVERYONE GETS **A LITTLE MORE SPACE**, AND A FEW WILL GET A **VIEW** UNTIL THE NEXT BIT OF LAND IS DEVELOPED.



BUT WHAT IF WE THINK A LITTLE DIFFERENTLY?

SHARE THIS AREA AND REDESIGN.



LAND CAN BE SET ASIDE AS A **PART** OF DEVELOPMENT THAT BECOMES **PERMANENT** OPEN SPACE THAT EVERYONE CAN SEE AND USE.

IT BECOMES **GREATER** THAN THE SUM OF ITS PARTS. **AND:**

- JUST AS MANY HOMES GET BUILT
- PRIVATE PROPERTIES REQUIRE LESS MAINTENANCE
- HABITAT IS CONSERVED
- ACTIVE TRANSPORTATION IS MORE INVITING
- A LASTING POSITIVE IMPACT FOR PEOPLE, NATURE, AND ON THE SENSE OF PLACE IS CREATED!

Closing Words

The purposes of these proposed changes are largely to encourage mixed use, enable development on smaller lots, enable *more* development on existing properties, and make the approval process more certain. Our rule of thumb has been that if a use was popular before the 1953 zoning code, allow it again.

To rekindle the joy of Yellow Springs, we must do something uncomfortable, something *spiritual*: We must embrace uncertainty.

The awful maps of town stab like strip-mall daggers through the soul of town; the classist regulation regarding car repair and lawn care legislation are Stepford leaps towards blandness.

The street vendors, the buskers, the hustlers, and the street poets. The tiny houses, the microfarms, the madness of street fair. The uncontrolled lawns, the painted cars, the whimsy, the mystery, the *lightning*. The acceptance of the unusual, the optimistic search for *the best* in the different, the joyous spark of the *next*. *These* are the things that cause people to fall in love with Yellow Springs.

People come to Yellow Springs to see the *joy* of a progressive community. They take that joy and the idea that things can be better back to their communities. How we welcome the prospect of new neighbors shows the value our community members hold for each other and those who would be our friends.

Even if we *allow* (for example) 30-story skyscrapers, *that doesn't mean any will be built*. We're tilling and fertilizing soil. Other folks are gonna have to come along and take advantage of it. None of us zine makers have the capital to build affordable row housing or tiny duplex villages or co-op bodegas or artist dorms. The demand *and* the money must be there. *We are not in a position to profit from these changes*.

The shagbark hickory tree must grow for *70 years* to bear fruit. We do this uncertain work with passion and love for Yellow Springs. The ideas we plant today *will not bear fruit for us*—but they *might* bear fruit for our children and our grandchildren.

Strong Towns Yellow Springs

May 25, 2022

When you finish this zine, please pass it on!

"This book is no different from other books in that it is a dead thing, but you can bring it to life if you put into practice what is written in it."

Lao Tzu

Contact, comment, criticize, or request info:

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