

**Minutes of the City of Vandalia Board of Zoning Appeals**  
**May 14, 2025**

**Agenda Items**

1. Call to Order
2. Attendance
3. Old Business
4. New Business
  - a. BZA 25-0006 – Minimum Lot Frontage – 650 Pool Avenue
5. Approval of Minutes
  - a. Board of Zoning Appeal Minutes: April 23, 2025
6. Communications
7. Adjournment

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|-------------------------|---------------------------------------------------------------|
| <b>Members Present:</b> | Mr. Mike Johnston, Mr. Steve Stefanidis, and Mr. Robert Wolfe |
| <b>Members Absent:</b>  | Mr. Mike Flannery and Mr. Kevin Larger                        |
| <b>Staff Present:</b>   | Mr. Ben Graham, Zoning and Planning Coordinator               |
| <b>Others Present:</b>  | Mr. Brandon Kaiser                                            |

**1. Call to Order**

Mr. Johnston called the meeting to order at 6:00 p.m. Mr. Johnston described the BZA as a recommending body that evaluated the BZA application and stated that the City Council would make the final decision on all appeal and variance requests but will not hold its own public hearing. He noted that City Council would hear the request at its June 16, 2025, regular meeting.

**2. Attendance**

Three of the members were in attendance. Mr. Flannery and Mr. Larger were absent.

Mr. Stefanidis made a motion to excuse Mr. Flannery and Mr. Larger. Mr. Wolfe seconded the motion. The motion passed 3-0.

**3. Old Business**

Mr. Graham confirmed that there was no old business.

#### **4. New Business**

##### **a. BZA 25-0006 – Minimum Lot Frontage – 650 Pool Avenue**

Mr. Graham stated that the Applicant, Brandon Kaiser, on behalf of Longhorn Development LLC has requested a variance to not meet the minimum lot frontage requirement. Table 1226-1 in City Code 1226.05 provides that lots with 5 or more dwelling units shall have at least 125 feet of frontage. Lot 3 will have 0 feet of frontage. Lot 1 has 153.21 feet of frontage and Lot 2 has 168.22 feet of frontage. Both Lot 1 and Lot 2 meet the requirements of the zoning code.

Mr. Graham stated the overall layout of the buildings and drive will remain the same, but the lot will be divided into 3 separate lots, instead of being 1 lot. The buyer, Fischer Homes is requesting the Applicant to divide the property 3 ways in order to allow the transfer of 1 property at a time as they begin to build these multi-family buildings.

Mr. Graham reported that in the Letter of Justification, the Applicant explains “the original plan was to place 3 buildings on 1 lot. The previous configuration was approved in May 2024. Once approved, the current owner purchased the property in August 2024. In December, the buyer decided that in order to purchase, the property needed to be split into 3 lots.”

Mr. Graham noted that the arrangement of buildings, private streets, and other elements of the development would remain unchanged if this variance is approved. The proposed variance would allow the creation of a zero-frontage lot, which in turn would allow the buildings to be sold one at a time, once complete.

Mr. Graham referred to the PowerPoint presentation and stated that the overall configuration of the lot will remain the same, but the lot lines will be adjusted. He added that Lot 3 requires a variance.

Mr. Wolfe asked what is permitted under the current zoning. He questioned whether the Applicant is only allowed to construct condominiums and not apartments. Mr. Graham responded that the property is zoned Residential Multi-Family (RMF), which allows for any type of multi-family development, including both apartments and condominiums. He clarified that this particular proposal is for condominiums.

Mr. Wolfe then asked if the Applicant would need additional approval to change the use from condos to apartments. Mr. Graham replied that if the layout is altered, the project would need to go through another Site Plan Review by the Planning Commission.

Mr. Wolfe summarized that the zoning allows for either condominiums or apartments. Mr. Stefanidis replied that this use being proposed is for condos.

Mr. Graham reiterated that the property is zoned Residential Multi-Family, and that any multi-family use—whether owner-occupied or rental—is permitted. However, if the layout were to change, a new site plan would need to be submitted to the Planning Commission.

Mr. Wolfe asked again if switching from condos to apartments would require further review.

Mr. Graham referred back to the PowerPoint and stated that the layout and use have already been approved by the Planning Commission. The only proposed change is to the lot lines. Any significant change to the layout would require further review.

Mr. Wolfe expressed concern, saying that Mr. Graham had told him two different things: that multi-family zoning permits both condos and apartments, and that changing to apartments would trigger another site plan review. Mr. Wolfe added that if the design remains unchanged, the use could switch between condos and apartments without additional review.

Mr. Graham stated that this design is specifically for condominiums and that apartments would likely require a different design, particularly regarding building layout and parking.

Mr. Wolfe voiced concern that the Applicant and future buyer may build one building at a time with the intent of eventually converting the project to apartments instead of condos. He added that Vandalia does not need any more apartments.

Mr. Stefanidis asked what would happen if the condos were later rented. Mr. Graham replied that any significant change to the layout would need Planning Commission approval. Mr. Wolfe responded that if the use remains multi-family, Planning Commission approval would not be required.

Mr. Wolfe reiterated that he does not support the addition of more apartments. He stated that any new development should be strictly for condominiums or houses.

Mr. Graham stated that Mr. Tim Winkle of 639 Pool Avenue called his office to express concern about the variance and the possibility of apartments.

Mr. Johnston invited the Applicant to address the Board.

Mr. Brandon Kaiser, representing Longhorn Development LLC, of 562 North Main Street Springboro, Ohio 45066, introduced himself as the owner of 650 Pool Avenue.

Mr. Kaiser stated that during the May 2024 meeting, two residents expressed concern about the potential for apartments versus condominiums. He assured the Board that there is no intent to develop apartments and noted that the project's covenants include bylaws prohibiting transient housing. The minimum lease term will be one year.

Mr. Kaiser emphasized that they are fully committed to building condominiums. However, once a unit is sold, they cannot legally prevent a buyer from renting it.

Mr. Kaiser added that the product being proposed is similar to a development they completed in Sugarcreek Township.

Mr. Wolfe asked about the price range. Mr. Kaiser replied the range will be from \$239,000 – 350,000.

Mr. Wolfe stated that he could not support the proposal, expressing concern that the project is a setup to sell apartments rather than condos.

Mr. Graham asked if there was a condominium association. Mr. Kaiser confirmed there will be.

Mr. Graham asked whether short-term rentals would be prohibited. Mr. Kaiser responded that while Fischer Homes had requested a minimum six-month lease, they opted for a stricter one-year minimum. No month-to-month rentals will be permitted.

Mr. Johnston asked how many units each building will have. Mr. Kaiser replied that each building will have 10 units.

Mr. Kaiser added that the original site plan did not need Council approval because it met the requirements of the zoning code.

Mr. Kaiser reiterated Mr. Graham's earlier statement that the design was approved by the Planning Commission and that any change to the design would require another review.

Mr. Stefanidis asked for clarification on leasing. Mr. Kaiser replied that an individual could lease out their units. Mr. Wolfe expressed dissatisfaction with that arrangement. Mr. Graham clarified that the Planning Commission has already approved the site plan. The Board is only making a recommendation regarding lot frontage.

Mr. Johnston asked if these concerns were brought up at Planning Commission. Mr. Graham replied that it was. Mr. Wolfe added that he may need to consider joining the Planning Commission.

Mr. Kaiser stated the site plan met all the zoning requirements for Planning Commission.

Mr. Kaiser reiterated that the site plan met all zoning code requirements and stated that the condos are similar to those in Beavercreek, Bellbrook, and Sugarcreek.

Mr. Stefanidis asked what role Mr. Kaiser's company plays in the project. Mr. Kaiser explained that his company prepares the site for Fischer Homes, which will purchase each building individually and then sell the units.

Mr. Johnston confirmed that Fischer Homes will build and sell all building units at a time before moving on to the next.

Mr. Johnston asked about curb appeal. Mr. Kaiser stated the development will have a private drive.

Mr. Kaiser stated the project will be completed in three different phases.

Mr. Stefanidis asked if all the excavation would happen at once. Mr. Kaiser responded that they are already working to excavate the entire property.

Mr. Graham asked what building will be constructed first. Mr. Kaiser replied Lot 2.

Mr. Kaiser emphasized once again that the buildings will be condominiums.

Mr. Wolfe asked about water detention. Mr. Kaiser showed him the detention pond on the PowerPoint.

Hearing no further comments from the public, Mr. Johnston closed the public portion of the meeting.

### **Variance Criteria**

Mr. Johnston then proceeded to the variance review criteria.

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

**BZA Comment:** The Board agreed the property in question will yield a reasonable return and the property has a beneficial use without granting of the variance.

- (2) Whether the variance is substantial;

**BZA Comment:** The Board agreed the variance is not substantial.

- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

Mr. Wolfe asked how many parking spaces would be provided for the development. Mr. Kaiser responded that there would be approximately 70 parking spaces, including those in driveways and garages. Mr. Graham directed the Board's attention to the PowerPoint presentation to highlight the designated parking areas.

Mr. Wolfe stated that he believed the amount of parking was insufficient. Mr. Graham replied this meets the requirements of the zoning code. Mr. Kaiser added that 3 units are just one bedroom.

**BZA Comment:** The Board agreed that granting the variance would not substantially alter the character of the neighborhood.

- (4) Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);

**BZA Comment:** The Board agreed the variance would not adversely affect the delivery of government services.

- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;

Mr. Wolfe asked who owns the property and whether this was their first development in Vandalia. Mr. Kaiser responded that the property is owned by Longhorn Development LLC and confirmed that this is their first development in Vandalia.

**BZA Comment:** The Board agreed the property owner did not have knowledge of the zoning restriction before purchasing the property. When Staff first met with the Applicant, their intent was to have all the buildings on one property.

- (6) Whether the property owner’s predicament feasibly can be obviated through some method other than a variance;

**BZA Comment:** The Board agreed the owner’s predicament cannot be obviated without a variance.

- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

**BZA Comment:** The Board agreed the intent behind the zoning code would be observed by granting the variance.

- (8) Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief; and

**BZA Comment:** Mr. Johnston and Mr. Stefanidis agreed there are no other relevant factors. Mr. Wolfe did not agree there were no other relevant factors.

Mr. Johnston reported that Staff recommends that the Board of Zoning Appeals recommend **approval** of the requested variance from Table 1226-1 in City Code Section 1226.05 for the purpose of allowing Lot 3 of “The Landing” to have 0 feet of lot frontage at 650 Pool Avenue.

Hearing no questions, Mr. Johnston called for a motion.

Mr. Stefanidis made the motion to recommend **approval** of the requested variance from Table 1226-1 in City Code Section 1226.05 for the purpose of allowing Lot 3 of “The Landing” to have 0 feet of lot frontage at 650 Pool Avenue.

Mr. Johnston seconded the motion. The motion passed 2-1. Mr. Wolfe voted against the motion.

Mr. Graham advised the applicant that it would be in his best interest to attend the City Council Study Session on May 19, 2025, at 6:00 p.m. and the City Council Meeting on June 16, 2025, at 7:00 p.m.

Mr. Kaiser thanked the Board and assured them that only condos would be placed in the development.

## **5. Approval of Minutes**

### **a. Board of Zoning Appeal Minutes: April 23, 2025**

Mr. Wolfe made a motion to approve the April 23, 2025, Meeting Minutes. Mr. Stefanidis seconded the motion. The motion passed 3-0.

## **6. Communications**

Mr. Graham reported the meeting scheduled for May 28, 2025, has been canceled.

Mr. Graham reported there would be a meeting on June 11, 2025.

## **7. Adjournment**

Mr. Wolfe made a motion for adjournment. Mr. Stefanidis seconded the motion. The motion passed 3-0.

The meeting was adjourned at 6:31 p.m.

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**Mike Johnston**  
*Vice Chair*