

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

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

**Wednesday, March 20, 2024**

**CALL TO ORDER**

The meeting was called to order at 5:03 p.m. by Anthony Salmonson, Chair.

**ROLL CALL**

Anthony Salmonson, Chair, members Matt Reed and Matt Raska were present. Zoning Administrator for the Village, Meg Leatherman, was also present. Scott Osterholm arrived at 5:07.

**COMMUNICATIONS**

There were no Communications.

**REVIEW OF AGENDA**

There were no changes made.

**REVIEW OF MINUTES**

Minutes for BZA Meeting of January 10, 2024 were reviewed. Reed MOVED and Raska SECONDED a MOTION TO ADOPT THE MINUTES AS WRITTEN. The MOTION PASSED 3-0 on a VOICE VOTE.

**PUBLIC HEARINGS**

Variance Request– General Business District (B-2) – 1425 Brookside Drive, Iron Table Holdings, LLC has submitted an application for a variance seeking relief from Chapter 1260.01(a)(1), for allowance of a fence height of seven (7) feet in the front yard. Greene County Parcel ID # F19000100060008500.

Leatherman introduced the variance request as follows:

Max Crome, on behalf of Iron Table Holdings LLC, submitted a variance application seeking relief from Chapter 1260.01(a)(1), for allowance of a fence height of seven (7) feet in the front yards along Xenia Ave and Brookside Drive. The property is located at 1425 Brookside Drive in the General Business (B-2) District, and Gateway Overlay District.

The owner recently acquired the property to convert it to a recording studio business for local recording artists. It was previously used as a doctor’s office. Per Village Code Section 1250.02, “Radio, Television and Recording Studios” are permitted uses in the B-2 zone. The applicant received zoning approval for the change of use on November 21, 2023. A building permit was approved on November 23, 2023 for interior improvements to re-configure the space to suit the needs of a recording studio. Construction is presently underway, with inspections being performed by NIC.

Village code has a separate section specifically for fences and walls, Section 1260.01. Fences in nonresidential zones are allowed to be up to eight (8) feet in height, provided for each foot exceeding six feet there shall be a one and a half foot setback from side property lines (VC 1260.01(6)). It also limits the height to four feet in front yards (VC 1260.01(1)). Since the property has frontage along Xenia Ave and Brookside Drive, it is considered a corner lot, and Village Code Section 1284.06 requires that corner lots have two front yards. Therefore, approval of a variance is required for the portion of the fence exceeding four (4) feet, along Xenia Avenue and Brookside Drive.

The fence is designed to abut the building wall and extend around the entire perimeter of the property, with gated access across the driveway entrance. The applicant is requesting a variance of three feet.

Leatherman stated her findings thus:

Part of the intent of the four foot maximum fence height on corners is to ensure visibility for drivers while turning. The proposed location of the fence will not obstruct visibility as it is set back approximately 70’ from the edge of pavement on Xenia Avenue, and approximately 95’ from the centerline of Xenia Avenue.

The essential character and impact on the neighborhood would not be substantially altered since the fence will abut the building face and blend in with the building design. It is in a business zone and is comparable in nature to the other businesses in the zone. The proposed fence would be set back 1.5 feet from the property line to feel less imposing on adjacent residential properties. In addition, it will be 50' from the existing sidewalk along Xenia Avenue and there is not a sidewalk adjoining the property along Brookside Drive.

Salmonson OPENED THE PUBLIC HEARING.

Max Crome, Iron Table Holdings, reiterated that the purpose of the higher fence (wall) is primarily security. He provided a sample of the stone that will be used.

Crome stated that the building will be used as a portion of the wall, with the wall following the building contour.

Reed asked whether Crome had spoken with the Fire Marshall regarding access to the fire hydrant.

Crome stated that he has not yet done so.

BZA members queried regarding the setback, the remaining trees, and the operation of the fence, ascertaining that the trees will remain, the fence will not open outward, and that the setback is 1.5 feet from the property line.

Becky Campbell, resident, commented generally, stating that while she is not opposed to the wall, she thought it resembled a cemetery wall. She inquired regarding increased traffic, and was informed by Crome that he expects the area to be only lightly trafficked.

There being no further comment, Salmonson CLOSED THE PUBLIC HEARING.

Reed reiterated the importance of obtaining approval from the Fire Marshall regarding accessibility to the hydrant.

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: Y
- (2) Whether the variance is substantial; Salmonson: N; Raska: N; Reed: N; Osterholm: 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; 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: Y; Raska: N; Reed: Y; Osterholm: N
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; Salmonson: N; Raska: Y; 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: Y; Reed: N; 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

Raska MOVED to APPROVE the variance of three feet to the fence height of four feet in the B-2, as requested. Osterholm SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

#### AGENDA PLANNING

There were no items on the schedule.

**ADJOURNMENT**

There being no further business, Raska MOVED and Reed SECONDED a MOTION to adjourn. The MOTION PASSED 4-0 on a voice vote. Meeting ADJOURNED at 5:33PM.

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Anthony Salmonson, Chair

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Attest: Judy Kintner, Clerk