

Board of Zoning Appeals Agenda

July 23, 2024

**City Hall
7:00 p.m.**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Open Board of Zoning Appeals Meeting / Swearing in of Witnesses
5. Guests and Residents
6. New Business

Agenda Item 1

7816 Cooper Road - Applicants, Eric Hines and Mike Wentz, on behalf of Maria Versluis, property owner, are requesting the following variance: To allow 1 parking space where 9 spaces are required per Schedule 151.3204 and Schedule 151.3207(A)(1).

7. Other Business
8. Approval of Minutes
9. Adjournment

**CITY OF MONTGOMERY
BOARD OF ZONING APPEALS**

**Application for Variance: *Village Hall, Landmark Property*
7816 Cooper Road**

**July 23, 2024
Staff Report**

Applicant: Mike Wentz and Eric Hines
7213 Remington Road
Montgomery, Ohio 45242

Property Owner: Maria Versluis
355 S Ocean Drive
Hollywood, FL 33019

Vicinity Map:



Nature of Request:

The applicants and potential buyers, Mike Wentz and Eric Hines, are requesting a variance to provide one on-site parking space, where Schedule 151.3204 and Section 151.3207 of the Montgomery Zoning Code requires a minimum of 9 spaces.

Zoning:

The property is zoned 'OM' - Outer Old Montgomery. The applicant intends on opening a Bourbon Bar and it is a permitted use within the district. The plan was reviewed and approved by the Landmarks Commission at their meeting on July 10, 2024.

Findings:

1. The applicant is proposing to remodel the interior of the existing commercial structure as well as paint the exterior and add a metal roof. They also plan to construct an outdoor seating area at grade with pavers.
2. The structure is a designated Landmark building and is the former Village Hall built in 1925.
3. The site is currently one parcel, and the property is 0.075 acres.
4. The structure is approximately 600 square feet and will be remodeled for the bourbon bar use.
5. There are currently four parking spaces on the site. None are designated handicapped spaces.



Variance Considerations:

Section 150.2010 allows the Board of Zoning Appeals to grant dimensional variances when the applicant can establish a practical difficulty. The City has established the following criteria for evaluating hardships:

1. *Whether special conditions and circumstances exist which are peculiar to the land and/or structure involved?*

The building is unique as it was built in 1925 and served as the Village Hall until 1969. The lot is small and has frontage on both Cooper Road and Shelly Lane. The city's public parking lot with approximately 200 parking spaces is located 170' from the property. In addition, the overall size of the building is extremely small, with only 600 square feet of occupiable space inside.

2. *Will the property yield a reasonable rate of return if the variance is not granted?*

The property has not been occupied for an extended period of time. Staff is of the opinion based on various purchase inquiries about the structure that some of the reasoning may be in part due to the overall small size of the building itself. The applicant's request to create a courtyard area in the current location of three of the parking spaces would allow for additional seating for the proposed Bourbon Bar with the intent to improve a reasonable rate of return for the property.

3. *Is the variance substantial? Is it the minimum necessary?*

The variance request is substantial, as the applicant is requesting an 89% reduction in the required amount of parking. The applicant is seeking to provide one parking space, where 9 parking spaces are required for the square footage of the establishment. However, this is a Landmark building located in the downtown area, where walkability is encouraged. There is a nearby public parking lot that can accommodate the vehicles associated with this business. In addition, the applicant does hope to, in the future, create a connection to 7808 Cooper Road's parking lot to allow for shared parking.

Staff is of the opinion that the request is not the minimum necessary. However, the applicants are proposing a single handicap parking space, with the anticipation of customers utilizing the nearby Public Parking lot.

4. *Will the character of the neighborhood be substantially altered?*

Staff is of the opinion that the character of the neighborhood would not be substantially altered by granting the variance. The existing parking lot is extremely small in size and there is not a clear drive aisle. The lack of drive aisle with the current parking spaces does not meet setback requirements and creates a challenge for vehicles, as they are required to back directly out onto Shelley Lane. In addition, replacing a majority of the existing parking area with a brick paver courtyard would activate the street and encourage more walkability.

Section 151.1201(G) recognizes that the 'OM' Old Montgomery District purpose is "(G) To provide an Old Montgomery District (OM) that preserves the historic fabric of the downtown area by maintaining retail and office uses along the primary street frontages, **reducing the parking requirements** and allowing for buildings to be located closer to the street.

5. *Would this variance adversely affect the delivery of government services?*

Granting the variance would not have a negative impact on government services.

6. *Did the owner purchase the property with the knowledge of the zoning restraint?*

The potential owners are aware of parking requirements and are seeking variance approval prior to formalizing a purchase.

7. *Whether special conditions exist as a result of the actions of the owner?*

The nature of the proposed reuse and remodeling of the building drives the need for effective parking for customers. The proposed elimination

of the existing parking for added outdoor seating is a direct action of the prospective owner.

8. *Whether the owner's predicament can be feasibly obviated through some other method?*

The location of this property is unique in that an existing, large public parking lot is located nearby. Staff is of the opinion that due to the small building size and Landmark designation; it would be difficult to expand the building footprint and increase interior space. The outdoor seating area allows for additional capacity while not impacting the existing historic structure.

9. *Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?*

Although the number of parking spaces are clearly defined by the Code, Staff is of the opinion that the spirit and intent of the Zoning Code would be observed, and substantial justice done by granting the variance. The Code does recognize in Section 151.3207 that due to the compact character of the Old Montgomery District, a by right reduction is permissible in the amount of 50% to accommodate and complement the character of the Historic District. It further details the rationale that Planning Commission can additionally reduce parking during development plan review based on a variety of factors (this remodel application is not subject to development review). Such factors consider the availability and accessibility of public parking spaces, the character of the proposed use with the design of the building to reinforce the compact main street environment, and the potential negative impact to the character of the district if the requisite number of parking spaces is provided.

10. *Would granting the variance confer on the applicant any special privilege that is denied to other properties in this district?*

Many uses in the historic downtown have received parking reduction approval or variances associated with parking reductions. Various past parking variance reductions have been additionally approved by the Board of Zoning Appeals:

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- Previous variances were approved at 9347 Montgomery Road to allow 12 less parking spaces than required.
 - A variance approved at 9770 Montgomery Road to allow 14 less parking spaces (78 Required).
 - A variance approved at 9572 Montgomery Road to allow for what appears to be 4 less parking spaces.
 - A variance approved at 9810 Montgomery Road to allow a reduction of 3 spaces.
 - A variance approved at 9573 Montgomery Road to allow a reduction of 3 spaces.
 - A variance approved at 9393 Shelly lane to allow a reduction of 10 spaces.

While the request to reduce the number of spaces provided to one is unique, granting a parking reduction variance would not grant any special exceptions regarding use.

Staff Comments

The applicant is proposing to significantly rehabilitate and refresh an existing Landmark building. The Zoning Code recognizes the smaller and more compact nature of the district and that circumstances may warrant a parking reduction, even allowing a 50% reduction in parking by right. This site is unique to downtown due to the small size of the parcel and building combined with a close proximity to a large public parking area where approximately 222 parking spaces exist.

Staff believes that the remodeling proposal is very well designed to be complementary to the historic district and the outdoor seating area will help activate the downtown space. On July 10th, 2024, The Landmarks Commission approved the proposed building and outdoor seating area contingent on Board of Zoning Appeals approval. The applicant is proposing one handicap designated parking space, with the intension that a majority of the patrons will park within the nearby public parking lot.

Granting the variances to allow for 1 parking space to be permitted at 7816 Cooper Road in substantial compliance with the site plan dated July 9, 2024 may be justified by criteria #1, 2, 4, 5, 8, 9, & 10.

Eric Hines
7813 Remington Road
Montgomery, OH 45242

Mike Wentz
7813 Ted Gregory Lane, Suite C
Montgomery, OH 45232

July 3, 2024

Re: Application Requirements for a dimensional variance

Dear Board of Zoning Appeals Members,

We are requesting a variance to allow the future tenants of 7816 Cooper Road (Eric Hines, Mike Wentz) to reduce the current parking from 4 spaces to 2 spaces including a handicap space. We will make a substantial investment in the property to transform it into a bourbon bar/speakeasy that has 24 indoor seats (16 table, 8 bar) and an additional 24 outdoor (16 table, 8 firepit). We are in the process of obtaining a D-5 and D-6 liquor license with the state of Ohio.

The current owner is Maria Versluis who resides in Hollywood, FL, and we are under contract to purchase the property at the end of August so long as we are granted approval from both Montgomery Landmark's and Zoning Appeals. We currently have access to the building via the real estate agent (Jonathan Price), and per the approval of Maria Versluis and have provided her signed consent form.

We feel that the close and substantial city parking will be more than adequate to accommodate our workers and patrons and we appreciate the city's review of our request. Additionally, our plans allow for the consideration of a "pass through" into Le Salon's parking lot and we will be approaching them about renting spaces during off peak hours (potentially valet parking). This consideration provides access to another 15+ spaces directly behind the building.

Attached you will find our signed contract for purchase, detailed plans for the building and the requested application form.

Respectfully,


Eric Hines and Mike Wentz



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APPLICATION FORM

Meeting (Circle): Board of Zoning Appeals Planning Commission Landmarks Commission

Project Address (Location): 7816 Cooper Road

Project Name (if applicable): Undecided

Auditors Parcel Number: 603-0003-0164-00

Gross Acres: 0.075 Lots/Units 1 Commercial Square Footage 600

Additional Information: Moderately finished basement w/RR

PROPERTY OWNER(S) Maria Versluis Contact 513-652-8837

Address 3535 S. Ocean Dr. Phone: 513-652-8837

City Hollywood State FL Zip 33019

E-mail address mariaversluis@gmail.com

APPLICANT Eric Hines / Mike Wentz Contact 513-720-2453

Address 7813 Remington Rd Phone: _____

City Montgomery State OH Zip 45242

E-mail address ehinesca1@gmail.com

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

Property Owner Signature

FOR DEPARTMENT USE ONLY

Print Name Maria Versluis

Date 7/3/24

Meeting Date:
Total Fee: <u>300.00</u>
Date Received: <u>7/3/24</u>
Received By: <u>MH & AS</u>



CONSENT OF OWNER(S) TO INSPECT PREMISES

To: City of Montgomery Landmarks Commission and Staff
 City Hall
 10101 Montgomery Road
 Montgomery, Ohio 45242

Re: Review Subject Site

Dear Members and Staff:

As owner(s) of the property located at 7816 Cooper Rd
 we hereby grant permission to Members of the Landmarks Commission,
 Consultants to the Landmarks Commission and City of Montgomery Staff to enter
 the property for visual inspection of the exterior premises. The purpose of said
 inspection is to review the existing conditions of the subject site as they relate to
 the application as filed to the Landmarks Commission.

Property Owner(s) Signature M. Versluis
 Print Name Maria Versluis
 Date 6/29/24

Landmarks Commission Members:

- John Durham
- Jane Garfield
- Brett Macht
- Stephen Schmidlin
- Larry Schwartz
- Susan Berger
- Carol Cottrill

10101 Montgomery Road • Montgomery, Ohio 45242 • P: 937.627.2424 • F: 937.633.2298 • www.montgomeryohio.org

Consideration for Approval of Dimensional Variances

The following criteria will be used, along with other testimony provided at the public hearing to determine whether a practical difficulty exists that warrants a variance from the Zoning Code. Applicants should be prepared to respond to these issues.

1. Whether special conditions and circumstances exist which are peculiar to the land or structure and which are not applicable to other lands or structures in the same zoning district. Examples are narrowness, shallowness or steepness of the lot, or adjacency to non-conforming uses.

This small parcel consumes much of the property and supports a maximum of 4 parking spaces.

2. Will the property yield a reasonable rate of return if the variance is not granted?

We believe the substantial + close public parking will provide for adequate returns. The variance will allow for necessary outdoor seating to justify the additional investment.

3. Is the variance substantial? Is it the minimum necessary?

We are requesting a modest reduction from 4 spaces to two spaces.

4. Will the character of the neighborhood be substantially altered?

The character of the neighborhood will not be substantially altered.

5. Would this variance adversely affect the delivery of government services?

This variance will not adversely affect the delivery of government services.



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6. Did the owner purchase the property with the knowledge of the zoning restraint?

We are purchasing the property with knowledge of the zoning restraint

7. Whether special conditions exist as a result of the actions of the owner?

No special conditions exist as a result of prospective actions.

8. Whether the owner's predicament can be feasibly obviated through some other method?

Given the small parcel size and modest out door expansion needed to justify our investment, there is no other options to solve this predicament.

9. Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

We believe the grant of the variance will allow for a thoughtful investment and enhanced property and will be in line with other prior variances that were granted.

10. Would granting the variance confer on the applicant any special privilege that is denied to other properties in this district?

We do not believe that a variance grant provides any special privilege that is denied to others.

7816 COOPER ROAD



PROPOSED COLOR PALETTE
SCALE: NTS

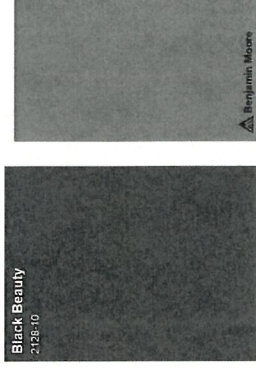


EXISTING CONDITIONS
SCALE: NTS



EXTERIOR MATERIALS			
ITEM	MANUFACTURER	TYPE	COLOR
ROOFING (VISIBLE)	TBD	24 GAUGE FLAT STANDING SEAM METAL, 12"-16" SPACING	MEDIUM GRAY
EXISTING GUARDRAIL	-	-	PAINTED BLACK
EXISTING WINDOWS	-	-	PAINTED BLACK BEAUTY 2128-10
EXISTING FRONT DOOR	-	-	PAINTED BLACK BEAUTY 2128-10
EXISTING SIDE DOOR	-	-	PAINTED KENDAL CHARCOAL HC-166
EXISTING SHUTTERS	-	-	PAINTED KENDAL CHARCOAL HC-166
EXISTING PARGEED CONC.	-	-	PAINTED KENDAL CHARCOAL HC-166
EXISTING TRIM & CROWN	-	-	PAINTED KENDAL CHARCOAL HC-166 PAINTED SWISS COFFEE OC-45

PROPOSED COLOR PALETTE
SCALE: NTS



Black Beauty
2128-10

Swiss Coffee
OC-45

Benjamin Moore

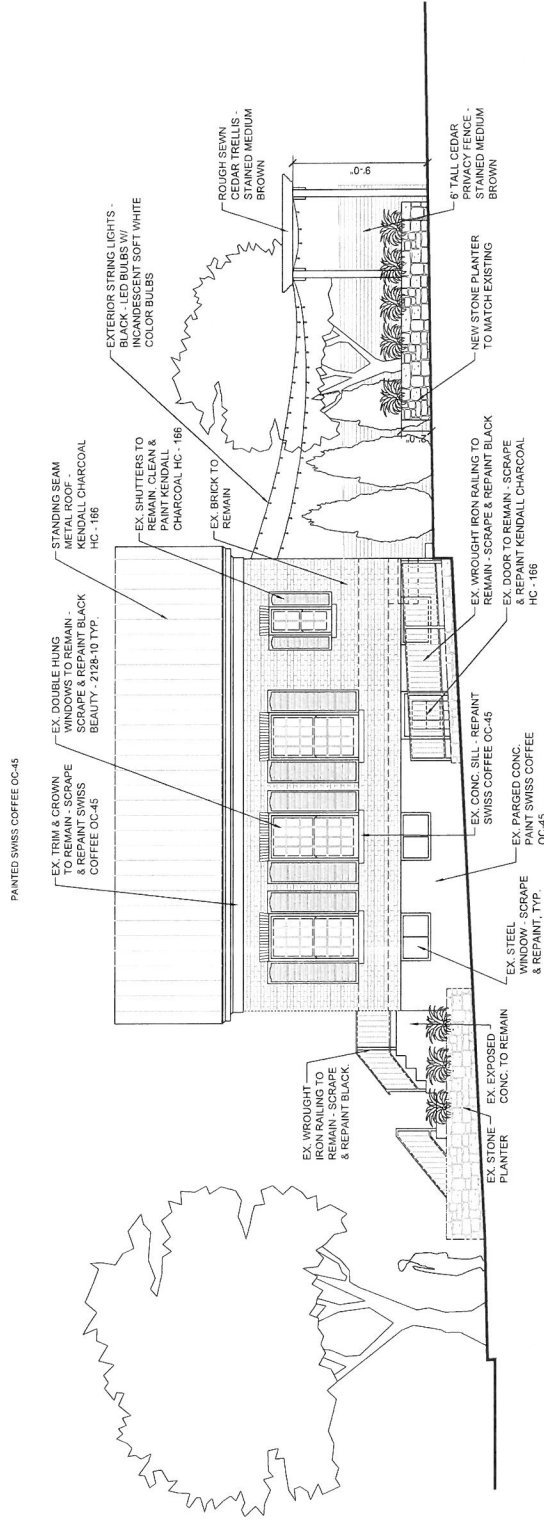
Kendall Charcoal
HC-166



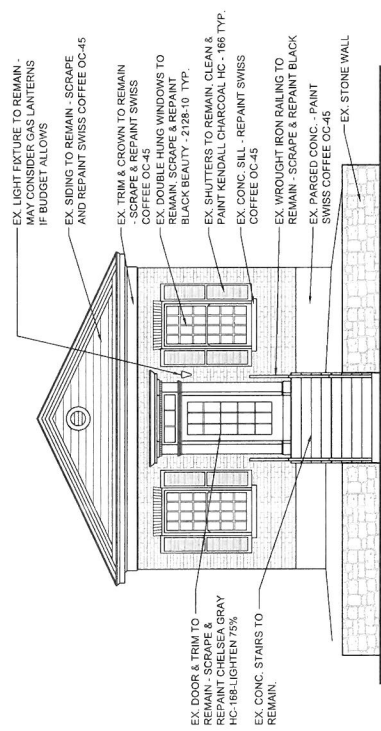
3A

JULY 9, 2024

7816 COOPER ROAD



PROPOSED EAST ELEVATION
SCALE: 1/8" = 1'-0"



PROPOSED SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

2A



JULY 9, 2024