

VILLAGE OF YELLOW SPRINGS
BOARD OF ZONING APPEALS
MEETING AGENDA

The Village of Yellow Springs Board of Zoning Appeals will convene on
Wednesday, August 14, 2024 at 5:30 PM.

You may 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, August 8, 2024 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, August 9, 2024.** Questions regarding the application, zoning code or procedures may be directed to the Zoning Administrator Meg Leatherman, phone (937) 767-1702 or by email to mleatherman@yso.com.

5:30 CALL TO ORDER

ROLL CALL

REVIEW OF AGENDA

COMMUNICATIONS

REVIEW OF MINUTES

Review of Minutes for May 15, 2024.

PUBLIC HEARINGS

Variance Request– Central Business District (B-1) – 247 Xenia Ave., Caleab Wyant, on behalf of Hoover Rentals LLC, has submitted an application for a variance seeking relief from Chapter 1266.03(h), for allowance of a marquee sign structure of 200 square feet, with projection from the building of 8 feet, and total sign area of 79.1 square feet. **Greene County Parcel ID # F19000100100000500.**

Variance Request– Medium Density Residential District (R-B) –716 S. High St., Nadia Malarkey, on behalf of Mike Chambers and Ralita Sue Hildebrand, has submitted an application for a variance seeking relief from Chapter 1260.01(a)(1) for fence height. **Greene County Parcel ID # F19000100080001000.**

AGENDA PLANNING

ADJOURNMENT

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

In Council Chambers @ 5:30 P.M.

Wednesday, May 15, 2024

CALL TO ORDER

The meeting was called to order at 5:30 p.m. by Anthony Salmonson, Chair.

ROLL CALL

Anthony Salmonson, Chair, members Matt Reed, Scott Osterholm and Matt Raska were present. Zoning Administrator for the Village, Meg Leatherman, was also present.

COMMUNICATIONS

There were no Communications.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes for BZA Meeting of March 20, 2024 were reviewed. Reed MOVED and Osterholm SECONDED a MOTION TO APPROVE THE MINUTES AS WRITTEN. The MOTION PASSED 4-0 on a VOICE VOTE.

PUBLIC HEARINGS

Variance Request– Medium Density Residential District (R-B), Gateway Overlay – 101 Cemetery St., Sam Durham, on behalf of Lisa Smale, has submitted an application for a variance seeking relief from Chapter 1260.01(a)(1), for allowance of a fence height of six (6) feet in the front yard. Greene County Parcel ID # F19000100130000200.

Leatherman introduced the hearing as follows: The property owner is requesting permission to construct a six foot fence--two foot variance--along Xenia Avenue to reduce noise levels and provide a visual barrier to the highway

Fences in residential zones are allowed to be up to six feet in height, except in the front yard where they are limited to four feet (VC 1260.01(a)(1)). Since the property has frontage along Xenia Avenue and Cemetery Street it is considered a corner lot, and the code requires that corner lots have two front yards. Approval of a variance is required for the portion of the fence exceeding four feet along Xenia Avenue.

Leatherman noted the location, which abuts State Route 68 at a traffic light, resulting in a high noise level from traffic.

Leatherman stated that she has spoken to the Village Manager, who is requesting a five-foot setback from the sidewalk to the fence along Xenia Avenue as a condition should BZA vote to permit the variance. Leatherman stated that she recommends approval of the variance with the requested condition.

Village Manager Burns addressed BZA, noting that the intersection of US 68, SR 343 and Cemetery Street presents safety concerns, and has been the site of several serious collisions. Burns commented that a previous Zoning Administrator had improperly permitted a six-foot fence along US 68 which is currently in place on a property across the street from Smale.

Burns noted that the trees on the Smale property add to the visual impediment, as does the incline of the yard.

Smale confirmed that she has no plans to remove any of the existing trees, but stated that she did plan to remove the bushes, which she believes are as great or greater a visual impediment as a fence might be.

Burns and BZA reviewed the diagram submitted by Smale and Durham.

BZA discussed whether a cutout or a gradually fence increasing in height would resolve the issue.

Smale confirmed that the fence would be solid.

Burns commented that the Village has utility underground at that corner and will be marking those areas in the next several weeks.

Burns noted that ODOT has an issue with the fence located across the highway due to the number of incidents related to reduced sightline.

Burns requested a ten-minute break to drive the street and refresh his memory.

The Clerk suggested that if all parties were agreeable to a pause, BZA could hear the second variance and then return to the 101 Cemetery Street variance. It was so decided.

Variance Request– Medium Density Residential District (R-B), 410 N High St., Darren Gilley has submitted an application for a variance seeking relief from Chapter 1248.03(b), Table 1248.03(b), seeking relief to side yard setbacks. Greene County Parcel ID #F19000100010005100, F19000100010005200, F19000100010005300.

Leatherman introduced the hearing, noting that Gilley wishes to construct a pre-fabricated structure with a footprint of 40'x40' and with two-stories and a total livable area of approximately 2,400 square feet. An existing single-family home is situated across two adjoining lots also owned by Gilley.

The property is located on the corner of Pleasant and North. High Streets. The code (1284.06) requires that corner lots have two front lot lines, necessitating a 20' setback from each street. The applicant is requesting a 5' setback along Pleasant Street for a variance of 15 feet.

The improved portion of Pleasant Street. ends at North High, and the Pleasant Street right-of-way extends beyond High Street to the west as gravel. The gravel portion is not part of the Village street system and is not maintained by the Village. Two homes use this gravel section as their primary access point. The Village has no future plans to improve this section of Pleasant Street. since it extends into an enclave of un-annexed property.

Leatherman noted that two homes use the gravel portion of the street as access to their homes.

Responding to a question from Reed, Leatherman stated that the lot is buildable even without the variance.

Darren Gilley stated that the lot is less usable without the variance, since it would result in a narrow home with a large yard. He responded to a question from Raska, stating that he has considered that the new home could be sold at a later point if it is situated entirely upon the separate lot.

Gilley expressed awareness of the need for separate utility tap ins.

Salmonson OPENED THE PUBLIC HEARING.

Mitch George, a neighbor, received confirmation that access points have not yet been determined. He also received confirmation that Gilley does not intend to remove any trees in the process.

Salmonson CLOSED THE PUBLIC HEARING.

BZA briefly discussed the extent of the Right-of-Way.

Leatherman confirmed that the ROW is 50 feet.

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; Raska: N; Reed: Y; Osterholm: N
- (2) Whether the variance is substantial; Salmonson: N; Raska: N; Reed: N; Osterholm: Y
- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance; Salmonson: N; Raska: N; Reed: N; Osterholm: 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; Raska: N; Reed: N; Osterholm: N
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Salmonson: N; Raska: N; Reed: N; Osterholm: N

- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; Salmonson: Y; Raska: N; Reed: Y; Osterholm: N
- (7) Whether the existing conditions from which a variance is being sought were self-created; Salmonson: Y; Raska: Y; Reed: Y; Osterholm: Y
- (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Salmonson: Y; Raska: Y; Reed: Y; Osterholm: Y

Reed MOVED to APPROVE the variance of 15 feet along Pleasant Street as requested. Raska SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

RESUMPTION OF PUBLIC HEARING FOR 101 CEMETERY STREET

Burns addressed BZA, stating that he had driven the area to check sight lines. He stated that he called the Electric Superintendent to get his opinion as well. Burns expressed that even if the permitted four foot fence is erected it will cause a safety issue, in his opinion. A six-foot fence would be out of the question, he stated.

Salmonson asked about utility location, and Burns responded that location will take place in the next several weeks and could interfere with the existing fencing.

Burns conveyed his sympathy for the homeowner’s predicament, but reiterated his concern for safety at that intersection.

Reed asked about several options using varying heights.

Reed asked whether the hearing could be continued in order to give time for the petitioner to meet with Burns to look at possible options.

The Clerk suggested that the petitioners meet with staff to see whether the issue can be resolved without a variance. Should a variance be needed, she commented, BZA would still have a clear understanding of the issues at hand.

BZA did not vote on the request, given that it was being withdrawn in favor of finding an alternative.

Salmonson received assurance that no additional fees would be charged for a re-submitted variance, since the process was suggested by staff.

AGENDA PLANNING

There were no items on the schedule.

ADJOURNMENT

There being no further business, Reed MOVED and Raska SECONDED a MOTION to adjourn. The MOTION PASSED 4-0 on a voice vote. Meeting ADJOURNED at 6:15PM.

Anthony Salmonson, Chair

Attest: Judy Kintner, Clerk

TO: Board of Zoning Appeals
FROM: Meg Leatherman, Planning & Zoning Administrator
REPORT DATE: August 6, 2024
MEETING DATE: Wednesday, August 14, 2024
RE: **BZA04-2024 – Variance to–247 Xenia Ave. – Caleab Wyant**

SUMMARY

Caleab Wyant, applicant, on behalf of Hoover Rentals, LLC, property owner, submitted a Variance application (Exhibit A) seeking relief from Chapter 1266.03(h) for allowance of a marquee sign structure with three (3) signs, projecting from the building nine (9) feet and a total sign area of 69.7 Square feet. The property is located at 247 Xenia Ave. in the Central Business District (B-1).

This variance request has three components:

- 1- Variance request of three (3) feet, to allow the marquee structure to project out from the building wall nine (9) feet;
- 2- Variance request for the number of signs per street frontage of two (2) signs, to allow for a total of three (3) signs;
- 3- Variance request of 21.7 square feet to allow a total sign area of 69.7 square feet.

The building opened as a theatre in 1929 and the first film screening was in February 1930. The exact time that the marquee was installed is unknown, but the earliest photos date back to the mid-1940's (Exhibit F). The marquee sign structure and dimensions have not changed through the years, but the materials and language placed on the marquee structure have changed several times- see Exhibit F. The proposal includes removal of the entirety of the existing marquee structure due to concerns with the structural integrity. The new design is inspired by past versions, with an art deco theme (Exhibit A).



The proposal includes a total of three signs. The front sign, placed on the face of the marquee structure parallel to Xenia Ave, reads “Little Art Theatre” and is 36.1 square feet. The letters would be painted on. In addition, there would be one sign on the face of each end, perpendicular to the building, each one measuring 16.8 square feet. These would be Electronic Message Center (EMC) signs and the language would periodically change based on the shows and events being offered. The total size of the face of the marquee structure is 172.3 square



feet, with red LED striping and art deco artwork along the top. The top art deco artwork would be face-lit digital print, in an aluminum cabinet.

Marquee signs are defined in the Zoning Code as “A sign that is part of or attached to a permanent roof-like structure or canopy of rigid materials supported by and extending from the building front.”

1266.03 Permitted Signs (h) Type H: Marquee sign

Number	One per business
Size	48 square feet maximum
Location	Projecting out from building wall not more than six feet
Height	A clearance of at least eight feet is required between the sidewalk and the bottom of the sign
Other	Flashing lights are not permitted

The code allows internally illuminated signs in the B-1 zone, if they are not within fifty (50) feet from a residential district (VC 1266.02(c)(3)). This property is not within fifty (50) feet of a residential district. Changeable messages are allowed, as long as the message is static and is not changed more than once in any twelve-hour period (1266.02(a)(10)). It is important to note that the code does not allow any moving or animated parts including lighting, nor have the appearance of having moving or animated parts, except for time and temperature signs (VC 1266.02(c)(2)).

The marquee structure will allow for a clearance of 8’6” between the sidewalk and bottom of the sign.



Vicinity Map

PROJECT DESCRIPTION

ZONING DISTRICT: Central Business District (B-1)

APPLICANT: Caleab Wyant

PROPERTY OWNER: Hoover Rentals, LLC

REQUESTED ACTION: BZA04-2024 – Variance to Chapter 1266.03(h) for allowance of a marquee sign with projection from the building of nine (9) feet and total of three (3) signs with sign area of seventy-nine and one tenth (79.1) square feet

PARCEL ID: F19000100100000500

PUBLIC NOTICE: Adjoining property owners were mailed a notice on July 29, 2024 (Exhibit B), signs were posted on the property on August 2, 2024 (Exhibit C), and a notice was published in the online paper on July 31, 2024 and paper on August 2, 2024 (Exhibit D).

APPLICABLE CODE & STAFF FINDINGS

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.

Finding: The proposal has practical difficulties so inequitable as to justify a variance for several reasons. The structural integrity of the existing marquee is compromised and is unsafe to remain. The existing marquee has been in place for decades and the new marquee would be the same size, except it will extend out nine (9) feet versus ten (10) feet from the building. The marquee has community value and creates a sense of place and familiarity to Yellow Springs. The Electronic Message Center signs are needed for practical display of show/event times. Currently, the sign language must be changed out physically by a staff member climbing up a ladder to reach the marquee. The proposal has practical difficulties so inequitable as to justify a variance for several reasons. The property has

RECOMMENDATION

The Board shall consider the application (Exhibit A) with the requirements outlined in Section 1278.04. Staff recommends **APPROVAL**.

Sincerely,

A handwritten signature in black ink that reads "Meg Leatherman".

Meg Leatherman
Planning & Zoning Administrator
Economic Sustainability Liaison
Village of Yellow Springs



EXHIBIT LIST:

Exhibit A – Application

Exhibit B – Neighbor Notice

Exhibit C – Yard Sign Posting

Exhibit D – YS News Public Notice

Exhibit E – Historic Photos



Board of Zoning Appeals
Public Hearing Request:
Variance

Planning & Zoning Department
100 Dayton St, 2nd Floor
Yellow Springs, OH 45387
(937) 767-1702

Case #: BZ2404-2024
Hearing Date: Aug 14, 2024

Applicant Information

Table with applicant details: Property Address (247 Xenia Ave), Property Owner (Rodney Hoover), Mailing Address (247 Xenia Ave), Applicant Name (Careab Myant), Applicant Address (140 Cemetery St).

Project Information

I am requesting a variance on the dimensional requirement as outlined in (cite Zoning code section): Type II: Marquee sign

Description: Replace the existing marquee with an updated version for contemporary structural integrity, along with a classic Art Deco aesthetic.

Dimensions of Project & Total measurement of Variance requested: Length - 22' 2", depth - 9', height - 4' 8" (8' 6" above sidewalk) Square ft - 200

Site Plan Attached: [checked] Stormwater Mitigation Plan Attached: [unchecked]

I understand that approval of this application does not constitute 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, the undersigned do hereby certify that I am the applicant, and the information and statements given on this application, drawings, and specifications are to the best of my/our knowledge, true and correct.

I hereby certify, under penalty of perjury, that all the information provided on this application is true and correct.

Applicant Signature: [Signature] Date: 7-12-2024

Table for office use only: Zoning Fee (\$200.00), Payment Type (Check), Zoning District (B-1), Total (\$200.00), Zoning Official Name and Title, Date.

pd-ES



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**-Public Notice-
PUBLIC HEARING**

VILLAGE OF YELLOW SPRINGS BOARD OF ZONING APPEALS

Notice is hereby given that:

1. **Variance Request**– Central Business District (B-1) – 247 Xenia Ave., Caleb Wyant, on behalf of Hoover Rentals LLC, has submitted an application for a variance seeking relief from Chapter 1266.03(h), for allowance of a marquee sign structure of 200 square feet, with projection from the building of 8 feet, and total sign area of 79.1 square feet. **Greene County Parcel ID # F19000100100000500**



A PUBLIC HEARING WILL BE HELD ON THIS PETITION BY THE VILLAGE OF YELLOW SPRINGS BOARD OF ZONING APPEALS ON:

DATE: Wednesday, August 14th, 2024 TIME: 5:30 p.m.

**LOCATION: John Bryan Center, Second Floor – Council Chambers
100 Dayton St.**

This notice provides you and every other interested party the opportunity to have input at the hearing. You may express your views in writing for inclusion in the record of the hearing by providing a copy to the Clerk of Council at clerk@yso.com, or by calling 937-767-9126. Please submit your letter by no later than **Thursday, August 8th, 2024 for inclusion in the Commission packet: however, all letters received any time prior to the hearing will be provided to the Commission members and the Zoning Administrator.** The applications, as prepared by the petitioners, 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 or on the Village website at www.yso.com after Friday, August 9th, 2024. Questions regarding the applications, zoning code or procedures may be directed to the Zoning Administrator Meg Leatherman, phone (937) 767-1702 or by email to mleatherman@yso.com.

LOCAL MUSIC

Brandebery Winery
5118 W. Jackson Road, Mad River Township
Steven Worley will perform Friday, Aug. 2, 5:30-8:30 p.m.; 732 Electric Duo will play Saturday, Aug. 3, 6-9 p.m.; and Bettina Solas is scheduled Sunday, Aug. 4, 1-4 p.m.
The following weekend, Gina G will play Friday, Aug. 9, 5:30-8:30 p.m.; Barline will perform Saturday, Aug. 10, 6-9 p.m.; and Jonathan Hamilton is on the bill Sunday, Aug. 11, 1-4 p.m.

Clifton Opera House
5 Clay St., Clifton
Most Friday nights that a concert isn't scheduled, a bluegrass jam takes place 6-8 p.m.; the gatherings are free to play and free to listen.
Multi-genre Willow Creek takes the historic opera house stage Saturday, Aug. 3; and all-women bluegrass band Lafferty will perform in concert Saturday, Aug. 10.
Concerts start at 7 p.m., with the doors opening at 6:30 p.m. Suggested admission cost is \$10, unless otherwise stated.

Dayton Street Gulch
128 Dayton St., Yellow Springs
Local hip-hop artist Kyle Harewood, aka X the Detective, hosts "What It Do Wednesdays" every Wednesday night, 9 p.m.-1 a.m. Participants may share the mic to freestyle over beats made by Harewood.

Emporium Wines & Underdog Cafe
233 Xenia Ave., Yellow Springs
The Emporium's Friday Night wine tasting and music showcase Aug. 2 will feature Maria Keck. The following week, Aug. 9, Kyle Eldridge will perform. Doors open at 6:30 p.m. and music starts at 7. The event concludes at 10 p.m. A \$5 admission fee goes to the night's performers.
Each Wednesday, noon-2 p.m., the cafe hosts live jazz.

Peach's Grill
104 Xenia Ave., Yellow Springs
An open mic, hosted by Kyleen Downes, takes place each Tuesday, 8-11 p.m.



PHOTO BY REILLY DIXON

Local hardcore trio Red Cap Society brought scores of area punks out of the gutter on Saturday, July 27 to headbang the band's album release show at Peach's Grill.

Trail Town Brewing
101 Corry St., Yellow Springs
SugRRock will perform Friday, Aug. 2, 7:30-9 p.m. The same weekend, the bands GSMO, Killing Time and Wes Goody and the Miller Boys will celebrate the music of the Grateful Dead during the "Days Between

Jamboree," Sunday, Aug. 4, 1-5 p.m.
The venue continues to host Sharon Lane and Danny Sauers each Thursday evening, with a variety of guest performers also playing a set. Music starts at 7:30 p.m.
Fya & Sol Band will perform Friday, Aug. 9, 7-9 p.m.

ART AROUND TOWN

Upcoming events
• "Come Home," a collection of paintings by Urbana-based artist Shauna Schramke, is the new exhibition at YS Arts Council's Baldwin Gallery, 111 Corry St. An artist reception will celebrate the opening Friday, Aug. 2, 6-9 p.m.
Schramke's work has been included in juried shows in Columbus, Dayton and Springfield.
The YSAC show will be on view through Sept. 1. Gallery hours are 1-4 p.m. Thursday-Sunday.
• The 40th annual Art on the Lawn festival, a juried fine arts and crafts festival sponsored by Village Artisans and featuring nearly 100 vendors, will be Saturday, Aug. 10, 10 a.m.-5 p.m.
This year's event will be at a new location, as construction activities make the traditional site, on the grounds of Mills Lawn School, unavailable. The 2024 festival will be held on the large lot at the corner of East North College Street and Livermore Avenue, the designated home of the future YS Senior Center.
The event also includes music performances and food vendors. Admission is free.

• The YS Senior Center is presenting "Retrospective (with Recent Additions)," by Susan Wolf, through Aug. 30, in the Fireplace Room; a reception with the artist is planned Friday, Aug. 16, 4-6 p.m.
Wolf is a lifelong artist and teacher. She was trained as a painter and has worked with a range of media and subjects. She taught art at the Antioch School in Yellow Springs and Possum Elementary and Middle School in Clark County.
Wolf mostly works on defined projects. Included in this exhibit are pieces from two of those projects. One was an exhibit documenting her art teaching years, including portraits of children with their art. Also represented are painted versions of cat illustrations from her book project, "Some Cats!"
Volunteering at the Yellow Springs Senior Center as ukulele teacher has become Wolf's primary role in retirement and has inspired an interest in drawing people playing ukuleles, which also will be represented in the show.
The show can be viewed during the Center's open hours of Monday-Friday, 9:30 a.m.-4 p.m., unless there is a class in the Fireplace Room at the time.
• The art of Antioch Publishing Company will be the topic of a presentation by the YS Historical Society on Sunday, Aug. 18, at 2 p.m., at the YS Senior Center. "It Started with Bookplates ..." is the title of the talk.

Ongoing displays
• "Fungi Fantasy/Looking," an installation by multimedia artists Kathi Seidl and Beth Holyoke, is on view at Glen Helen's Vernet Ecological Center.
• Upstairs at the Herndon, located at Herndon Gallery on the Antioch College campus, is presenting the collected works of Jack Merrill through Saturday, Aug. 10. The gallery's summer hours are 1-5 p.m. Thursday-Saturday.
• Abstract realism paintings and mixed-media work by Rick Kronk is on view through Sunday, Aug. 18, at YS Brewery Taproom, 305 N. Walnut St., as part of the venue's ongoing Art + Ales series.
• Three original art pieces from the archives of Antioch Publishing Company are on display at Yellow Springs Community Credit Union through the end of August.
On view are: "Seedling," by Gilbert Wilson; "Night Riders," by Art Young; and "Kids Playing," by Tom Till.
• Emporium Wines & Underdog Cafe is currently featuring a display of interdisciplinary work by Alice Miller, a Yellow Springs-based artist and member of Emporium's staff. The exhibit will be on view through August.
• "Birds of a Feather" is the title and theme of a new exhibit at Village Artisans' Lobby Gallery, 100 Corry St., on view through Sept. 10.
A Village Artisans member who raises guinea fowl shared feathers the birds had shed with other cooperative members, some of whom incorporated the feathers into pieces in the show.
Gallery hours are 11 a.m.-5 p.m. Monday-Thursday 11 a.m.-6 p.m. Friday-Saturday and noon-5 p.m. Sunday. For more information, call 937-767-1209 or go to villageartisans.blogspot.com.

Call for artists
YS Uproar is planning to host a "liberation gala" Sept. 8 at the Winds Cafe. The event will include a liberation-themed art exhibit, an educational film screening, activist lectures and a silent auction, as the group spotlights the suffering of Palestinians and extends a call to action to end the killing in Gaza.
Artists are invited to send an email to ysuproar@gmail.com that includes the artist's name, an artist statement, pricing information — if the work is for sale — and a photo of the artwork. Any form of original art, except multimedia, will be considered. The deadline is Sept. 1.
Event organizers write: "Collective liberation is a goal we won't stop fighting for. At liberation's foundation is a history of brutal

oppression, human suffering and the abuse of power. Liberation at its core exudes hope, unity and resilience. We ask that any art submitted depicts at least one of these points."
The event will help fund a fall Greater Midwest Liberation "End Genocide" rally, a Connecting Voices Education Series, an Uproar activists workshop, direct action bail funds and YS Uproar public events.

YS Hardware

CONTINUED FROM THE FRONT PAGE

"We checked in to the way we were doing things to make sure we were doing them correctly, and the Village was very receptive to what we were up to and very helpful in understanding what the limits are to what we can do with the space and how to use it," he said. "While you're trying to figure out how to do things, there's always some anxiety and stress around learning what the rules are and who gets to make the decisions. But it all worked out in a positive way."
Badger added: "We're very lucky to have landlords who are willing to support us. Kim Baldwin has been very easy to communicate with and very easy to work out the different crazy ideas that we have and make sure we're all on the same page."
An *Improvised Comedy Show with Justin Howard, Andrea Fantacone, Mike Czarnecki and Dan Badger will be held at the YS Hardware store Friday, Aug. 2, at 8 p.m. Tickets are \$20.*
More events are in the works for the month of August and beyond. For more information on upcoming activities, see the "Community Calendar" on page 2 of the News or the Yellow Springs Hardware Facebook page. Tickets for all activities are available in-person at the store or over the phone at 937-767-7451.
Contact: ysnews@ysnews.com

*The author is a student at Antioch College and a freelance reporter for the News.

THE HARDWARE STORE Sessions

IMPROVISED COMEDY SHOW

featuring

- JUSTIN HOWARD
- ANDREA FANTACONE
- MIKE CZARNECKI
- DAN BADGER

FRI., 8/2, 8 p.m.

TICKETS: \$20
available in person at the Hardware Store or by phone, 937-767-7451.

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SUNDAY, AUGUST 4

Informal Discussion
Based On
"SOCRATES CAFE"

10:30 a.m. SUNDAY SERVICE
Building rental available, with air conditioning and geothermal heat.

THE FOUNDRY THEATER PRESENTS

Next Up...
@The Foundry Theater

AUG 10 5PM **FIRST SHOW of the SEASON!**

ΤΕΚΣ:ΤΕΚΣ
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YELLOW SPRINGS, OH

91.3 **wyso**

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Receive **30% OFF** Regular Price and Sale items!

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EST. 2023

TWEEDLE D'S

Celebrate Community

10% OFF for community members* ALL WEEKEND
Sale ends Sunday at 6 pm!

*Walk-ins only, not valid for online purchases, so come on down to the store!

255 XENIA AVE. | 937.471.4420

HOURS: SU-TH 11-6 | FR 11-7 | SA 10-8

www.gettweed.com [tweedle_ds](https://www.instagram.com/tweedle_ds) [tweedleD's](https://www.facebook.com/tweedleD's)

— Public Notice —

PUBLIC HEARING

VILLAGE OF YELLOW SPRINGS BOARD OF ZONING APPEALS

1. **Variance Request — Central Business District (B-1) —** 247 Xenia Ave., Caleb Wyant, on behalf of Hoover Rentals LLC, has submitted an application for a variance seeking relief from Chapter 1266.03(h), for allowance of a marquee sign structure of 200 square feet, with projection from the building of 8 feet, and total sign area of 79.1 square feet. **Greene County Parcel ID # F19000100100000500.**

2. **Variance Request — Medium Density Residential District (R-B) —** 716 S. High St., Nadia Malarkey, on behalf of Chambers Justice III & Ralita Sue Hildebrand, has submitted an application for a variance seeking relief from Chapter 1260.01(a)(1) for fence height. **Greene County Parcel ID # F19000100080001000.**

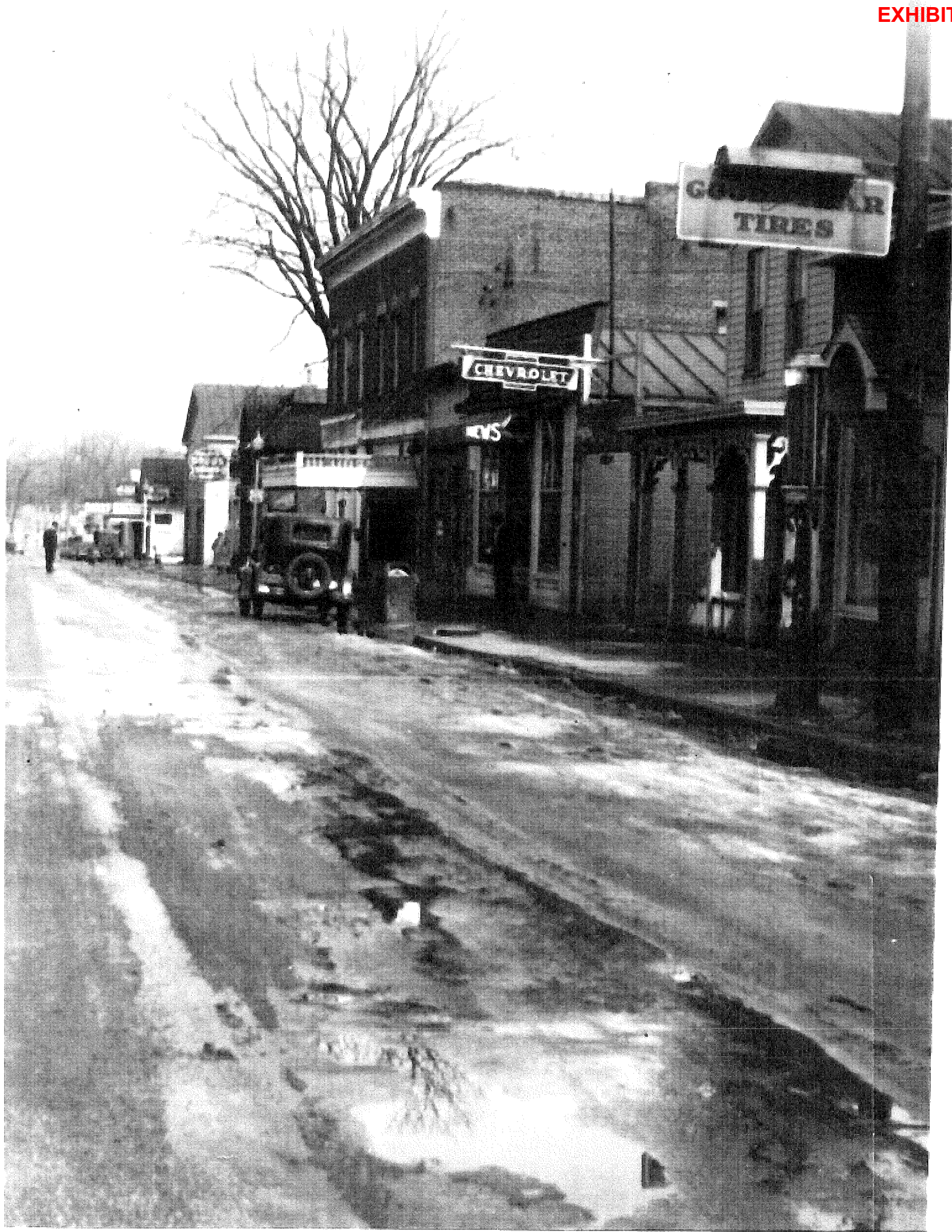
A PUBLIC HEARING WILL BE HELD ON THIS PETITION BY THE VILLAGE OF YELLOW SPRINGS BOARD OF ZONING APPEALS ON:

DATE: Wednesday, August 14, 2024 TIME: 5:30 p.m.
LOCATION: John Bryan Center, Second Floor – Council Chambers, 100 Dayton St.

This notice provides you and every other interested party the opportunity to have input at the hearing. 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.

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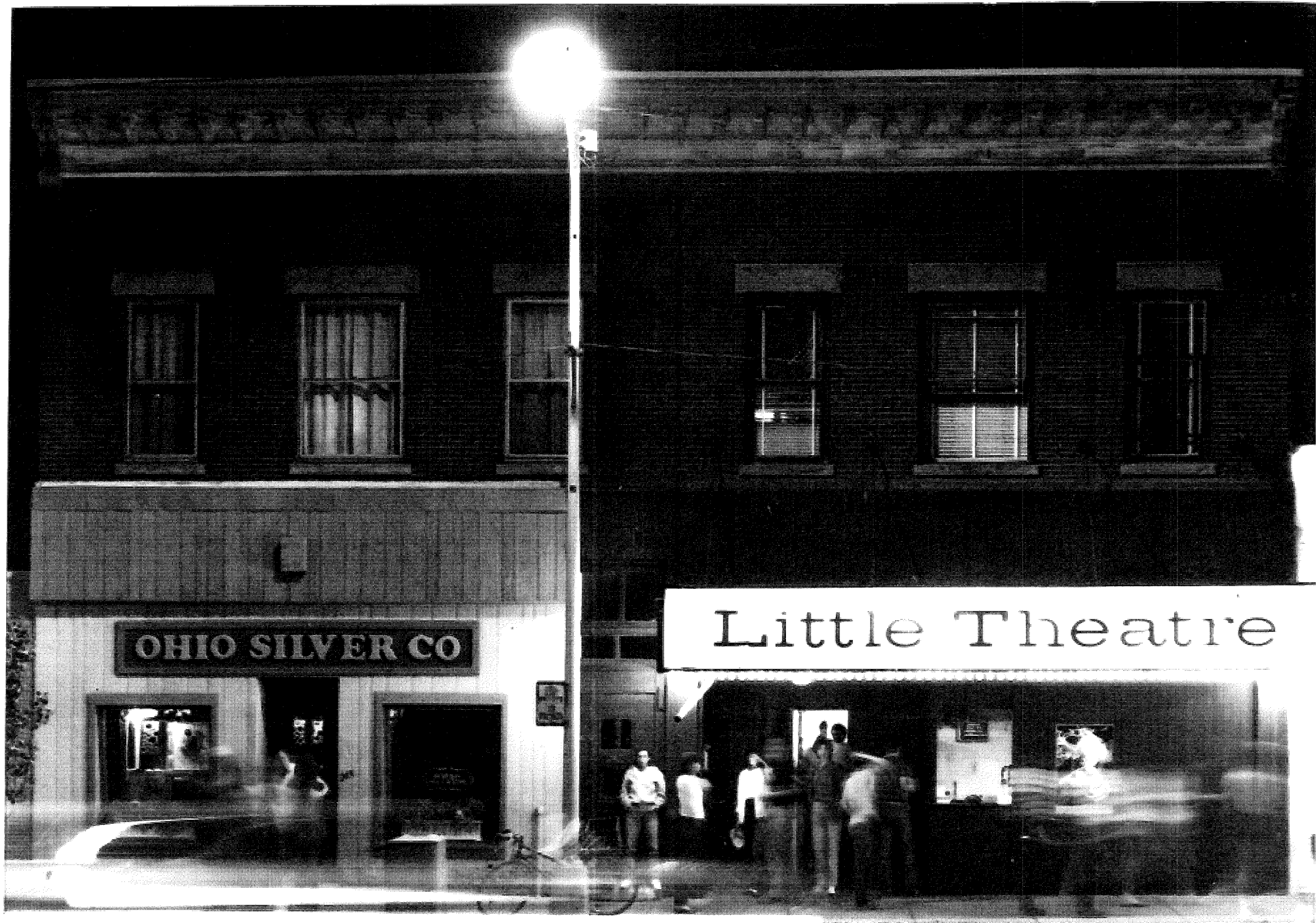
—Meg Leatherman, Zoning Administrator





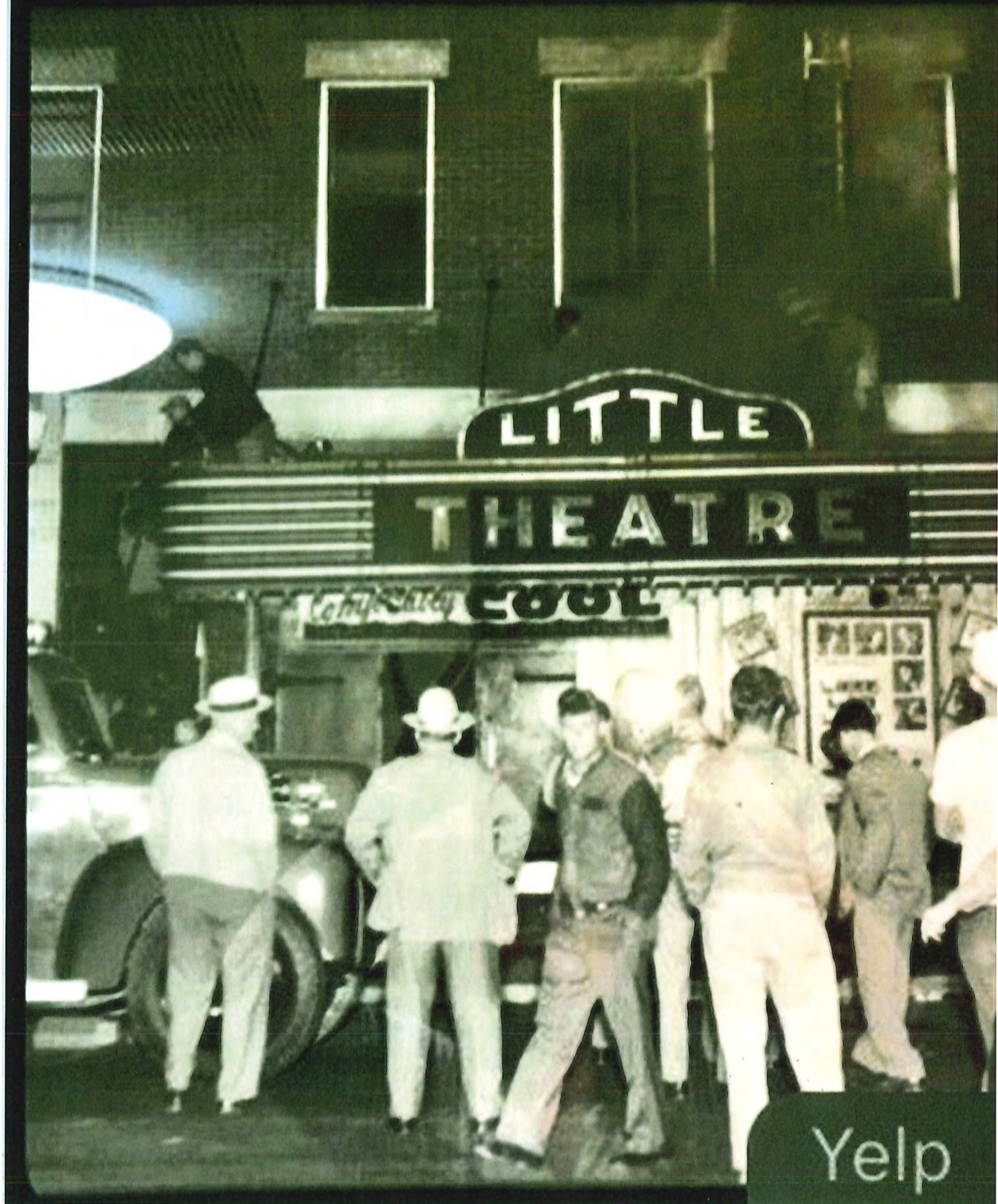
Meg - this is a photo you don't have yet 😊
- Sarah 931-360-4082





OHIO SILVER CO

Little Theatre



TO: Board of Zoning Appeals
FROM: Meg Leatherman, Planning & Zoning Administrator
REPORT DATE: August 6, 2024
MEETING DATE: Wednesday, August 14, 2024
SUBJECT: **BZA05-2024 – Variance to Fence Height –716 S. High St. – Nadia Malarkey**

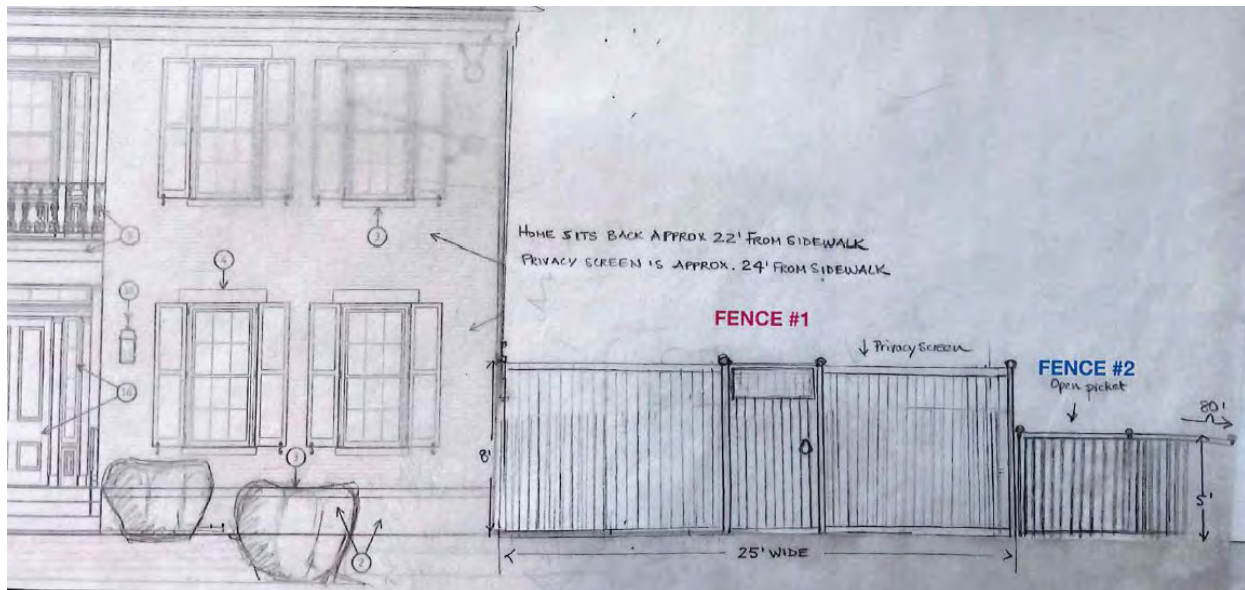
SUMMARY

Nadia Malarkey, applicant, on behalf of Mike and Sue Chambers property owner, submitted a Variance application (Exhibit A) seeking relief from Chapter 1260.01(a)(1) & 1260.01(a)(4), for allowance of a fence height of eight (8) feet in the side yard and for allowance of a fence height of five (5) feet in the front yard. The property is located at 716 S. High St. in the Medium Density Residential (R-B) District.

This variance request has two components:

- 1) Variance request of two (2) feet, to allow an eight (8) foot fence in the side yard;
- 2) Variance request of one (1) foot, to allow a five (5) foot fence in the front yard.

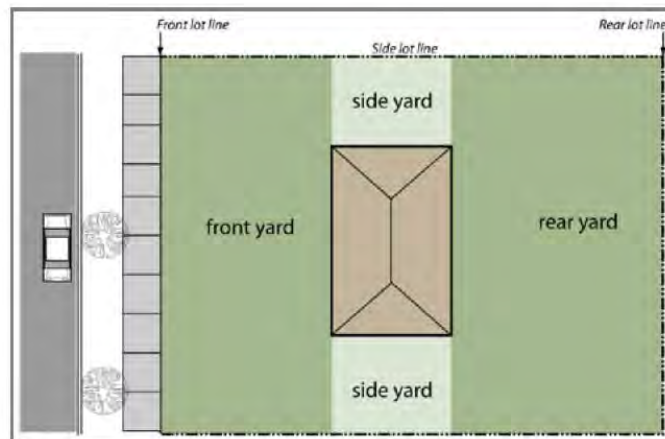
The home was originally constructed in 1900 and was purchased by the present owners in 2017. Since 2022 the owners have renovated the existing building, added rooms, a screened-in porch and deck. They are close to completing the interior work and are now focusing on the exterior landscaping. A fence is needed to secure pets and for privacy.

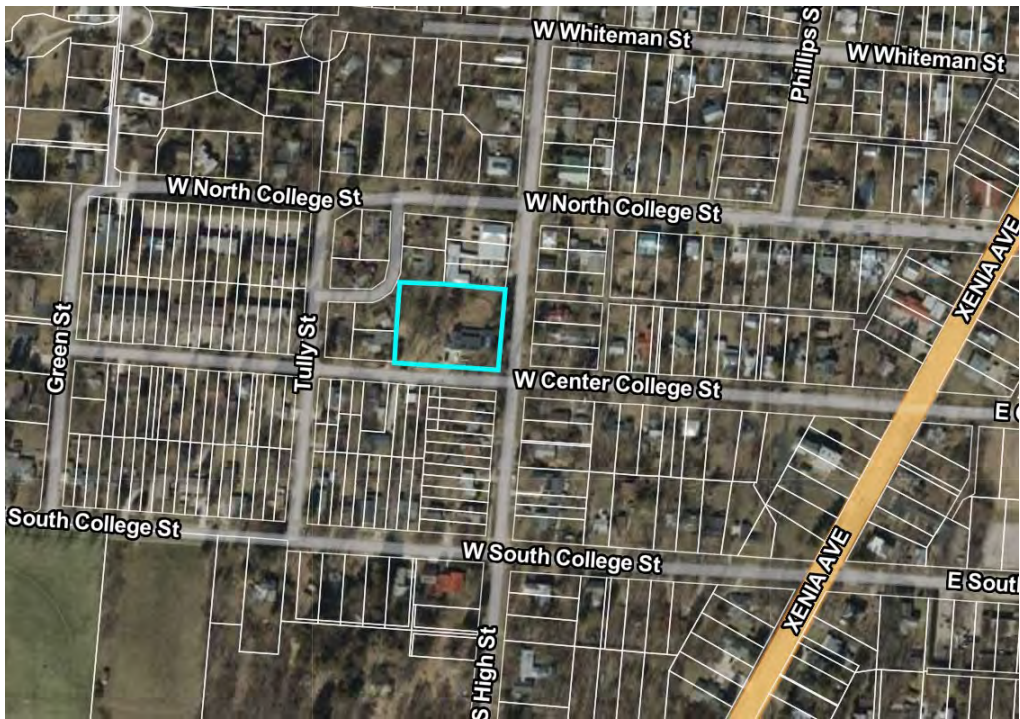


Fences in residential zones are allowed to be up to six (6) feet in height in side yards (VC 1260.01(a)(4)). The applicant requests an eight (8) foot fence for a length of 25 ft in the side yard. The fence would be attached to northeast corner of the home and run perpendicular to the home.

Fences in front yards must not exceed four (4) feet (VC 1260.01(a)(1)). The applicant requests a five (5) foot fence in the front yard for 80 ft. The fence would attach to the end of the eight (8) foot fence and run north for 80 feet all the way to the north property line. The application material has a site plan to display the request (Exhibit A).

The distinction between front and side yards is clarified through the definition chapter of the Village Zoning Code (VC 1284.11). A front yard is defined as “The space extending the full width of the lot between the nearest edge of a building and the front lot line.” A side yard is defined as “An open space extending from the front yard to the rear yard between the nearest edge of a building and the nearest side lot line.”





Vicinity Map

PROJECT DESCRIPTION

ZONING DISTRICT: Medium Density Residential (R-B)

APPLICANT: Nadia Malarkey

PROPERTY OWNER: Mike & Ralita Chambers

REQUESTED ACTION: BZA05-2024 – Variance to fence height

PARCEL ID: F19000100080001000

PUBLIC NOTICE: Adjoining property owners were mailed a notice on July 29, 2024 (Exhibit B), signs were posted on the property on August 2, 2024 (Exhibit C), and a notice was published in the online paper on July 31, 2024 and paper on August 2, 2024 (Exhibit D).

APPLICABLE CODE & STAFF FINDINGS

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.

Finding: The proposal has practical difficulties so inequitable as to justify a variance for several reasons. The home is configured so that the outdoor seating area is located on the side of the home rather than the rear. This makes the deck and fire pit easily visible from the sidewalk and street. The deck is approximately thirty (30) inches off of the ground so a higher fence is needed to provide privacy. A higher front yard fence is needed to safely secure the pets.

RECOMMENDATION

The Board shall consider the application (Exhibit A) with the requirements outlined in Section 1278.04. Staff recommends **APPROVAL**.

Sincerely,

A handwritten signature in black ink that reads "Meg Leatherman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Meg Leatherman
Planning & Zoning Administrator
Economic Sustainability Liaison
Village of Yellow Springs



EXHIBIT LIST:

Exhibit A – Application

Exhibit B – Neighbor Notice

Exhibit C – Sign Posting

Exhibit D – YS News Public Notice



Board of Zoning Appeals
Public Hearing Request:
Variance

Planning & Zoning Department
100 Dayton St, 2nd Floor
Yellow Springs, OH 45387
(937) 767-1702

(FOR OFFICE USE ONLY)

Case #: BZA05-2024
Hearing Date: 8/14/24

Applicant Information

Property Address: 716 S HIGH STREET, Yellow Springs, OH 45387
Property Owner: MIKE & RALITA CHAMBERS
Mailing Address:
Applicant Name: NADIA MALARKEY
Applicant Address: 408 W WHITMAN ST YSO 45387

Project Information

I am requesting a variance on the dimensional requirement as outlined in (cite Zoning code section):

Description: Variance on fence height for the front yard.
#1 comprises a solid privacy screen that runs perpendicular to the house it will be constructed in black locust.
#2 will be a black aluminium picket fence.

Dimensions of Project & Total measurement of Variance requested: #2 = 80' W x 5' High. #1 = 25' W x 8' H includes a 4' wide gate. Picket fence 3 3/8" Spacing

Site Plan Attached: [checked] Stormwater Mitigation Plan Attached: [unchecked] N/A

I understand that approval of this application does not constitute 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.

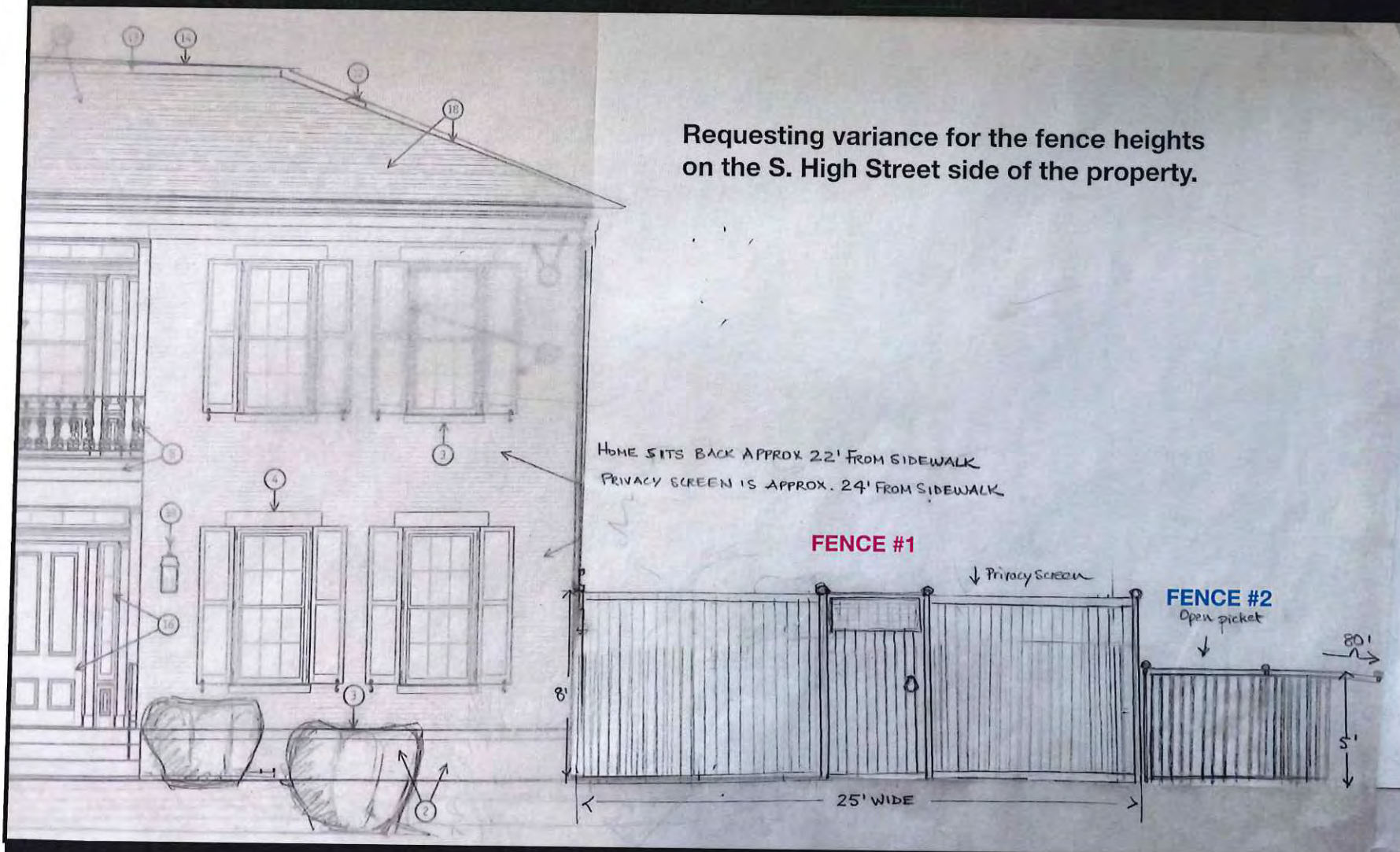
I, the undersigned do hereby certify that I am the applicant, and the information and statements given on this application, drawings, and specifications are to the best of my/our knowledge, true and correct.

I hereby certify, under penalty of perjury, that all the information provided on this application is true and correct.

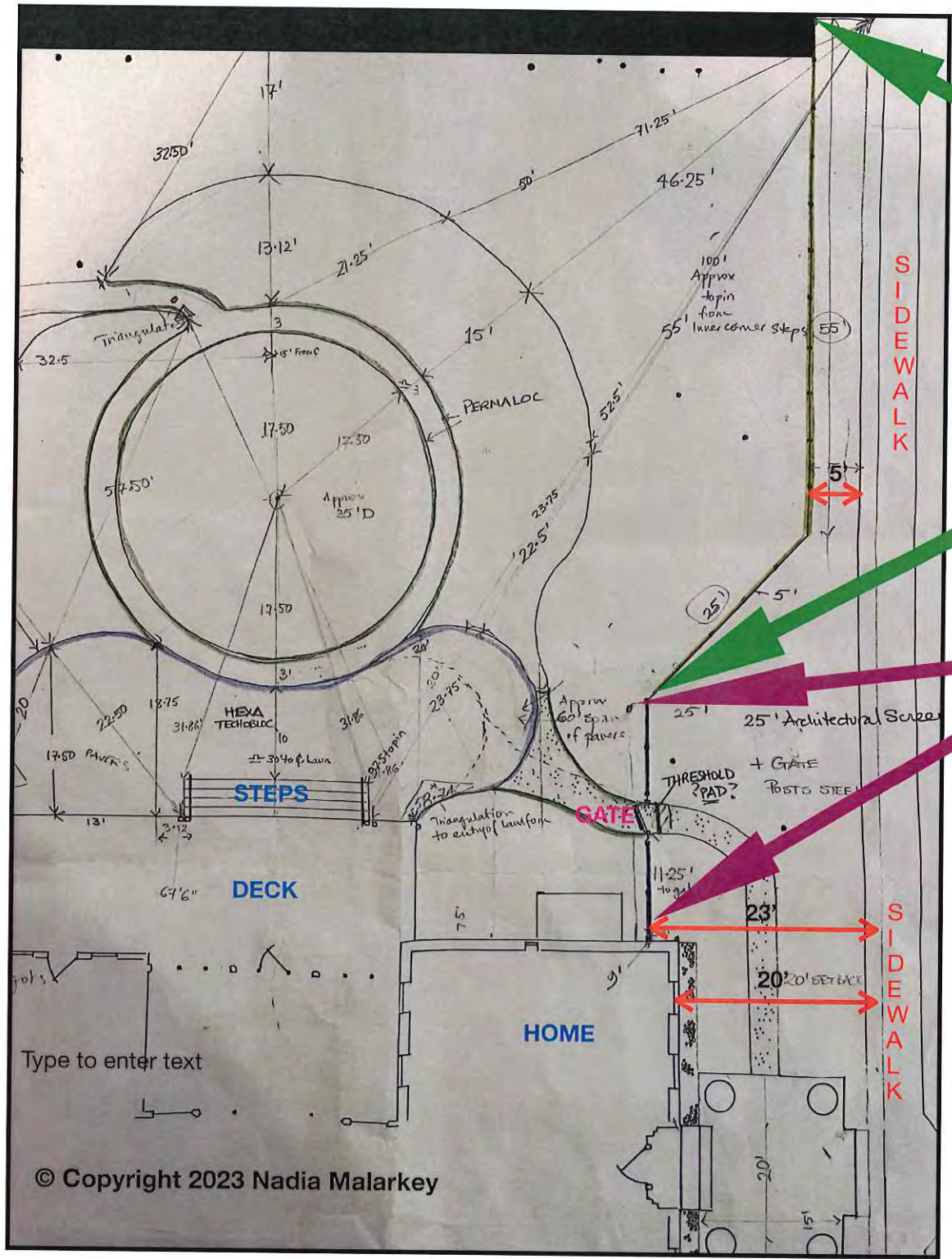
Applicant Signature: Nadia Malarkey Date: July 28 2024

Table with 3 columns: Fee/Total, Payment Type/Zoning District, and Approved/Permit Number/Date. Includes handwritten 'Paid July 31/24' and 'R-B' zoning district.

Requesting variance for the fence heights on the S. High Street side of the property.



Elevation sketch of view from S. High Street showing privacy screen with gate + transition to shorter open picket fence.



Fence #2 Black Metal picket Fence.
 80' wide X 5' high
 Set back 5' from sidewalk on the longest run

Fence #1 Privacy Screen and Gate Wood : Black Locust.
 25' wide X 8' high
 Setback 23+ feet from sidewalk



Example of Fence #1
Custom privacy screen and gate
Requesting it be 8' high

Example of Fence #2
Metal picket fence.
Requesting a 5' high fence

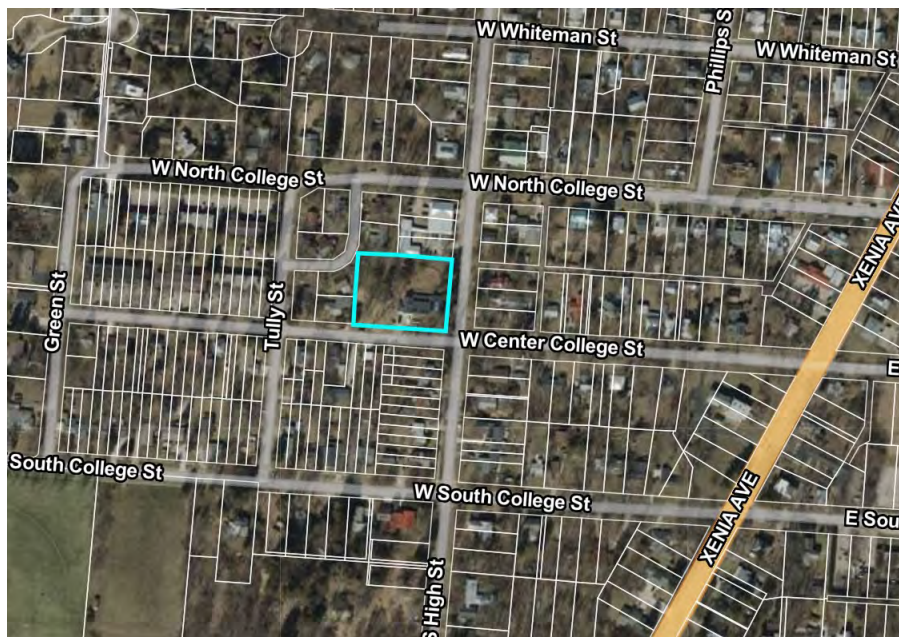




**-Public Notice-
PUBLIC HEARING**

VILLAGE OF YELLOW SPRINGS BOARD OF ZONING APPEALS
Notice is hereby given that:

Variance Request– Medium Density Residential District (R-B) –716 S. High St., Nadia Malarkey, on behalf of Chambers Justice III & Ralita Sue Hildebrand, has submitted an application for a variance seeking relief from Chapter 1260.01(a)(1) for front yard fence height. **Greene County Parcel ID # F19000100080001000**



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**LOCATION: John Bryan Center, Second Floor – Council Chambers
100 Dayton St.**

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116

**VARIANCE
REQUEST INVOLVING
THIS PROPERTY
WILL BE HEARD**

AUGUST 14 5:30 PM

LIVE on CHANNEL 5 & WWW.YSO.COM

CALL (937) 767-9126

LOCAL MUSIC

Brandebery Winery

5118 W. Jackson Road, Mad River Township
Steven Worley will perform Friday, Aug. 2, 5:30-8:30 p.m.; 732 Electric Duo will play Saturday, Aug. 3, 6-9 p.m.; and Bettina Solas is scheduled Sunday, Aug. 4, 1-4 p.m.
The following weekend, Gina G will play Friday, Aug. 9, 5:30-8:30 p.m.; Barline will perform Saturday, Aug. 10, 6-9 p.m.; and Jonathan Hamilton is on the bill Sunday, Aug. 11, 1-4 p.m.

Clifton Opera House

5 Clay St., Clifton
Most Friday nights that a concert isn't scheduled, a bluegrass jam takes place 6-8 p.m.; the gatherings are free to play and free to listen.
Multi-genre Willow Creek takes the historic opera house stage Saturday, Aug. 3; and all-women bluegrass band Lafferty will perform in concert Saturday, Aug. 10.
Concerts start at 7 p.m., with the doors opening at 6:30 p.m. Suggested admission cost is \$10, unless otherwise stated.

Dayton Street Gulch

128 Dayton St., Yellow Springs
Local hip-hop artist Kyle Harewood, aka X the Detective, hosts "What It Do Wednesdays" every Wednesday night, 9 p.m.-1 a.m. Participants may share the mic to freestyle over beats made by Harewood.

Emporium Wines & Underdog Cafe

233 Xenia Ave., Yellow Springs
The Emporium's Friday Night wine tasting and music showcase Aug. 2 will feature Maria Keck. The following week, Aug. 9, Kyle Eldridge will perform. Doors open at 6:30 p.m. and music starts at 7. The event concludes at 10 p.m. A \$5 admission fee goes to the night's performers.
Each Wednesday, noon-2 p.m., the cafe hosts live jazz.

Peach's Grill

104 Xenia Ave., Yellow Springs
An open mic, hosted by Kyleen Downes, takes place each Tuesday, 8-11 p.m.



PHOTO BY REILLY DIXON

Local hardcore trio Red Cap Society brought scores of area punks out of the gutter on Saturday, July 27 to headbang the band's album release show at Peach's Grill.

Trail Town Brewing

101 Corry St., Yellow Springs
SugRRock will perform Friday, Aug. 2, 7:30-9 p.m. The same weekend, the bands GSMO, Killing Time and Wes Goody and the Miller Boys will celebrate the music of the Grateful Dead during the "Days Between

Jamboree," Sunday, Aug. 4, 1-5 p.m.

The venue continues to host Sharon Lane and Danny Sauers each Thursday evening, with a variety of guest performers also playing a set. Music starts at 7:30 p.m.
Fya & Sol Band will perform Friday, Aug. 9, 7-9 p.m.

ART AROUND TOWN

Upcoming events

• "Come Home," a collection of paintings by Urbana-based artist Shauna Schramke, is the new exhibition at YS Arts Council's Baldwin Gallery, 111 Corry St. An artist reception will celebrate the opening Friday, Aug. 2, 6-9 p.m.
Schramke's work has been included in juried shows in Columbus, Dayton and Springfield.
The YSAC show will be on view through Sept. 1. Gallery hours are 1-4 p.m. Thursday-Sunday.
• The 40th annual Art on the Lawn festival, a juried fine arts and crafts festival sponsored by Village Artisans and featuring nearly 100 vendors, will be Saturday, Aug. 10, 10 a.m.-5 p.m.
This year's event will be at a new location, as construction activities make the traditional site, on the grounds of Mills Lawn School, unavailable. The 2024 festival will be held on the large lot at the corner of East North College Street and Livermore Avenue, the designated home of the future YS Senior Center.
The event also includes music performances and food vendors. Admission is free.
• The YS Senior Center is presenting "Retrospective (with Recent Additions)," by Susan Wolf, through Aug. 30, in the Fireplace Room; a reception with the artist is planned Friday, Aug. 16, 4-6 p.m.
Wolf is a lifelong artist and teacher. She was trained as a painter and has worked with a range of media and subjects. She taught art at the Antioch School in Yellow Springs and Possum Elementary and Middle School in Clark County.
Wolf mostly works on defined projects. Included in this exhibit are pieces from two of those projects. One was an exhibit documenting her art teaching years, including portraits of children with their art. Also represented are painted versions of cat illustrations from her book project, "Some Cats!"
Volunteering at the Yellow Springs Senior Center as ukulele teacher has become Wolf's primary role in retirement and has inspired an interest in drawing people playing ukuleles, which also will be represented in the show.
The show can be viewed during the Center's open hours of Monday-Friday, 9:30 a.m.-4 p.m., unless there is a class in the Fireplace Room at the time.
• The art of Antioch Publishing Company will be the topic of a presentation by the YS Historical Society on Sunday, Aug. 18, at 2 p.m., at the YS Senior Center. "It Started with Bookplates ..." is the title of the talk.

Ongoing displays

• "Fungi Fantasy/Looking," an installation by multimedia artists Kathi Seidl and Beth Holyoke, is on view at Glen Helen's Vernet Ecological Center.
• Upstairs at the Herndon, located at Herndon Gallery on the Antioch College campus, is presenting the collected works of Jack Merrill through Saturday, Aug. 10. The gallery's summer hours are 1-5 p.m. Thursday-Saturday.
• Abstract realism paintings and mixed-media work by Rick Kronk is on view through Sunday, Aug. 18, at YS Brewery Taproom, 305 N. Walnut St., as part of the venue's ongoing Art + Ales series.
• Three original art pieces from the archives of Antioch Publishing Company are on display at Yellow Springs Community Credit Union through the end of August.
On view are: "Seedling," by Gilbert Wilson; "Night Riders," by Art Young; and "Kids Playing," by Tom Till.
• Emporium Wines & Underdog Cafe is currently featuring a display of interdisciplinary work by Alice Miller, a Yellow Springs-based artist and member of Emporium's staff. The exhibit will be on view through August.
• "Birds of a Feather" is the title and theme of a new exhibit at Village Artisans' Lobby Gallery, 100 Corry St., on view through Sept. 10.
A Village Artisans member who raises guinea fowl shared feathers the birds had shed with other cooperative members, some of whom incorporated the feathers into pieces in the show.
Gallery hours are 11 a.m.-5 p.m. Monday-Thursday 11 a.m.-6 p.m. Friday-Saturday and noon-5 p.m. Sunday. For more information, call 937-767-1209 or go to villageartisans.blogspot.com.

Call for artists
YS Uproar is planning to host a "liberation gala" Sept. 8 at the Winds Cafe. The event will include a liberation-themed art exhibit, an educational film screening, activist lectures and a silent auction, as the group spotlights the suffering of Palestinians and extends a call to action to end the killing in Gaza.
Artists are invited to send an email to ysuproar@gmail.com that includes the artist's name, an artist statement, pricing information — if the work is for sale — and a photo of the artwork. Any form of original art, except multimedia, will be considered. The deadline is Sept. 1.
Event organizers write: "Collective liberation is a goal we won't stop fighting for. At liberation's foundation is a history of brutal

oppression, human suffering and the abuse of power. Liberation at its core exudes hope, unity and resilience. We ask that any art submitted depicts at least one of these points."
The event will help fund a fall Greater Midwest Liberation "End Genocide" rally, a Connecting Voices Education Series, an Uproar activists workshop, direct action bail funds and YS Uproar public events.

YS Hardware

CONTINUED FROM THE FRONT PAGE

"We checked in to the way we were doing things to make sure we were doing them correctly, and the Village was very receptive to what we were up to and very helpful in understanding what the limits are to what we can do with the space and how to use it," he said. "While you're trying to figure out how to do things, there's always some anxiety and stress around learning what the rules are and who gets to make the decisions. But it all worked out in a positive way."
Badger added: "We're very lucky to have landlords who are willing to support us. Kim Baldwin has been very easy to communicate with and very easy to work out the different crazy ideas that we have and make sure we're all on the same page."
An *Improvised Comedy Show with Justin Howard, Andrea Fantacone, Mike Czarnecki and Dan Badger will be held at the YS Hardware store Friday, Aug. 2, at 8 p.m. Tickets are \$20.*
More events are in the works for the month of August and beyond. For more information on upcoming activities, see the "Community Calendar" on page 2 of the News or the Yellow Springs Hardware Facebook page. Tickets for all activities are available in-person at the store or over the phone at 937-767-7451.
Contact: ysnews@ysnews.com

*The author is a student at Antioch College and a freelance reporter for the News.

THE HARDWARE STORE Sessions

IMPROVISED COMEDY SHOW

featuring

- JUSTIN HOWARD
- ANDREA FANTACONE
- MIKE CZARNECKI
- DAN BADGER

FRI., 8/2, 8 p.m.

TICKETS: \$20
available in person at the Hardware Store or by phone, 937-767-7451.

YS HARDWARE Co.
254 XENIA AVE.

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SUNDAY, AUGUST 4

Informal Discussion
Based On
"SOCRATES CAFE"

10:30 a.m. SUNDAY SERVICE
Building rental available, with air conditioning and geothermal heat.

THE FOUNDRY THEATER PRESENTS

Next Up...
@The Foundry Theater

AUG 10 5PM **FIRST SHOW of the SEASON!**

ΤΕΚΣ:ΤΕΚΣ
CANADIAN PSYCH ROCK
Blending Japanese rock with surf rock influences.

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