

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

**In Council Chambers @ 5:00 P.M.**

**Wednesday, October 26, 2022**

**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, members Anthony Salmonson, Scott Osterholm and Matt Raska were present. Zoning Administrator for the Village, Denise Swinger, was also present.

**COMMUNICATIONS**

The Clerk will receive and file:

Rebecca and Dan Holihan re: Support for Variance

**REVIEW OF AGENDA**

There were no changes made.

**REVIEW OF MINUTES**

Minutes for BZA Meeting of September 14, 2022 were reviewed. Salmonson MOVED and Osterholm SECONDED a MOTION TO APPROVE THE MINUTES AS WRITTEN. The MOTION PASSED 4-0 on a ROLL CALL VOTE.

**PUBLIC HEARINGS**

**Variance Request** – R-A, Low Density Residential District – 765 Wright Street – Laura Pardo has submitted an application for a variance seeking relief from the required fence height – 1260.01 (a) (1) General Provisions. Greene County Parcel ID # F19000100050006200.

Swinger introduced the hearing as follows:

Laura Pardo is seeking a two-foot variance to allow for coverage of vehicles parked at the front of the property. The property had been flooding and it required a retaining wall to stop the water from entering the lower level of the home.

In 2018, the newly appointed Public Works Director Johnnie Burns, actively began fixing storm water issues around the village. Unbeknownst to the village, a contractor building a house at 688 Wright Street cut into the Village’s storm drain making it ineffective to shed water into our storm sewer system. The Public Works Director suspects this drain was broken in 1997.

The applicant has a storm outlet on her property that drains to the other side of the street. Prior to repair, when it rained water would back up onto her property because of the broken storm drain. Once the village crew located the broken pipe, they were able to fix it.

Reed received clarification from Swinger regarding minimum distance from street to fence for a front yard. Swinger stated that a fence must be one foot from a sidewalk, but there is no minimum from the street (Denise?).

Rahul Rao stated that the wall/fence is located “at least eight feet from the street to its closest point.”

Osterholm asked whether the applicants were aware of the limit to front yard fence height when they began erecting the fence.

Laura Pardo stated that Swinger had communicated with her regarding the fence as it was being built, and she stopped working on the fence once she received the information that a variance would have to be sought.

Reed OPENED THE PUBLIC HEARING. There being none present wishing to comment, Reed CLOSED THE PUBLIC HEARING.

Reed commented that he had noticed a home on the corner of Wright and South College Streets with a front yard fence height of more than four feet, and asked whether Swinger was aware of a variance having been issued for that fence.

Swinger stated that she was unaware of the particulars regarding that fence, since it predated her role as Zoning Administrator.

The Clerk then 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; Reed: Y
- (2) Whether the variance is substantial; Salmonson: N; Osterholm: N; Raska: 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; Salmonson: N; Osterholm: N; Raska: 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; Salmonson: N; Osterholm: N; Raska: N; Reed: N.
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Salmonson: Y; Osterholm: N; Raska: N; Reed: 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; Reed: Y
- (7) Whether the existing conditions from which a variance is being sought were self-created; Salmonson: Y; Osterholm: Y; Raska: Y; Reed: Y
- (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Salmonson: Y; Osterholm: Y; Raska: Y; Reed: Y

Salmonson MOVED to APPROVE the variance as requested. Raska SECONDED.

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

#### **AGENDA PLANNING**

There were no items for consideration.

#### **ADJOURNMENT**

There being no further business, Raska MOVED and Salmonson SECONDED a MOTION to adjourn. The MOTION PASSED 4-0 on a voice vote. Meeting ADJOURNED at 5:22PM.

---

Matt Reed, Acting Chair

---

Attest: Judy Kintner, Clerk