**VILLAGE OF EVENDALE**

**BOARD OF ZONING APPEALS**

Minutes from the January 15, 2020 Meeting

Evendale Municipal Building, 10500 Reading Rd. Evendale, Ohio

Pursuant to written notice, the meeting of the Board of Zoning Appeals (BZA) was called to order by Chairman David Harwood at 6:00 pm on Wednesday, January 15, 2020, in the Council Chambers. In attendance were BZA members Rhett McGregor and Tom Shanks. Supporting the BZA was Andrew E. Rodney, AICP (Building, Planning, & Zoning Manager). Member Doug Lohmeier was absent.

Those present who planned on providing testimony were duly sworn in by Mr. Harwood.

Prior to starting the proceedings, Mr. Harwood announced that all cases would be heard under a single public hearing, however individual votes on each case would be taken.

**NEW Business:**

1. V-20-1: Scott Lucke, Mohler Woods, LLC. 3379 Mohler Woods Lane.

Applicant proposes to erect a single-family home at 3379 Mohler Woods Lane (Parcel #611-0080-0380) within an R, Residential zoning district. The Applicant is requesting the following Variance from Chapter 1246 of the Village Codified Ordinances:

Variance #1: To reduce the required rear yard setback from 35 feet to 25 feet.

1. V-20-2: Scott Lucke, Mohler Woods, LLC. 3351 Mohler Woods Lane.

Applicant proposes to erect a single-family home at 3351 Mohler Woods Lane (Parcel #611-0080-0381) within an R, Residential zoning district. The Applicant is requesting the following Variance from Chapter 1246 of the Village Codified Ordinances:

Variance #1: To reduce the required rear yard setback from 35 feet to 10 feet.

1. V-20-3: Scott Lucke, Mohler Woods, LLC. 3362 Mohler Woods Lane.

Applicant proposes to erect a single-family home at 3362 Mohler Woods Lane (Parcel #611-0080-0382) within an R, Residential zoning district. The Applicant is requesting the following Variance from Chapter 1246 of the Village Codified Ordinances:

Variance #1: To reduce the required front yard setback from 50 feet to 30 feet.

Scott Lucke, Applicant, provided a brief summary of the requested variances. Mr. Lucke noted the property was purchased approximately one year ago after an employee purchased Lot #4 to build a home. He noted concern about the overall site during construction of the home on Lot #4, noting the former developer had not obtained the required approvals of certain utility companies. Mr. Lucke approached the former owner of the property regarding purchasing all of the lots due to a lack of communication during the construction on Lot #4.

Mr. Shanks asked the name of the previous developer.

Mr. Rodney responded the prior developer was Ross A. Dykstra.

Mr. Lucke noted Mr. Dykstra was representing a set of investors from whom the property was purchased.

Mr. Shanks asked if a plan for the lots had been drafted by the former developer.

Mr. Rodney responded that no formal home layout was created given each lot was required to be developed with a custom home.

Mr. Shanks asked if the location of the private drive and utilities were defined under the original developer.

Mr. Rodney responded in the negative, noting at the time the original plat was approved and recorded the location of the private drive and utilities had not yet been finalized, though easements for their installation and maintenance were created upon recording of the plat.

Mr. McGregor requested clarification that the proposed lot and house layout submitted with the applications was created by the Applicant.

Mr. Lucke responded in the affirmative, noting it is a preliminary design to determine the possible home size on each lot.

Mr. Shanks asked if Lucke Homes was involved prior to their employee building the existing home.

Mr. Lucke responded their involvement began with the construction of the home which started prior to Lucke Homes acquiring all of the property.

Mr. Shanks asked Mr. Rodney if the current lot layout and existing home were approved by the Village.

Mr. Rodney responded in the affirmative.

Mr. McGregor asked how long the Applicant had been involved in the project.

Mr. Lucke responded approximately eight months since taking ownership of the property.

Mr. McGregor asked if there was existing construction activity prior to Lucke Homes commencing home construction on Lot #4.

Mr. Lucke responded in the affirmative, noting site work on the development commenced approximately three months prior. He also noted preliminary work to clear the lots and prepare the site for construction had begun approximately one and a half years earlier.

 Mr. Shanks asked if any other variances have been approved to date.

 Mr. Lucke responded in the negative.

Mr. Lucke expressed his desire for the variances to allow for flexibility when marketing the lots to future homeowners. He noted a spec home may be constructed in the future.

Mr. McGregor asked if there was a minimum home size proposed.

Mr. Rodney responded the minimum home size would be regulated by the Zoning Code.

Mr. Lucke noted the Village, as a condition of sale of the land to the prior developer, required a minimum price point of $400,000. Mr. Lucke continued by explaining the three variance requests across Lots 1, 2, and 3, noting the proposed orientation of each home and the locations of challenging grades and woodland cover.

Mr. Shanks asked if all the site utilities were installed.

Mr. Lucke responded in the affirmative.

Mr. Lucke spoke to the installation of mounding and landscaping along the perimeter roadways. He again requested flexibility based on prior experience with home construction and the need for a certain home size to meet the minimum price point requirement.

Mr. McGregor asked if the illustrated footprint of each home was definitive.

Mr. Lucke responded they are draft footprints based on homes built elsewhere in the Cincinnati area.

Mr. Rodney explained the required setbacks are based upon the orientation of the lot relative to the public street as opposed to the orientation of the proposed home relative to the lot lines.

Mr. Lucke approached the bench with a map to further explain and illustrate the variance requests, pointing out the required setbacks and the proposed setbacks on each lot.

Mr. McGregor requested in the future that similar requests include a map denoting the required setback and requested setback for clarity.

Mr. Shanks summarized the variance requests for the Board members.

Mr. McGregor asked if four lots were necessary to make the development economically viable.

Mr. Lucke responded in the affirmative.

Mr. Harwood noted the variance requests do not impact adjacent properties.

Mr. Shanks asked if the lots met the minimum lot size.

Mr. Rodney responded in the affirmative.

Mr. Shanks asked if Lucke Homes designed the existing home.

Mr. Lucke responded in the affirmative.

Mr. McGregor asked if all the adjacent property owners were notified and whether any objections to the proposal were received.

Mr. Rodney responded that letters were sent, but no comments were received either for or against the proposal.

Mr. McGregor inquired about the addresses of the lots.

Mr. Lucke responded the addresses would be assigned to the private street.

Mr. McGregor asked what entity would be maintaining the private street.

Mr. Lucke responded it would be the homeowners via an association.

Motion by Mr. Shanks was seconded by Mr. McGregor to grant the variance as requested at 3379 Mohler Woods Lane (Parcel #611-0080-0380). There was no further discussion. The motion passed by a 3-0 vote.

Motion by Mr. Shanks was seconded by Mr. McGregor to grant the variance as requested at 3351 Mohler Woods Lane (Parcel #611-0080-0381). There was no further discussion. The motion passed by a 3-0 vote.

Motion by Mr. Shanks was seconded by Mr. McGregor to grant the variance as requested at 3362 Mohler Woods Lane (Parcel #611-0080-0382). There was no further discussion. The motion passed by a 3-0 vote.

**OLD Business:**

There was no old business to discuss.

**INTERNAL BUSINESS:**

1. Approval of the December 4, 2019 meeting minutes.

A motion by Mr. Shanks was seconded by Mr. McGregor to approve the minutes as submitted. There was no further discussion. The motion passed by a 3-0 vote.

A motion by Mr. Shanks was seconded by Mr. McGregor to adjourn the meeting. There was no further discussion. The motion passed by a 4-0 vote.

The meeting adjourned at 6:33pm.

Attest:

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David Harwood, Chairman

Board of Zoning Appeals

Meeting Minutes prepared by Andrew E. Rodney, AICP, Building, Planning, & Zoning Manager.