

**MINUTES**  
**Board of Zoning Appeals**  
**June 9, 2020**

The Wyoming Board of Zoning Appeals met on June 9, 2020 at 6:00 p.m. at the Wyoming Civic Center. Mr. Charlie Jahnigen, Chair, called the meeting to order at 6:00 p.m. Attendance was as follows:

**MEMBERS:**

Charlie Jahnigen, Chair  
Lynn Bueckman  
Jennifer Eismeier  
Bob Kearns  
Jeff LeRoy

**STAFF:**

Megan Statt Blake, Community Development Director  
Tana Pyles, Community Development Specialist

**OTHERS:**

Scott Humes, Development Coordinator, Traditions Building & Development Group, Inc.  
Doug Hinger, President, Traditions Building & Development Group, Inc.  
Jim Kiefer, Vice President of Engineering, Traditions Building & Design Group, Inc.

**Minutes:**

Mr. Bueckman moved to approve the minutes of the April 14, 2020 meeting. Ms. Eismeier seconded the motion. All voted yes, the motion carried.

**305 Crescent Avenue. Case #6-20**

Ms. Statt Blake presented the background of the case. 305 Crescent Avenue is the former Wyoming Family Practice/UC Health facility, now vacant, which spans nearly the entire western block of Crescent Avenue from Cooper to Worthington Avenues. Traditions Building and Development Group (Traditions Group) is proposing to demolish the existing building, remove the parking lot, and subdivide the property into seven (7) single-family residential lots. They are seeking the Board's consideration of uniform front and side yard variances for all seven of the proposed lots.

The property is zoned 'C-3' Office Building District, which allows for office uses and up to 4-family dwellings. When constructing single-family dwellings in the C-3 District, the zoning requirements pertaining to minimum lot size, setbacks, height limitations, parking requirements, etc., are the same as the 'A' Single-Family Residence District. The proposed subdivision would meet the use, lot size, layout, frontage, and other lot requirements of the Code's Design Standards.

Per Section 1155.04(a) (1), the required front yard setback of 305 Crescent is determined by the Crescent Avenue setback of 423 Worthington Ave., which is 8'. However, once the property is subdivided, if there is no residence on the lot adjoining the residence being built, the front yard setback of such vacant lot shall be considered to be 35' (reference Section 1155.04(a)(2)). Practically speaking, if the developer were to begin building on Lot 7, and sequentially build down the block to Lot 1 (as shown on the proposed plat) the minimum front yard setback could be a minimum of 8'. Conversely, if the developer were to begin building on any of Lots 1-6, the front yard setback would be 35', since the adjacent lot(s) would be vacant. Traditions Group has proposed a 25' front yard setback, which is in keeping with the average front yard depths of the existing homes along the eastern side of Crescent Avenue.

Section 1155.04(b) requires minimum side yards of 12' for two-story houses on both sides, resulting in 24' cumulative side yard. Traditions Group has proposed side yards of 10' on one side, and 14' on the other side, still resulting in 24' cumulative side yard per lot.

Ms. Statt Blake added that the Planning Commission recently reviewed and approved the proposed lot split. She presented the members with color renderings of what the homes could potentially look like to provide a better understanding of the architectural style. Ms. Statt Blake provided the Members with paper copies of emails she received from nearby property owners.

Ms. Statt Blake clarified that should the Members wish to approve the variance requests, they should be separated into two motions indicating that the variances are for the future platting of seven lots and the motions/variances do not apply to the existing, un-subdivided 305 Crescent Avenue property. The Planning Commission approved the re-platting to seven lots, however the transaction has not yet been recorded with Hamilton County.

Mr. Scott Humes, Mr. Doug Hinger, and Mr. Jim Kiefer of Traditions Building and Development Group, Inc. (the developer) were present and introduced themselves. Mr. Humes stated that he grew up on Elm Avenue and then his parents moved to Reily Road. Mr. Hinger lives on Compton Road and is familiar with the community as well. Mr. Humes stated that Traditions Group is very excited about the potential of doing a project in Wyoming. He explained that Traditions Group has an agreement with UC Health to purchase the property at 305 Crescent Avenue. The plans are nearly complete with the exception of the outstanding items pertaining to the storm water system. Mr. Humes stated that Traditions Group has been in the building industry for 40 years. Their "City Series" of single-family homes will be an outstanding complement to the community and are intended to be consistent with the massing and character of many of the homes nearby it. The homes will include detached garages to the rear of the homes with driveways on the sides to match the neighborhood.

Mr. Kearns asked clarification with regard to the 15' landscape buffer on the western property line and whether this is intended to satisfy the concerns of the neighbors regarding trees. Mr. Hinger stated that the landscaping buffer is intended to retain much of the vegetation that provides privacy to both the new homes and the neighboring properties on Grove Avenue. The landscaping buffer will be an item that will be placed on the deed of the homes requiring each homeowner to maintain the area, as there will not be a homeowner association associated with the property.

Mr. Kearns asked if the current drainage issues of the property will be taken care of. Mr. Hinger explained that the area is a very wet site which is why the storm water plan is still being developed. Mr. Kiefer added that the engineers of McGill Smith & Punchon are currently working with John Goedde of JMA Consultants, who is the City's contract engineering firm to complete the storm water plan. He added that there is one sewer tap currently on the property and MSD has approved the addition of six taps for the new lots.

Ms. Eismeier asked whether the homes will have basements. Mr. Hinger stated that they will, however it has not yet been determined if they will be 8' or 9' deep.

Mr. Jahnigen asked if the storm water will be collected in a detention system. Mr. Hinger confirmed it would and added that often times with infill development projects, storm water control can be the greatest expense of a development. Traditions Group has taken this into account and is consulting with the engineers to determine all of the detention methods available for this site.

Mr. Jahnigen commented that when the Middle School was recently renovated, the storm water storage pipes were buried underground between the rear of the building and the sidewalk to provide detention. He mentioned that there is additional storm water infrastructure in the tree lawn, known as a storm water tree trench. Mr. Hinger stated that all methods are being considered at this time to determine which method is the best for the development of the homes and the area.

Ms. Eismeier commented that McGill Smith & Punchon is well qualified for storm water engineering, and she asked if Traditions Group will be installing landscaping at each home. Mr. Hinger stated that each home will receive a large tree planted in the yard. Traditions Group will not be offering custom built homes from the start, per se, but they start with a basic plan that is purchased before starting construction. Each homeowner would choose their own landscaping package in addition to the one tree that is provided. Some homeowners may not install all of their landscaping at once, they may choose to do so over time.

Ms. Eismeier commented that the character of the homes are lovely and she appreciates that the garages will be located to the rear of the home. She commented that an adjoining property owner expressed concern with the massing of the home and that they would be more in keeping with the massing of the homes to the rear, on Grove Avenue, and less in keeping with the homes across the street on the east side of Crescent Avenue. Mr. Hinger confirmed that the massing and design of the homes will be more in similar to the homes on Grove Avenue.

Mr. Hinger explained that the homes will have a 3-1/2 foot foundation visible above ground with a first floor ceiling height of 10 feet and a second floor height of 9 feet. Some home designs, if chosen, could have a third floor bonus space. Mr. Hinger noted that there are several homes on Grove Avenue that have a finished third floor attic space. He added that the storm water plans for this site will likely be one of the most expensive components of the development. He expects that the homes will start at \$500,000 and buyers will be able to select design elements.

Mr. LeRoy commented that when the Springfield Pike project began it was determined that some of the water mains and gas mains were not buried as deep as they were supposed to be and he asked if the developers anticipate similar challenges. Mr. Hinger stated that the location of the water table is estimated, and is believed to be between five and six feet deep. Additionally, the shallowness of the sewers and other utilities is not known precisely at this time.

Mr. Kiefer explained that the water main is approximately two feet inside the street from the curb and there will need to be some curb excavation. The sanitary sewers are approximately ten feet deep on one end, and at the intersection with Cooper Avenue it is about seven to eight feet deep. He stated that the sewer line has been video recorded and had been lined with fiberglass by MSD. The contractors that bid the project know what the existing conditions are. The sanitary sewers and water tables vary throughout the year-in the summer it drops down lower, but right now it is about six feet below the surface. The contractor may experience deep water in areas and may have to pump water while they are digging the trenching. There have been good contractors looking at bidding the project. The location of the gas mains are known as well as where the water shut-offs and electric is located. Mr. Kiefer stated that he feels the team has done its due diligence thus far.

Mr. LeRoy asked for clarification whether it is possible to build an eight foot basement with a six foot water table. Ms. Statt Blake explained that the basement will be raised with 3-1/2 feet of the basement above surface. Mr. Hinger added that a basement can be built into the water table level, though it is not preferred. Traditions Group contracts with Civil Solutions Associates, which is a respected geotechnical engineering firm, who will do six or seven soil borings on site so the depth of the water table can be determined. The

basements will all likely be eight feet deep, however if someone wants a greater depth it will be expensive to dig, but it will be structurally sound.

Mr. Jahnigen commented that recently a number of basements in this area had flooded during a major storm event. Most of the homes were within the limits of the historic district and none have sump pumps. Mr. Hinger stated that the homes will have sump pumps with battery back-ups and check valves to mitigate such concerns. Mr. Jahnigen stated that it was storm water and sewer, and MSD came out to investigate.

Mr. Kiefer stated that in the conditional letter of approval from MSD, they mentioned flooding issues in the vicinity, and set the criteria that the lower level needs to be three feet above the sewer and have other protections to prevent sewer back-ups.

Ms. Eismeier stated that this area of town is serviced by a combined sewer area which is always going to be a challenge. Mr. Kiefer stated that when the site plan was being evaluated he believed that the 305 Crescent Avenue property was serviced by a combined sewer and MSD has indicated that it is not. Ms. Statt Blake confirmed that a separated line is present on the site. Mr. Jahnigen added that at the intersection of Worthington Avenue and Grove Avenue a combined sewer is present.

Mr. Hinger stated that one option is to construct the upper floors with a separate line at a higher level and any finished basements could get an ejector pump to prohibit a sewage from coming into a low lateral.

Ms. Eismeier asked where the gutters will be outlet to. Mr. Kiefer stated that the storm water will be piped to a storm water detention area underground that will serve the seven homes. Mr. Kiefer stated that the preliminary plan is to store the water in a three foot diameter plastic storm sewer pipe that will run the length of Crescent Avenue outside the right-of-way, and utility area in the front yards with an easement. Mr. Kiefer concluded that the downspouts will not go to the street and will be channeled to the underground system.

Ms. Eismeier moved to approve the request for a variance to the front yard setbacks as submitted for each of the proposed seven separate building lots. Mr. Kearns seconded the motion. By roll call vote, 5-0, all voted yes, the motion carried.

Mr. LeRoy moved to approve the request for a variance to the side yard setbacks as submitted for each of the proposed seven separate building lots. Mr. Kearns seconded the motion. By roll call vote, 5-0, all voted yes, the motion carried.

### **Miscellaneous**

Ms. Statt Blake noted that the Board will meet on July 14, 2020 to hear three or possibly four cases. Mr. Jahnigen and Mr. Kearns stated that they will be absent.

**Adjourn**

There being no further business before the Members, Mr. Kearns moved to adjourn the meeting, Mr. LeRoy seconded the motion. All voted yes, the meeting adjourned at 6:36 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Charlie Jahnigen, Chairman