

**Honorable City Planning Commission
Cincinnati, Ohio**

November 3, 2023

SUBJECT: A report and recommendation on a proposed zone change from Residential Mixed (RMX) to Commercial Neighborhood – Mixed (CN-M) located at 3024 Lavinia Avenue in Hyde Park.

GENERAL INFORMATION:

Location: 3024 Lavinia Avenue, Cincinnati, OH 45208

Petitioner/

Owner: Dial Residential LLC, 5997 Cherokee Drive, Madeira, OH 45243

ATTACHMENTS:

Provided in addition to this report are:

- Exhibit A – Location Map
- Exhibit B – Zone Change Application
- Exhibit C – Zone Change Plat
- Exhibit D – Legal Description
- Exhibit E – Proposed Development Plan and Presentation
- Exhibit F – Coordinated Site Review Letter
- Exhibit G – Correspondence

BACKGROUND:

Dial Residential, LLC is requesting a zone change for the property located at 3024 Lavinia Avenue in Hyde Park from Residential Mixed (RMX) to Commercial Neighborhood – Mixed (CN-M) to permit the future construction of a multi-family development.

Currently, the subject property is a 0.149-acre site located on the eastern side of Lavinia Avenue, just north of Madison Road (Exhibit A). The property currently consists of a single-family dwelling on it which was built in 1915. The subject site is located directly adjacent to the O'Bryonville Neighborhood Business District (NBD) and is within walking distance of the Springer School and Center, Ché, The BonBonerie, and other businesses and retail spaces. A veterinarian and Pilates studio are directly south of the subject property, at the corner of Madison Road and Lavinia Avenue. Lavinia Avenue consists of a mix of single-family dwellings and attached and detached rowhomes. Larger condominiums and apartment buildings are located within 400-feet of the property.

The applicant originally intended to build a multi-family development at 3010 and 3020 Lavinia Avenue, which abuts 3024 Lavinia immediately to the south. 3010 and 3020 Lavinia are zoned CN-M, located within the O'Bryonville NBD, and contain a commercial structure built around 1900 and a surface parking lot. However, the applicant now proposes the multi-family development to be constructed at 3020 and 3024 Lavinia Avenue, which prompted the present request to align 3020 and 3024 Lavinia under the same zoning district. If the proposed zone change receives approval, the applicant intends to consolidate the two parcels into a larger parcel consisting of 0.30 acres.

The subject property is currently zoned RMX. The RMX zone is intended to create, maintain, and enhance areas of the city that have a mix of lot sizes and house types at moderate intensities (one to three dwelling units). Existing multi-family buildings of four or more units are acknowledged but new

construction is not permitted. The proposed zoning district is CN-M and is intended to identify, create, maintain, and enhance mixed-use neighborhood commercial centers that reflect on smaller-scale, pedestrian-oriented developments with continuous street frontage and a mix of commercial and residential uses. The zone change is needed for the future development to be able to construct a multi-family development of four units or more.

ADJACENT LAND USE AND ZONING:

The zoning and land uses surrounding the subject properties are as follows:

North:

Zoning: RMX (Residential Mixed)
Existing Use: Single-family residential townhomes (currently under construction)

East:

Zoning: RMX (Residential Mixed) and RM-1.2 (Residential Multi-family)
Existing Use: Multi-family building and single-family residential

South:

Zoning: Commercial Neighborhood – Mixed (CN-M)
Existing Use: Surface parking lot and mixed-use development

West:

Zoning: RMX (Residential Mixed) and Commercial Neighborhood – Mixed (CN-M)
Existing Use: Single-family residential

PROPOSED DEVELOPMENT:

The proposed future development, entitled Eva Hall, will be a four-story, market-rate apartment building consisting of 19 units ranging from studios to two-bedroom apartments. The development will have approximately 25 off-street parking spaces in the private parking garage on the ground floor. Other proposed amenities include a resident's lounge, outdoor patio in the rear, lighting, an elevator, and balconies for the apartments. Landscaping, sidewalks, and trash enclosures will be provided on site.

If the zone change is approved, the development will have to conform to the development regulations set forth in the Cincinnati Municipal Zoning Code for the CN-M zoning district.

COORDINATED SITE REVIEW:

The proposed project was reviewed through the Coordinated Site Review process for the addresses of 3020 Lavinia Avenue and 3010 Lavinia Avenue in March 2023. The applicant then submitted this proposed project for Coordinated Site Review, requesting a zone change on 3024 Lavinia in August 2023.

The Department of City Planning and Engagement – Zoning Division shared concerns regarding the amount of relief needed for the proposed development regarding setback, building density, and height. The applicant has since revised their development twice to comply with the proposed CN-M zoning district and has made changes such as increasing setbacks and buffer yards, increasing greenspace, and reducing the height. Analyses of what could be built according to the requirements in the CN-M and RM-1.2 zoning districts were conducted by City staff.

The CSR letter to the petitioner with City Department feedback is included as Exhibit F; it outlines additional requirements that need to be met before permits are obtained. No objections exist.

PUBLIC COMMENT:

The Department of City Planning and Engagement held a virtual public staff conference on the proposed zone change on September 21, 2023. Notices were sent to property owners within a 400-foot radius of the subject property, the Hyde Park Neighborhood Council (HPNC) and the Evanston Community Council (ECC). There were 22 members of the public in attendance, along with the applicant and City staff.

The majority of the community members in attendance opposed the zone change and the future development. The concerns in summary included parking and speeding (specifically the development is not providing enough off-street parking, existing on-street parking being even more occupied, and a fear of increased speeding), pedestrian safety (specifically the safety of the street, children being hit by vehicles, sidewalks being blocked and not being able to turn left onto Madison Road), scale of development (specifically views being blocked, the development being too large for the street, and that the development changing the character of the street), quality of life (specifically construction being a deterrent to people who work from home and distribution of daily life, an increase of pet waste, providing limited greenspace, noise pollution), concerns of rental versus owner-occupied units, fear of property values being decreased, and drainage issues.

The applicant additionally presented to the HPNC on October 10, 2023. The community council stated that they have no opinion regarding the proposed zone change (Exhibit G). There has been additional outreach to the O'Bryonville Business Association. A letter of support was submitted stating that the proposed development will contribute positively to the development of the community.

All property owners within a 400-foot radius of the subject property, the HPNC, and the ECC were also notified of the City Planning Commission meeting. All correspondence received before the public staff conference and additional correspondence received, including the letters of opposition and support, are included in Exhibit G.

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

The proposed zone change is consistent with multiple aspects of *Plan Cincinnati* through the Live Initiative Area, Guiding Geographic Principles, and Guiding Policy Principles.

The proposed zone change is consistent with the Live Initiative Area of *Plan Cincinnati*, specifically the Goal to, "Create a more livable community" through the Strategies to "Become more walkable" and "Support and stabilize our neighborhoods" (p. 160). This proposal is additionally consistent with the Goal to "Provide a full spectrum of housing options and improve housing quality and affordability" (p. 164) and the Strategies to "Provide quality healthy housing for all income levels" (p. 165) and to "Offer housing options of varied sizes and types for residents at all stages of life" (p. 169). The proposed development will add an additional 19 housing units to the neighborhood.

Within the Live Initiative Area is a strategy to become more walkable by "increasing mixed-use, compact walkable development throughout the basin and uptown, surrounding our centers of activity, and along

transit corridors” (p. 157). *Plan Cincinnati* (2012) further recommends a short-range initiative to “Revise the City’s Building and Zoning Codes [...] with standards that emphasize traditional neighborhood development over suburban development” (p. 157). This is crucial to provide more housing within the City of Cincinnati and the proposed zone change would permit more units than the RMX zoning and allow the applicant to construct the development being proposed.

This subject property is located within an identified Neighborhood Center through the Guiding Geographic Principles of *Plan Cincinnati* and correlate with the goals to focus revitalization on existing centers of activity (p. 86). This proposal is situated along a busy and major corridor (Madison Road and Torrence Parkway which connects to Columbia Parkway) and is located directly adjacent to the O’Byronville Neighborhood Business District (with the 3020 Lavinia Avenue site being located within the NBD itself).

Lastly, this proposed zone change is consistent with the Guiding Policy Principles which correlate with the “Big Ideas” of *Plan Cincinnati* mainly through policies to “Increase our population” (p. 74), “Be aggressive and strategic in future growth and development” (p. 77), and to “Preserve or create a pedestrian-scaled city” (p. 78). This proposed zone change would allow the applicant to build a multi-family development which would promote new housing options, allow future residents to live directly adjacent to (or within) the NBD and be adjacent to a major corridor within walking distances to restaurants, bars, retail, and other commercial uses. This site is also near The Summit Country Day School and Springer School and Center. One of *Plan Cincinnati*’s policy principles is to focus on human-scale ideas by accommodating the person and not the automobile while contemporizing compact, walkable areas.

The Hyde Park neighborhood has not had a neighborhood plan update since 1983, *Hyde Park Plan*, and the subject site was not considered part of the neighborhood at that time.

ANALYSIS:

The current RMX zone permits single-family homes and 2-3 family buildings. The intent of RMX is to create, maintain and enhance areas of the city that have a mix of lot sizes and house types at moderate intensities. However, it does not permit any new buildings with four or more units. The CN-M zone creates, maintains, and enhances mixed-use neighborhood commercial centers that reflect smaller-scale, pedestrian-oriented development. The CN-M zoning district permits multi-family uses.

Most of the residents who attended the staff conference are opposed to the development for a variety of reasons and have valid concerns, such as height, parking, setbacks, and overall scale of the proposed project. The development proposes providing approximately 25 spaces via a private parking garage, which addresses the parking concerns by inputting more than the 19 required off-street parking spaces through the zoning code. The applicant has been working with City staff on adjustments and has proposed to increase the northern buffer yard with the townhomes located at 3026 Lavinia Avenue to 15-feet, which is the requirement within in the CN-M zoning. The applicant has also reduced the height of the overall development to be under the 50-feet maximum building height regulation. The applicant is aware that any variance to the CN-M requirements would need to be justified in order to have relief granted from the Zoning Hearing Examiner.

There were also concerns by adjacent neighbors about the possibility of the proposed development falling through and a commercial element being proposed on the subject site. The CN-M zoning district

permits commercial uses such as daycares, personal services, retail, food markets, drinking establishments and drive throughs. 3020 Lavinia Avenue is only 0.149 acres, and any potential development would have to conform to the rules of this zoning district. Many of these uses could be unfeasible because of the site development standards and the size of the lot. However, the CN-M zoning district also permits single-family dwellings, attached single-family dwellings, two-family dwellings, congregate housing, and multi-family dwellings.

Very few housing developments within the 10-to-20-unit range are being built in Cincinnati, making this a beneficial additional housing option for neighborhoods like Hyde Park and Evanston. The vitality brought by this multi-family building would benefit the community more than the current single-family dwelling and commercial structure that exist on the two sites. The project would additionally support the existing businesses, schools, and amenities that exist in the O'Bryonville NBD, along Madison Road, and in the surrounding areas.

While the density of the proposed structure is larger than the adjacent single-family homes and duplexes found on Lavinia Avenue, this site is partially located within the NBD and is approximately 200-feet away from Madison Road. Larger multi-family buildings can also be found directly south of the subject site along Madison Road and Paul Street. The project was intended to be constructed just 50-feet south of the subject site, fully within the CN-M zoning district and NBD. The current request is to shift the development 50-feet north, which positions it 50% within the NBD and CN-M zoning district.

The RM-1.2 multi-family zoning district was also considered and proposed to the applicant. This zoning district would increase the setback requirements, increase the number off-street parking spots required, and reduce the permitted density, alleviating some of the neighbors' concerns. However, the RM-1.2 zoning district would not allow the proposed development to be constructed with 19 units or provide 25 off-street parking spaces. The RM-1.2 zoning district would only permit 10 units by right and requires 1.5 off-street parking spaces per unit. There is no height limit for multi-family buildings within the RM-1.2 zoning district.

CONCLUSIONS:

The staff of the Department of City Planning and Engagement supports the proposed change in zoning for the following reasons:

1. The proposed zone is consistent with the existing surrounding built environment with regards to allowable uses, building scale, massing, and adjacent zoning districts.
2. It is consistent with *Plan Cincinnati* (2012) in multiple aspects, mainly within the Live Initiative Area, specifically the goal to, "Provide a full spectrum of housing options, and improve housing quality and affordability" and is an identified Neighborhood Center through the Guiding Geographic Principles of *Plan Cincinnati* and correlates with the goals to focus revitalization on existing centers of activity (p. 86).

RECOMMENDATION:

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following action:

APPROVE the proposed zone change from Residential Mixed (RMX) to Commercial Neighborhood – Mixed (CN-M) located at 3024 Lavinia Avenue in Hyde Park.

Respectfully submitted:



Jesse Urbancsik, Senior City Planner
Department of City Planning and Engagement

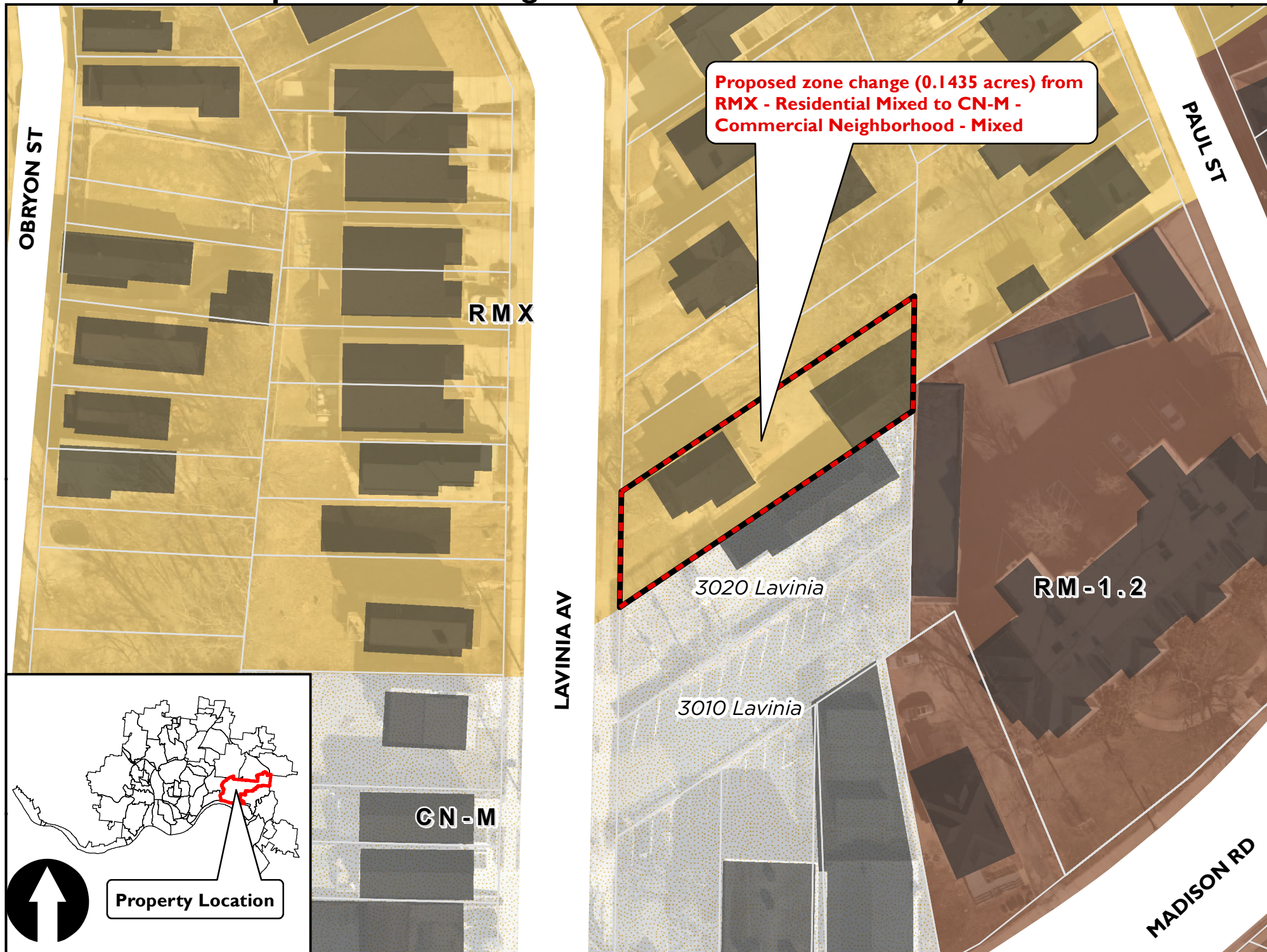
Approved:



Katherine Keough-Jurs, FAICP, Director
Department of City Planning and Engagement

Proposed Zone Change at 3024 Lavinia Avenue in Hyde Park

Exhibit A



PROCEDURE TO INITIATE A CHANGE OF ZONING

Purpose: This is an abstract of rules and regulations concerning rezoning property in the City of Cincinnati. It has been created as a means of simplifying the explanation of the process and is not the officially adopted rules of the City Council or City Planning Commission. The officially adopted regulations are contained in the City Charter, the Cincinnati Municipal Code, and the City Planning Commission Rules and Procedures.

Initiation of a Zone Change

A request for a change of zoning may be initiated by one of the following methods:

1. Petition to City Council
2. Petition to the City Planning Commission
3. By a member of City Council

The process for each method is outlined below.

1. PETITION TO CITY COUNCIL (City Charter Article VII-6, Cincinnati Municipal Code 111-1).

A property owner, or owners, may petition City Council for a change of zoning on the property. The petition is submitted to the Department of City Planning and Buildings. The following materials are required in the submittal:

- Petition – Two copies of a petition to City Council (attached)
- Description- One hard copy and one digital copy of a metes and bounds description of the area to be rezoned.
- Plat – One hard copy and one digital copy of a plat reproduced from an original drawing (no auditor plats accepted at any scale), not to exceed 30 x 30 inches, at a scale of at least one inch equals on hundred feet (1:100), showing:
 - Street right-of-way lines
 - Existing zone lines
 - The last name of the owner of each property
 - The dimensions of the property being petitioned
 - Area of proposed rezoning shall be shaded in or crosshatched and the zone change stated in the legend.
 - Scale (1:100, 1:50, 1:20)
 - North arrow
- Fee: a non-refundable filing fee of \$1,500.00 for all changes in zoning. Checks should be payable to the “City of Cincinnati.”
- An additional fee of \$3,000 as well as a Concept Plan and Development Program Statement are also required in the event of a Planned Development (PD) District. (See Chapter 1429 of the Cincinnati Zoning Code).

2. PETITION TO CITY PLANNING COMMISSION [Rules and Procedures for the Cincinnati City Planning Commission Article VIII Section 1(B)].

A. A majority of owners of twelve or more contiguous properties may petition the City Planning Commission for a change of zoning on their property provided that they are all within the zoning district which they desire changed and that they supply the City Planning Commission with the following materials as required by the rules of the Commission.

- A Petition to the City Planning Commission requesting a change of zoning signed by a majority of owners of twelve or more contiguous properties stating the present zone and the requested zone, along with the purpose for the requested change.
- A plat or map showing the area covered by the petition.

B. The City Planning Commission may authorize the staff to present a report and recommendation on a proposed change of zoning where no petition exists. The City Planning Commission as an official action of that body must make such authorization.

3. ZONE CHANGE INITIATED BY A COUNCILMEMBER. A City Council member may initiate a change of zoning on any property in the City, as an elected member of City Council. Such action or motion is referred to the City Planning Commission under the requirements of the City Charter.

SUMMARY OF ZONE CHANGE PROCESS

After the request is filed:

Preliminary Step: All petitioners are encouraged to discuss the proposed change of zoning with the officially recognized Community Council for the neighborhood in which the change of zoning is requested. Most Community Councils will request a formal presentation and conduct a vote at a meeting of the full Community Council. This can take place any time after the request is filed, and is recommended to occur prior to the recommendation to City Planning Commission. In most cases, this activity occurs between Steps 1 and 2. **A delay in this activity can cause delays further in the process.** *(Time varies depending on petitioner/Community Council)*

Step 1: Staff Conference (Approximately 2 – 4 weeks)

The staff of the Department of City Planning and Buildings will schedule a Staff Conference to discuss the zone change and gather information. Staff will notify the petitioner, the agent, all property owners within 400 feet of the proposed change, and the local community organization. Interested parties will be invited to attend the Staff Conference or send written statements concerning the proposed change. Notices must be mailed at least 14 days prior to the Staff Conference.

Step 2: City Planning Commission (Approximately 4 – 6 weeks)

A written staff report including the summary, statements, staff analysis, and a recommendation is presented to the City Planning Commission. Notice of the Planning Commission meeting is sent to the petitioner, the agent, all property owners within 400 feet of the proposed change, and the local community organization, as well as all parties who participated in the Staff Conference in person, by phone, email, or in writing. Those persons are given an opportunity to speak to the subject after the staff presentation is made. The City Planning Commission votes to either approve or disapprove the proposed change of zoning.

Step 3: City Council (Approximately 4 – 14 weeks)

Planning staff requests an Ordinance from the Solicitor's Office. *(Ordinance preparation can take 2 – 4 weeks).* Planning staff transmits City Planning Commission's recommendation along with the Ordinance to City Council and asks for the Clerk of Council to schedule a Public Hearing. The Public Hearing must be scheduled at least 14 days from the date of the first day of publication in the City Bulletin. *(Transmittal and schedule of public hearing can take 2 - 4 weeks).*

The Neighborhoods Committee of City Council will hold a public hearing on the proposed change. The same persons notified for the Staff Conference and Commission meeting will be notified by the Clerk of Council for the Council hearing. The Neighborhoods Committee will vote and make a recommendation to City Council. This may occur at the public hearing, or if desired by the Chair of the Neighborhoods Committee, at a later meeting. *(Recommendation can take up to two weeks if the item is held until a later calendar date.)*

City Council will make the final decision on all zoning petitions. (If the City Planning Commission fails to approve a zone change, City Council must have at least a two-thirds vote (6) of all members to overrule such failure to approve and adopt the proposed zone change).

The zone change goes into effect 30 days after the approval of the Ordinance by City Council. The zoning map is not changed until that time, and no permits can be acted upon for construction or uses that require the new zoning designation. An Ordinance that is approved as an Emergency Ordinance goes into effect immediately.

Step 4: Planned Development Districts (Approximately 2 – 6 weeks)

In the event that the change of zoning features a Planned Development (PD) District, the Final Development Plan must be approved by City Planning Commission. A Staff Conference is not required but Community Council notification is.

See Attached Application and Flow Chart

PETITION FOR CHANGE OF ZONING OF PROPERTY
LOCATED IN THE CITY OF CINCINNATI, OHIO

To: The Honorable Council of the City of Cincinnati

Date: 8/22/2023

I hereby request your Honorable Body to amend the Zoning Map of the City of Cincinnati by changing the area described in the attached legal documentation and depicted on the attached plat from the RMX Zone District to the CN-M Zone District.

Location of Property (Street Address): 3024 Lavinia Avenue

Area Contained in Property (Excluding Streets): 0.1435 acres

Present Use of Property: Single Family Home and Garage

Proposed Use of Property & Reason for Change: Commercial Neighborhood mixed to allow for feasible development of 3020-3024.

Property Owner's Signature: Christian Dial - Manager of LLC

Name Typed: Christian Dial

Address: 5997 Cherokee Drive Phone: 317-525-5550
Madeira, OH 45243

Agent Signature: _____

Name Typed: _____

Address: _____ Phone: _____

Please Check if the Following Items are Attached

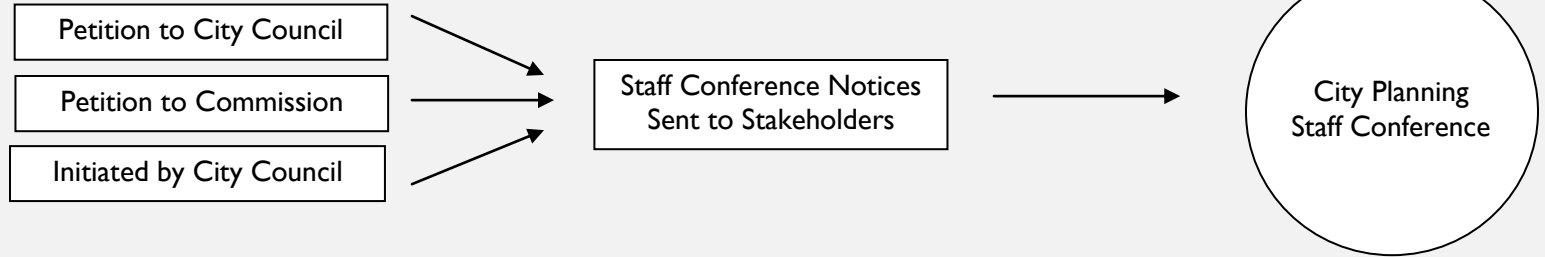
Application Fee ☒

Copies of Plat ☒

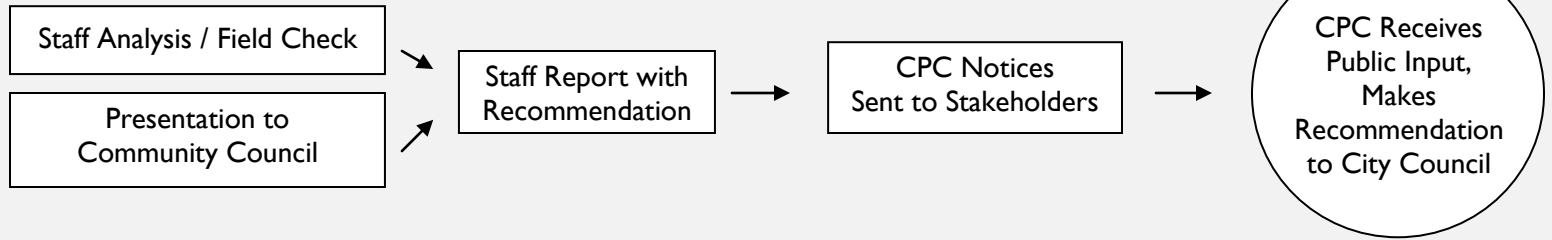
Copies of Metes and Bounds ☒

City of Cincinnati Zone Change Process

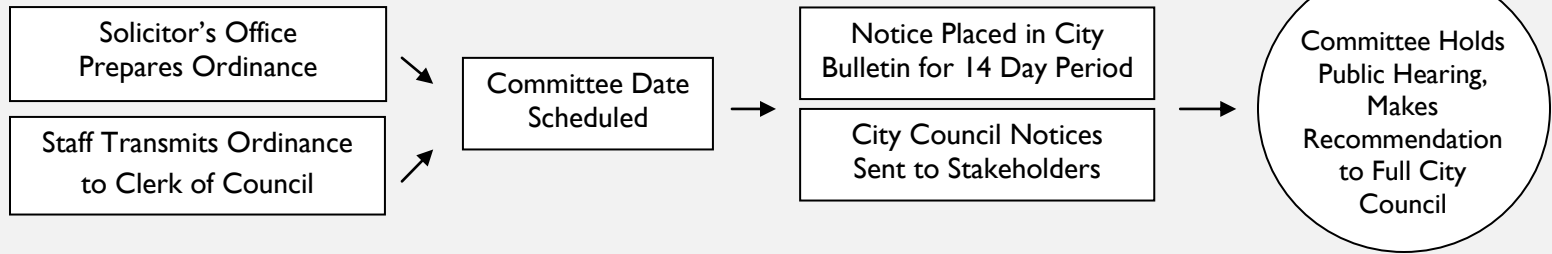
STEP 1: Staff Conference 2 – 4 Weeks



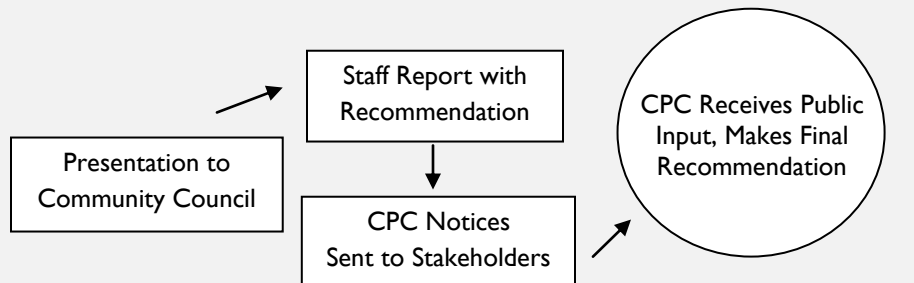
STEP 2: City Planning Commission 4 – 6 Weeks



STEP 3: City Council 4 – 14 Weeks



STEP 4: (If Required) PD District 2 – 6 Weeks



City Council Votes on
Zone Change Ordinance

Ordinance Takes Effect /
Map Changed in 30 Days



Christian Dial

Manager

5997 Cherokee Drive

Madeira, Ohio 45243

August 29th, 2023

Jesse Urbancsik

Senior City Planner

City of Cincinnati | Department of City Planning and Engagement

Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202

RE: Zone Change Application Cover Letter (Eva Hall) - 3024 Lavinia Avenue, Cincinnati, Ohio

Mr. Urbancsik,

I am writing to respectfully initiate the zone change process with the City of Cincinnati for the property located at 3024 Lavinia Avenue. We are seeking a zone change from the current RMX (Residential Mixed-Use) zoning classification to the proposed CN-M (Neighborhood Commercial-Mixed Use) zoning classification. We believe that this zone change will allow redevelopment of the property and the adjacent property that is zoned CN-M into a development that will be contextually appropriate and critical to the long term sustainability and economic vitality for the surrounding neighborhood.

If the zone change were to be approved, our company's proposed development aims to transform the property into an incremental and additive development that would facilitate the creation of a custom designed multifamily project that complements the existing character and architecture of the area. The CN-M zoning is well-suited to accommodate our vision, fostering a



dynamic blend of residential and commercial elements that contribute to the neighborhood's vitality.

Eva Hall would be a 19 unit multifamily building over a self-contained parking garage with 25 spaces and would feature a rooftop resident lounge and terrace, a backyard patio and garden area, and a place for residents to exercise their pets. The building would exemplify “missing middle” housing that is widely seen to be a critical approach to solving the housing shortage that plagues our cities. These features are designed to integrate seamlessly into the neighborhood fabric and offer a unique and thoughtful living experience that fosters sustainable communities.

The immediate zoning and existing character of the surrounding properties are a mix of detached and attached single family, multifamily, and commercial. The site is a link from the commercial nature of Lavinia and Madison Road and the O’Byonville Business District to the mixed residential on Lavinia Avenue, which makes the CN-M zoning and an incremental multifamily development a logical step toward creating a harmonious transition between the different land uses. Our development approach prioritizes community integration, architectural design, and the enhancement of the local living experience.

We believe that this proposed zone change aligns with the City of Cincinnati's vision for sustainable growth and community development. It will contribute positively to the character of the area while adhering to the highest standards of urban planning and design. We are committed to collaborating with the city and community stakeholders to ensure that the project benefits all parties involved.

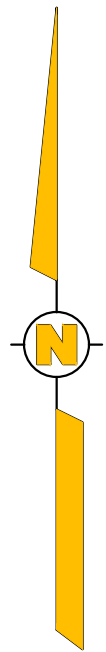
Thank you for considering our application. We are available for any further information or discussions as needed.

Sincerely,

A handwritten signature in black ink, appearing to be "CD" followed by a stylized flourish.

Christian Dial

Dial Residential LLC

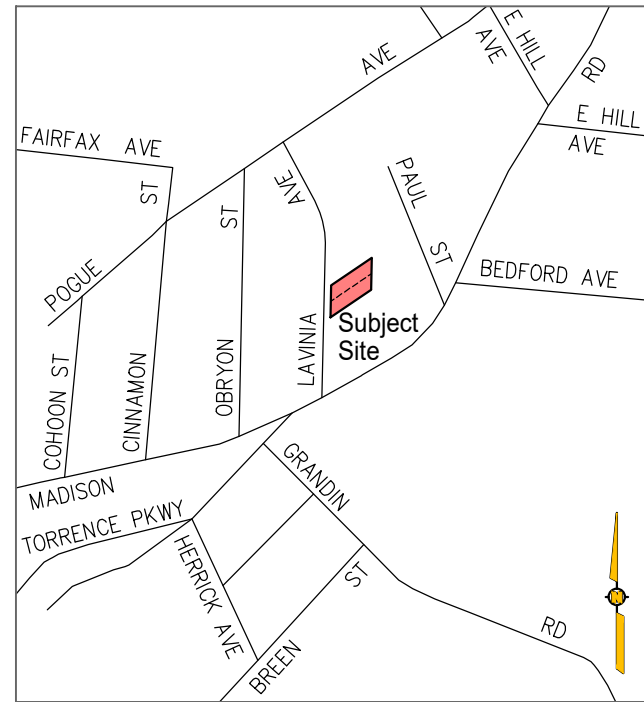
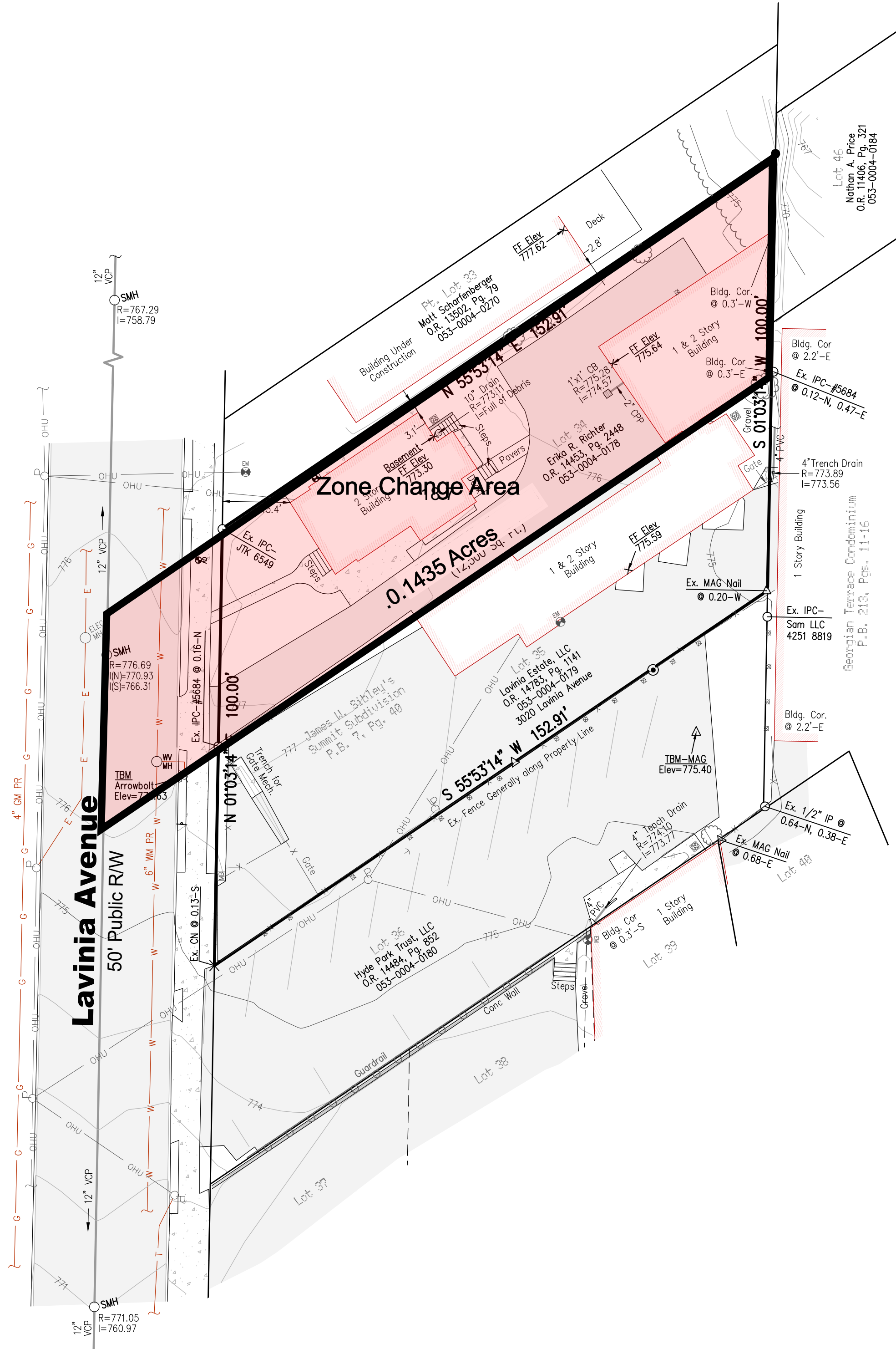


Bearings:
Based on State Plane
Coordinate System Ohio South
Zone (NAD83).

Vertical Datum:
Based on NGVD29 as Established
by ODOT VRS GPS Observations
Calibrated to City of Cincinnati
Control Monuments

LEGEND

- Power Pole
- Pole Anchor
- Light Pole
- Electric Manhole
- Electric Meter
- Gas Valve
- Gas Meter
- Water Valve Manhole
- Fire Hydrant
- Sanitary Manhole
- Catch Basin
- Drain
- Post
- Air Conditioning Unit
- Mailbox
- Overhead Utilities
- Water Per Record
- Gas Per Record
- Underground Telephone Per Record
- Sanitary Sewer
- Storm Sewer
- Fence
- Guardrail
- Building Extents
- Concrete
- Asphalt
- Wall
- Zone Change Area



Vicinity Map N.T.S.

Lot 34 was surveyed and is included in the 0.2870 Acre area but is not included in Title Commitment File No. PW225205, having an effective date of September 13, 2022 at 7:59 a.m.

Legal Description per Fidelity National Title Insurance Company Title Commitment File No. PW225205, having an effective date of September 13, 2022 at 7:59 a.m.

Situated in the City of Cincinnati, Hamilton County, Ohio, Section 32, Township 4, Fractional Range 2, Miami Purchase, Spencer Township, known, numbered and designated as Lot 35 of James W. Sibley's Subdivision, "Summit," as the same appears of record in Plat Book 7, Page 40, Hamilton County Records of Plats. Said Lot No. 35 fronting 50 feet on the east side of Lavinia Avenue and extending back 152.91 feet.

Parcel Number: 053-0004-0179-00
Commonly known as: 3020 Lavinia Avenue, Cincinnati, Ohio 45208

Schedule B, Section II per Fidelity National Title Insurance Company Title Commitment File No. PW225205, having an effective date of September 13, 2022 at 7:59 a.m.
Items 1-10 and 12 not addressed.

Item-11: Subject to terms and conditions of Easements and Restrictions as on Plat of James W. Sibley's Subdivision as recorded in Plat Book 7, Page 40, of the Hamilton County, Ohio Records; including any Building Set Back Line(s), Easements, Covenants, Conditions and Restrictions that affect this property, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c), but this policy insures that said covenants have not been violated and that a future violation thereof will not cause a forfeiture or reversion of title. Affects Subject Tract, Nothing to Plat.

- 2. 5-31-23 MML: Revised per Client Comments.
- 1. 11-8-22 MML: Revised per Client Comments.

OCCUPATION
As Shown On Plat

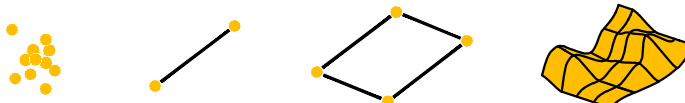
ALTA/NSPS Land Title Survey

Dial
Lavinia Avenue

City of Cincinnati
Hamilton County, Ohio

MML | GJB | 1" = 20'

05/31/2023 | 22159



GPS Surveying • 3D Laser Scanning
741 Main Street | Milford, OH 45150 | www.berdingsurveying.com
513.831.6761 fax | 513.831.5505 tel
Copyright © 2023 G. J. Berding Surveying, Inc. All rights reserved.

A design ticket requesting utility records and field markings for this site was placed with the Ohio Utilities Protection Service (OUPS) on October 4, 2022. The location of markings which were present at the time of the field survey and provided in response to the OUPS request are denoted as such. Underground utilities noted as being per record are shown based on our interpretation of the records that were provided by the Utility Companies who responded to the OUPS request for records. Berding Surveying cannot verify the accuracy of the records provided.



CAUTION
THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED UPON RECORDED AND ABOVE GROUND EVIDENCE (INCLUDING, BUT NOT LIMITED TO, MANHOLES, INLETS, VALVES, AND MARKS MADE UPON THE GROUND BY OTHERS) AND ARE SPECULATIVE IN NATURE. THERE MAY ALSO BE OTHER EXISTING UNDERGROUND UTILITIES FOR WHICH THERE IS NO ABOVE GROUND EVIDENCE OR FOR WHICH NO ABOVE GROUND EVIDENCE WAS OBSERVED OR RECORDS PROVIDED. THE EXACT LOCATIONS OF SAID EXISTING UNDERGROUND UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY AND ALL CONSTRUCTION.
OHIO UTILITIES PROTECTION SERVICES
CALL: 8-1-1 OR TOLL FREE: 1-800-362-2764

- Indicates Existing Cross Notch
- Indicates Existing Manhole
- Indicates Sat 5/8" x 30" Iron Pin and Cap
- Indicates Existing Iron Pin
- Indicates Existing 1.5" Pipe

Monument Legend

Table A Notes:
9. Observed Parking Spaces: 0 regular and 0 disabled.
11(b). Utility locations are shown per field observations as well as field markings and utility records provided to the surveyor in response to a 811 request at the time of the original survey. See note lower left on this plat.
No evidence of additional new utility installations were observed at the time of this survey.

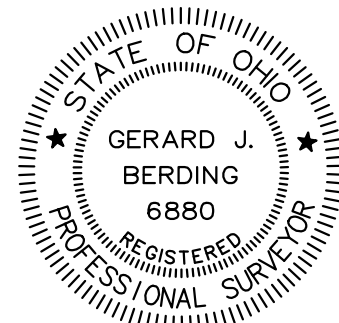


To Christian Dial and Fidelity National Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 4, 5, 8, 9, 11 and 14 of Table A thereof. The field work was completed on October 13, 2022.

Gerard J. Berding/P.S.-6880
berding@berdingsurveying.com

05/31/2023
Date



Easements and matters of record addressed in preparing this survey were provided in Fidelity National Title Insurance Company Title Commitment File No. PW225205, having an effective date of September 13, 2022 at 7:59 a.m.

EXHIBIT "A"

Legal Description

Situated in the County of Hamilton, State of Ohio, City of Cincinnati, and being bounded and described as follows:

Being Lot Number 34, in the James. W. Sibley's subdivision "Summit" as laid down in Plat Book 7, Page 40, Hamilton County, Ohio Records, said Lot Number 34 fronting 50 feet in the center of the right-of-way of the eastern side of Lavinia Street 235 feet, more or less, northwardly from Madison Road, said lot running back for a depth of 177.91 feet, more or less, and known as 3024 Lavinia Avenue, Cincinnati, Ohio 45208.

Parcel ID: 053-0004-0178-00





3024 Lavinia Avenue Rezone

[DIALRESIDENTIAL.COM](https://dialresidential.com)



Founded in 2020, Dial Residential is a Cincinnati-based real estate developer and operator of custom-designed multifamily communities with a unique portfolio located in Cincinnati's most vibrant and active neighborhoods. Recent communities built include Mowbray Manor and Tributary 50.



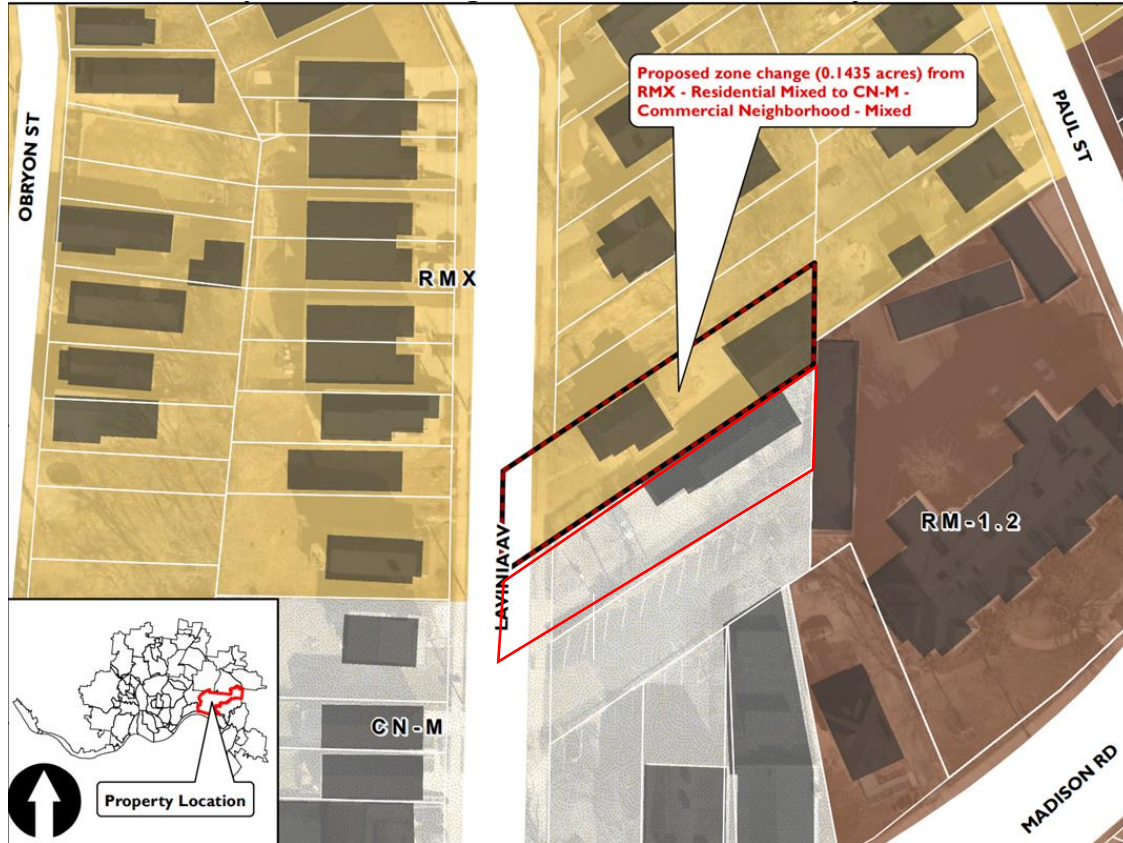
We don't take building lightly. We believe that every development is an opportunity to craft a project that adds value and aesthetics to the long-term fabric of a neighborhood and is an unforgettable experience for our residents. We pride ourselves on creating unique and exciting places to live that positively impact communities, incorporate creative, timeless design and sustainability.





3024 Lavinia Rezone

Zoning Overview



CN Commercial Neighborhood. To identify, create, maintain and enhance mixed-use neighborhood commercial centers that reflect smaller-scale, pedestrian-oriented development with continuous street frontage and a mix of commercial and residential uses. Typical uses include retail, services, housing, office, open space, eating and drinking establishments and smaller-scale public and recreation and entertainment uses. Future development must be of a pedestrian-oriented commercial or mixed-use nature, serving the immediate neighborhood.

Pedestrian. This district designation is intended for areas with a traditional urban character, where buildings are required to be built to the street or sidewalk line, to provide a close relationship between pedestrians and shops. Design standards will reinforce this character and require treatments that provide an interesting pedestrian environment. This designation may apply to some areas where a few auto-oriented uses exist, but where restoring the pedestrian character is specified in a community plan or other documentation approved by the Planning Commission. (b) *Mixed.* This district designation is intended to provide for a mix of the pedestrian and auto-oriented development. Older, pedestrian-oriented buildings may be intermixed with newer, auto-oriented uses.

CN-M and CN-P

<https://drive.google.com/file/d/1PvdalFmFNG0lvelbmXcU4zPAWjrzhitJ/view?usp=sharing>

https://drive.google.com/file/d/1Pw7CW-fjvx7o_sTRChS8un-uQPedFR14/view?usp=sharing

RMX

<https://drive.google.com/file/d/1PwC90CIIlMOUfqU3OBFH9iRyhSGn-mX0/view?usp=sharing>

https://drive.google.com/file/d/1PwmmBRXWZ35PIleotKKKB4mJ-MuYwK_2/view?usp=sharing





3024 Lavinia Rezone



Existing Conditions





3024 Lavinia Rezone

Existing Conditions





3024 Lavinia Rezone

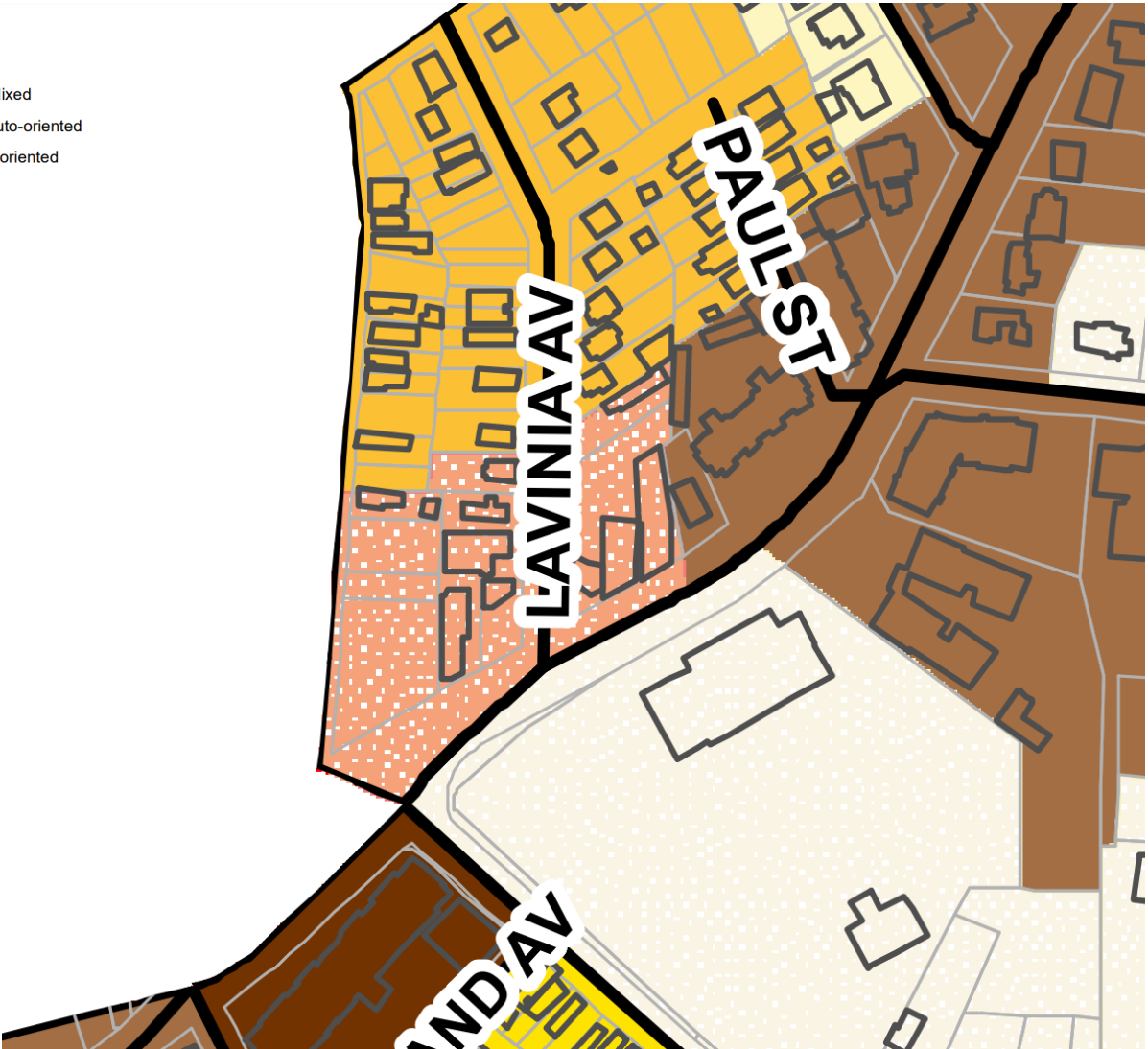
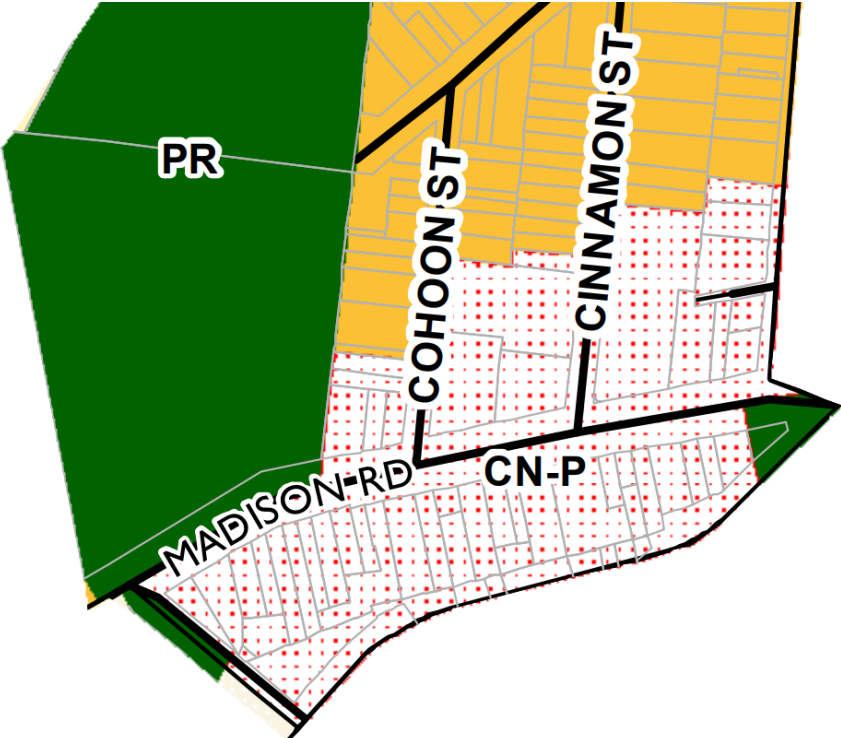
Zoning Overview

Hyde Park Boundaries

Legend

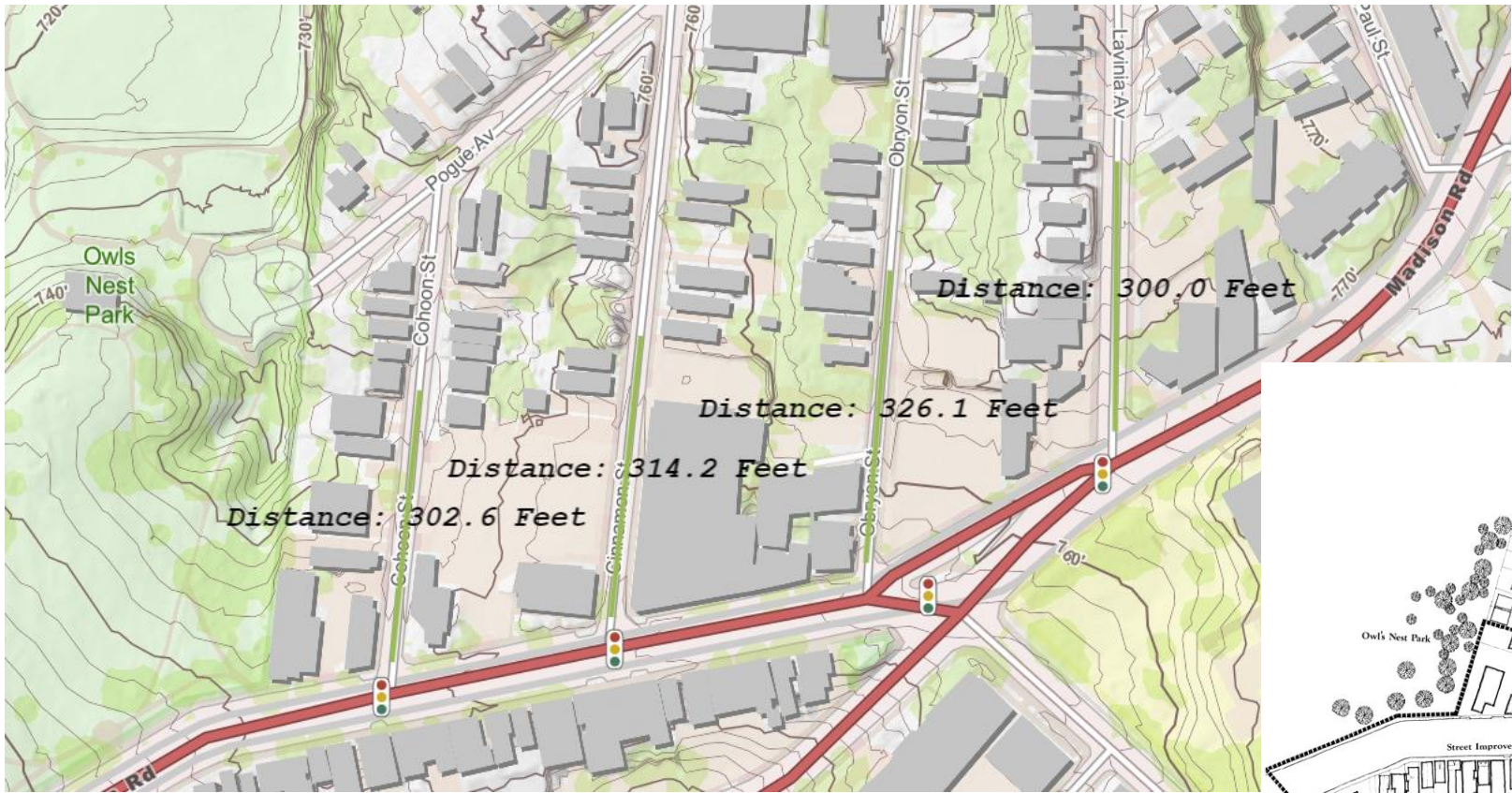
	Buildings		RMX: Residential Mixed - 1 to 3 units		CC-M: Commercial Community - Mixed
	Parcels		RM-2.0: Residential Multi-family - 2,000 SF of land per unit		CC-A: Commercial Community - Auto-oriented
	Railroads		RM-1.2: Residential Multi-family - 1,200 SF of land per unit		CG-A: Commercial General - Auto-oriented
	SF-20: Single Family - 20,000 SF lots		RM-0.7: Residential Multi-family - 700 SF of land per unit		ML: Manufacturing Limited
	SF-10: Single Family - 10,000 SF lots		OL: Office Limited		MG: Manufacturing General
	SF-6: Single Family - 6,000 SF lots		CN-P: Commercial Neighborhood - Pedestrian		PD: Planned Development
	SF-4: Single Family - 4,000 SF lots		CN-M: Commercial Neighborhood - Mixed		PR: Park and Recreational
	SF-2: Single Family - 2,000 SF lots		CC-P: Commercial Community - Pedestrian		

Evanston Boundaries





Ending of Commercial Districts Street by Street



Business District Map
Published 1981





3024 Lavinia Rezone

Redevelopment Concept Overview

Future Dial Residential Development Plan

- The rezone would allow create the opportunity to develop the site into Eva Hall, a boutique multifamily development that fits the need of missing middle housing definition, and will include an elevator to promote accessibility and aging in place housing.
- The development would be custom-designed with a commitment to sustainability and enhancing the neighborhood and the streetscape.
- Our current building concept plan includes 19 units, a resident lounge on the top floor and a private parking garage with 25 spaces. Hiding the parking spots from view.
- Building would be 4 stories and 44-49' in height/
- Underground stormwater collection and treatment.
- Sidewalk would be widened 1' on frontage.
- Would increase greenspace and pervious surface area on sites by 200%+ than existing conditions.
- All lighting would be downlit and no lighting would go beyond the property line based on a site photometric plan.
- We will save the key healthy large growth trees buffering the neighbors to the east, we will use new landscaping to help create stronger barriers between neighboring properties and an improved streetscape on Lavinia.





3024 Lavinia Rezone

Redevelopment Concept Plan



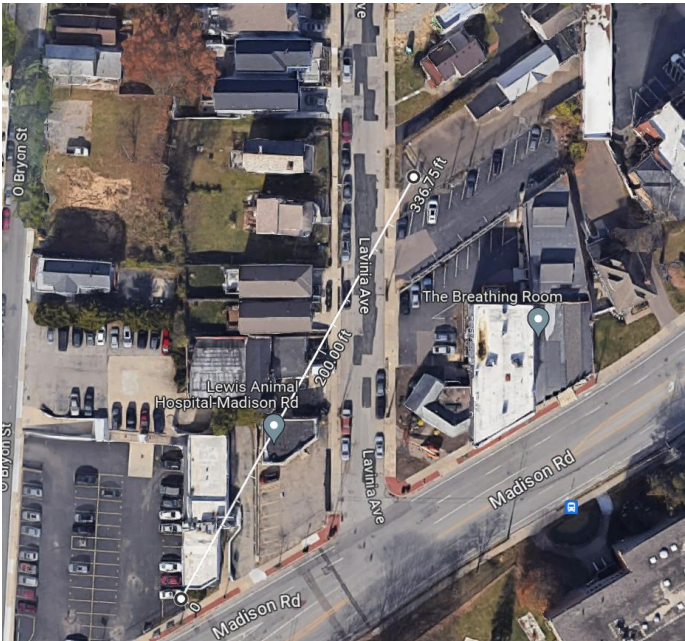


Dial Residential Eva Hall Parking Demand Study

Note - Building contains 19 units above a 25 car parking garage. 24 of the 25 spots are unreserved. Public lot located +/-300 feet from Project.

Studio Units Parking Demand @ 1/unit	5
One Bedroom One Bathroom Demand @1.3/unit	5
Two Bedroom Two Bathroom Demand @1.75/unit	15.75
Two Bedroom Plus Den Parking Demand @ 2/unit	2
Gross Parking Demand	28
Average Property Vacancy Factor of 95%	27
Nonreserved Spot Share Factor of 95%	25
Eva Hall Resident Parking Demand	24

51 Space Public Lot





3024 Lavinia Rezone

Plan Cincinnati Overview





Guiding Policy Principles

Build on our assests.

Cincinnati doesn't need to create a new city, we simply need to build on what we already have: our natural beauty (river, hillsides, parks and greenspace); our historic resources; our unique neighborhood character (we are, after all, a city of neighborhoods); our exceptional amenities (entertainment, recreation, culture, education); and our proximity and accessibility (you can get anywhere in the greater Cincinnati area in around 30 minutes).

The Plan Cincinnati recommendation:

Our neighborhoods are structured around centers of activity that contain all of the amenities that we need to go about our daily life. We will focus our development on these centers of activity, and strategically select areas for new growth.

Increase our population.

Increasing Cincinnati's population will result in a City with greater diversity, give us a larger pool from which to draw innovation, and increase our tax base. With some federal funding formulas based on population, an increase in population could translate to greater assistance in transforming our less-stable neighborhoods.

It is important to recognize, however, that Cincinnati wishes to remain a medium-size city. Bigger is not always better, and we want to find the right size for our city so that we can continue to have access to our vast array of big-city amenities but never lose our feeling of connectedness and the quality of life that comes with a more manageably sized city.

The Plan Cincinnati recommendation:

To do this we will be a vibrant city with a collection of "Neighborhoods of Choice," offering a full spectrum of housing options for people at all stages of life and welcoming and engaging public spaces.

Preserve or create a pedestrian-scaled city.

Much of our city is already walkable, but we want Cincinnati to become truly human-scaled by focusing on accommodating the person and not the automobile. We want to preserve our compact, walkable areas where they already exist and strategically create them where they don't. The key to modernization of our thriving urban city is to contemporize, but not suburbanize.

The Plan Cincinnati recommendation:

We will permeate our neighborhoods with compact, walkable mixed-use development, bikable streets and trails, and transit of all types (such as bus, light rail, bus rapid transit, light rail transit, streetcar/circulator vehicles, and passenger rail). The development of a Complete Streets policy and adoption of a Form-Based Code are tools that will help reach this goal.



Guiding Policy Principles

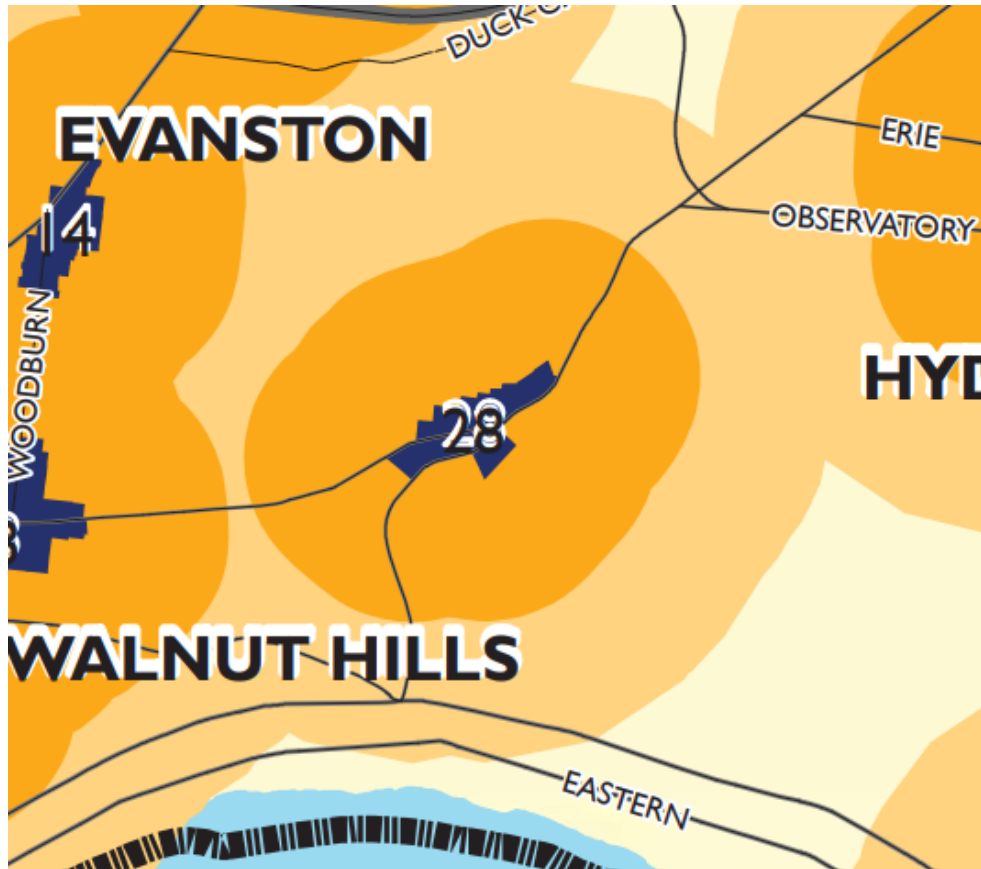
I. Focus revitalization on existing centers of activity.

Cities throughout the United States are trying to design communities around pedestrian-scale main streets surrounded by residential neighborhoods. In Cincinnati, we already have this, and it is one of our greatest assets.

Although most of these centers surround our Neighborhood Business Districts, they are more than simply commercial areas. They include civic infrastructure such as schools, churches, recreation centers, libraries, and post offices.

In order to strengthen these assets, Cincinnati must first improve neighborhood centers in order to meet the needs of surrounding residential neighborhoods. We also must invest in our existing infrastructure, focusing our resources into maintaining, evolving, or transforming the walkability of our existing centers of activity. We will locate new commercial and civic activities into our existing centers and discourage the creation of new centers in places that already have an existing center.

By leveraging the power of our existing assets we can create thriving urban places.



Legend

- Neighborhood Centers
- Compact Walkable Quarter Mile
- Compact Walkable Half Mile
- Cincinnati City Boundary
- River

Traditional Neighborhoods are primarily composed of single-family homes on lots that vary in size. There also may be small footprint, medium-density housing types – such as duplexes, fourplexes, rowhouses, and small apartment buildings – that are either typically along a major corridor or in areas transitioning from the single-family homes into a neighborhood main street. The neighborhood typically includes one or more main streets or corners stores within a short walking distance from a large percentage of homes that are an important part of their walkability. There is typically an interconnected network of streets and small to medium block sizes, unless interrupted with topography constraints or other natural or infrastructure breaks.

Maintain:

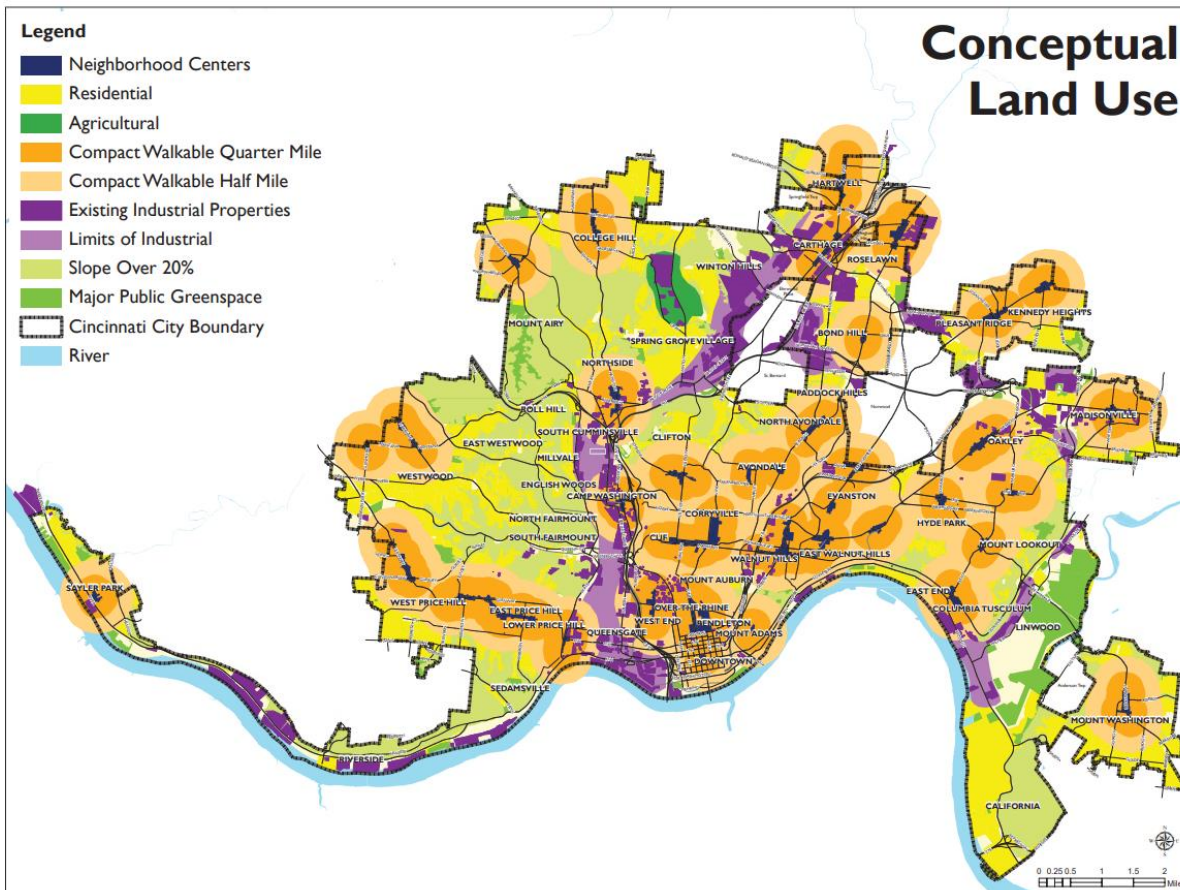
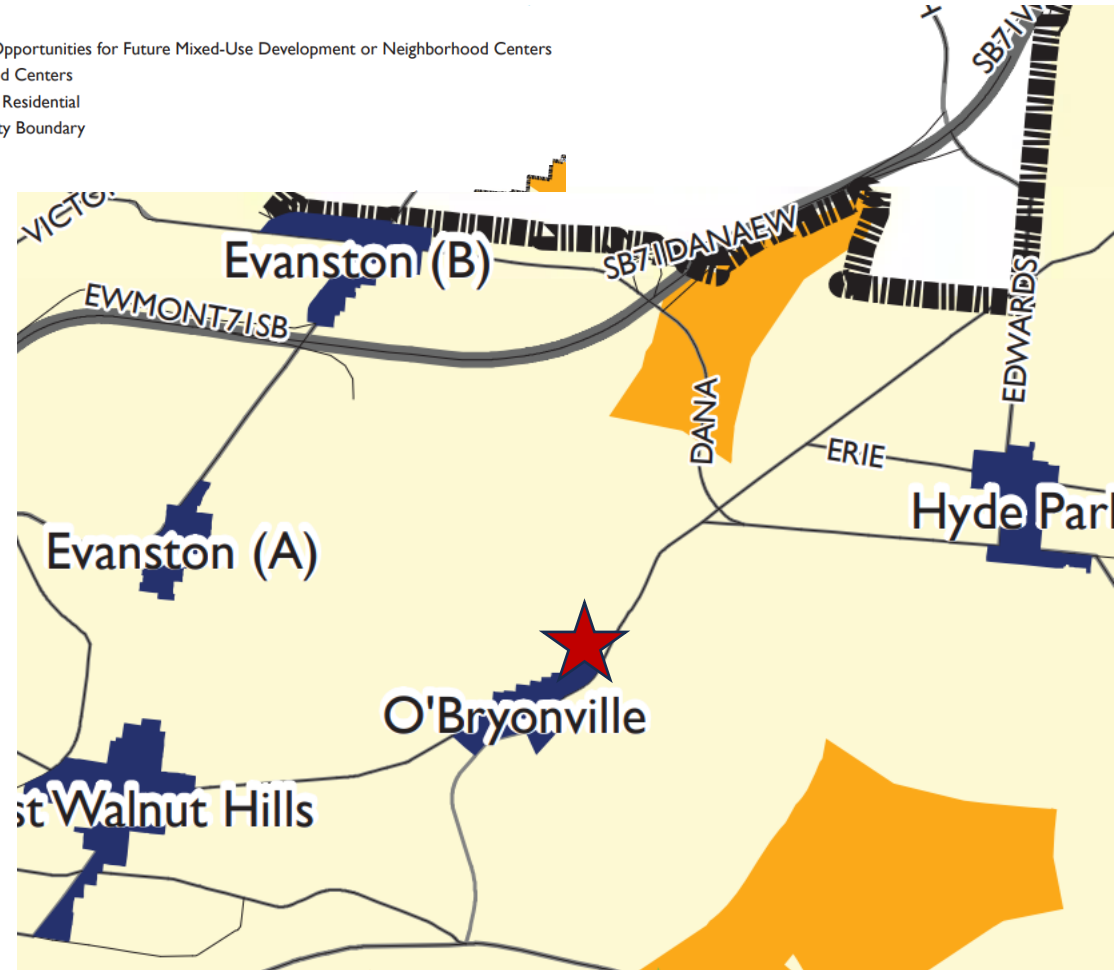
- Structures address the street in a consistent pattern.
- Primary location of parking is on-street or consolidated in lots or structures, preferably behind buildings.
- Pedestrians are buffered from traffic by a tree lawn, landscaping, street furniture, or on-street parking and there are few curb-cuts.
- Neighborhood services and amenities are located within the NBD or Compact Walkable area.
- NBD draws people from outside the neighborhood because of uses or character.
- There is a defined community gathering space in the NBD.
- The NBD is an appropriate size to maintain its uses, has low vacancy, has clear, visible boundaries, and pedestrians



Guiding Policy Principles

Legend

- ★ Preliminary Opportunities for Future Mixed-Use Development or Neighborhood Centers
- Neighborhood Centers
- Underserved Residential
- Cincinnati City Boundary
- River



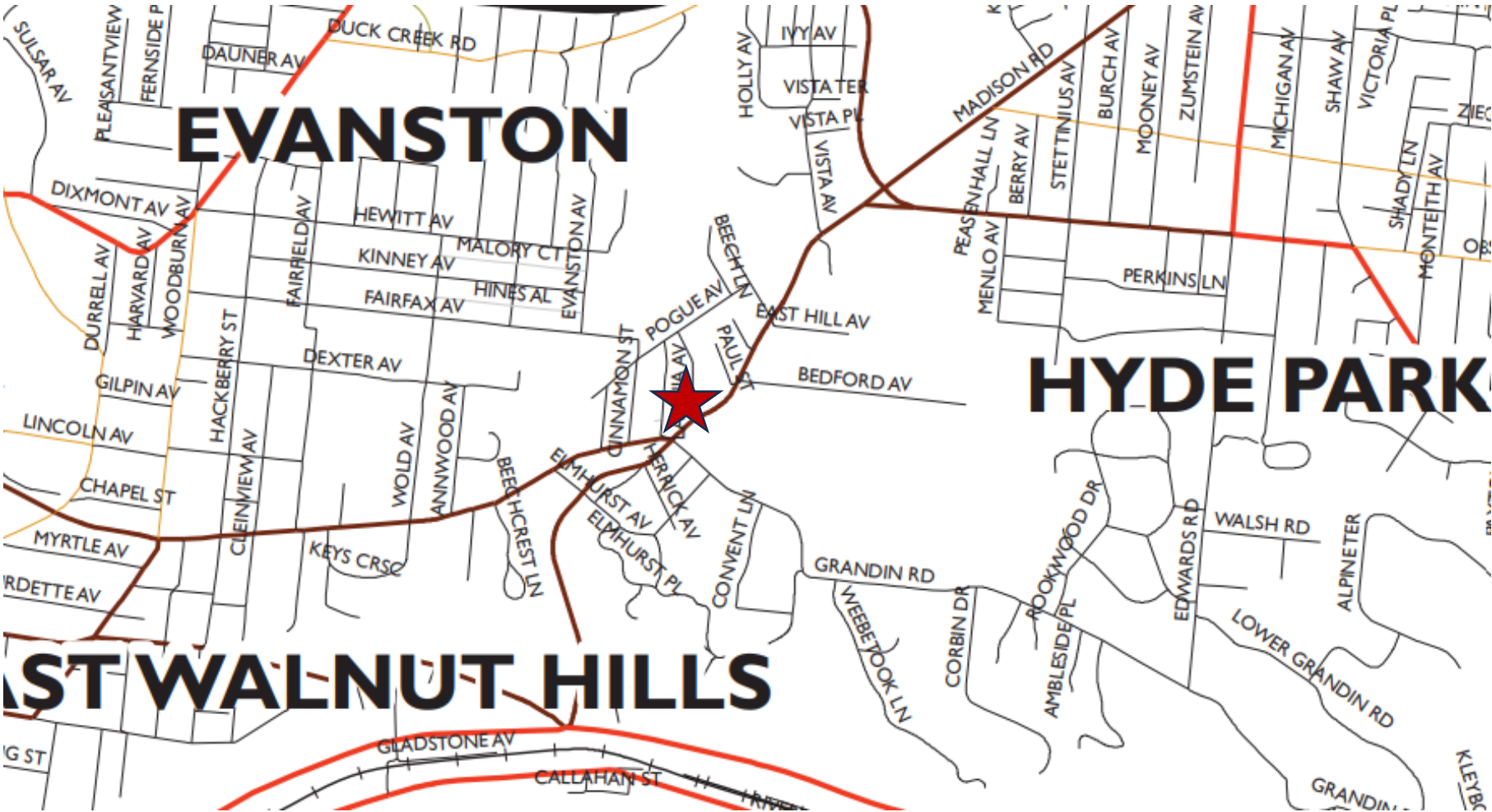


3024 Lavinia Rezone

Maps

Legend

- Street
- Expressway
 - US & State Route
 - Arterial Road
 - Collector Road
 - Local Street
 - Highway Ramp
 - Alleyway
 - Railroad





August 3, 2023

Mr. Christian Dial
5997 Cherokee Lane
Cincinnati, Ohio 45208

Re: 3020-3024 Lavinia Avenue | Eva Hall (D) – **(CPRE230041)** Final Recommendations

Dear Mr. Dial,

This letter is to inform you that our CSR Advisory-TEAM and CSPRO Committee has reviewed your proposed project at **3020-3024 Lavinia Avenue** in the Community of Hyde Park. It is my understanding that you are proposing to construct a 19-unit apartment building with a top floor communal room and terrace lot. There will also be an on-site underground detention pond for storm water management and private utility services. A dumpster pad will be on the side of the building with a shed roof covering it. The backyard area will feature an outdoor grilling and gathering patio. The boundary of the site will be fenced in, with an additional fence area for dog runs. The information provided is the recommendations of the City of Cincinnati and must be followed as you move forward with your project. As a reminder, we will have a **Teams conference call meeting** with you on **August 8, 2023 @ 10 am** to discuss this information. Please see the feedback listed below. Thank you for developing within the City of Cincinnati.

City Planning & Engagement – Planning Division

Immediate Requirements to move the project forward:

1. The proposed project is situated in two different zoning districts. Staff recommends a zone change. The zone change process consists of:
 - Please reach out to the Hyde Park Neighborhood Council and present your plans to them.
2. Contact information for community councils can be found here:
<https://bit.ly/CommunityCouncilContacts>
 - Application and plans need to be submitted (including fee)
 - Public Staff Conference held via Zoom (4-5-week process)
 - City Planning Commission (4-6 weeks)
 - Equitable Growth & Housing Committee/City Council (4-14 weeks)
3. Will send over Zone Change Packet and application.
4. Please ensure that the rezoning plat goes to the middle of the right-of-way.

Requirements to obtain permits:

- None

Recommendations:

1. Any letters of support are very beneficial.

Contact:

- **Jesse Urbancsik** | City Planning | 513-352-4843 | jesse.urbancsik@cincinnati-oh.gov

City Planning & Engagement – Zoning Division

Immediate Requirements to move the project forward:

1. The northern parcel is zoned RMX which does not permit a multi-family structure. Re-zoning the parcel to a district that permits multi-family use is required.
2. Rezoning options include the two abutting zoning districts and a PD. The RM 1.2 district abuts the subject property to the east and the CN-M district abuts it to the south.
3. The southern parcel is zoned CN-M and allows for multi-family use at a density of one unit per 700 SF. If the northern parcel were rezoned to CN-M and if additional density (due to if parking is inside the structure) is calculated, this would allow for 22 units on the combined parcels; but it should also be noted that the commercial zoning would allow for other commercial uses if the residential project were to falter. Parcels to the east of the subject property are zoned RM 1.2. If the northern parcel were rezoned to RM 1.2 and if additional density (due to if parking is inside the structure) is calculated, this would allow for 6 units on the northern parcel and 11 units on the southern parcel (total of 17) and a density variance would be needed. It is also possible that both the southern and northern parcels are re-zoned to RM 1.2 (allowing 13 units) and a density variance would also be needed. If the site were re-zoned to a PD, all zoning parameters are negotiated- such as use, density, setbacks, and other parameters, but the minimum size of a PD would need to be addressed. Section 1421-15 allows for the density bonus due to including parking inside the structure.
4. Confirmation of the structure height as measured to the mid-point of the pitched roof- from the existing grade is needed. The height noted on the elevation drawing is 56.5' between the first floor and the peak of the roof, but the height is measured from the existing grade at the front façade to the roof mid-point (existing grade is approx. 775 ASL based on survey submitted) so determining the height of the mid-point of the roof would be needed in an "above sea level" nomenclature. The height limit is 50 feet in the CN-M district. Height in the RM 1.2 district is unlimited but requires larger setbacks if the height is more than 35 feet. Zoning staff estimates the height to the mid-point as approximately 50 feet, but this should be confirmed.
5. The required setbacks for the CN-M district include a 25' rear setback for residential buildings as per section 1409-09. A rear setback variance would be needed to allow the proposed 2.28' rear setback if it were re-zoned to CN-M. The front setback is too large (more than the maximum of 12' allowed) in some areas and would require a variance; and side setbacks are conforming to the required 0' minimum setbacks.
6. The required setbacks for the RM 1.2 are based on the height of the building; and the required setbacks increase based on the building height above 35 feet. It appears that setback variances for the front (14'), both sides (3.5' variance and 19' variance) and the rear setback (43' variance) would be needed for a building that is 50' tall.
7. A bufferyard "B" (15' deep with screen fence and landscaping) is required along the north and east side of the subject property for the property if the parcel is re-zoned to CN-M as per section 1423 of the zoning code. It appears that a special exception would be needed for areas with less than a 15' bufferyard depth if the CN-M district is applied. A landscaping

plan showing the required bufferyard and any other proposed landscaping and screen fence is needed. For the RM 1.2 zoning, a bufferyard is not required as the property would abut a similar RMX zone.

8. Parking required is one space per residential unit in a commercial zone. The proposed 19 units would require 19 parking spaces. 23 spaces are proposed on the first-floor parking area and one space in front of the building; and thus the parking is conforming. For the RM 1.2 district, the required parking is 1.5 spaces per unit and 29 spaces would be required and a variance would be needed.
9. It is unclear where the dumpster pad is located. Landscaping is required around the dumpster location as per Section 1421-35 and a screen fence is required if there is a dumpster. More detail is needed on this to show conformance if there is a dumpster. If there is not a dumpster, please provide information about how the garbage and recycling will be managed.

Requirements to obtain permits:

1. All exterior light sources on private property, including canopy, perimeter, and flood, must be energy-efficient, stationary, and shielded or recessed within the roof canopy to ensure that all light is directed away from adjacent properties and public rights-of-way. The maximum height may not exceed 20 feet above grade.

Recommendations:

1. The re-zoning options indicate that substantial zoning relief would be needed after re-zoning to RM 1.2 or to CN-M.
2. Zoning staff has concerns with the massing/height of the building and setbacks as proposed due to the abutting RMX zoning and single-family scale existing homes. Staff recommends reviewing the design of the proposal to conform more closely to the code. A 15' bufferyard is required in the rear and north side (if rezoned to CN-M). The bufferyard and setbacks reduce the impact on the abutting neighbors of the taller height allowed in the CN-M district and the proposed 50' height if it were rezoned. The massing of the building as proposed negatively impacts the neighbor to the north if it is 8' (without a conforming bufferyard) from the property line and 50'+ tall. If the massing were revised to be stepped (with a three-story height along the north side of the building) and thus more compatible with RMX zoning that abuts, then it would be more compatible with the scale of the property abutting to the north.
3. Zoning relief requires showing a hardship.

Contact:

- **Wes Munzel** | ZPE | 513-352-2442 | weston.munzel@cincinnati-oh.gov

Metropolitan Sewer District (MSD)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Detention will be reviewed by Jeff Chen at jeff.chen@cincinnati-oh.gov or 513-244-1357 per Section 303 of the MSD Rules and Regulations. For additional site storm water

requirements within the City of Cincinnati, contact the Stormwater Management Utility (SMU) at 513.591.5050.

2. An approved site utility plan will be required for building to receive approved permit.

Recommendations

- None

Contact:

- **Jim Wood** | MSD | 513-352-4311 | jim.wood@cincinnati-oh.gov

Stormwater Management Utility (SMU)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Detention
 - If detention is required by MSD, provide SMU with a copy of the follow items: approved detention calculations, drainage map, detailed drawing of detention control structure with elevations.
2. Storm Requirements
 - Calculations for storm water conveyance system, major storm calculations / flood routing
3. Utility Plan
 - Label all pipes materials.
 - In the public R/W, pipes to be DIP or RCP.
 - Show Top & Invert elevations for all Appurtenances.
 - Show slopes for all pipes.
 - Show downspouts ties to the sewer system. Add note "All downspouts to tie to the sewer system".
4. Grading Plan
 - Grading must show existing and proposed contours.
 - Impervious surfaces are NOT permitted to drain towards adjacent properties.
 - Contours changes are NOT allowed to push more runoff towards adjacent properties (as compared to pre-development conditions).
 - Runoff from all pavements must be captured and conveyed to the stormwater system. Only 800 sf of pavement may sheet flow to the public R/W.
5. Erosion & Sediment Control Plan is required. Refer to link: <https://cincinnati-oh.gov/stormwater/construction-and-design/standards/sediment-and-erosion-control/>
6. SMU Standards Plans Notes is required. Refer to link: <https://www.cincinnati-oh.gov/stormwater/construction-and-design/standards/smu-standard-plan-notes-april-2022/>

SMU will require an As-Built survey at the end of construction. The survey should include the following information:

- State Plane Coordinates (N,E) for all MH's and Catch Basins.
- Inverts and Top elevations for all MHs and Catch Basins.
- Slopes, sizes, and materials for all storm lines.

Recommendation:

- None

Contact:

- **Kevin Gold** | SMU | 513-222-3643 | kevin.gold@cincinnati-oh.gov

Water Works

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. If CFD is okay with relocating the existing fire hydrant GCWW will require this relocation to be completed before any building permits are approved or water service branch(es) sold. Contact Brian Eckhoff at 513-591-7978 or Brian.Eckhoff@gcww.cincinnati-oh.gov.
2. Greater Cincinnati Water Works (GCWW) will require a stamped and recorded parcel consolidation plat before any building permits are approved or water service branch(es) sold.
3. GCWW will require the meter setting to be in the grass near the property line and the backflow preventer will need to be in a heated structure immediately behind the meter setting.
4. The subject development property is receiving water service from the following:

Address	Branch #	Size	Meter #	Size
3020 Lavinia Av.	H-70607	3/4"	031142	5/8" *Lead on private side
3020 Lavinia Av.	H-77689	5/8"	044721	5/8" *Lead on public and private side

* Please note that there are known health risks with lead service lines. Greater Cincinnati Water Works records indicate the existing private side of the water service line (H-70607) and the existing public and private side of the water service line (H-77689) at this site are Lead Service lines. In accordance with CMC Chapter 401 Division M, water service line should be replaced with copper service line if it is to remain.

5. If the water service branch(es) are not to remain, the owner would be required to fill out the online Discontinuance Form (FOD) at <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/fod/> authorizing the discontinuance of the account associated with the existing water service branch(es). This process must be completed before any new water service branch(es) can be sold.
6. If the existing water service branch(es) for this project is not to be used for this development, it must be disconnected at the owner's / developer's expense. The discontinued branch(es) will require a drawing showing the branch(es) and branch number(s) that is to be physically disconnected from the main. Submit to Phil Young at Phillip.Young@gcww.cincinnati-oh.gov. Alternatively, this may be included with the installation of any large branches, if applicable.

Recommendations:

1. The Owner(s)/Developer(s) will need to hire a Greater Cincinnati Water Works certified licensed and bonded fire protection company and plumber to perform the private water service branch design work and installation.
2. The Owner(s)/Developer(s) must have a licensed fire protection company and plumber that is bonded and certified with GCWW and fill out the Online Branch application <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/> for water service.

Contact:

- **Rick Roell** | WaterWorks | 513-591-7858 | richard.roell@gcww.cincinnati-oh.gov

Fire Department

Immediate Requirements to move the project forward:

1. A site plan is needed showing 2 readily accessible Fire Hydrants within 400 feet of all sides of your project.
2. The minimum fire flow requirements for Condominiums/Apartment Complex or Dwelling greater than a three-family dwelling is 1,800 gallons/per/minute (GPM) @ 20 pressure/per/square inch (psi) (138Kpa)
3. Fire Department Connections are to be within 50 feet of a fire hydrant.

Requirements to obtain Permits:

1. Emergency Responder Bidirectional Antenna radio required in new or existing building 20,000 square feet or greater.

Recommendations:

- None

Contact:

- **Gregory M. Phelia** | Fire Dept. | 513-357-7598 | gregory.pheliajr@cincinnati-oh.gov

Office of Environment and Sustainability (OES)

Immediate Requirements to move forward with project:

- None

Requirements to obtain permits:

1. Commercial waste, including construction and demolition debris, generated during this development project must utilize a City franchised commercial waste collection service per Cincinnati Municipal Code Chapter 730. Additional information can be found at <https://www.cincinnati-oh.gov/oes/commercial-waste-hauler-program/>.
2. If offsite sourced fill is to be placed onsite, then it must receive OES environmental approval when it exceeds 500 cubic yards as per City Municipal Code Chapters 1101 and 1031. A current Phase I ESA performed to the ASTM Standard E1527-21 of the proposed offsite borrow source property must be submitted for review. Stockpiled soils that will be used as fill material from an offsite borrow source require environmental sampling and analysis and the results be submitted for review. Please contact OES for a recommended sampling plan.
3. This project appears to be requesting funding incentives from the City. Depending on the incentive, this project may require environmental approval from OES.

Recommendations:

1. The following recommendation is based on State of Ohio requirements:
 - a) Due to the age of the existing site building, asbestos, lead based paint, and other hazardous building materials should be surveyed and, if needed, abatement should be conducted following all applicable state regulations prior to its demolition.
2. The following recommendations are based on adopted City of Cincinnati environmental and sustainability policies:
 - a. The development goal should be to earn at a minimum the LEED Certified rating level.
 - b. Rooftop solar should be considered in the design as a renewable energy source.
 - c. Site parking should include electric vehicle charging stations.
 - d. Site areas designated for trash dumpsters should also have at least equal space designated for recycling dumpsters.

- e. The use of trees in the landscape design should be included to enhance urban forestry.
- f. The use of pervious surfaces should be maximized to the extent practical in the design.

Contact:

- **Amanda Testerman** | OES | 513-352-5310 | amanda.testerman@cincinnati-oh.gov

Parks Department (Urban Forestry)

Immediate Requirements to move the project forward:

- None.

Requirements to obtain permits:

- None

Recommendations:

- None

Contact:

- **Marianne Prue** | Urban Forestry | 513-861-9070 | marianne.prue@cincinnati-oh.gov

Department of Transportation & Engineering (DOTE)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Provide dimensions from the curb to the property line. Needs to be 10' minimum.
2. Provide a 5' tree lawn and 5' wide sidewalk.
3. Distance from the property line to the garage needs to be a minimum of 20 feet. Provide the dimensions.
4. How do the garage doors operate?
5. How is the trash being addressed?
6. Remove unused driveway aprons and replace them to meet City standards.
7. Provide City DOTE standard concrete driveway apron and meet driveway requirements for design and clearance.
 - a. The fire hydrant will need to be relocated.
8. All work in the public right-of-way will require a separate DOTE permit.
9. The assigned address will remain as 3020 Lavinia Avenue. Once the building has been constructed, the address number must be posted and visible from the street. Contact DTEaddress@cincinnati-oh.gov with any questions.

Recommendations:

- None

Contact:

- **Morgan Kolks** | DOTE | 513-335-7322 | morgan.kolks@cincinnati-oh.gov

Buildings & Inspections – Buildings

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Please be aware that a fire sprinkler system will be required.
2. Please show the accessible path from the ADA space to the entrance of the building
3. A geo-technical report will be required when you submit your building permit.
4. Openings on the exterior wall must conform to table 705.8.

Recommendations:

- None

Contact:

- **Art Dahlberg** | B&I Plans Exam | 513-352-2424 | art.dahlberg@cincinnati-oh.gov

Law Department

Immediate Requirements to move the project forward:

1. No comment at this time.

Requirements to obtain permits:

- None

Recommendations:

- None

Contact:

- **Charles Martinez** | Law | 513-352-3359 | charles.martinez@cincinnati-oh.gov

Department of Community & Economic Development (DCED)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

- None.

Recommendations:

- None

Contact:

- **Roy Hackworth** | DCED | 513-352-6119 | roy.hackworth@cincinnati-oh.gov

Health Department

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. No need for Health to review project as proposed.

Recommendations:

- None

Contact:

- **Trisha Blake** | Health Dept. | 513-352-2447 | trisha.blake@cincinnati-oh.gov

Police Department

Immediate Requirements to move the project forward:

- None currently.

Requirements to obtain permits:

- No comments.

Recommendations:

- None

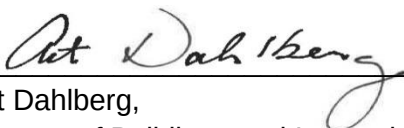
Contact:

- **Katalin Howard** | Police Dept. | 513-352-3298 | katalin.howard@cincinnati-oh.gov
- **Brandon Kyle** | Police Dept. | 513-564-1870 | brandon.kyle@cincinnati-oh.gov

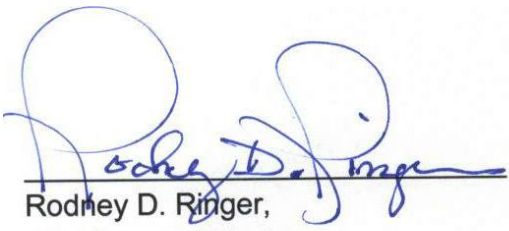
FINAL ACTION: The CSR Advisory-TEAM and CSPRO Committee believes that the proposed project plans are moving in the appropriate direction and recommends that the project move forward to the City Planning Commission subject to the following condition.

- **The subject development must follow the requirements listed above to ensure that the development meets the requirements of all agencies as they apply for all permits.**

Sincerely,



Art Dahlberg,
Director of Buildings and Inspections Department
& CSPRO Committee Chair



Rodney D. Ringer,
Development Manager

AD:RDR:hs

Urbancsik, Jesse

From: Wollenweber, Gary (GE Aerospace, US) <gary.wollenweber@ge.com>
Sent: Thursday, October 26, 2023 9:59 AM
To: Urbancsik, Jesse
Cc: Tommy McEvoy; Wollenweber (fuse); Janet Buening
Subject: [External Email] RE: 3024 Lavinia Zone Change Notice - City Planning Commission 11/3/23

External Email Communication

Hyde Park Neighborhood Council has no opinion on the 3024 Lavinia Zone Change.

From: Urbancsik, Jesse <jesse.urbancsik@cincinnati-oh.gov>
Sent: Monday, October 23, 2023 11:32 AM
To: Urbancsik, Jesse <jesse.urbancsik@cincinnati-oh.gov>
Subject: EXT: 3024 Lavinia Zone Change Notice - City Planning Commission 11/3/23

WARNING: This email originated from outside of GE. Please validate the sender's email address before clicking on links or attachments as they may not be safe.

Good morning,

Please find the attached notice for the City Planning Commission meeting on November 3, 2023 at 9:00am.

Have a great week!

Jesse Urbancsik | Senior City Planner

City of Cincinnati | Department of City Planning and Engagement
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202

jesse.urbancsik@cincinnati-oh.gov

513-352-4843 | [Facebook](#) | [Twitter](#) | [Website](#) | [Plan Cincinnati](#) | [LinkedIn](#)

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 **Chat with me on Teams!**



Urbancsik, Jesse

From: Christian Dial <christian@dialresidential.com>
Sent: Friday, October 27, 2023 11:16 AM
To: Urbancsik, Jesse
Subject: [External Email] Fwd: 3024 Lavinia Rezone

External Email Communication

Jesse,

I am following up with a synopsis on attempts I have made to engage with the Evanston Community Council regarding the rezone and future development on these sites.

Prior to applying for the zone change, I left a voicemail for their office and received a call back and had a conversation with Yvonne about the application I was submitting for the rezone and the project. She was very helpful. She said that she would let the group know about my plans and we would be in touch about the project and potentially coming to present to the council.

Since that call, I have called that line 3-4 times and left voicemails trying to follow up, and I have also filled out the contact form on their website 2-3 times asking to connect again.

You provided me with James Stallworth's email address and I sent that email below to him. I didn't get a reply back to that either.

With all of those attempts being made and not being responded to, I have just assumed that maybe the application is probably not a priority to the council at the moment since it is not within their council boundaries, or they have other issues at hand that are keeping them busy. That is all just speculation though, because we haven't been able to talk again since that introduction call.

Please let me know if there are any other ideas on ways to facilitate engagement with their council.

Best,

Christian

----- Forwarded message -----

From: Christian Dial <christian@dialresidential.com>
Date: Mon, Oct 2, 2023 at 4:32 PM
Subject: 3024 Lavinia Rezone
To: <jamesstallworth1.js@gmail.com>

Hi James,

I submitted a contact form on the website for the council, but haven't heard back, but I am the property owner and applicant of a rezone at 3024 Lavinia Avenue from RMX to CN-M. I am interested in coming and presenting this rezone application and my future plans to develop the property here and 3020 Lavinia Avenue to the council if you all would like to have me.

Thank you,

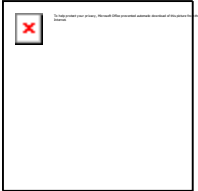
Christian Dial

Christian Dial

317-525-5550

christian@dialresidential.com

www.dialresidential.com



Re: Proposed Commercial Neighborhood

3024 Lavinia Ave, Hyde Park

Dial Residential LLC

Oct. 23, 2023

Revision of Sept 2023 objection

Dear Dept. of City Planning and Engagement,

My name is Kevin Englehart and I live and own property at 3049 Lavinia Ave. Please accept this as notice of my opposition to this rezoning and commercial development on Lavinia Ave. A project of this density is way too much for this tiny already overcrowded residential street. My understanding is that the revised proposed plan is for fourteen units to be built and not nearly enough parking to accommodate its footprint. To propose that this project will not be intrusive to the surrounding neighbors is simply ridiculous. Our street currently has 27 homes on it. Due to the nature of the construction of these homes, the on street parking is already a major challenge. There are currently fifteen on street free parking spots. The new development would eliminate at least two of these. In my estimation Dial Properties is simply about money and has no regard to how this project will effect home values and the street it sits. A new giant commercial property in the middle of a neighborhood street is not a normal development for the area. While there are some much older large commercial buildings in the area, these existing structures are not intrusive and are self sufficient with parking and placement. Lavinia Ave. is already a "cut through street" to the adjoining Evanston neighborhood and has too much speeding traffic on it already. Some of the residents have children playing nearby. A project like this will only compound this issue for the following reasons:

1. It is nearly impossible to turn left on Madison Ave at any time of day. That is the only way to go to nearby banks, grocery stores, and retail. The new development will be near that corner, thus funneling nearly every car from there back through the neighborhood to get to Pogue Ave so they can get to a traffic light to reach Madison Rd.
2. Proposing only one parking spot per unit is frankly ridiculous. The reality of it will be adding approximately 30 vehicles to the general area. Most units will not be single renters if we are being realistic. This is with a total of zero visitors to the street. There is no parking on Madison in the immediate area and only pay lots within walking distance. Any proposal should have ample parking for the number of units. This proposal gives zero consideration to the existing residents and the already challenging parking situation on Lavinia.

3. There are not any new construction projects like this anywhere in this area.

This is a residential neighborhood with home owners. All of the Grandin Properties rental buildings are grandfathered in and most have ample parking surrounding their buildings.

I am all for investing in the neighborhood to improve the landscape and availability of property in the area. This project does not do any of these things other than add shear units to a street that cannot accommodate it. Dial Properties bought these two parcels with every intention of a money grab and no intention of a reasonable neighbor friendly proposal. They can certainly figure a way to make money that is more reasonable. While it may not be "home run" investment, I am confident they will NOT lose money.

My solution:

1. Shrink the project and build six to 8 similar townhome style properties with garage and driveway parking and either rent or sell them. These are on the market in the area in the 600k range. They would command a rent in the 3k/month range in the market. Most of the homes on the street fit this mold. Projects like this are typical of the area and are profitable for the investor. These types of projects blend in to the existing real estate landscape and are therefore not intrusive. This could be a tax abated property if it is done right. The return on investment would still be very strong without infringing on the surrounding homes.
2. Shrink the project and build a two level parking area for the residents if rentals are the way Dial Residential would like to go. Simply allow some room on the property for parking instead of trying to make a fortune on every inch of the lot. Designated parking is a huge selling point for renters in this area. Again, plenty of ROI with the current state of the rental market in Cincinnati.

In Conclusion, I adamantly oppose a project of this density on this street. There is not enough room to squeeze a project like this in on Lavinia Ave. I have spoken to many neighbors and they all share my sentiment. I am sure you will be receiving several responses similar to mine. I wish Dial Residential success in coming up with a solution that makes sense and doesn't only consider ROI before the well-being of the neighborhood. If I may be of further assistance I have attached my contact info below. Thank you for the consideration.

Sincerely,

Kevin Englehart

3049 Lavinia Ave.

Cincinnati, Oh 45208

513-260-7131

RE: Proposed Commercial Neighborhood

3024 Lavinia Ave, Cincinnati, OH 45208

Dial Residential LLC

9/19/2023

Department of City Planning & Engagement:

Hello, my name is Matt Scharfenberger. I currently live at and own 3041 Lavinia Ave. And I am in the process of building 3026 and 3026.5 Lavinia Ave. I will soon be selling 3041 and 3026.5 and then moving into 3026 which is directly next door to the proposed development site. I spoke with Christian Dial about the proposed development, he was very nice, and I do admire the fact that he is looking to better himself and surrounding communities through development. With that being said, I absolutely **oppose** the rezoning and proposed development of 19 apartment units on Lavinia Ave. or any other development of that density. Christian stated that he is asking for a variance towards my lot line as well and for a development like this I absolutely **oppose** the variance as well. Below are just a few reasons why I am **opposing** this development:

1. The fact that this development is only going to have 19 spots for 19 units just will not work on this street. There is already virtually no street parking available for the residents who already live on Lavinia, let alone for another 38 or so residents that would be added to the street with this development.
2. The way that traffic is on Madison Rd it is already nearly impossible to turn left. With a development like this nearly directly on the corner it would be a mess to get off the street. Lavinia street already has tons of cut through traffic from other neighborhoods to get to Madison, many of them speeding with children at play outside. Adding a development like this would increase the vehicle traffic drastically from what it already is.
3. To have a development of this size wedged into that small area would not be good for the street or current residents. Furthermore, with my new home being located directly next to a development of this magnitude I am concerned about my privacy as well.

I am all for the development of neighborhoods that positively impact the residents that live and will be living there, but this project does not bring that to the table. I am certainly open to and would be more onboard for the development of the properties as long it was more within the parameters of the RMX zoning. However, for the proposed development project I have to say I absolutely **oppose** it. I do wish Christian the best in coming up with a project that fits the neighborhood and adds to it in a positive manner opposed to negatively. Thank you for taking my thoughts into consideration. If you have any questions, please feel free to contact me.

Sincerely,

Matt Scharfenberger

3041,3026.5,3026 Lavinia Ave, Cincinnati, 45208

513-310-1670

Re: Proposed zone change from RMX to CN-M for 3024 Lavinia Ave, Hyde Park

09/18/2023

Dear Jesse,

My name is Chris Osbun and I am writing to you today on behalf of my wife, Alisha, and I who own and live at 3028 Lavinia Ave. We are sending this statement to you to formally share our opposition to the proposed zone change for the property at 3024 Lavinia Ave in Hyde Park. I am well aware of Mr. Dial's plans to redevelop the properties of 3020 and 3024 Lavinia Ave. into a new 19-unit apartment complex. In fact, I have even met with him in-person to learn more about his project vision, and I am educated on the need to change the zone from RMX to CN-M to fulfill this vision. That said, it is my **STRONG** opinion as a caring member of this street, neighborhood and community that an apartment building of this size would be severely detrimental to the safety, wellbeing and quality of life of the wonderful residents of Lavinia Ave today. Allow me to elaborate:

1. **Safety** - Lavinia Ave. is already a street on which cars from the rest of the neighborhood pass through to get to Madison, especially to turn left from Madison to Torrence. Meanwhile, there are numerous households on the street with very young children (and more on the way) and given the already dense neighborhood design with minimal yard space it is extremely common for children to be playing on the sidewalk near the street. The combination of high car traffic and young children is certainly of high risk. While that is a problem in and of itself, adding 30 new residents to the street would exacerbate this issue and frankly would be irresponsible and negligent in ensuring neighborhood safety.
2. **Wellbeing & Quality of Life** - Street parking is already a challenge on Lavinia and the proposal to add 19 units with 25 off-street parking would undoubtedly make this challenge a nightmare for the current residents. I have seen Mr. Dial's preliminary design, including a 1st floor parking garage with 25 spots to serve the 19 units. However, if we are really being realistic, that is nowhere near enough spots for 19 units, which consists of ~50% 1-bedroom and ~50% 2-bedroom units will likely house 30-40 permanent residents. That's at least 30-40 cars before even considering daily guests of these residents, leading to a minimum of 5-15 spilling over into the street. 5-15 may not sound like a lot, but it definitely is when there is hardly any room to park on the street today, with residents needing to park where the proposed Eva Hall garage entrance would be (already taking another street spot away). I can only imagine a young mother returning home on a cold winter evening with her children after a long day only to find nowhere to park...

This is a residential neighborhood with homeowners. All of the Grandin Properties rental buildings are grandfathered in and most have ample parking surrounding their buildings.

Let me be clear, as a resident of Lavinia Ave and a proud member of the O'bryonville community, I am all for real estate investment on these properties at 3020 and 3024 Lavinia! I love the area, I think the O'bryonville commercial area has incredible potential, and I love seeing revitalization of homes in the neighborhood. However, I strongly believe there are right ways and wrong ways to do it, and unfortunately a 19-unit apartment complex is the wrong way. Multi-family homes similar to what has already been developed on the street would be a logical approach. However, if Mr. Dial is determined to build a rental property, I strongly recommend it be designed to be much fewer units (i.e., 8) so as not to jeopardize the safety and wellbeing of the rest of the neighborhood.

Sincerely,

Chris and Alisha Osbun

3028 Lavinia Ave., Cincinnati, Oh 45208

chris.osbun@gmail.com

20 September, 2023

Re: Dial Residential 3024 Lavinia Ave Rezone

Dear Mr. Urbancsik,

While I write as an individual to oppose the rezoning, I am also a member of the condo board at Georgian Terrace, 2138 Madison Road, Cincinnati, 45208. In that capacity I am aware of the usual maintenance challenges hundred year old buildings like ours face to maintain their high quality.

Runoff water erosion has caused particular concern and we diligently monitor our property to insure we are doing all we can to maintain structural integrity. From time to time we have engaged professionals such as engineers to help us decide what actions, if any, we may need to consider taking.

I am concerned a large structure like Dial is proposing will be counterproductive to our efforts. Any erosion damage from the proposed structure would likely lead to extremely costly repairs or require the replacement of certain structures at Georgian Terrace.

I also oppose the structure at 3024 Lavinia Avenue on the basis of aesthetics. I am on the third floor of my building and work facing out a window looking directly at the proposed new tall structure. I enjoy my current view including the grass and bushes I see. The Dial structure will eliminate my view of the grass and bushes, totally block my view of open spaces and change the character of the neighborhood.

Thank-you for considering my comments.

Sincerely,

Rick Jordan

2138 Madison Rd Unit K

Cincinnati, 45208

September 20, 2023

RE: Proposed Commercial Neighborhood

3024 Lavinia Ave./ Dial Residential LLC

Dear Dept of City Planning and Engagement,

My name is Kara Gudmens and I live and own the property at 3051 Lavinia Ave. Please accept this letter as notice of my opposition to the rezoning and commercial development on Lavinia Ave. It has come to my attention that the proposed plan is for nineteen units to be built with only nineteen available parking spots. A project of this magnitude would be too much for our already overcrowded street. Currently, there are 27 homes and due to the construction of these homes many require on street parking, which is very limited. Lavinia is a "cut through" street to/from the adjoining Evanston neighborhood, which causes major traffic and speeding cars. Additionally, the project would further complicate these issues for the below reasons:

1. It is not practical to assign only one parking spot per unit, as most units will not be single renters. This would add at least 20 additional cars to the street, which is not realistic. There is no parking on Madison Ave. in the general area and only paid parking in walking distance. The new proposal does not give any consideration to the already existing residents regarding the parking situation.
2. It is already very difficult to turn left onto Madison Ave at any time of the day from Lavinia. The new development will sit near that corner which will cause most cars the need to travel down Lavinia to connecting Poge to reach the traffic light to Madison Ave. There is a large amount of street parking near this light, so when cars are lined up it turns Easthill into a one-way street. This can sometimes cause a backup of traffic for cars on Madison until the Easthill light turns green.
3. There are no similar new construction projects in the area. This street and the surrounding area consist mainly of residential homes with homeowners. All other rental buildings have been grandfathered in and allow for adequate parking.
4. Since I moved into my home in 2013 there has been consistent construction on the street. This construction not only takes away parking spots during the build, but the heavy trucks continue to cause road damage.

In conclusion, I highly oppose a project of this density on this street. Lavinia cannot accommodate a project of this size. I feel there are other options for Dial Residential, such as building similar townhome style properties with proper parking.

Sincerely,

Kara Gudmens
3051 Lavinia Ave.
513-706-8661

Urbancsik, Jesse

From: Kristin Miller <kristinjmiller1@gmail.com>
Sent: Tuesday, September 19, 2023 12:39 PM
To: Urbancsik, Jesse
Subject: [External Email] Letter

You don't often get email from kristinjmiller1@gmail.com. [Learn why this is important](#)

External Email Communication

Dear Mr. Urbancsik,

I hope that this letter finds you well. I am writing to express my strong opposition to the proposed development project on Lavinia Avenue. As a long-time resident of this neighborhood, I am deeply concerned about the potential negative impacts that this project could have on our community.

First and foremost, Lavinia Avenue is a one-block street. While there has been much development on the street, the addition of a new development, especially one of the scale being proposed, would exacerbate the already existing parking situation. Between overflow parking from the businesses on the south end of the street and additional parking from houses on Pogue Avenue, there are already limited spots. From what I am led to believe, some of these spots would be eliminated for the proposed development project. Many residents of Lavinia Avenue rely on street parking. Adding more residents and visitors would further exacerbate the issue and could lead to increased safety concerns. As it is, cars often have to veer to one side to allow opposite traffic down the street.

Furthermore, the construction phase of any development can be incredibly disruptive. Any long-term resident of Lavinia Avenue has already been living with construction for more than a decade. Noise, dust, heavy machinery, and increased traffic are just a few of the inconveniences that construction projects often bring. The extended duration of construction can negatively affect the daily lives of residents, including those who work from home, have young children, or often walk their dogs.

Moreover, I am worried about the impact on property values. A large-scale development can often lead to a decrease in property values for existing homeowners, which would be detrimental to our financial well-being. The uncertainty and inconvenience of ongoing construction can lead to a decrease in demand for homes in our neighborhood, causing a drop in property values.

Given these concerns, I implore you to reconsider the proposed development and its impact on construction and property values in our community. While I understand the importance of growth and progress, it should not come at the expense of the quality of life and financial stability of long-standing residents. I kindly request that you consider alternative options that are more in line with the existing character and needs of our community.

Thank you for your attention to this matter. I look forward to the meeting on Thursday and hope that we can work together to preserve the unique charm and character of our one-block street. Please send us the link so that we can attend on Thursday afternoon.

Sincerely,

Kristin & David Miller
3045 Lavinia Avenue

--

Winton Woods
City Schools

Kristin Miller

5th Grade
Winton Woods City Schools
513.619.2450

www.wintonwoods.org

PLEASE NOTE: This message and any response to it may constitute a public record, and therefore may be available upon request in accordance with Ohio public records law. (ORC 149.43)

Urbancsik, Jesse

From: Chris Leary <chrisleary.oh@gmail.com>
Sent: Tuesday, September 19, 2023 11:28 AM
To: Urbancsik, Jesse
Cc: Jessica Pawlitsch
Subject: [External Email] Opposition to Proposed Neighborhood Zoning Change at 3024 Lavinia Ave

You don't often get email from chrisleary.oh@gmail.com. [Learn why this is important](#)

External Email Communication

Dear Mr. Urbancsik,

I am writing to express my concern and opposition to the proposed neighborhood zoning change which is currently under consideration at 3024 Lavinia Avenue. This change would allow a large apartment complex to be constructed which would have **detrimental effects on the character, quality of life, and livability of our community.**

I live less than 200 feet from the target lot and ask that you consider the following reasons to oppose this zoning change:

1. **Parking:** There are currently 20 public parking spaces on Lavinia. Many of these are unavailable to residents due to their use by East Hill Garage (3009 Lavinia Ave). The addition of a large apartment complex would make an unavoidable parking issue on this street.
2. **Traffic Congestion:** This is a family-friendly street with children on bikes and family dogs frequently walking. This change could lead to congestion on our streets, making it difficult for residents to navigate safely.
3. **Loss of Green Space:** The construction of a large apartment building would require the removal of green spaces which reduces the aesthetic appeal of the street.
4. **Reduction of Long-Term Residents:** This would result in a smaller proportion of long term residents on the street who are invested in the community. This type of housing would invariably result in short-term renters who are not invested in our street.
5. **Noise Pollution:** We moved away from a large apartment complex in part due to the consistent noise and selected a neighborhood with lower population density to avoid this excessive noise.

On 5/27/2020, the community held a zoning request for 3026 Lavinia. This change was granted due to the following reasons: no impact to street parking; maintained the look and feel of the neighborhood; resulted in two additional homes (for long-term residents).

This proposal for a large apartment complex will not meet any of these criteria.

Many of us have invested a considerable amount of our life savings and years of our lives to establish our homes on this street. We request to deny this zoning change to require exploration of alternative options that promote the development of our street without detracting from the desirability to live here.

I request a link to the Zoom call and your consideration of the notes above.

Respectfully,
Chris Leary
3043 Lavinia Ave

Urbanicsik, Jesse

From: Urbanicsik, Jesse
Sent: Wednesday, September 20, 2023 8:15 AM
To: 'Carlos Powers'
Subject: RE: [External Email] Link - 3024 Lavinia Ave zone change

Hey Carlos,

Thanks for sending this over. I will add your comments to our additional correspondence. The public staff conference is just a FYI and Q&A. This will be heard in front of City Planning Commission (which your comments will be attached as an exhibit if you would like) and later City Council. Both of these meetings have not been scheduled yet and are TBD.

If this zone change were to be approved, the development would have to go through our Coordinated Site Review process which has about a dozen city departments review projects including our Metropolitan Sewer District, Greater Cincinnati Water Works, Buildings Department, Fire Department, Urban Forestry, Economic Development, Department of Transportation and Engineering, etc. They would review this and address any concerns that they would have, including infrastructure, utilities, etc.

I understand your concerns and will put you in contact with the appropriate department to answer your questions. I am not able to as I am only Zoning and coordinating with community engagement efforts.

I have added you to the list to receive the Zoom Link for tomorrow and you will get it later today.

See you tomorrow!

Jesse Urbanicsik | Senior City Planner

City of Cincinnati | Department of City Planning and Engagement
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202

jesse.urbanicsik@cincinnati-oh.gov

513-352-4843 | [Facebook](#) | [Twitter](#) | [Website](#) | [Plan Cincinnati](#) | [LinkedIn](#)

Stay up to date with "[Connected Communities](#)"

 [Chat with me on Teams!](#)



From: Carlos Powers <carlos.m.powers1@gmail.com>
Sent: Tuesday, September 19, 2023 6:32 PM
To: Urbanicsik, Jesse <jesse.urbanicsik@cincinnati-oh.gov>
Subject: [External Email] Link - 3024 Lavinia Ave zone change

You don't often get email from carlos.m.powers1@gmail.com. [Learn why this is important](#)

External Email Communication

Please send the link to the zoom meeting occurring this Thursday at 4 PM for the project “Eva Hall”.

Dear Mr. Urbancsik,

I am writing to express my strong opposition to the rezoning of the lot on my street to allow for a multi-family development like Eva Hall. I am a resident of the neighborhood and I have several concerns about the negative impacts of this rezoning on the quality of life, safety, and environment of our community.

- One of my main concerns is the lack of adequate parking and traffic management for the current and future residents of the neighborhood. The street is already congested with limited parking spaces, and the addition of a multi-family development would worsen the situation. This would not only create inconvenience and frustration for the residents, but also pose serious risks for emergency vehicles and services that need to access our homes. Furthermore, the street is in need of resurfacing and repair, which has been neglected by the city for a long time. How can we trust that the city will address these issues and prioritize the needs of the existing residents over the interests of the developer?
- Another concern I have is the capacity and condition of the utilities and infrastructure of the neighborhood. The current system is old and outdated, and I doubt that it can handle the increased demand and pressure from a multi-family development. This could lead to problems such as water shortages, sewage backups, power outages, and environmental pollution. How will the city and the developer ensure that the utilities and infrastructure are upgraded and maintained to meet the standards and regulations for the health and safety of the residents and the environment? If additional projects are needed to upgrade infrastructure that would only pose more issues of utility shut-offs, ongoing construction, funding, traffic delay and noise pollution for my neighborhood.

These are just some of the reasons why I oppose the rezoning of the lot on my street. I believe that this rezoning is incompatible with the character and the needs of the neighborhood, and that it will have adverse effects on the well-being and the rights of the residents. I urge you to reject this rezoning request and to preserve the integrity and the value of our community.

Please let me know if you have any questions or comments about my concerns and how you plan to address them. Thank you for your attention and consideration.

Sincerely,
Carlos Powers, P.E.

Kelly Richardson
3025 Lavinia Avenue
Cincinnati, OH 45208

09/18/2023

Jesse Urbancsik, Senior City Planner
Department of City Planning and Engagement
805 Central Avenue, Suite 720
Cincinnati, OH 45202

Subject: Proposed Zone Change from RMX to CN-M for a future multi-family development at 3024 Lavinia Avenue, Hyde Park

Dear Mr. Urbancsik,

My name is Kelly Richardson and I live and own property at 3025 Lavinia Avenue. Please accept this letter as notice of my **opposition** to the proposed zone change and commercial development located at 3024 Lavinia Avenue in Hyde Park. A project of this density is intrusive and not sustainable for this small, already overcrowded residential street.

My understanding is that the proposed plan is for 19 units (ten one-bedroom and nine two-bedroom) to be built with 24 parking spots. Our street currently has 27 homes on it. Due to the nature of the construction of these homes, the on-street parking is already a major challenge. There are currently 15 on-street free parking spots. The new development would eliminate at least two of those. Lavinia Avenue is already a "cut through street" to the adjoining Evanston neighborhood and has too much speeding traffic on it already. Some of the residents have children playing nearby, and my husband and I will have our own child in February. This project will only intensify the unsafe traffic conditions on our already narrow and congested street. A project like this will only compound these issues for the following reasons:

1. **It is nearly impossible to turn left on Madison Road at any time of day.** That is the only way to access nearby banks, grocery stores, and retail. The new development will be very near to that corner, thus funneling nearly every car from there back through the neighborhood to get to Pogue Avenue so they can get to a traffic light to reach Madison Road.
2. **Proposing only 1.26 parking spots per unit is frankly ridiculous.** The reality of this development will bring approximately 40 vehicles to our street. Most units will not be single renters, and even single renters have visitors. There is no parking on Madison Road in the immediate area and only pay lots within walking distance. Given the lack of available parking on our street, any proposal should include at least two designated spots per unit. This proposal gives zero consideration to the existing residents who rely on street parking which is already a challenge on our street.

3. **There are not any new construction projects like this anywhere in this area.** This is a residential neighborhood with homeowners. All of the Grandin Properties rental buildings are grandfathered in and most have ample parking surrounding their buildings.

I am an avid supporter of the O'Bryonville and Hyde Park community and neighborhood, and I appreciate investment in our neighborhood to improve the landscape and availability of property in the area. This project, however, does not accomplish an investment that is good for both the investor and those the investment will affect day to day. It only adds sheer units to a street that simply cannot accommodate it.

A proposed solution:

1. **Shrink the project** and build six to eight townhome style properties with garages and driveways for parking and either rent or sell them. Most of the homes on the street fit this mold, and there are several townhomes in-progress on our street and the surrounding streets. Projects like this are typical of the area and are profitable for the investor. These types of projects blend into the existing real estate landscape and are therefore not intrusive. This could be a tax abated property. The return on investment would still be very strong without significantly infringing on the surrounding homes.
2. **Shrink the project** and build a two-level parking area for the residents if Dial Residential LLC is only interested in renting apartments. Simply allow some room on the property for ample parking instead of trying to over-maximize the lot with units. Designated parking is a huge selling point for renters in this area. Again, plenty of ROI with the current state of the rental market in Cincinnati.

In conclusion, I, along with every neighbor I have spoken to, adamantly oppose a project of this scope and density on this street. There is not enough room to squeeze a project like this in on Lavinia Avenue. I wish Dial Residential success in coming up with a solution that makes sense for the neighborhood and its residents and does not only consider ROI before the wellbeing of the neighborhood. Thank you for your consideration.

Sincerely,

Kelly Richardson

Urbancsik, Jesse

From: Lisa C <lisacoxrdh@gmail.com>
Sent: Monday, September 18, 2023 5:22 PM
To: Urbancsik, Jesse
Cc: Tarik Cox
Subject: [External Email] Link for 3024 Lavinia Ave

You don't often get email from lisacoxrdh@gmail.com. [Learn why this is important](#)

External Email Communication

Please send the link to the zoom meeting occurring this Thursday at 4 PM for the project “Eva Hall”.

I would like to learn more about how you will:

- preserve street parking without impeding our driveways and access to our homes,
- street beautification; the current project has our street a mess; will you be planting trees or geeenery?
- maintenance of low noise pollution,
- removal of construction debris to prevent incidents like tire punctures,
- slow traffic speeds to ensure the walkability of our street
- a neighborly environment
- maintenance of property values; what’s in it for ME!
- how long will the project take and how will it impact the current construction that has been going on for 3 years!
- will the property be condos or apartments? What is the proposed value of rent?
- how many more street lamps will be placed

If all of these are satisfactory we will consider supporting your project.

~ Lisa Cox

September 20, 2023

Jesse Urbancsik, Senior City Planner
Department of City Planning and Engagement
805 Central Avenue, Suite 720
Cincinnati, Ohio 45202

Dear Mr. Urbancsik,

I am writing in opposition to the zoning change for 3024 Lavinia. I have lived on the third floor of the Georgian Terrace Condominium, 2136-2138 Madison Rd. for 40 years. My rear windows directly overlook the site of Mr. Dial's planned development. I believe the size of the proposed building will adversely impact the character of Lavinia Avenue, a pleasant street of single-family homes. Yes, the other property Mr. Dial has acquired, 3020 Lavinia, is adjacent to a commercial property. But 3024 Lavinia is not

As I understand the site plan, Mr. Dial's proposed development will have little greenspace. Much of the yard at 3024 Lavinia will likely be eliminated.

I admit that I have a selfish reason to oppose this project. It will dramatically alter the view from my rear windows, which I regard as one of the nicest features of my home. The units above me and below me will also be negatively impacted by the addition of a four-story structure so close behind us. I believe Mr. Dial's development would detract from the value of our condominiums. I have long realized that the commercial property at 3020 Lavinia, closest to us, was going to be developed. A prior owner of that property planned to build a three unit building on the site. I didn't object to the zoning change he sought and received, even though it too would have adversely affected my view. The pandemic apparently delayed and ended his plans to build. Now we have Mr. Dial's project, which encompasses 3024 Lavinia as well, and is much larger.

I am attaching a photograph from my dining room of the property in question.

Thank you for considering my concerns.

Sincerely,

Marjorie Fox
2136 Madison Rd. Unit E
Cincinnati OH 45208

Urbancsik, Jesse

From: A.B. Becker <a.becker0702@gmail.com>
Sent: Tuesday, September 26, 2023 3:18 PM
To: Urbancsik, Jesse
Subject: [External Email] Response re 3024 Lavinia Ave proposed zone change

External Email Communication

To: Department of City Planning & Engagement

RE: 3024 Lavinia Ave. Proposed Zone Change

Thank you for the opportunity to provide feedback on the proposed zone change and development (Eve Hall) at 3024 (and 3022) Lavinia. I am 100% against the re-zoning and proposed development.

I attended the virtual meeting on 09.21.23 and am alarmed that you are entertaining this proposal from Christian Dial (Dial Residential LLC), which is not only far too large for the space but also completely disregards the current realities that homeowners are coping with, including illegal parking, increased traffic, child safety concerns, lack of green space, trash, and never-ending construction noise and debris.

1. Parking: The proposed apartment building and garage are far too large for an already congested area. Furthermore, a 25-space garage does not account for the number of vehicles that will be required for tenants. Dial has no idea at this time how many of those 19 units may be double or even triple occupancy, to say nothing of the number of guests who may be visiting for the (loud and late) rooftop parties that are doubtless a notable selling point of this proposed dwelling. As noted in the zoom meeting, blocked driveways are already a fact of life on several of these narrow O'Bryonville/Evanston streets, including mine. I would include Bedford Terrace, as well, which, along with Paul St, is the de facto parking lot for renters at the San Carlos apartments (corner of Madison and Paul), which provides no tenant parking. Overflow from the proposed development will aggravate our parking problems, since the building's tenants and guests will be competing with San Carlos residents and Paul St homeowners for already limited parking.
2. Traffic: On the zoom call, several Lavinia homeowners mentioned that increased traffic, narrow streets, and road rage have contributed to their sense of physical insecurity and triggered concerns about their small children being hit by a car. I can confirm this 1000 times over. I have owned my home on Paul St since 2005. The number of drivers who come racing down this street at full speed, believing it connects with Pogue, increases by the year, as does their rage when they are required to make a 3-point turn to exit upon discovering they are on a dead end. In addition, like Mr. Cox, I have come to dread making a right-hand turn onto my own street because I can almost always count on the drivers behind me slamming on their brakes, leaning on their horns, and then flipping me off as they hit the gas to fly down Madison.
3. Trash and Pet Waste: C. Dial's assertion that he would personally be providing maintenance was ridiculous and homeowners were correct to point out that renters frequently do not care about trashing the street they live on. They have nothing invested in it. Referring again to my own experience as a close neighbor of the San Carlos for 18 years, it has been a nightmare of overflowing trash bins, renters throwing their garbage in the street and dumping old furniture on the sidewalk (which they assume the regular trash collection is going to take), setting off fireworks, and allowing their dogs to urinate and defecate on homeowners' lawns and flower beds. The San Carlos draws from the same tenant pool that Dial surely wants to attract – early 20s to early 30s white-collar workers. You would think they would behave better, but you would be wrong.
4. Green Space and Drainage: The O'Bryonville/Evanston area needs more green space, not less. The drainage has been terrible on my street since the City allowed Doug Hinger (Great American Homes) to tear out our quiet, leafy cul de sac and build the Gold St. McMansions, one of which has a 6-vehicle concrete parking lot in front of

the house. About a year ago, I had to call GCWW to ask why my water started to stink, and was told that it was because of poor street drainage. They sent an employee out to drain the lines by blasting water out of the fire hydrant. At what point does the over-development of these small, narrow streets, with its attendant strain on aging infrastructure, backfire on the City – or will you simply allow GCWW and MSD to extort us further?

I will close with a suggestion. Your digital maps are meaningless. Please spend some time up here during afternoon rush hour. Drive around, walk the streets, and try to look at those small lots through the eyes of the people who live here, rather than the developer you appear to be chaperoning through the approval process. I am certain Dial can develop an alternate proposal that would enhance Lavinia Ave, in addition to making a lot of money.

Cheers,

Ami Becker
3010 Paul St.
Cinti, OH 45208

Meghan Arata

2360 Dana Avenue

Cincinnati,
OH 45208

10/2/23

City of Cincinnati Planning and Zoning Department

RE: Support for Zone Change Request and Any Future Variance Requests for 3020 and 3024 Lavinia Avenue

To Whom It May Concern,

I am writing this letter to express my enthusiastic support for the proposed zone change from RMX to CN-M zoning and any subsequent variance requests to the BZA associated with the properties at 3020-3024 Lavinia Avenue. As a neighboring property owner, I believe that these changes will contribute positively to the character and development of our community.

After reviewing the work of Dial Residential in the past, I am confident in their ability to create well-designed and harmonious developments that add value to our neighborhood. The proposed reduction of a northern side yard buffer yard from 15 feet to 10 feet minimum and the rear yard building setback reduction from 25 feet to a varying minimum of 25 feet to 5 feet minimum are requests I am fully behind.

Dial Residential understands the importance transparency, communication with stakeholders and thoughtful design and placemaking. Their track record of creating custom designed multifamily buildings that stand out as unique yet fitting within the neighborhood context reassures me that the proposed changes will be executed with care and consideration.

Moreover, I appreciate Dial Residential's dedication to fostering strong connections among residents and enhancing the overall living experience. This approach aligns with the values of our community and gives me confidence that the proposed changes will positively contribute to the quality of life for both new and existing residents.

In conclusion, I fully endorse the zone change and variance requests for these properties to support Dial Residential's future vision of the sites. I believe that these changes will contribute to the ongoing enhancement of our neighborhood's identity.

Thank you for considering my viewpoint. I trust that the City of Cincinnati will thoughtfully assess these requests and make a decision that aligns with the best interests of the community.

Sincerely,

Meghan Arata

DocuSigned by:

Meghan Arata

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