



Staff Report – April 28, 2017

Planning Commission Meeting – May 8, 2017

APPLICATION NUMBER: PC17-17

APPLICANT: Micah David, Property Owner with Hashlamah Project Foundation

TYPE OF REQUEST: Minor Subdivision

PARCEL ID NUMBER: F19000100030006300

BACKGROUND:

Micah David purchased the property at 745 Dayton Street (# 5 in Exhibit A) in February, 2017. Unbeknownst to him, the two-family dwelling on this property is a non-conforming structure as it is located in the R-A, Low Density Residential District. This means he is not allowed to expand the structure's footprint. He is also not allowed to build an accessory dwelling unit as ADUs are only allowed on lots with single-family dwellings. Due to the size of the lot, he has submitted an application to make his one lot into two lots, following the lot area requirements of the zoning code for R-A. Because this lot is accessed by an easement to Dayton Street, we are exercising due diligence by noticing it in the Yellow Springs News, sending a public hearing notice to all abutting property owners and placing a sign on the property. Typically, this is not a requirement in the minor subdivision regulations. The applicant intends to build a single-family dwelling on the proposed new lot.

REQUIREMENTS:

Section 1226.11(a) of the Village Code of Ordinances highlights the decision criteria for a minor subdivision:

- (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.
- (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 ten 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.

PLANNING COMMISSION DUTIES

Although the Planning Commission may take NO ACTION under the consent agenda if its members find that the proposed minor subdivision meet the requirements, staff has followed the procedures for a public hearing and requests that Planning Commission MAKE A MOTION to discuss the application and make a decision.

FINDINGS

Staff has made the following analysis:

- (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.

745 Dayton Street or Lot #5 is accessed by an easement to Dayton Street (Exhibit B). Greene County's map recognizes Dayton Street as the existing public road for this property (Exhibit C).

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

The Greene County Engineer has indicated he will accept this newly created lot without the need for a replat of the original Dayton Street Plat previously approved by the Village of Yellow Springs on July 31, 1990.

The two lots created from one lot created meets the minimum lot area and lot width requirements for R-A, Low Density Residential.

Tract 1 measures 0.2902 acres or 12,641.112 square feet and has a lot width of 71.28 feet on a straight line or 79.79 feet on an arc line.

Tract 2 measures 0.2163 acres or 9,422.028 square feet and has a lot width of 75 feet.

<i>Table 1248.03 Lot and Width Requirements: Residential Districts</i>		
Zoning District	Minimum Lot Area (Sq. Ft.)¹	Minimum Lot Width (Ft.)
R-A, Low-Density Residential	7,500	60*

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

One lot will be divided into two 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.

This tract of land was last subdivided through a replat process whereby five existing lots' property lines were moved, which created two new lots (see minutes of Planning and BZA in 1988-Exhibit D), but without increasing the total number of lots, as five lots remained after the replat. This plat was named the Dayton Street Plat and identified as Lot 1, 2, 3, 4 and 5. The Dayton Street Plat was approved by the Village of Yellow Springs on July 31, 1990. The minor subdivision process was exercised for the creation of Lot 3, 4 and 5. The minor subdivision regulations in 1990 applied to three lots or less (Exhibit E).

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

Easements for utilities and vehicle access to Lot 5 follow the original Dayton Street Plat dedication.

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

The plat of survey has the notation stated above (Exhibit F).

- (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.

The recording instrument has been prepared by a registered surveyor and meets the Village of Yellow Springs requirements as noted above (Exhibit F).

- (8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least ten 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.

The recording instrument was sent to the Planning Commission on Friday, April 28, 2017. Because this existing subdivision has an access easement for vehicles and utilities, notification of this minor subdivision has been sent to abutting property owners.

RECOMMENDATION

Staff recommends the Planning Commission consider the application for the proposed lot division with the findings noted above. The creation of another buildable lot will also further the Village's goal of providing infill development.

If you should have any further questions, please contact me at (937) 767-1702.

Respectfully submitted,

Denise Swinger
Zoning Administrator
Village of Yellow Springs



PC17-17

Application for Minor Subdivision

Applicant(s): Micah David

Applicant's mailing address: 745 Dayton St

Phone: 937-671-8334

Address(es) of property: 745 Dayton St

Greene County Parcel ID: _____

Zoning District: R-A Total number of lots after Subdivision: 2 = 1+1

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.
- (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 ten 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.

Applicant's Signature: [Signature] Date: 4/18/17
The applicant hereby certifies that all information on and attached to this application is true and correct.

For Village use only:

Date filed: 4/18/17

☐ \$ _____ Fee Paid at \$50.00 per lot if action is required by Planning and Council. (Development or PUD)

☐ \$ _____ Fee Paid at \$50.00 + \$15 per lot if no action is required by Planning and Council.

Forwarded to Planning Commission 10 Days Prior to their 5/8/17 (date) Meeting.

Planning Commission Action:

☐ none ☐ approval ☐ denial ☐ modification

RECEIVED:

EXHIBIT A

Greene County, Ohio



EXHIBIT B

DAYTON ST. PLAT

NOTES & RESTRICTIONS:

LOTS 3 & 4 MAY NOT BE FURTHER SUBDIVIDED FOR RESIDENTIAL PURPOSES.

LOT 5 SHALL HAVE A VEHICLE ACCESS AND UTILITY EASEMENT ON LOT 4 FROM LOT 5 TO DAYTON STREET. EXISTING UTILITIES ON LOT 4 WHICH SERVE LOT 5 WILL CONTINUE TO BE THE PROPERTY OF THE OWNERS OF LOT 5 AND SHALL BE INCLUDED IN THE EASEMENT.

ACCEPTANCE AND APPROVAL:

APPROVED AND ACCEPTED ON THIS 31 DAY OF JULY 1990 BY THE ZONING AUTHORITY OF THE VILLAGE OF YELLOW SPRINGS.

J. Womeldorff
VILLAGE OF YELLOW SPRINGS ZONING OFFICER

TRANSFERRED:

TRANSFERRED Sept 21, 1990

RECORDED:

RECEIVED September 21, 1990
RECEIVED September 21, 1990
PLAT BOOK 26 PAGES 17-18
FEE \$ 33.00

Dorothy L. Shaw-wls
AUDITOR, GREENE COUNTY, OHIO

Lucy B. Morris
RECORDER, GREENE COUNTY, OHIO

CERTIFICATION:

I HEREBY CERTIFY THAT ALL DISTANCES ARE CORRECT AND MONUMENTS ARE SET AS SHOWN.



Michael L. Smith
MICHAEL L. SMITH
REGISTERED SURVEYOR
OHIO # 6590

DESCRIPTION:

THIS PLAT IS FORMED FROM FIVE PARCELS OF LAND IN THE VILLAGE OF YELLOW SPRINGS, GREENE COUNTY, OHIO. THESE PARCELS ARE NUMBERED 26, 28, 30, 31, AND 54 ON PAGE 3 OF THE VILLAGE OF YELLOW SPRINGS, GREENE COUNTY TAX MAPS. PARCELS 26, 30, AND 31 ARE EACH OWNED BY ELIZABETH PERRY, KINGSLEY PERRY, JR., PATRICIA PERRY, AND GENEVIEVE NIXON AS RECORDED IN DEED BOOK 554, PAGE 429. PARCEL 28 IS OWNED BY THOMAS AND EVELYN LAMERS AS RECORDED IN DEED BOOK 490, PAGE 938. PARCEL 54 IS OWNED BY PATRICIA L. PERRY AS RECORDED IN DEED BOOK 488, PAGE 564. AN EASEMENT ON PARCELS 26 AND 31 IS OWNED BY THE DAYTON POWER AND LIGHT COMPANY AS RECORDED IN DEED BOOK 309, PAGE 384.

DEDICATION:

THE UNDERSIGNED, WHO ARE ALL THE OWNERS AND SPOUSES OF OWNERS OF THE ABOVE DESCRIBED PROPERTY OR WHO OWN EASEMENTS WITHIN THE ABOVE DESCRIBED PROPERTY, VOLUNTARILY CONSENT TO THE PLAT DESCRIBED IN THIS DOCUMENT.

Elizabeth Perry
ELIZABETH PERRY

Lunice Rebut - Josephine J. D
WITNESSES

Kingsley Perry Jr.
KINGSLEY PERRY, JR.

Lunice Rebut - Josephine J. D
WITNESSES

Yvonne Perry
YVONNE PERRY

Lunice Rebut - Josephine J. D
WITNESSES

Patricia Perry
PATRICIA PERRY

Lunice Rebut - Josephine J. D
WITNESSES

Genevieve Nixon
GENEVIEVE NIXON

Lunice Rebut - Josephine J. D
WITNESSES

Evelyn Lamers
EVELYN LAMERS

Betty H. Dawson - Joe
WITNESSES

Thomas Lamers
THOMAS LAMERS

Betty H. Dawson - Joe
WITNESSES

DAYTON ST. PLAT

DESCRIPTION CONTINUED:

THE PARCELS PREVIOUSLY DESCRIBED ARE LOCATED IN THE S.W. QUARTER, SECTION 20, TWP. 4, RANGE 8 OF THE STATE OF OHIO. THE ACREAGE OF EACH PARCEL AS DESCRIBED ON THE TAX MAPS OF GREENE COUNTY IS: PARCEL 26, 2.6775 ac. PARCEL 28, 0.456 ac. PARCEL 30, 0.20 ac. PARCEL 31, 0.425 ac. PARCEL 54, 0.210 ac. THE TOTAL ACREAGE OF THIS PLAT AS SURVEYED IS 4.0238 ac.

STATE OF OHIO, COUNTY OF GREENE SS:

BE IT REMEMBERED THAT ON THIS 16 DAY OF June 1990, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME ELIZABETH, KINGSLEY, JR., YVONNE, AND PATRICIA PERRY AND GENEVIEVE NIXON AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE WITHIN PLAT TO BE THEIR VOLUNTARY ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE ABOVE WRITTEN.

Josephine J. Dunphy
NOTARY PUBLIC IN AND FOR SAID
GREENE COUNTY, OHIO

JOSEPHINE J. DUNPHY
Notary Public, State of Ohio
My commission expires May 28, 1993

STATE OF OHIO, COUNTY OF GREENE SS:

BE IT REMEMBERED THAT ON THIS 26 DAY OF June 1990, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME THOMAS AND EVELYN LAMERS AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE WITHIN PLAT TO BE THEIR VOLUNTARY ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE ABOVE WRITTEN.

Josephine J. Dunphy
NOTARY PUBLIC IN AND FOR SAID
GREENE COUNTY, OHIO

JOSEPHINE J. DUNPHY
Notary Public, State of Ohio
My commission expires May 28, 1993

DAYTON ST

KE. & Y. PERRY

LAURA TAYLOR
ET AL

S 69° 24' 30" W 19.15'

N 0° 40' 10" E 53.03'

[28] 0.456 ac.

(N 69° 24' 30" 81.75)
0.104 ac

S 69° 44' 30" W 100.68'
N 69° 44' 30" E 150.88'

[30] 0.20 ac.

R=145.00'
I=18° 13' 40"
A=46.13'
C=45.94'

[31] 0.425 ac.

R=185.00'
I=18° 13' 40"
A=58.85'
C=55.7'

[54] 0.210 ac.

5

0.216 ac

4

[26] 2.6775 ac

ELAINE BROWN

1" = 60'

1 NOV 89

LAURA TAYLOR ET AL

INDICATE
FORMER
PARCEL
BOUNDARIES

INDICATE
APPROXIMATE
CENTERLINE
5' GAS PIPELINE
EASEMENT

EXHIBIT C

Greene County, Ohio

4/20/2017 2:42:06 PM

Parcel ID: F19-0001-0003-0-0063-00 Tax Year: 2016 Card: 1 of 1

Owner: HASHLAMAH PROJECT FOUNDATION

Mailing Name/Address:
HASHLAMAH PROJECT FOUNDATIONPO BOX 62
YELLOW SPRINGS OH 45387
Tax District: F19 - YELLOW SPRINGS VILDescription: DAYTON ST PLAT
LOT 5
DAYTON STProperty Address: 745 DAYTON ST
Class: R - SINGLE FAMILY, O-9.999 AC
Map/Routing: 0003.00 016.00
Neighborhood: 00127.000
Parcel Tieback:

F19000100030006300 03/03/2012

LAND DATA	Desc	Type	Effective Frontage	Depth	Square Footage	Acres	Value
	Homesite	ACREAGE				0.4260	\$68,160.00

SALES DATA

Sale Date	Type	Amount	Source
02/07/2017	LAND & BUILDING	\$87,000.00	OTHER
08/23/2016	LAND & BUILDING	\$90,000.00	OTHER
03/02/2004			
02/12/2003	LAND & BUILDING	\$0.00	AGENT

DWELLING DATA

Style	RANCH	Total Rooms	8	Masonry Trim Area	
Story Hgt	1.00	Bedrooms	2	Unfin Area	
Construct	ALUMINUM/VINYL	Family Rms	0	Rec Room Area	
Year Blt	1960 Remod	Full Baths	2	Fin Bsmt Area	
SFLA	1490	Half Baths	0	WBFP Stacks	Open
GFLA	1248	Add'l Fixt	4	Bsmt Garage # Cars	
Basement	NONE	Total Fixt	10	Misc Desc	
Heating	CENTRAL	Bath Remod	NO	Misc Desc	
Heat Fuel	GAS	Kitch Remod	NO	Condo Level	
Attic	NONE			Condo Type	
Int vs Ext	2				

VALUES

	Land Value	Bldg Value	Total Value	Value Date
Appraised	\$68,160.00	\$69,430.00	\$137,590.00	12/28/2016
Assessed (35%)	\$23,860.00	\$24,300.00	\$48,160.00	

TAXES

	Delinquent	1st Half	2nd Half	Total
Real:	\$0.00	\$1,204.63	\$1,204.63	\$2,409.26
Special	\$0.00	\$0.00	\$0.00	\$0.00
Total:	\$0.00	\$1,204.63	\$1,204.63	
Total Tax:				\$2,409.26
Amount Due:				\$0.00

PROPERTY FACTORS

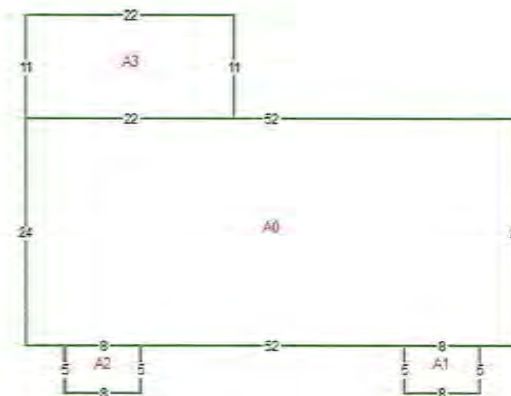
Topography	Utilities	Street/Road	Traffic
LEVEL	ALL PUBLIC	PAVED	MEDIUM

ADDITION DATA

#	Lower	First	Second	Third	Area
A0		MAIN BUILDING			1248
A1		MAS STOOP/TERRACE			40
A2		MAS STOOP/TERRACE			40
A3		FRAME			242

OTHER BUILDING & YARD ITEMS

Description	Yr Blt	Area	Rate	Units	Value
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RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION

Meeting

national
graphics

National Graphics Corp., Cols., O. Form No. 1087

Held May 9, 1988

Following discussion on involvement of floor area, wholly or partly located within the roof, Commission agreed to accept this definition together with the following definition for height: "The height of a building shall be the vertical distance measured from the mean elevation of the finished grade of the front of the building".

NEW BUSINESS

Cobbs/Buster Lot Development.

Bristol reported Mr. Buster and Miss Cobbs have asked about options for developing two parcels of land shown on page three of the Yellow Springs tax maps as parcels 26 and 30 consisting of 2.8 acres of land on the south side of Dayton Street west of Wright Street, with the intention to build two homes on the subject land and hold joint ownership. The land in question is presently zoned Residence A and Section 1121.05 of the code requires that each new dwelling have at least 60 feet of frontage on a public street indicating that parcel 30 could possibly be developed but would effectively landlock parcel 26. Section 1121.06 (d) and (e) prohibit more than one principal structure on a single parcel of ground.

Bristol presented options as:

- (1) subdivide into two or more lots, using the 50-foot frontage as a public street,
- (2) apply for a conditional use permit for a two family dwelling,
- (3) apply for a conditional use permit for cluster housing,
- (4) get a waiver of the rule allowing only one principal structure per lot.

-Pitstick stated need to come up with a practical solution for two practically landlocked lots - ideal goal would be to have two lots with a shared drive and a deeded restriction. He spoke to acquiring frontage variance from the Board of Appeals.

-Rauh requested the owners make an effort to make a case that will hold up to the Planning Commission and Board of Appeals review - suggested they take initiative to show how this would be justified - Rauh also requested a corrected map be prepared from the official tax maps with an overlay of the proposed plan, for the purpose of clarification. It was also suggested consideration be given to each party asking for a variance from the Board of Appeals for one-half of the frontage after working with the Village Manager to draw up a minor subdivision application.

-Issue tabled until new proposal comes forward.

RECORD OF PROCEEDINGS

Minutes of

BOARD OF APPEALS

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

June 29, 1988

-Newman justified the variance on the basis that the Church functions as a semi-public building where handicap accessibility is a factor and also stated this type request would not be of a recurring nature throughout the Village.

-Hillman stated the project is in total support of the rationale of "not detrimental to the public welfare" and is in harmony with the general purpose of the code. Hillman felt the project also agrees with the overall intent of the code on enlargement of existing non-conforming structures which is a variance from a special exception.

There being no further discussion, the roll was called upon the question of the granting of a 17 1/2 foot variance and the following vote was recorded: Yea: 4: Hart, Hillman, Newman, Tebbetts. Nay: 0. VARIANCE GRANTED.

The Chair declared open the hearing on a request for a variance in minimum lot frontage by Charles Buster and Carole Cobbs to permit division of undeveloped land on the south side of Dayton Street between existing dwellings at 755 and 775 Dayton Street. Charles Buster and Carole Cobbs were present for discussion.

It was noted the variance request is for 75 feet from the Residence "A" minimum requirement of 75-foot frontage for each lot. The plan is to divide a 2.8 acre parcel with limited frontage into two lots (each to contain a single family dwelling) under the Village's minor subdivision code.

Following discussion on:

- Pat Perry's deeded right-of-way for her duplex,
- the prohibitive cost of providing public improvements for a public street under the subdivision code and the desire of property owners not to have a high density development,
- the unavailability of additional land to provide the required frontage,
- the suggestion that if one lot owns the right-of-way and deeds use to the other lot, no variance would be required.

--the proper division of lots so access can be provided to both,

--justification of frontage when access can be granted through properly deeded and recorded right-of-way in the manner currently existing for a duplex located in the same area,

the appellants were advised to pursue the direction of creating a private right-of-way to parcel 26 and then apply for minor subdivision. NO VARIANCE REQUIRED.

I. MOTION was made by Mrs. Newman and seconded by Mr. Hillman to approve minutes dated February 24, 1988 as presented. MOTION CARRIED.

II OLD BUSINESS

In discussing the change of the Board of Appeals quorum required to establish a meeting date, it was Board consensus that a change of quorum to three is acceptable as long and the vote required to grant a variance remains at 3 with the appellant being fully aware that in this case a unanimous vote is necessary to receive a variance.

It was noted the manager will be requested to follow-up on the conditions of past variances granted.

IV. There being no further business to come before the Board, meeting was ADJOURNED.

CHAIR

Joe Tebbetts

CLERK

Codified
Ordinances
of
Yellow Springs
Ohio



Complete to September 1, 1986

Revised January 1, 1991

Updated April, 1993

sufficient evidence for the release by the Village of Yellow Springs of performance bond.

- (f) When the Village Manager, following inspection of a subdivision, certifies to the Village Council that all improvements have been constructed in accordance with Village specifications, the Vill-Council may proceed to accept the public improvements. Improvements will only be accepted after a bond or other sufficient surety has been posted guaranteeing maintenance, to installation specifications, for one year of the required subdivision improvements. Such maintenance bond shall be in an amount equal to ten (10) percent of estimated construction cost, and shall run from the date of acceptance of improvements by Vill-Council to one year thereafter. Maintenance bonds may be released by Council after receiving certification from the Village Manager that improvements continue to meet specifications after one full year beyond their acceptance.
- (g) Whenever public improvements have not been constructed in accordance with specifications as established, the Village Council may exercise its rights of foreclosure under the bond. If, in the opinion of the Village's authorized inspector, installations are improper or inadequate, he shall issue a stop order. The developer may appeal the inspector's findings to the Village Manager within forty-eight (48) hours. Failure to comply will be deemed a violation of these regulations.

1101.10 VARIATIONS. (ORD. 84-08. Passed 7/16/84).

- (a) The Planning Commission may grant variations from these regulations by the affirmative vote of three (3) members subject to limitations as follows:
- (1) that specific conditions and circumstances exist which are particular to the land and which are not generally applicable to other lands within the Village.
 - (2) that literal interpretations of the provisions of this subdivision regulation would deprive the applicant of rights commonly enjoyed by other properties.
 - (3) that special conditions and circumstances do not result from the actions of the applicant.
 - (4) that granting of the variation requested would provide the minimum necessary to grant relief from the special circumstances.
 - (5) that granting of the variation will be in harmony with the general purpose and intent of this subdivision regulation and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (b) In granting variations or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

1984 Replacement

1101.11 MINOR SUBDIVISIONS.

- (a) Approval of a minor subdivision by an authorized representative of the Planning Commission, without formal action by the Planning Commission and Council, may 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 three (3) 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 (2) 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 same;
 - (6) Each buildable lot is provided separate and adequate water and sewerage connection laterals;
 - (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 ten (10) 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.
- (b) If approval is given under terms of the above provisions, the authorized representative of the Planning Commission shall, within fourteen (14) working days after submission, approve such proposed division of land and, upon presentation of a conveyance for said parcel and properly prepared survey sheet of property, shall stamp "Approved by the Yellow Springs Planning Commission, No Plat Required," and the authorized representative of the Commission shall sign the conveyance.

1984 Replacement

the minimum necessary to grant relief from the special circumstances;

(5) that granting of the variation will be in harmony with the general purpose and intent of this subdivision regulation and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(b) In granting variations or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

1101.11 MINOR SUBDIVISIONS

(a) Approval of a minor subdivision by an authorized representative of the Planning Commission, 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;

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(4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two (2) years and appears unlikely to be further subdivided subsequently;

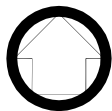
(5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated same;

(6) The recording instrument has a notation stating that each buildable lot will be provided with separate and adequate water and sewerage connection laterals. (ord. 92-16. Passed 11/2/92.)

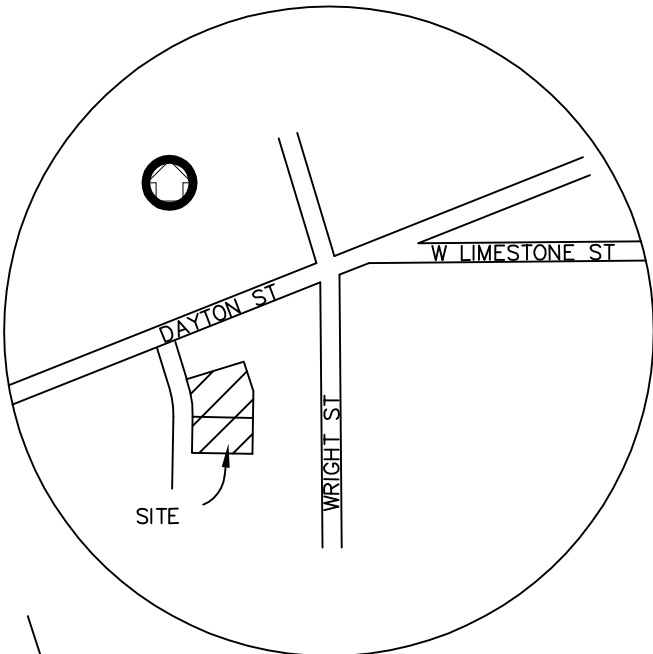
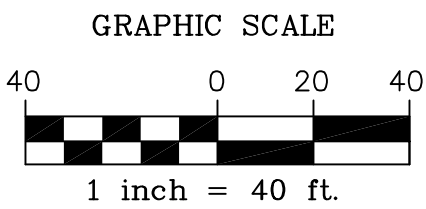
(7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line, and a certification that proper iron pins have been driven at each lot corner to delineate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

1992 Replacement

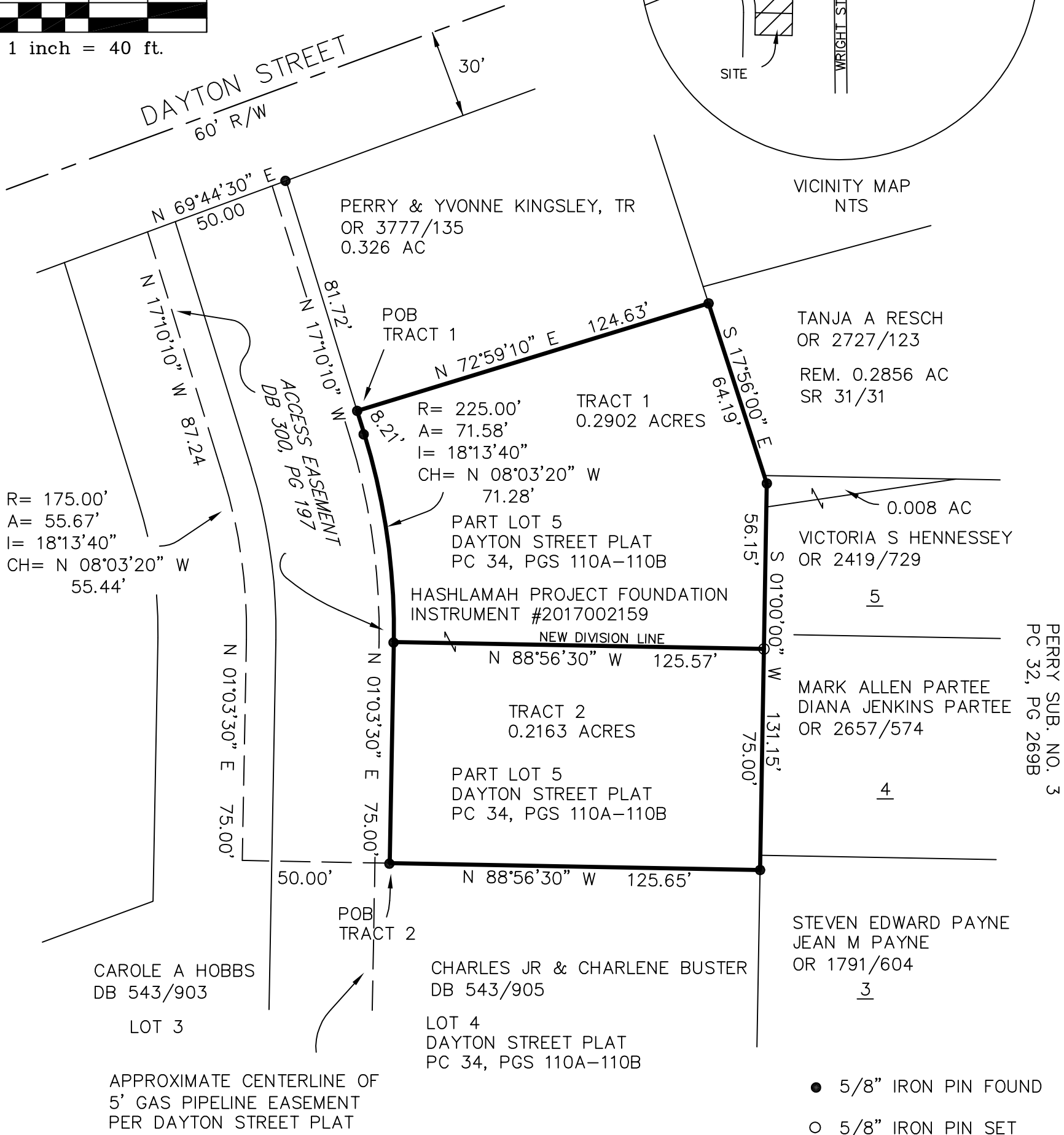
GREENE COUNTY SURVEYOR'S RECORD No. _____, PAGE _____



BEARINGS BASED ON THE NORTH
LINE OF LOT 5, DAYTON STREET PLAT
PC 34, PGS 110A-110B
N 72°59'10" E



VICINITY MAP
NTS



NOTE:
EACH BUILDABLE LOT WILL BE PROVIDED WITH
SEPARATE AND ADEQUATE WATER AND
SEWERAGE CONNECTION LATERALS

- 5/8" IRON PIN FOUND
- 5/8" IRON PIN SET

Prepared By:



SURVEYED BY

RAYMOND B MEFFORD REG. SURVEYOR NO. 7367

APPROVED GREENE COUNTY ENGINEER

By _____ Date _____

APPROVED BY

ZONING _____ DATE _____

RPCC, CITY, OR VILLAGE

DATE

GRANTOR HASHLAMAH PROJECT FOUNDATION

GRANTEE

LOCATION

Section 20, Town 4, Range 8

or Survey No.

VILLAGE OF YELLOW SPRINGS

GREENE COUNTY, OHIO

DATE APRIL 19, 2017

JOB NUMBER 6909



Judge Engineering Company

Professional Engineers and Surveyors • Consultants

Description Tract 1
Part of Lot 5, Dayton Street Plat
Village of Yellow Springs, Greene County, Ohio

Situate in Section 20, Town 4, Range 8, Village of Yellow Springs, Greene County, Ohio, and being part of Lot 5 of Dayton Street Plat as recorded in Plat Cabinet 34, Pages 110A-110B of the plat records of said county and conveyed to Hashlamah Project Foundation by deed recorded Instrument # 2017002159 of the deed records of said county and being a 0.2902 acre tract more particularly described as follows;

Beginning at a $\frac{5}{8}$ " iron pin found at the southwest corner of a 0.326 acre tract conveyed to Perry Kingsley and Yvonne Kingsley, Trustee by deed recorded in Volume 3777, Page 135 of the official records of said county and being the northwest corner of aforementioned Lot 5;

thence from said point of beginning N $72^{\circ} 59' 10''$ E with the south line of said 0.326 acre tract a distance of 124.63 feet to a $\frac{5}{8}$ " iron pin found at the northeast corner of Lot 5 and the west line of a 0.2776 acre tract conveyed to Tanja A. Resch by deed recorded in Volume 2727, Page 123 of the official deed records of said county;

thence S $17^{\circ} 56' 00''$ E with said west line and the west line of Lot 5, Perry Subdivision No. 3, as recorded in Plat Cabinet 32, Page 269B of the plat records of said county, as conveyed to Victoria Hennessey by deed recorded in Volume 2419, Page 729 of the official records of said county and a distance of 64.19 feet to a $\frac{5}{8}$ " iron pin found at an angle point;

thence S $01^{\circ} 00' 00''$ W with the west line of said Lot 5 and the west line of Lot 4, Perry Subdivision No. 3 as conveyed to Mark Allen Partee and Diana Jenkins Partee by deed recorded in Volume 2657, Page 574 of the official records of said county, a distance of 56.15 feet to a $\frac{5}{8}$ " iron pin set;

thence on a new division line N $88^{\circ} 56' 30''$ W a distance of 125.57 feet to a $\frac{5}{8}$ " iron pin found on the east line of Lot 4, Dayton Street Plat as conveyed to Charles Buster Jr. and Charlene Buster by deed recorded in Book 543, Page 905 of the deed records of said county;

thence with the said east line the following 2 courses;

1. Northwesterly on a curve to the left having a radius of 225.00 feet and an arc distance of 71.58 feet (said curve having a central angle of $18^{\circ} 13' 40''$ and a chord bearing of $N 08^{\circ} 03' 20'' W$ for 71.28 feet) to a $\frac{5}{8}$ " iron pin found;
2. $N 17^{\circ} 10' 10'' W$ a distance of 8.21 feet to the point of beginning containing 0.2902 acres more or less, subject, however to all legal highways, easements and restrictions of records;

This is the result of a field survey prepared by Raymond B. Mefford, Ohio Registered Surveyor No. 7367, and Judge Engineering Company dated April 20, 2017.

And conveying a right of access easement previously described in Book 300, Page 197 of the deed records of said county and being more particularly described as follows:

Beginning at the northeast corner of Lot 4, Dayton Street Plat;

Thence with the east line of said Lot 4 the following 3 courses;

1. $S 17^{\circ} 10' 10'' E$ a distance of 89.93 feet to a point;
2. Southeasterly on a curve to the right having a radius of 225.00 feet and an arc distance of 71.58 feet (said curve having a central angle of $18^{\circ} 13' 40''$ and a chord bearing of $S 08^{\circ} 03' 20'' E$ for 71.28 feet) to a point;
3. $S 01^{\circ} 03' 30'' W$ a distance of 75.00 feet to a point;

Thence $N 88^{\circ} 56' 30'' W$ a distance of 50.00 feet to a point;

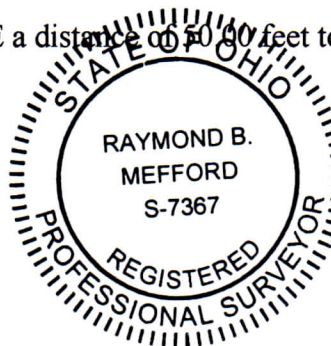
Thence $N 01^{\circ} 03' 03'' W$ a distance of 75.00 feet to a point;


Thence northwesterly on a curve to the left having a radius of 175.00 feet and an arc distance of 55.67 feet (said curve having a central angle of $18^{\circ} 13' 40''$ and a chord bearing of $N 08^{\circ} 03' 20'' W$ for 55.44 feet) to a point;

Thence $N 17^{\circ} 10' 10'' W$ a distance of 87.24 feet to a point on the south line of Dayton Street;

Thence $N 69^{\circ} 44' 30'' E$ a distance of 50.80 feet to the point of beginning.

6909 Tract I




Raymond B. Mefford,
Professional Surveyor No. 7367



Judge Engineering Company

Professional Engineers and Surveyors • Consultants

Description Tract 2
Part of Lot 5, Dayton Street Plat
Village of Yellow Springs, Greene County, Ohio

Situate in Section 20, Town 4, Range 8, Village of Yellow Springs, Greene County, Ohio, and being part of Lot 5 of Dayton Street Plat as recorded in Plat Cabinet 34, Pages 110A-110B of the plat records of said county and conveyed to Hashlamah Project Foundation by deed recorded Instrument # 2017002159 of the deed records of said county and being a 0.2163 acre tract more particularly described as follows;

Beginning at a $\frac{5}{8}$ " iron pin found at a northerly corner of Lot 4, Dayton Street Plat as conveyed to Charles Buster Jr. and Charlene Buster by deed recorded in Book 543, Page 905 of the deed records of said county, said point also being the southwest corner of said Lot 5;

thence from said point of beginning N $01^{\circ} 03' 30''$ E with an east line of said Lot 3, a distance of 75.00 feet to a $\frac{5}{8}$ " iron pin found;

thence on a new division line S $88^{\circ} 56' 30''$ E a distance of 125.57 feet to a $\frac{5}{8}$ " iron pin set on the west line of Lot 3, Perry Subdivision No. 3 as recorded in Plat Cabinet 32, Page 269B of the plat records of said county and conveyed to Mark Allen Partee and Diana Jenkins Partee by deed recorded in Volume 2657, Page 574 of the official records of said county.

thence S $01^{\circ} 00' 00''$ W with said west line and the west line of Lot 5, Perry Subdivision No. 3 as conveyed to Steven Edward Payne and Jean M. Payne by deed recorded in Volume 1791, Page 604 of the official records of said county, a distance of 75.00 feet to a $\frac{5}{8}$ " iron pin found at northeast corner of aforementioned Buster tract;

thence N $88^{\circ} 56' 30''$ W with the north line of said tract a distance of 125.65 feet to the point of beginning containing 0.2163 acres more or less, subject, to all legal highways, easements and restrictions of record.

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and conveying a right of access easement previously described in Book 300, Page 197 of the deed records of said county and being more particularly described as follows:

Beginning at the northeast corner of Lot 4, Dayton Street Plat;

Thence with the east line of said Lot 4 the following 3 courses;

1. S 17° 10' 10" E a distance of 89.93 feet to a point;
2. Southeasterly on a curve to the right having a radius of 225.00 feet and an arc distance of 71.58 feet (said curve having a central angle of 18° 13' 40" and a chord bearing of S 08° 03' 20" E for 71.28 feet) to a point;
3. S 01° 03' 30" W a distance of 75.00 feet to a point;

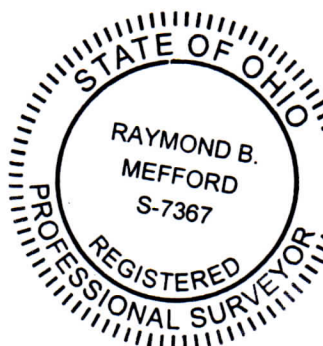
Thence N 88° 56' 30" W a distance of 50.00 feet to a point;


Thence N 01° 03' 03" W a distance of 75.00 feet to a point;

Thence northwesterly on a curve to the left having a radius of 175.00 feet and an arc distance of 55.67 feet (said curve having a central angle of 18° 13' 40" and a chord bearing of N 08° 03' 20" W for 55.44 feet) to a point;

Thence N 17° 10' 10" W a distance of 87.24 feet to a point on the south line of Dayton Street;

Thence N 69° 44' 44" E a distance of 50.00 feet to the point of beginning.




Raymond B. Mefford,
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