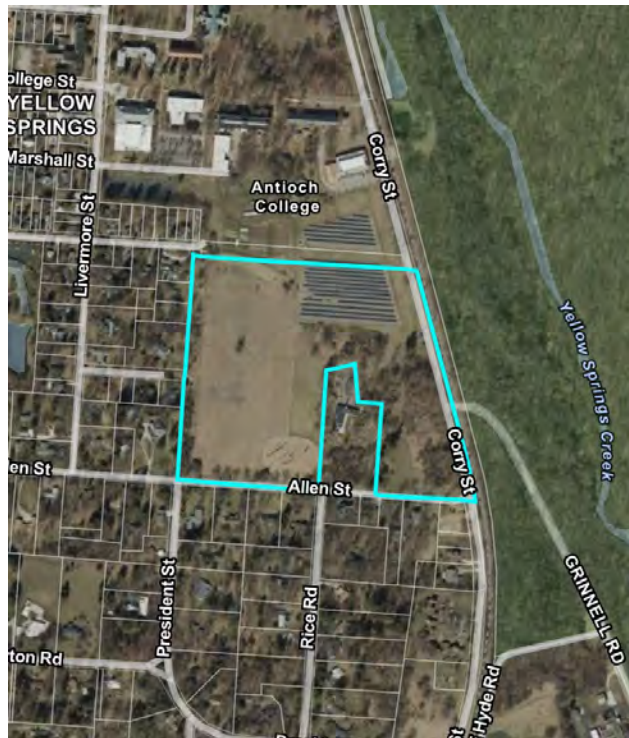




TO: FILE
FROM: Meg Leatherman, Planning & Zoning Administrator
APPLICATION: Minor Subdivision
DATE: September 19, 2024
LOCATION: 1160 Corry St.; Minor Subdivision; Parcel # F19000100150002300



Vicinity Map

MINOR SUBDIVISION APPLICATION: Educational Institution District (E-1) –Wes Goubeaux, on behalf of Antioch College, has submitted an application for a Minor Subdivision located at 1160 Corry St. – Chapter 1226 Subdivision Regulations.

BACKGROUND:

Antioch College requests creation of three lots in order to sell them to different owners. This subdivision is not accompanied by any other proposed development. The Minor Subdivision creates three lots on parcel F19000100150002300. The deed identifies the total acreage of this parcel as 32.353 acres. However, after the deed was recorded the area of former Herman Street was split out into a different parcel so that the total acreage of the parcel today is 31.161 acres (Exhibit B). This Minor Subdivision creates three total lots: Tract 1=8.994 acres, Tract 2=5.345 acres, Tract 3=16.822 acres.

The subdivision complies with the applicable Village Code based on the analysis provided below.

<i>Table 1246.03 Lot and Width Requirements, Educational Institution District</i>		
Zoning District	Minimum Lot Area	Minimum Lot Width (Ft.)
E-I, Educational Institution	20,000	100

<i>Table 1246.03a Dimensional Requirements: Educational Institution District</i>							
Zoning District	Maximum Building Height (Ft.)	Minimum Yard Setbacks (Ft.)^{1,2}					Lot Coverage (%)
		Front		Side		Rear	
		Parking	Building	Total	Least		
E-I	40	25	35	40	20	40	50
<p>1 Minimum setback requirements shall only apply to those yards abutting or across the street from any zoning district other than E-I.</p> <p>2 Average established setback shall apply, where applicable, in accordance with Section 1260.02(a).</p>							

REQUIREMENTS:

Village of Yellow Springs Codified Ordinance, Chapter 1226.12

(a) Approval of a minor subdivision by the Zoning Administrator, without formal action by the Planning Commission, shall be granted if a record plan meets all of the following conditions:

(1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road or public utilities.

Finding: The proposed subdivision is located along Corry St. and Allen St. and involves no opening, widening or extension of any street or road or public utilities.

(2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations.

Finding: The Minor Subdivision is not contrary to the applicable subdivision regulations as provided for in this report. The application is not contrary to zoning regulations because the lots are more than 100 ft wide and contain lot areas over 20,000 sq ft. Improvements (development) are not proposed as part of this review.

(3) No more than five lots will be created following division of the original parcel.

Finding: The application includes a total of three lots.

(4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two years and appears unlikely to be further subdivided subsequently.

Finding: As evidenced within Village records, and Greene County Records data, the tract of land has not been part of a Minor Subdivision in the last two years.

(5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated the same.

Finding: No easements are necessary with this application. If utilities are extended to the site in the future, easements may be required.

(6) The recording instrument has a notation stating that each buildable lot will be provided with separate and adequate water and sewerage connection laterals, and electric transformers and underground electric lines.

Finding: This note has been added to the face of the plat.

(7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries.

Finding: A recording instrument has been prepared by Wes Goubeaux, who is a registered surveyor (Exhibit A) with a vicinity map, bearings and distances, lot lines and proper pins.

(8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least 20 days prior to a regularly scheduled Planning Commission meeting, and, if the Planning Commission takes no action at that meeting, the minor subdivision is deemed approved.

Finding: A condition of approval requires this to occur.

Staff **APPROVES** of the application with the following conditions:

CONDITIONS OF APPROVAL

1. Planning Commission Notification;
2. The Survey Plat shall be submitted by the applicant to the Greene County Recorder for incorporation into the Official Tax Map records within ninety days.

If you have any questions or if I can be of assistance, please feel free to contact me at (937) 767-1702 or email at mleatherman@yso.com .

Respectfully submitted,



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



**Planning Commission
Hearing Request:
Minor Subdivision**

EXHIBIT A

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

Case #: 2024-106 [FOR OFFICE USE ONLY]

Hearing Date: consent agenda 10/15/24

Applicant Information

Property Address:	<u>1160 CARRY ST.</u>		
Property Owner:	<u>ANTIOCH COLLEGE CORP.</u>	Phone:	<u></u>
Applicant Name:	<u>CHOICE ONE ENGINEERING</u>	Phone:	<u>937-497-0200</u>
Mailing Address:	<u>440 E. HOEWISHER RD, SIDNEY, OH 45365</u>		
		Email:	<u>jfernandes@antiochcollege.edu</u>
		Email:	<u>wdg@choiceoneengineering.com</u>

Project Information

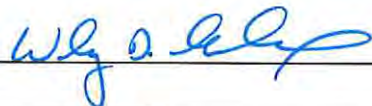
Greene Co Parcel #:	<u>F19000100150002300</u>	Zoning District:	<u>E-1</u>
Total Number of Lots after subdivision:	<u>3</u>		

Approval of a minor subdivision by an authorized representative of the Zoning Administrator, without formal action by the Planning Commission and Council, shall be granted if a record plan meets all of the following conditions:

- (1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road or public utilities.
- (2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations.
- (3) No more than five lots will be created following division of the original parcel.
- (4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two years and appears unlikely to be further subdivided subsequently.
- (5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated the same.
- (6) The recording instrument has a notation stating that each buildable lot will be provided with separate and adequate water and sewerage connection laterals, and electric transformers and underground electric lines.
- (7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries.
- (8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least 20 days prior to a regularly scheduled Planning Commission meeting, and, if the Planning Commission takes no action at that meeting, the minor subdivision is deemed approved.

If approval is given under terms of the above provisions, the authorized representative of the Planning Commission shall, within fourteen working days after submission, approve such proposed division of land and, upon presentation of a conveyance for said parcel and a properly prepared survey sheet of the property, shall sign the conveyance.

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

Applicant Signature:  Date: 9/9/2024

FOR OFFICE USE ONLY		
Date filed: <u>9/16/24</u>	Fee * \$ <u>100</u>	Fee ** \$ <u></u>
	* Fee Paid at \$50.00 per lot. <u>check paid 9/16/24</u>	** Fee Paid at \$100.00 if approval is required by Planning and Council.
Approved by Zoning Administrator? <input type="checkbox"/> Yes	Planning Commission Hearing Date: <u>consent 10/15/24</u>	
PC Action Taken	Approved <input type="checkbox"/> Denied <input type="checkbox"/> Modification <input type="checkbox"/> None <input type="checkbox"/>	
*\$500 fee per lot for any new subdivision less than five units to Park & Recreation fund per sec 1226.13		
Total \$ <u>100</u>	Zoning Official Name and Title	Date

Consent

From Jane Fernandes <jfernandes@antiochcollege.edu>

Date Fri 9/13/2024 11:30 AM

To Meg Leatherman, Zoning Administrator <Meg.Leaherman@yellowsprings.gov>

Dear Meg:

I give consent for approval of Antioch College's Minor Subdivision application. Please let me know if you need additional information from me.

Sincerely,

Jane Fernandes

Pronouns: she/her or inclusive they/them

President

South Hall, 4th Floor

jfernandes@antiochcollege.edu

o (336) 430-7524 (text only)

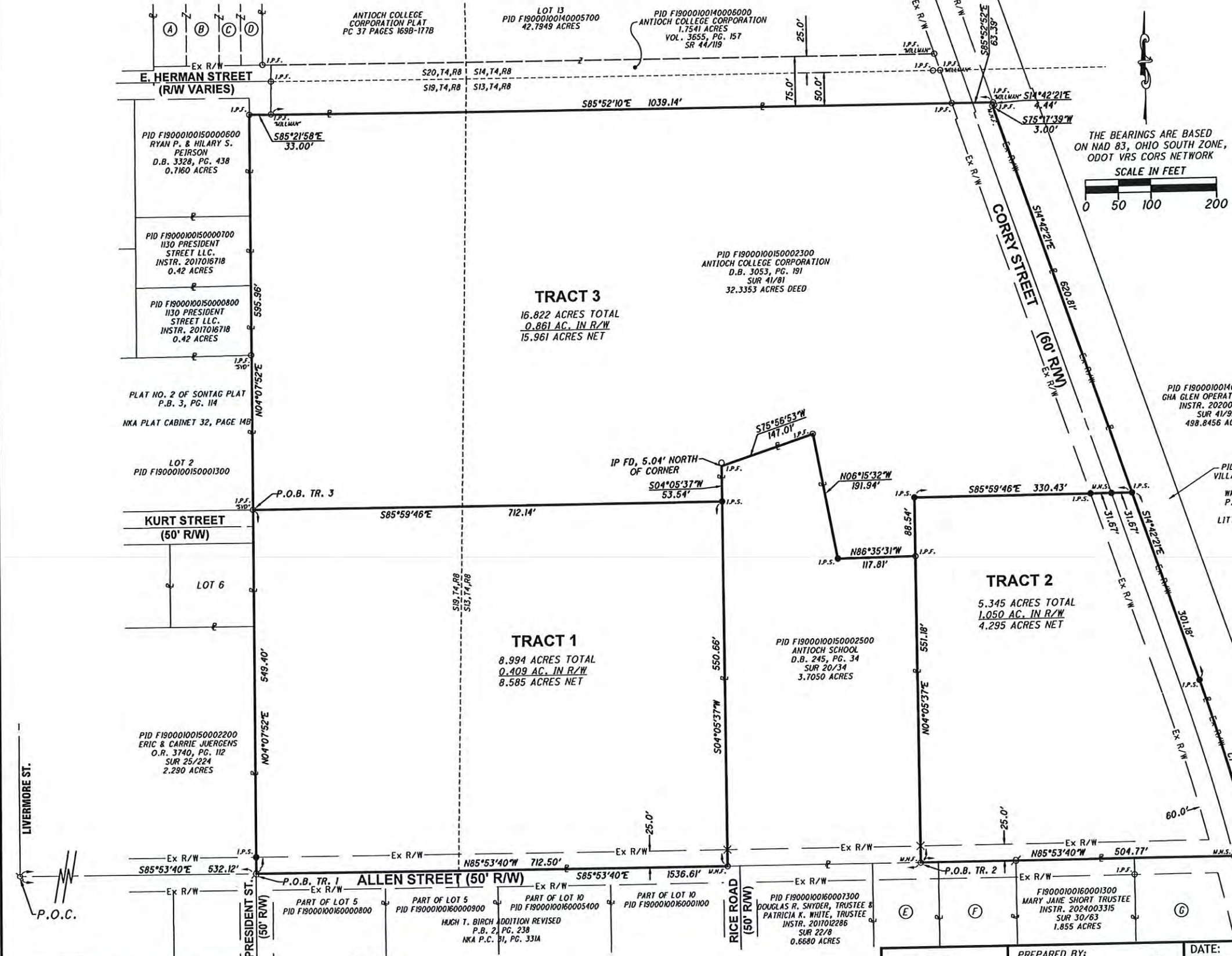
ANTIOCH COLLEGE

One Morgan Place

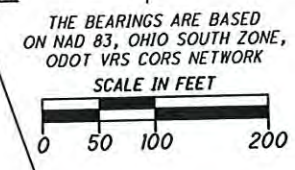
Yellow Springs, OH 45387

AntiochCollege.edu

OWN YOUR EDUCATION. LEARN EXPERIENTIALLY. ACT FOR JUSTICE.



- A**
LOT 629
PID F1900010014000400
JAY & RANDI ROTHMAN TRUSTEES
INSTR. 2020013666
P.C. 31 PG 244B-245A
0.3800 ACRES
- B**
LOT 630
PID F19000100140003900
JAY & RANDI ROTHMAN TRUSTEES
INSTR. 202001366
P.C. 31 PG 244B-245A
0.880 ACRES
- C**
PID F19000100140005500
JAY & RANDI ROTHMAN TRUSTEES
INSTR. 202001366
P.C. 31 PG 244B-245A
0.0600 ACRES
- D**
PID F19000100140005400
JAY & RANDI ROTHMAN TRUSTEES
INSTR. 202001366
P.C. 31 PG 244B-245A
0.0600 ACRES
- E**
PID F19000100160004900
YELLOW SPRINGS VENTURES LLC.
D.B. 3651, PG. 597
0.3800 ACRES
- F**
PID F19000100160001200
MARY JANE SHORT TRUSTEE
INSTR. 2024003315
SUR 20/168
0.880 ACRES
- G**
PID F19000100160008100
RICHARD B. & CHRIS KRISTENSEN TRUSTEES
INSTR. 2020002600
SUR 38/51
0.592 ACRES



SURVEY NOTE
EACH BUILDABLE LOT WILL BE PROVIDED WITH SEPARATE AND ADEQUATE WATER AND SEWERAGE CONNECTION LATERALS, AND ELECTRIC TRANSFORMERS AND UNDERGROUND ELECTRIC LINES

CURVE #1
R=3013.57'
L=277.76'
Δ=01°54'05"
CH=277.66'
BRG=S12°03'56"E

APPROVED GREENE COUNTY ENGINEER
By _____ Date _____

APPROVED BY: _____ DATE _____

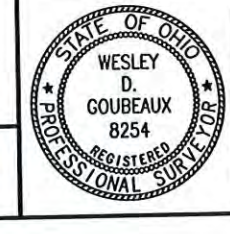
ZONING _____ DATE _____

RPCC, CITY, OR VILLAGE _____ DATE _____

- LEGEND**
- ⊕ 5/8" X 30" REBAR W/CAP SET
 - ⊙ IRON PIN FOUND
 - ⊙ MAG NAIL SET
 - ⊙ MAG NAIL FOUND
 - ⊙ IRON PIPE FOUND
 - ⊙ PINCHED IRON PIPE FOUND
 - ⊙ RAILROAD SPIKE FOUND
 - ⊙ CUT "X" SET

CERTIFICATION
I HEREBY CERTIFY THAT THIS PLAT OF SURVEY WAS PREPARED IN ACCORDANCE WITH O.A.C. CHAPTER 4733.37 STANDARDS FOR BOUNDARY SURVEYS AND PERFORMED IN JUNE, 2024. ALL MEASUREMENTS ARE CORRECT AND MONUMENTS ARE SET OR TO BE SET AS SHOWN.

Wesley D. Goubeaux
WESLEY D. GOUBEAUX, P.S. #8254
DATE 9/6/2024



PREPARED BY:
ChoiceOne Engineering
SIDNEY, OHIO 937.497.0200
LOVELAND, OHIO 513.239.8554
www.CHOICEONEENGINEERING.com

DATE: 09-06-2024
DRAWN BY: EEN
JOB NUMBER: GREYSP2404
SHEET NUMBER: 1 OF 1

GRANTOR ANTIPOCH COLLEGE CORPORATION

GRANTEE _____

LOCATION
Section 13 & 19, Town 4, Range 8
VILLAGE OF YELLOW SPRINGS

GREENE COUNTY, OHIO
DATE SEPTEMBER 6, 2024 SCALE: 1" = 100'

**LEGAL DESCRIPTION
TRACT 1**

BEING PART OF A 32.3353-ACRE TRACT OF LAND OWNED BY ANTIOCH COLLEGE CORPORATION AS CONVEYED IN DEED BOOK 3053, PAGE 191 OF THE GREENE COUNTY DEED RECORDS, SITUATE IN THE NORTHWEST QUARTER OF SECTION 13 AND THE NORTHEAST QUARTER OF SECTION 19, TOWN 4, RANGE 8, VILLAGE OF YELLOW SPRINGS, GREENE COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at a railroad spike found at the intersection of the centerline of Allen Street and the centerline of Livermore Street;

thence, South 85°53'40" East, 532.12 feet, along the centerline of Allen Street to a railroad spike found at the southeast corner of a tract of land owned by Eric and Carrie Juergens as conveyed in Deed Book 3740, Page 112 and being the principal place of beginning of the tract herein conveyed;

thence, North 04°07'52" East, 549.40 feet, along the east line of said Juergens tract to an iron pin with "SVD" cap found on the north right-of-way line of Kurt Street, passing for reference an iron pin with cap set at 25.00 feet;

thence, South 85°59'46" East, 712.14 feet, to an iron pin with cap set on the west line of a tract of land owned by Antioch School as conveyed in Deed Book 245, Page 34;

thence, South 04°05'37" West, 550.66 feet, along the west line of said Antioch School tract to a Mag nail found on the centerline of Allen Street, passing for reference a cut cross set at 525.66 feet;

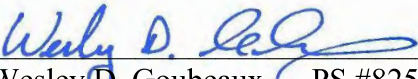
thence, North 85°53'40" West, 712.50 feet along the centerline of Allen Street to the principal place of beginning.

Containing 8.994 acres more or less with 0.409 acres more or less being within existing road right-of-way and all being subject to any legal highways and easements of record.

The bearings are based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8629, based on a field survey performed under his direct supervision and dated September 6, 2024.

All iron pins set are 5/8" x 30" rebar with caps reading "CHOICE ONE ENGR-WDG PS 8254."


Wesley D. Goubeaux, PS #8254



9/06/2024
Date

LEGAL DESCRIPTION
TRACT 2

BEING PART OF A 32.3353-ACRE TRACT OF LAND OWNED BY ANTIOCH COLLEGE CORPORATION AS CONVEYED IN DEED BOOK 3053, PAGE 191 OF THE GREENE COUNTY DEED RECORDS, SITUATE IN THE NORTHWEST QUARTER OF SECTION 13, TOWN 4, RANGE 8, VILLAGE OF YELLOW SPRINGS, GREENE COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at a railroad spike found at the intersection of the centerline of Allen Street and the centerline of Livermore;

thence, South 85°53'40" East, 1536.61 feet, along the centerline of Allen Street to a Mag nail found at the southeast corner of a tract of land owned by Antioch School as conveyed in Deed Book 245, Page 34 and being the principal place of beginning of the tract herein conveyed;

thence, North 04°05'37" East, 551.18 feet, along the east line of said Antioch School tract to an iron pin with cap set, passing for reference a cut cross set at 25.00;

thence, South 85°59'46" East, 330.43 feet, to an iron pin with cap set on the easterly right-of-way line of Corry Street and the westerly line of a 14.012-acre tract owned by the Village of Yellow Springs as conveyed in Official Record 202, Page 115, passing for reference an iron pin with cap set on the west right-of-way line of Corry Street at 267.09 feet and a Mag nail set on the centerline of Corry street at 298.17 feet;

thence, South 14°42'21" East, 301.18 feet, along the east right-of-way line of Corry Street and the westerly line of said 14.012-acre Village of Yellow Springs tract to an iron pin with cap set;

thence, on a curve to the right with a radius of 3013.57 feet, an arc distance of 277.76 feet, a delta angle of 01°54'05", and a chord bearing South 12°03'56" East, 277.66 feet, along the east right-of-way line of Corry Street and the westerly line of said 14.012-acre Village of Yellow Springs tract to an iron pin with "MILLMAN" cap found on the centerline of Allen Street;

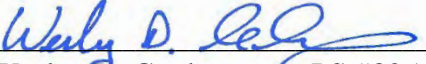
thence, North 85°53'40" West, 504.77 feet, along the centerline of Allen Street to the principal place of beginning, passing for reference a Mag nail set at the intersection of Allen Street and Corry Street at 30.87 feet.

Containing 5.345 acres more or less with 1.050 acres more or less being within existing road right-of-way and all being subject to any legal highways and easements of record.

The bearings are based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, based on a field survey performed under his direct supervision and dated September 6, 2024.

All iron pins set are 5/8" x 30" rebar with caps reading "CHOICE ONE ENGR-WDG PS 8254."


Wesley D. Goubeaux, PS #8254



9/06/2024
Date

LEGAL DESCRIPTION
TRACT 3

BEING 16.822 ACRES OF A 32.3353-ACRE TRACT OF LAND OWNED BY ANTIOCH COLLEGE CORPORATION AS CONVEYED IN OFFICIAL RECORD 3053, PAGE 191 OF THE GREENE COUNTY DEED RECORDS, SITUATE IN THE NORTHWEST QUARTER OF SECTION 13 AND THE NORTHEAST QUARTER OF SECTION 19, TOWN 4, RANGE 8, VILLAGE OF YELLOW SPRINGS, GREENE COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at a railroad spike found at the intersection of the centerline of Allen Street and the centerline of Livermore;

thence, South 85°53'40" East, 532.12 feet, along the centerline of Allen Street to a railroad spike found on the southeast corner of a tract of land owned by Eric and Carrie Juergens as conveyed in Deed Book 5740, Page 112;

thence, North 04°07'52" East, 549.40 feet, along the east line of said Juergens tract to an iron pin with "SVD" cap found on the north right-of-way line of Kurt Street and the southeast corner of Lot 2 of Plat Number 2 of Soutag Plat as shown on Plat book 3, Page 114 NKA Plat Cabinet 32, Page 32B and being owned by Justin D. Herman and Johanna E. Schultz as conveyed in Instrument Number 2021013497 and being the principal place of beginning of the tract herein conveyed;

thence, North 04°07'52" East, 595.96 feet, along the east line of said Lot 2 and beyond to an iron pin set on the east line of a tract of land owned by Ryan P. and Hilary S. Peirson as conveyed in Deed Book 3328, Page 438;

thence, South 85°21'58" East, 33.00 feet, along the south line of East Herman Street to an iron pin with "MILLMAN" cap found at southwest property corner of 1.7541-acre tract owned by Antioch College Corporation as conveyed in Official Record 3655, Page 157;

thence, South 85°52'10" East, 1039.14 feet, along the south line of said 1.7541-acre tract to an iron pin found on the west right-of-way line of Corry Street;

thence, South 85°52'52" East, 63.39 feet, to an iron pin with "MILLMAN" cap found on the easterly right-of-way line of Corry Street and the westerly line of a 14.012-acre tract owned by the Village of Yellow Springs as conveyed in Official Record 202, Page 115;

thence, South 14°42'21" East, 4.44 feet, along the east right-of-way line of Corry Street and the westerly line of said 14.012-acre Village of Yellow Springs tract to an iron pin found;

thence, South 75°17'39" West, 3.00 feet, along the east right-of-way line of Corry Street and the westerly line of said 14.012-acre Village of Yellow Springs tract to a Mag nail set;

thence, South 14°42'21" East, 620.81 feet, along the east right-of-way line of Corry Street and the westerly line of said 14.012-acre Village of Yellow Springs tract to an iron pin with cap set;

thence, North 85°59'46" West 330.43 feet, to an iron pin with cap set, passing for reference a Mag nail set at 31.67 feet and an iron pin with cap set at 63.35 feet;

thence, South 04°05'37" West, 88.54 feet, to an iron pin found on a northeast corner of a tract of land owned by Antioch School as conveyed in Deed Book 245, Page 34;

thence, North 86°35'31" West, 117.81 feet, along the north line of said Antioch School tract to an iron pin with cap set;

thence, North 06°15'32" West, 191.94 feet, along the north line of said Antioch School tract to an iron pin found;

thence, South 75°56'53" West, 147.01 feet, along the north line of said Antioch School tract to an iron pin with cap set;

thence, South 04°05'37" West, 53.54 feet, along the west line of said Antioch School tract to an iron pin with cap set;


thence, North 85°59'46" West, 712.14 feet, to the principal place of beginning.

Containing 16.822 acres more or less with 0.861 acres more or less being within existing road right-of-way and all being subject to any legal highways and easements of record.

The bearings are based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, based on a field survey performed under his direct supervision and dated September 6, 2024.

All iron pins set are 5/8" x 30" rebar with caps reading "CHOICE ONE ENGR-WDG PS 8254."


Wesley D. Goubeaux, PS #8254



9/06/2024
Date

From: Wes Goubeaux <wdg@choiceoneengineering.com>
Sent: Thursday, September 19, 2024 9:16 AM
To: Meg Leatherman, Zoning Administrator <Meg.L Leatherman@yellowsprings.gov>
Subject: RE: Antioch College, Allen Street Survey

Hi Meg.

Yeah, that is a little confusing. The existing deed includes 32.3353 acres. However, since that deed was created, the area of former Herman Street was split out into a different parcel so the acreage will not add up to match the existing deed.

Thanks.

Wes Goubeaux
Professional Surveyor for **Choice One Engineering**
937.497.0200 **Office** | 937.726.4798 **Cell**

From: Meg Leatherman, Zoning Administrator <Meg.L Leatherman@yellowsprings.gov>
Sent: Thursday, September 19, 2024 9:05 AM
To: Wes Goubeaux <wdg@choiceoneengineering.com>
Subject: Re: Antioch College, Allen Street Survey

Hello Wes,

I am working on the report for this Minor Subdivision. It seems to be missing 1.1743 acres? I was hoping you could help me understand why I am not getting to the total existing acreage of 32.3353. When I add $16.822+8.994+5.345=31.161$ ac

Thank you,

Meg Leatherman

Village of Yellow Springs

937-767-1702



100 Dayton St.
Yellow Springs, OH 45387

DATE: October 10, 2024
TO: Planning Commission
FROM: Meg Leatherman
RE: Minor Subdivision for 1160 Corry St.

The Antioch College Corporation submitted a Minor Subdivision application for the property at 1160 Corry Street. Included with this memo is a staff report approving the minor subdivision with an official survey, along with a legal description.

The Minor Subdivision meets all the requirements and does not need additional review by the Planning Commission (VC 1226.11(a)). The college desires to sell off the lots to interested parties. I am unaware of potential purchasers.

The Minor Subdivision will appear on the Consent Agenda. Per VC 1226.11(a)(8), if the Planning Commission takes no action it is deemed approved.

Sincerely,

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

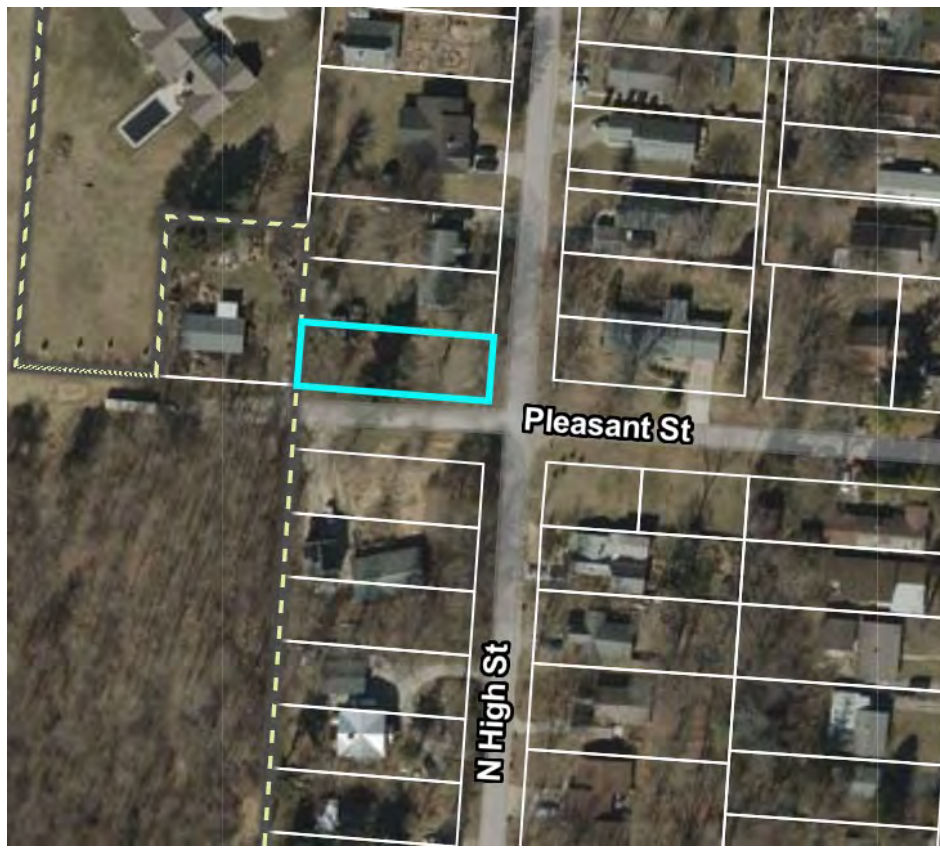
Meg Leatherman
PZ Administrator
Village of Yellow Springs



TO: Planning Commission
FROM: Meg Leatherman, Planning & Zoning Administrator
REPORT DATE: October 7, 2024
MEETING DATE: Tuesday, October 15, 2024
RE: **PC07-2024 - Conditional Use – Transient Guest Lodging (TGL) – 410 N. High Street – Darren Gilley**

SUMMARY

Darren Gilley, property owner, submitted a conditional use application (Exhibit A) to operate a Transient Guest Lodging Unit (TGL) at 410 N. High St. in a yet to be constructed single-family dwelling. The proposal includes sectioning off a portion of a new home, not yet constructed, for guests, while the owner remains in the other portion. The closest TGL in the vicinity is located at 417 Fairfield Pike and it is approximately 632 feet away (Exhibit E). Staff recommends approval, with conditions, based on the Applicable Code and Staff Findings provided below.



Vicinity Map



PROJECT DESCRIPTION

ZONING DISTRICT: Medium-Density Residential District (R-B)

APPLICANT: Darren Gilley

PROPERTY OWNER: Darren Gilley

REQUESTED ACTION: PC07-2024 - Conditional Use – Transient Guest Lodging (TGL) – 410 N. High Street

PARCEL ID: F19000100010005300

PUBLIC NOTICE: Adjoining property owners were mailed a notice on October 1, 2024 (Exhibit B), signs were posted on the property on October 4, 2024 (Exhibit C), and a notice was published in the paper on October 4, 2024 (Exhibit D).

APPLICABLE CODE & STAFF FINDINGS

1262.03 GENERAL STANDARDS. Any request for a conditional use shall only be approved upon a finding that each of the following general standards is satisfied, in addition to any applicable requirements pertaining to the specific use:

(a) The proposed use will be consistent with the intent and purposes of this zoning code and the vision, goals and recommendations of the Comprehensive Plan and Vision: Yellow Springs and Miami Township.

Finding: The proposed TGL is consistent with the intent and purpose of the zoning code and goals and recommendations of the Comprehensive Plan because the code allows for transient guest lodging units and the intent is to allow them in order to provide existing resident's a means to supplement income to offset the higher cost of living in Yellow Springs.

(b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use.

Finding: As conditioned, the proposed use will comply with all applicable requirements.

(c) The proposed use will be compatible with the character of the general vicinity.

Finding: There is an existing TGL approximately 632 feet away (Exhibit E) and the TGL is to be located inside a yet to be constructed single-family dwelling.

(d) The area and proposed use will be adequately served by essential public facilities and services, as applicable, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools. The applicant or landowner will be required to install public utilities, streets or other public infrastructure as required by the Village, State or other agencies to applicable specifications. Dedication of said public infrastructure may be required.



Finding: Essential services exist throughout the neighborhood. The application will be required to connect to all essential public facilities and services through the building permit application process.

(e) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the zoning district.

Finding: The proposed TGL will not be detrimental to persons or property in the vicinity since the neighborhood is developer with single-family homes and it will be located within a small portion of a yet to be constructed single-family dwelling.

(f) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Finding: The proposed TGL will not impede on normal and orderly development of the surrounding properties since it will be located in a small portion of a single-family home and off-street parking will be provided in the driveway.

(g) The proposed use will not block sight lines from the right-of-way to existing signs or windows on the front or side of a building.

Finding: The proposed TGL use will not block any sight lines.

1262.08 SPECIFIC REQUIREMENTS.(e)Residential.

(7) Transient guest lodging.

A. Permit. Upon approval of the conditional use, the owner or operator shall submit to the Zoning Administrator, a transient guest lodging application with the applicable fee. This application includes the contact information for the owner or operator and if applicable, the property manager who can be contacted and will respond within a reasonable time period to any complaints, violations, emergencies or other concerns related to the transient guest lodging property or tenants. Upon the Zoning Administrator's review of the permit, the Zoning Administrator shall provide a copy to the Finance Director and the owner or operator shall thereafter comply with all provisions of Chapter 882 of the Village Codified Ordinances with respect to lodging excise tax and registration. For non-operator occupied permits, the Zoning Administrator shall also send a copy to the Greene County Auditor.

Finding: A Conditional Use- Transient Guest Lodging (TGL) application was submitted (Exhibit A) and includes all the required information.

B. Location. The Planning Commission shall consider the proposed location relative to its proximity to other such uses in the vicinity in order to avoid an undue concentration that could have a negative effect on the surrounding neighborhood including affordable housing concerns. In no case, can a transient guest lodging be



located closer than 500 feet from another transient guest lodging, as measured from closest property line to closest property line. A transient guest lodging unit may be located in a dwelling unit, a room or rooms in a dwelling unit, or an accessory dwelling unit, but no more than one transient guest lodging permit shall be granted per property or per owner.

Finding: The proposed TGL is not within 500 ft of another TGL. One TGL is located in the vicinity at 417 Fairfield Pike and it is approximately 632 ft away (Exhibit E). The proposed TGL would be located in an new single-family dwelling.

C. Maximum occupancy. The maximum number of tenants permitted shall be determined by applicable health, safety and welfare requirements. If the transient guest lodging is located in an accessory dwelling unit (ADU) no more than two adults shall occupy the accessory dwelling unit.

Finding: This proposal does not include an ADU.

D. Utilities. The transient guest lodging unit shall share all public utilities (water/sewer/electric) with the principal dwelling unit. Transient guest lodging units will not be separately metered.

Finding: The TGL would share all public utilities with the principal dwelling unit. The applicant will be required to install new services lines to the single-family dwelling.

E. Parking. A minimum of one off-street parking space per two adult guests shall be provided on the lot for the transient guest lodging unit in addition to the off-street parking spaces required for the principal dwelling unit.

Finding: Two off-street parking spaces will remain in the existing garage, and two additional are provided in the driveway for a total of four off-street parking spaces.

F. Ingress/egress. No new access points or driveways shall be created or installed for access to the transient guest lodging unit.

Finding: No new access points or driveways are proposed. A driveway will be constructed as part of the construction of the single-family dwelling and access will be off of the existing road, N. High Street.

G. Transient guest lodging permits are non-transferable. A change in the ownership of the property or if the permit was submitted under a tenant's name and the tenant no longer resides at that address, will void the permit.

H. If the applicant is not the property owner, a letter from the property owner agreeing to the use of their dwelling for transient guest lodging is required.

Finding: The applicant is the property owner (Exhibit F).



I. An inspection by the Miami Township Fire and Rescue for the installation of smoke and carbon monoxide detectors must accompany the application for transient guest lodging. The detectors will be inspected by MTRF annually.

Finding: As conditioned, the TGL will be inspected by the Miami Township Fire and Rescue prior to occupancy of the TGL.

J. The applicant must obtain a letter of good standing from the Finance Department with respect to income tax and utility payments to submit with the conditional use permit application and maintain good standing thereafter.

Finding: Staff has confirmed that Ms. Gilley is not on disconnect notice for any Village utilities and is in good standing.

K. If the annual registration under [Chapter 882](#) of the Code is revoked, the Village may also revoke the conditional use permit under Section [1262.06](#) of this Code; if so, the Planning Commission shall deny any other conditional use applications pertaining to the same owner, operator or property for a three-year period from the date of such revocation.

L. Lodging establishments include hotels, motels, bed & breakfast/inns and boarding houses, which have their own specific requirements in the Zoning Code under other sections of Section [1262.08](#) for obtaining conditional use permits. Cabins, condominiums, vacation homes, rooms in residences being rented to guests for sleeping accommodations, owner-occupied residences, accessory dwelling units, and non-owner occupied residences are subject to the requirements of this section. An owner may subsequently apply to the Planning Commission to convert an establishment which is subject to this section to become a hotel, motel, bed and breakfast/inn or boarding/rooming/lodging house if the lodging establishment meets the criteria set forth in the Code, subject to the applicable Code sections.

M. If an owner or occupant does not provide proof to the Zoning Administrator that the property is the owner or occupant's primary residence, the Zoning Administrator shall deny the application for conditional use permit and it shall not be considered by the Planning Commission. The Zoning Administrator shall submit an annual summary of the current number and ratio of operator and non-operator occupied transient guest lodging permits for review by Planning Commission and Village Council to determine if adjustments should be made to permit allowances in line with affordable housing policies and Village Values, taking into consideration new housing, Census and other data.

Finding: The applicant is the owner of the property but the single-family dwelling is not constructed yet and a condition of approval has been placed on the application to require proof of ownership of the new single-family dwelling upon completion of construction (Exhibit F).



N. A designated outdoor smoking area to be located at least fifteen feet from all property lines.

Finding: The applicant has indicated that smoking will not be allowed in the house. The outdoor designated smoking areas will be 15 feet from all property lines.

O. Proof of commercial insurance is required for non-operator occupied transient guest lodgings.

Finding: Not applicable, as this is an operator-occupied TGL.

RECOMMENDATION

Planning Commission shall consider the application (Exhibit A) with the requirements outlined in Section 1262.08(e)(7) above for Transient Guest Lodging (TGL). Transient Guest Lodging (TGL) was added to the zoning code in 2013 to provide an affordable place for people to stay when they visit Yellow springs and as a way to provide extra income for Villagers to offset the higher cost of living here. Staff recommends **APPROVAL** of the application with the following conditions:

CONDITIONS OF APPROVAL:

1. The owner is required to provide proof of primary residence upon completion of construction and prior to operating the TGL.
2. An inspection by the Miami Township Fire and Rescue (MTFR) for the installation of smoke and carbon monoxide detectors must accompany the application for transient guest lodging. The detectors will be inspected by MTFR annually.
3. Transient guest lodging permits are non-transferable. A change in the ownership of the property will void the permit.
4. Completion of the Transient Guest Lodging registration with the Finance department is required annually and prior to initial occupancy.
5. A bi-annual reporting of all earnings must be returned to the Finance Director annually, even if there were no earnings. A 3% lodging tax will be due with the reporting by April 15th and October 15th for the preceding six months, annually.

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 Notice

Exhibit D – YS News Notice

Exhibit E – Transient Guest Lodging Map

Exhibit F – Proof of Residency