Board of Zoning Appeals Agenda
March 25, 2025
Montgomery 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

10334 Radabaugh Drive: Applicants, Chris & Jenny Schneider, request a variance to allow for a new addition to the rear of the existing home with a rear yard setback of 27.21 feet where 35 feet is required per Scheule 151.1005 of the Montgomery Zoning Code.

Agenda Item 2

9500 Todd Drive: Applicant, Classic Living Homes LLC, request a variance to allow for construction of a new single family home to have a side yard setback of 10 feet where 15 feet is required per Schedule 151.1005 of the Montgomery Zoning Code, additionally they are requesting a variance for the front yard setback of 25 feet where 50 feet is required per Schedule 151.1005 of the Montgomery Zoning Code.

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

CITY OF MONTGOMERY
BOARD OF ZONING APPEALS

Application for Variance: *10334 Radabaugh Dr.*

March 21, 2025
Staff Report

Applicant & Property Owners: Chris & Jenny Schneider
10334 Radabaugh Drive
Montgomery, OH 45242

Nature of Request: Property owners, Chris & Jenny Schneider request a variance to allow for a new addition to the rear of the existing home with a rear yard setback of 27.21' for approximately 70 square feet where 35 feet is required per Schedule 151.1005 of the Montgomery Zoning Code.

Zoning:

This property is zoned 'A' single family residential. All of the adjoining properties to the east, south and west are zoned 'A' single family residential and used for single family residences. The adjoining property to the north is Bethesda North Hospital which is zoned 'O' office.

Vicinity Map:

Findings:

1. The lot is approximately 28,000 square feet or 0.658 acres in the 'A' district, which is more than the minimum 20,000 square foot lot minimum required.

2. The lot is triangle shaped fronting Radabaugh Drive. The house sits diagonally on the lot making it difficult to add on to the northwest corner of the home without some amount of a variance. The northwest rear corner of the home is at 35' rear yard setback, which is the minimum required by the Zoning Code.

3. The front setback of the home is 50' which is the minimum required by the Zoning Code.

4. The home was built in 1956, it is a one-story ranch, single-family style and has 3 bedrooms, and 2 baths. The square footage is 1,843.

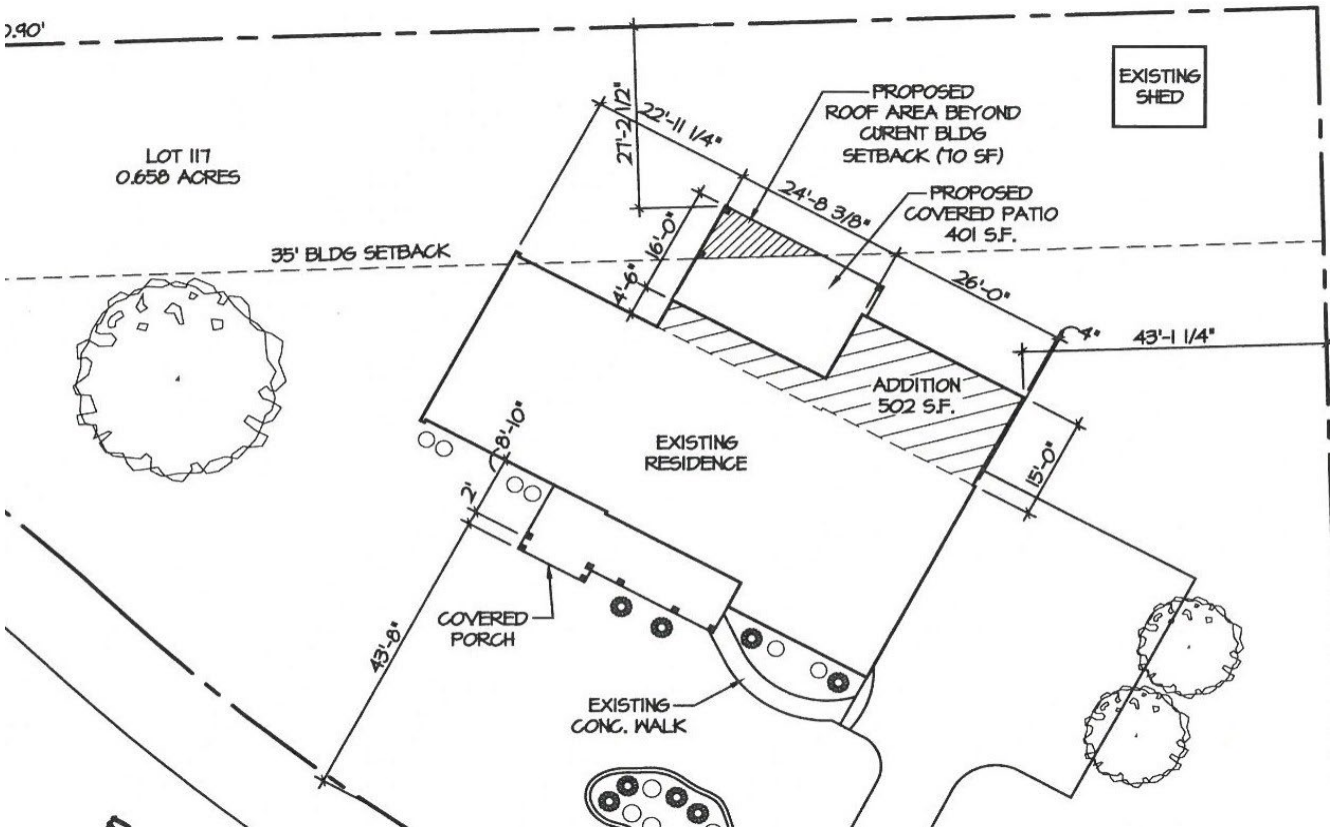
5. The lot is the first house on the north side of the street so that there is no neighboring structure to the west.

6. The lot abuts Bethesda North Hospital to the north and there is a 200' greenbelt that is required to be maintained.

Google Street View

Site Photos

Proposed Covered Patio Addition Area



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 lot is irregularly shaped and has a large amount of road frontage on Radabaugh Drive but has limited area in the rear yard due to the fact that the house is placed diagonally on the lot. Due to the irregular shape of the lot and the placement of the house on the lot, making rear yard improvements or additions to the northwest corner of the house would be difficult without a variance. The house abuts Bethesda North Hospital to the north with a 200' required greenbelt on the hospital property. Furthermore, the house is the first home on the north side of the street with no neighboring structure to the west.

The applicant would like to add on to the primary bedroom and add a covered porch adjacent to the bedroom. A small portion of the covered porch (approximately 70 square feet) would encroach in the rear yard setback.

Bird's Eye View facing North (arrow indicating approximate cover porch area)

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

   The property would still yield a reasonable rate of return without granting the variance.

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

   The request for a variance of 7.79' approximately 70 square feet of the side yard setback is minimal. The amount of the variance is the minimum necessary in order to complete the project.

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

   Staff is of the opinion that the character of the neighborhood will not be substantially altered by granting the variance due to the small portion of the covered patio that would encroach into the required setback (approximately 70 square feet), Furthermore, there is no neighboring structure to the west of the subject lot and the property abuts Bethesda North Hospital with a large required greenbelt to the north; therefore, the small encroachment will not have a negative impact on surrounding property owners.

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

   Government services would not be affected by granting this variance.

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

   The applicant was not familiar with the setback requirement for covered patios prior to purchasing the property.

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

   No special conditions exist because of the actions of the current owner.

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

   Due to shape of the lot and the diagonal placement of the home on the lot, it would be difficult to add onto the northwest corner of the home without a variance.

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

   Staff is of the opinion that the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance due to the fact that the amount of the variance is minimal(70 sq ft), the rear of the property abuts Bethesda North Hospital and there is a heavily wooded buffer between the two properties and there is no adjoining property to the west. Furthermore, the home to the east sits approximately 72' away making any potential negative visual impact of granting the variance minimal.

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

    Staff does not believe that granting this variance would confer any special privilege to applicant as rear-yard setbacks for irregularly shaped lots have been granted in the past. The following are similar variances granted in the past:

Variance granted for 8750 Tanagerwoods Drive

On August 23, 2011, the Board of Zoning Appeals granted a variance request to allow for the construction of new addition on the rear of the house which would encroach a maximum of 6.86' into the required 35' rear-yard setback for an area of 67 square feet.

Variance granted for 8742 Tiburon Drive

On February 25, 2025, the Board of Zoning Appeals granted a variance request to allow for a covered porch addition to the rear of the house to encroach 3.42' into the required rear setback of 35' for an area of 17 square feet.

Staff Comments and Recommendations

Staff believes that some amount of a rear yard variance for the covered patio is justified due to the irregular lot size and shape, the minimal amount of the encroachment and the fact that the adjacent property owners would not be negatively impacted. Current zoning requires a rear yard setback of 35' and the applicant is requesting a setback of 27.21 feet for approximately 70 square feet of the covered porch.

Granting a variance to allow a rear yard setback of 27.21' for approximately 70 square feet of the covered patio where 35' is required could be justified by criteria #1, 3, 4, 5, 6, 7, 8, 9 & 10.

REMARK CONSTRUCTION

2/25/2025

Chris Kramer RE: Chris & Jenny Schneider
Remark Construction
5260 S Gilmore Rd. Fairfield, OH 45014

Montgomery Board of Zoning Appeals
RE: Zoning Variance for 10334 Radabaugh Drive

For your consideration.

Chris and Jenny Schneider, located 10334 Radabaugh Drive are seeking consideration for an alteration to the existing single family dwelling's setback requirements at the rear of their property. Remark Construction is proposing an addition to the rear of the existing home that, as designed, would encroach on the established 35' rear setback by approx. 8'. We are seeking consideration for the alteration to accommodate the desired addition. The rear of the property abuts to a zoned commercial lot and the proposed addition will be of no disturbance to any residential neighbors. The proposed addition would sit 27' 2 ½" from the rear property line.

The expansion of the existing home is for the improvement of the existing house; to add a new Primary bedroom and a covered Outdoor Living Area. The neighborhood does not have an HOA that requires initial approval. The property in question, when improved, will materially "fit" the aesthetic of the neighborhood and will improve the value of the property in question as well as it's surrounding environment.

The alteration in question is not a substantial intrusion on the Schneider's property or on the surrounding properties. It will not interfere with government services or access, and there has been no alternative solution to resolve Mr. Lawson's current issue. Thus, as a Contractor in good standing, I petition this board for a reasonable variance.

The variance, if approved, will not detract from the intent behind the establishment of the existing setback requirements, and by approval of Chris and Jenny Schneider's neighbors has not created an environment where the others under the same jurisdiction feel unfairly treated.

Thank you for your consideration

Chris Kramer 2/25/25

Chris Kramer RE: Chris & Jenny Schneider
Owner, Remark Construction

CITY OF
MONTGOMERY

APPLICATION FORM

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

Project Address (Location): 10334 Kenilworth Drive

Project Name (if applicable): _____

Auditors Parcel Number: 603 0009 0149 00

Gross Acres: 0.658 Lots/Units 1 Commercial Square Footage N/A

Additional Information: _____

PROPERTY OWNER(S) Chris + Jenny Schneider Contact 513 377 4214

Address 10334 Kenilworth Dr Phone: _____

City Montgomery State OH Zip 45242

E-mail address Chris.Schneider@TPTC.com

APPLICANT Chris Kramer Contact _____

Address 5212 Old Cincinnati Rd Phone: 513.673.7435

City Fairfield State OH Zip 45014

E-mail address C.Kramer@kramerbuilders.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 _____ / OR DEPARTMENT USE ONLY

Print Name Chris Schneider

Date 2-28-25

Meeting Date:
Total Fee:
Date Received:
Received By:

CITY OF
MONTGOMERY

CONSENT OF OWNER(S) TO INSPECT PREMISES

To: City of Montgomery Board of Zoning Appeals Members 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 10374 Rathbaugh Dr, we hereby grant permission to Members of the Board of Zoning Appeals 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 Board of Zoning Appeals.

Property Owner(s) Signature _____

Print Name Chris Schneider Jennifer Schneider

Date 2-28-25

Board of Zoning Appeals Members

Mary Jo Byrnes

Tom Molloy

Jade Stewart

Steve Uckotter

Richard White

Eric Roth

Mark Berliant

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A CHARMING PAST. A GLOWING FUTURE.

APPLICATION REQUIREMENTS FOR A DIMENSIONAL VARIANCE

An application for a dimensional variance shall be filed with the Zoning Administrator for review by the Board of Zoning Appeals. The application will consist of a written request containing a cover letter accompanied by the following requirements necessary to convey the reason(s) for the requested variance.

1. Application form.
2. Consent of owner(s) to inspect the premises form.
3. Proof of ownership, legal interest or written authority.
4. Description of property or portion thereof.
5. Description of nature of variance requested.
6. Narrative statements establishing and substantiating the justification for the variance pursuant to the attached criteria list.
7. Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance.
8. Payment of the application fee.
9. Any other documents deemed necessary by the Zoning Administrator.

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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.

   the narrowness of the rear of the lot b/c of the home's orientation.

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

   No, The property is undersized compared to other lots on the street that have had similar size additions w/out the lot size/shape enallenges.

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

   the proposed variance is for 8 additonal feet, for the corner of the structure - approx 60 sq ft of constructio

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

   no

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

   no

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

they did not realize that the setback requirement would impede on their construction plans.

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

no

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

no, not to maintain the aesthetic of the home

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

yes

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

no, other properties on the street and nearby do not have similar issues due to the orientation of the home on the proposed lot to be altered.

Parcel ID	Address	Index Order	Tax Year
603-0009-0149-00	10334 RADABAUGH DR	Parcel Number	2024 Payable 2025

Property Information

Tax District 211 - MONTGOMERY-SYCAMORE CSD
School District SYCAMORE CSD

Images/Sk

Appraisal Area
60308 - MONTGOMERY 08
Sales

Auditor Land Use
510 - SINGLE FAMILY DWLG

Owner Name and Address
SCHNEIDER CHRISTOPHER & JENNIFER SCHNEIDER
10334 RADABAUGH DR
CINCINNATI OH 45242
(Questions? 946-4015 or county.auditor@auditor.hamilton-co.org)

Tax Bill Mail Address
SCHNEIDER CHRISTOPHER & JENNIFER SCHNEIDER
10334 RADABAUGH DR
CINCINNATI OH 45242
(Questions? 946-4800 or treasurer.taxbills@hamilton-co.org)

Assessed Value	Effective Tax Rate	Total Tax
131,870	56.481476	$6,090.30

Property Description
RADABAUGH DR 417.45 X 170.18 IRR-LOT 117 JONES FARM BLK C

Appraisal/Sales Summary

Year Built	1956
Total Rooms	6
# Bedrooms	3
# Full Bathrooms	2
# Half Bathrooms	0
Last Transfer Date	12/17/2024
Last Sale Amount	$430,000
Conveyance Number	372195
Deed Type	FD - Fiduciary Deed (Conv)
Deed Number	
# of Parcels Sold	1
Acreage	0.658

Tax/Credit/Value Summary

Board of Revision	YES(09)
Rental Registration	No
Homestead	Yes
Owner Occupancy Credit	Yes
Foreclosure	No
Special Assessments	Yes
Market Land Value	200,000
CAUV Value	0
Market Improvement Value	176,770
Market Total Value	376,770
TIF Value	0
Abated Value	0
Exempt Value	0
Taxes Paid	$3,048.37

Notes

I Want To...
Start a New Search
Email the Auditor
View the Online Help
Auditor's Home

View:
Property Summary
Appraisal Information
Levy Information
Transfer
Value History
Board of Revision
Payment Detail
Tax Distributions
Images
Special Assessment/Payoff
Tax Lien Certificates
CAGIS Online Maps
Aerial Imagery
Owner Names

Print:
Current Page
Property Report

SCHNEIDER RESIDENCE ADDITION

10334 RADABAUGH DRIVE MONTGOMERY, OH 45242

GENERAL NOTES

ARCHITECTURAL GENERAL NOTES

1. DESIGN LOADS:
   40 P.S.F. LIVE LOAD ROOF: 30 P.S.F. LIVE LOAD DECK: 60 P.S.F. LIVE LOAD
   10 P.S.F. DEAD LOAD 10 P.S.F. DEAD LOAD 10 P.S.F. DEAD LOAD
   ASSUMED SOIL BEARING CAPACITY: 3,000 P.S.F.
2. ALL INTERIORS SLABS ON GRADE SHALL BE 3,000 P.S.I. (28-DAY COMPRESSION STRENGTH CONCRETE) WITH 6 x 6 – 10/10 W.W.F. ON 10 MIL VAPOR BARRIER ON 4" COMPACTED GRAVEL BASE.
3. EXTERIOR SLABS SHALL BE 4,000 P.S.I. (28 DAY COMPRESSION STRENGTH CONCRETE) WITH 4-6% AIR ENTRAINED.
4. PROVIDE 1/2" ASPHALT IMPREGNATED EXPANSION JOINT BETWEEN ALL CONCRETE SLABS AND ABUTTING CONCRETE OR MASONRY WALLS OCCURRING INTERIOR OR EXTERIOR LOCATIONS.
5. BOTTOM OF FOOTINGS TO BE A MINIMUM OF 2'-8" BELOW FINISHED GRADE.
6. ALL STRUCTURAL STEEL FOR BEAMS AND PLATES SHALL COMPLY WITH ASTM SPECIFICATIONS A-36.
7. ALL STRUCTURAL STEEL FOR STEEL COLUMNS SHALL COMPLY WITH ASTM A-53 GRADE B OR A-501.
8. ALL REINFORCING STEEL FOR CONCRETE SHALL COMPLY WITH ASTM SPECIFICATIONS A-615 GRADE 60.
9. PROVIDE ONE (1) #5 ROD INSERTED INTO CORES IN BEAM POCKETS.
10. UNLESS OTHERWISE NOTED, ALL FRAMING LUMBER SHALL BE HEM FIR #2 OR BETTER.
11. BOTTOM WOOD PLATES IN CONTACT WITH CONCRETE OR MASONRY SHALL BE PRESSURE TREATED LUMBER.
12. ALL INTERIOR AND EXTERIOR WALLS ARE DIMENSIONED TO OUTSIDE FACE OF WOOD FRAMING.
13. TYPICAL WOOD FRAMING ARE 8'-1 1/8" HIGH UNLESS OTHERWISE NOTED OR IMPLIED.
14. ALL ANGLED WALLS ON THE FLOOR PLANS ARE AT A 45 DEGREE ANGLE, UNLESS NOTED OTHERWISE.
15. WOOD FRAMING FOR HEADERS, RAFTERS OR FLOOR JOISTS SHALL HAVE A MIN. BENDING STRESS OF 1450 P.S.I. BETTER.
16. PROVIDE THE FOLLOWING FRAMING, UNLESS OTHERWISE NOTED:
   A. DOUBLE HEADER JOISTS AT ALL FLOOR OPENINGS.
   B. DOUBLE JOISTS UNDER ALL PARALLEL PARTITIONS
   C. DBL. 2 x 12 HDRS. w/ 1/2" PLYWD. BETWEEN AT ALL DOOR & WINDOW OPENINGS.
   D. WOOD BRIDGING DOUBLED 1 x 3 AT MID SPAN OF ALL JOISTS.
   E. FLOOR CONSTRUCTION: 3/4" TONGUE & GROOVE PLYWOOD.
   F. EXTERIOR WALL SHEATHING: 1/2" INSULATED FOAM SHEETS WITH 1/2" C-D EXTERIOR PLYWOOD AT ALL CORNERS OR METAL CORNER BRACING NOTCHED INTO WOOD STUDS. (OPTIONAL 1/2" C-D EXTERIOR PLYWOOD FOR ALL WALL SHEATHING.)
   G. WOOD HEADERS, NONBEARING WALLS:

SPAN	FRAMING
4'– OR LESS	2 – 2 x 4's ON EDGE 1/2" PLYWOOD BETWEEN.
6'–0"	2 – 2 x 6's ON EDGE 1/2" PLYWOOD BETWEEN.
8'–0"	2 – 2 x 8's ON EDGE 1/2" PLYWOOD BETWEEN.
10'–0"	2 – 2 x 10's ON EDGE 1/2" PLYWOOD BETWEEN.

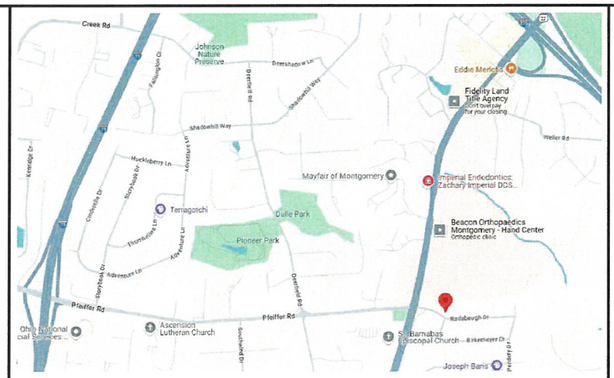
   H. WOOD HEADERS, BEARING WALLS:
   TWO (2) – 2 x 10's WITH 1/2" PLYWOOD BETWEEN. MAX. SPAN 8'–0".
17. ALL WOOD BEAMS TO BE PRE MANUFACTURED BY MICRO-LAM, TRUSS JOISTS CORP OR OTHER APPROVED MANUFACTURER BY ARCHITECT.
18. GYPSUM BOARD:
   A. 1/2" GYPSUM BOARD ON WALLS AND CEILINGS (TYPICAL).
   B. 1/2" WATER RESISTANT GYPSUM BOARD AROUND WALLS & CEILINGS.
   C. 5/8" TYPE "x" GYPSUM BOARD ON GARAGE WALLS AND CEILINGS.
19. EGRESS WINDOW SILLS SHALL BE A MAXIMUM OF 3'–8" A.F.F.
20. ALL GLASS IN HAZARDOUS AREA AND WITHIN 1'–6" SHALL BE TEMPERED.
21. SMOKE DETECTORS SHALL BE PERMANENTLY WIRED AND INTERCONNECTED.
22. MASONRY STEEL LINTEL SCHEDULE

SPAN	ANGLE SIZE
6'–0" OR LESS	3 1/2" x 3 1/2" x 5/16"
6'–0"	4" x 3 1/2" x 5/16"
7'–0"	4" x 3 1/2" x 5/16"
8'–0"	6" x 3 1/2" x 5/16"
9'–0"	6" x 3 1/2" x 5/16"
10'–0"	6" x 3 1/2" x 3/8"

23. FIREPLACE INSERTS AND FLUES ARE TO BE U.L. APPROVED AND INSTALLED AS PER MANUFACTURER'S SPECIFICATIONS.

STATEMENT OF DESIGN SERVICES RENDERED
THE ARCHITECT HAS PROVIDED ABBREVIATED ARCHITECTURAL SERVICES AND HAS PREPARED THE DRAWINGS SOLELY FOR THE PURPOSE OF OBTAINING A CONSTRUCTION PERMIT. THE ARCHITECT IS NOT PROVIDING ANY OTHER ADDITIONAL SERVICES (I.E. ELECTRICAL, HVAC, SHOP DRAWING REVIEW, CONTRACT OR CONSTRUCTION ADMINISTRATION, ETC.). THE CLIENT AND THE ARCHITECT HAVE DISCUSSED THE RISKS, REWARDS, AND BENEFITS OF THE PROJECT AND THE ARCHITECT'S TOTAL FEE FOR SERVICES. RISKS HAVE BEEN ALLOCATED SUCH THE CLIENT AGREES TO THE FULLEST EXTENT PERMITTED BY LAW, USE OF THESE DRAWINGS FOR CONSTRUCTION, THE ARCHITECT'S TOTAL LIABILITY TO THE CLIENT FOR ANY AND ALL INJURIES, CLAIMS, LOSSES, EXPENSES, DAMAGES ARISING OUT OF THESE DRAWINGS FROM ANY CAUSE OR CAUSES SHALL NOT EXCEED THE TOTAL AMOUNT OF THE ARCHITECT'S FEE FOR THIS PROJECT. SUCH CAUSES INCLUDE BUT ARE NOT LIMITED TO THE ARCHITECT'S NEGLIGENCE, ERRORS, OMISSION, STRICT LIABILITY, BREACH OF CONTRACT OR BREACH OF WARRANTY.

VICINITY MAP



SITE PLAN

SYMBOL LEGEND

KEY NOTE

ROOM NUMBER

DOOR NUMBER

WINDOW KEY

NORTH ARROW

ELEVATION SYMBOL

SECTION SYMBOL

ELEVATION KEY

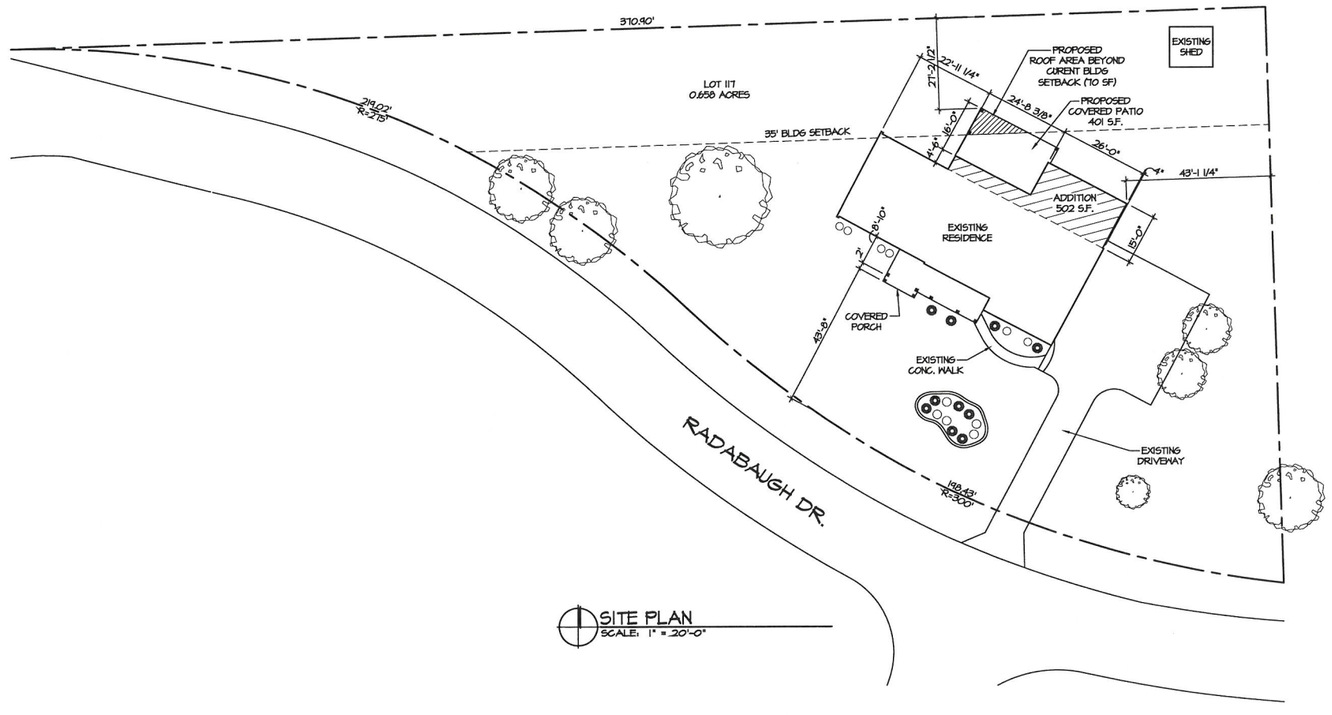
BUILDING CODE REVIEW

APPLICABLE CODES:	2024 RESIDENTIAL CODE OF OHIO
USE GROUP:	RESIDENTIAL
TYPE OF CONSTRUCTION:	V-B

FLOOR AREA:

EXISTING FIRST FLOOR LIVING AREA:	1,843 SF
EXISTING GARAGE AREA:	506 SF
EXISTING BASEMENT:	726 SF
ADDITION FIRST FLOOR LIVING AREA:	502 SF
TOTAL AREA:	3,577 SF

SHEET INDEX



SITE PLAN
SCALE: 1" = 20'-0"

PRELIMINARY NOT FOR CONSTRUCTION

PRINTING
01/30/25
02/10/25

REVISIONS

CONTRACTOR: REMARK BUILDERS

SCHNEIDER RESIDENCE
10334 RADABAUGH DRIVE
MONTGOMERY, OH 45242
HAMILTON COUNTY

ARCHITECT
FISHER GROUP ARCHITECTS, INC.
2280 US 68 SOUTH
XENIA, OHIO 45385
v.(937) 224-3344
fga@fga-1.com

DATE
01/30/25

DRAWN BY
J.G.K.

CHECKED BY
D.T.F.

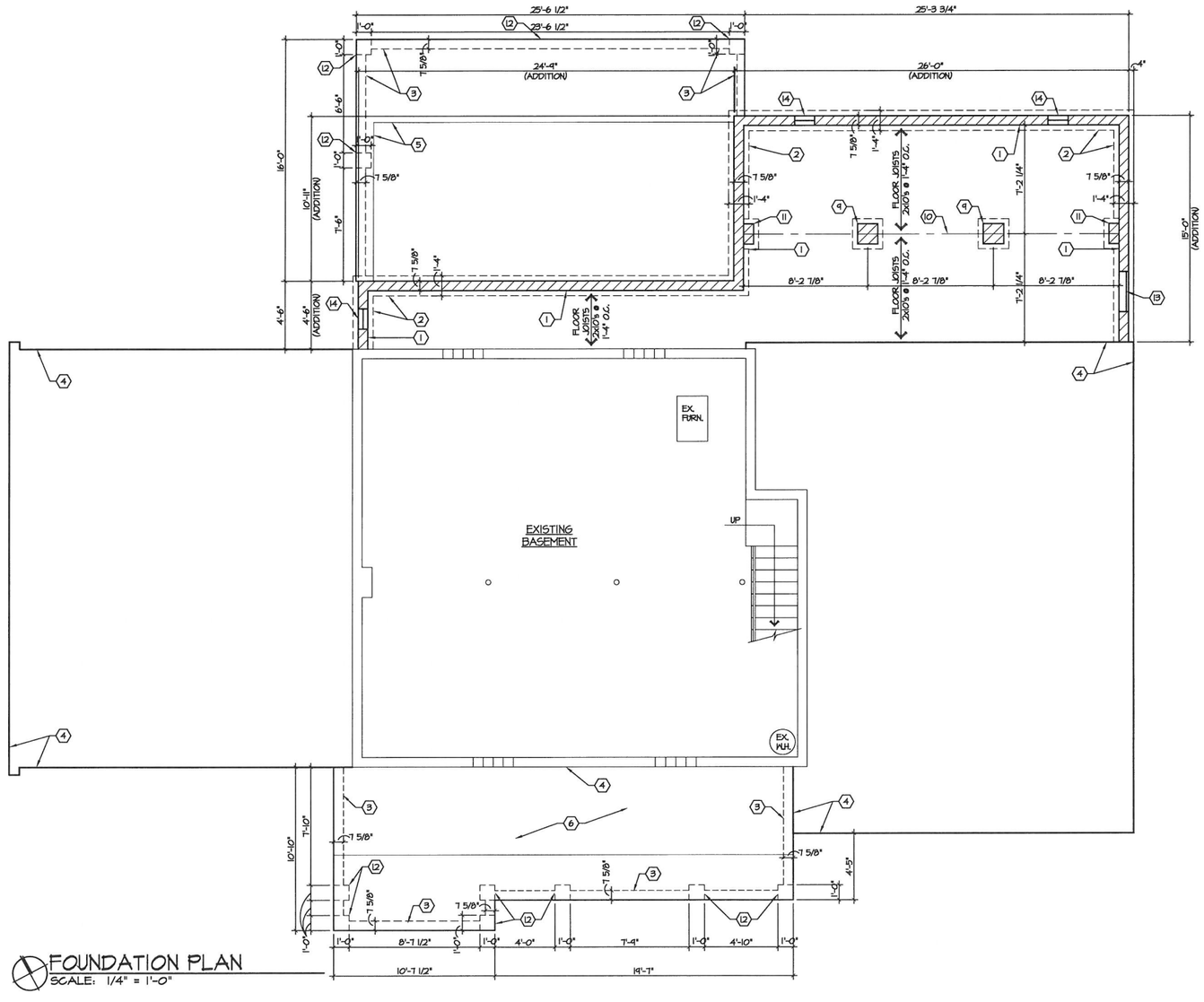
PROJECT NO.
24-2171

A.1

H:\Remark Builders\24-2171-10334 Radabaugh Dr-Montgomery\24-2171-A1.dwg, 2/6/2025 12:23:50 PM

⬡ FOUNDATION PLAN NOTES

1. 8"X8"X16" CMU FND. WALL.
2. 1'-4" WIDE x 8" DEEP POURED CONC. FOOTING WITH (2) # 5 REBAR.
3. 8" WIDE x 8" DEEP THICKENED SLAB.
4. EXISTING BUILDING LINE.
5. EXISTING CONC. LINE.
6. EXISTING CONC. PORCH TO BE REMOVED, PREPACE WITH NEW 4" CONC. SLAB OVER 4" OF GRAVEL.
9. 1'-4"X1'-4" CONC. PIER WITH 2'-0" SQ.X8" HIGH CONC. FTG.
10. (3) 1 3/4"x9 1/2" 1.9E MICRO LAM LVL BEAM, FLOOR JOISTS TO BEAR ON TOP BEAM.
11. 8"X1'-4" CONC. PIER WITH 1'-0"x2'-0"X8" HIGH CONC. FTG.
12. 1'-0"x1'-0"x3'-0" DEEP CONCRETE PIER.
13. METAL ACCESS PANEL 2'-8"X2'-0"H.
14. FOUNDATION VENT.



FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

DOUG FISHER: 9139
EXPIRATION DATE: 12/31/2025

STATE OF OHIO ★ DOUGLAS T. FISHER 9139 ★ REGISTERED ARCHITECT

PRINTING
01/30/25

REVISIONS

CONTRACTOR: REMARK BUILDERS

SCHNEIDER RESIDENCE
10334 RADABAUGH DRIVE
MONTGOMERY, OH 45242
HAMILTON COUNTY

ARCHITECT
FISHER GROUP ARCHITECTS, INC.
2280 US 68 SOUTH
XENIA, OHIO 45385
v.(937) 224-3344
fga@fga-1.com

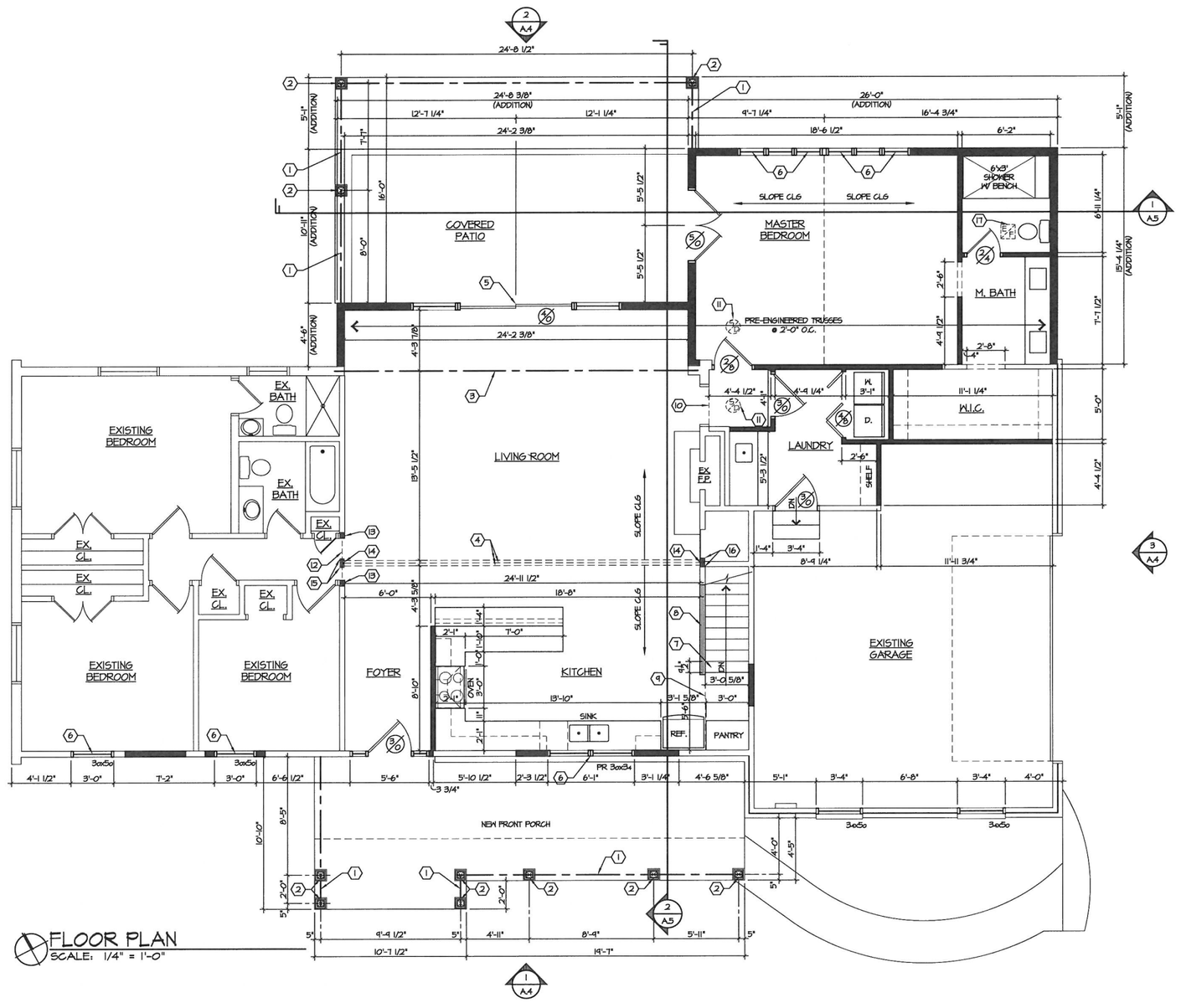
DATE
01/30/25
DRAWN BY
J.G.K.
CHECKED BY
D.T.F.
PROJECT NO.
24-2171

A.2

H:\Remark Builders\24-2171-10334 Radabaugh Dr-Montgomery,OH\24-2171-a2.dwg, 1/30/2025 8:57:26 AM

FLOOR PLAN NOTES

1. (3) 2x8's BEAM.
2. 6x6 PRESSURE TREATED WOOD COLUMN WRAPPED WITH TRIM.
3. GIRDER TRUSS.
4. (2) 16" MICROLAM LVL 2.0E BEAMS AND (1) 18" MICROLAM LVL 2.0E BEAM ABOVE, WRAP BEAM WITH WOOD TRIM.
5. RELOCATED DOOR, FRAME, ASSOCIATED HARDWARE AND SIDE LITES.
6. NEW WINDOWS.
7. NEW RISER/ TREAD TO BE ADDED TO EXISTING STAIRS.
8. EXISTING FULL HEIGHT WALL TO BE CUT DOWN TO 3'-0" HIGH HALF WALL WITH WOOD TRIM CAP.
9. RAISE FLOOR TO BE LEVEL WITH EXISTING FLOOR.
10. FLOOR AT ADDITION TO BE LEVEL WITH EXISTING FLOOR.
11. APPROVED COMBINATION SMOKE/ CARBON MONOXIDE DETECTOR.
12. (3) 2x10's ABOVE.
13. (3) CRIPPLE STUDS NAILED TOGETHER.
14. (3) CRIPPLE STUDS WITH 1/2" OSB NAILED TOGETHER, 5" CLEAR BEARING ABOVE FOR BEAM.
15. FULL HEIGHT STUDS FROM HEADER TO TOP OF BEAM FOR LATERAL SUPPORT.
16. FULL HEIGHT STUDS FROM BOTTOM PLATE TO TOP OF BEAM FOR LATERAL SUPPORT.
17. EXHAUST FAN.



FLOOR PLAN
SCALE: 1/4" = 1'-0"

DOUG FISHER: 9139
EXPIRATION DATE: 12/31/2025

STATE OF OHIO ★ DOUGLAS T. FISHER 9139 ★ REGISTERED ARCHITECT

PRINTING
01/30/25

REVISIONS

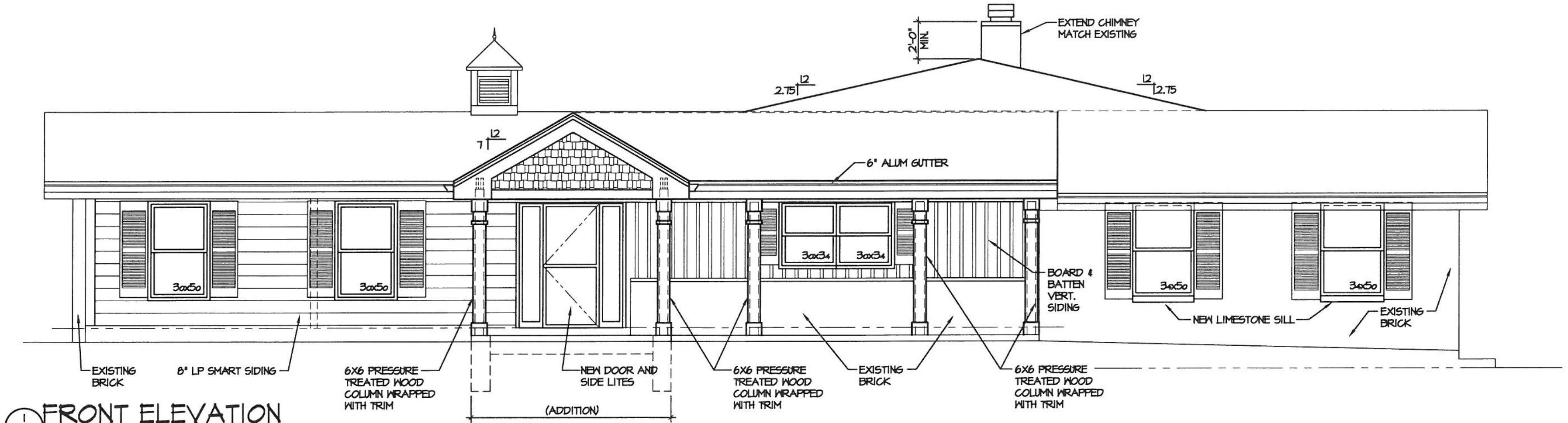
CONTRACTOR: REMARK BUILDERS

SCHNEIDER RESIDENCE
10334 RADABAUGH DRIVE
MONTGOMERY, OH 45242
HAMILTON COUNTY

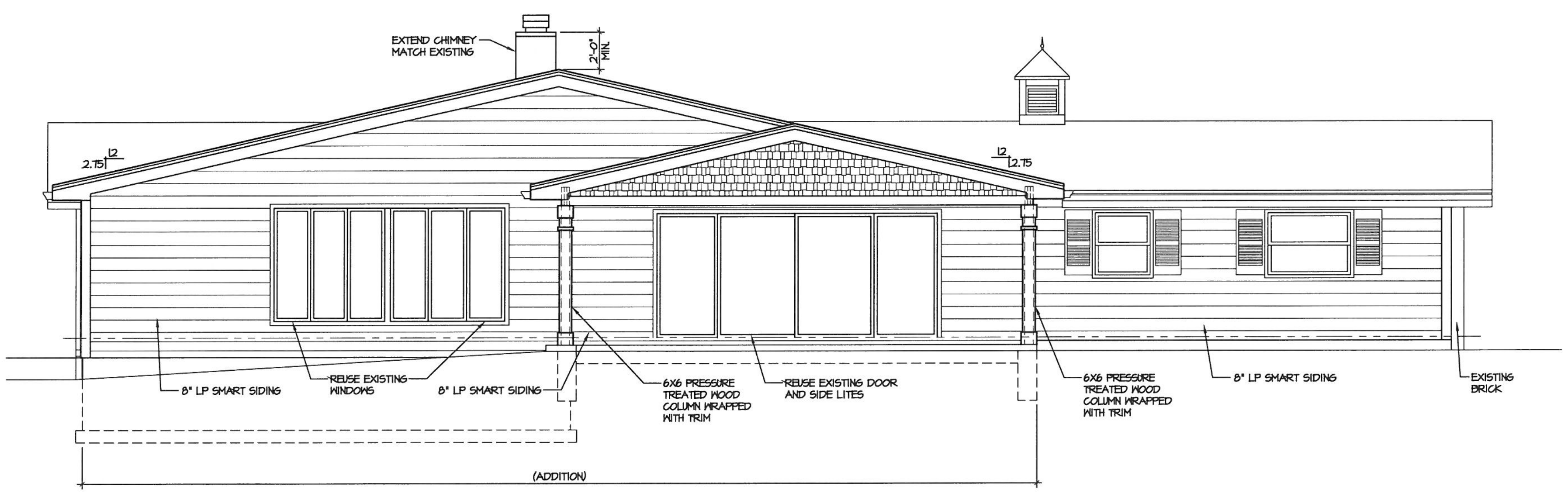
ARCHITECT
FISHER GROUP ARCHITECTS, INC.
2280 US 68 SOUTH
XENIA, OHIO 45385
v.(937) 224-3344
fga@fga-1.com

DATE
01/30/25
DRAWN BY
J.G.K.
CHECKED BY
D.T.F.
PROJECT NO.
24-2171

A.3



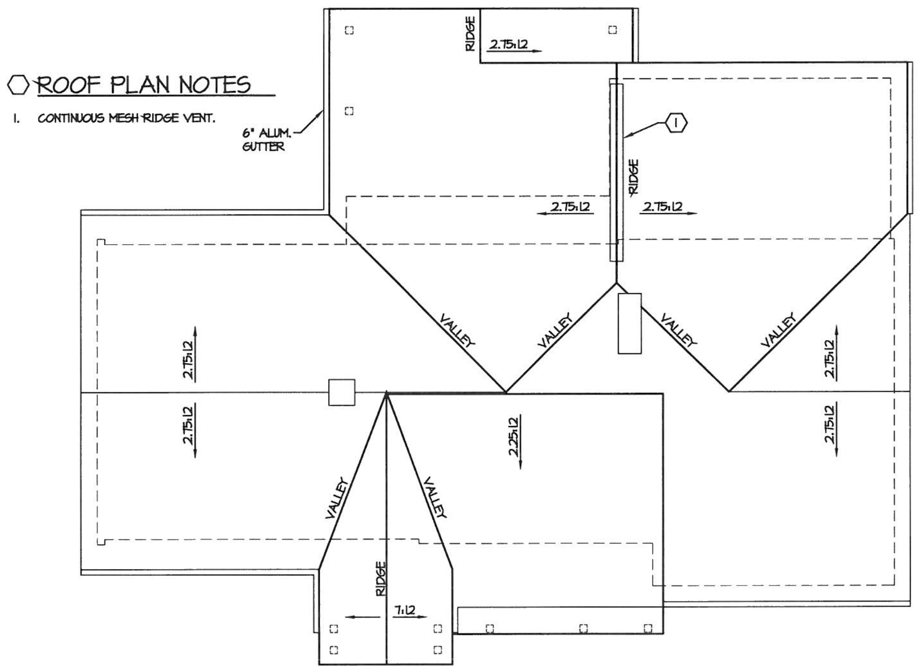
1 A4 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



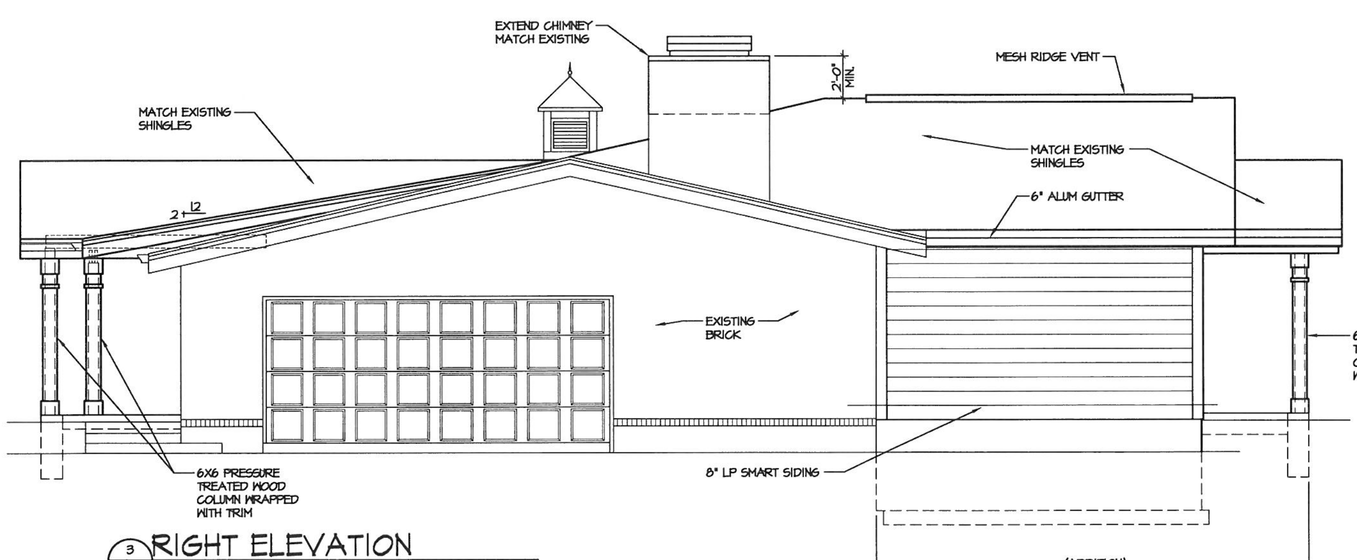
2 A4 REAR ELEVATION
SCALE: 1/4" = 1'-0"

ROOF PLAN NOTES

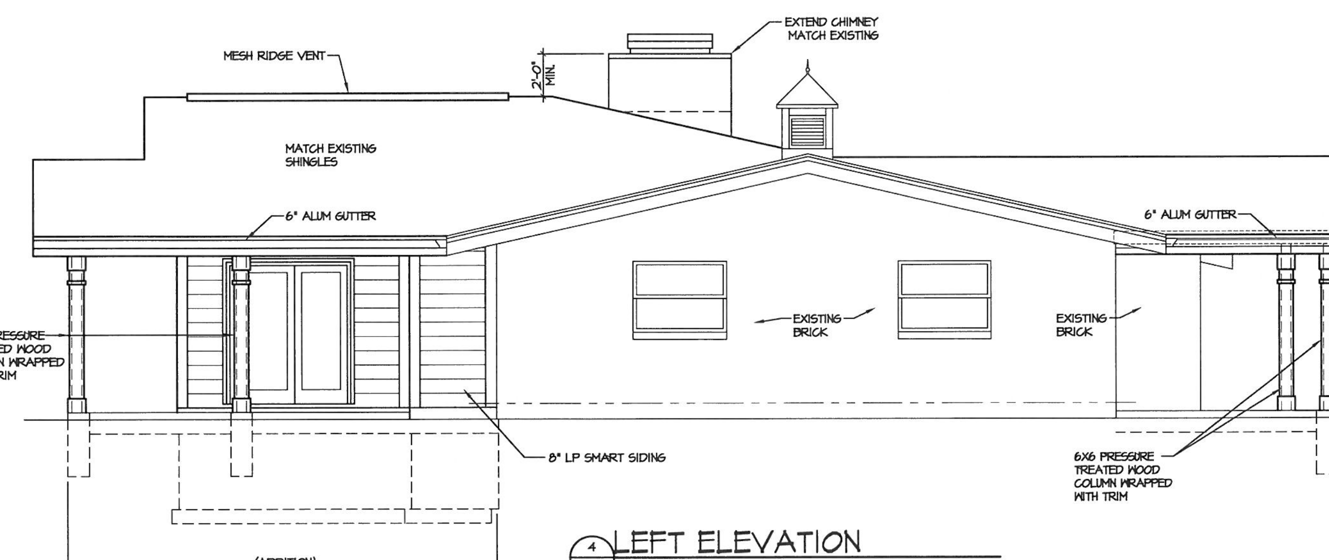
1. CONTINUOUS MESH RIDGE VENT.



ROOF PLAN
SCALE: 1/8" = 1'-0"



3 A4 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



4 A4 LEFT ELEVATION
SCALE: 1/4" = 1'-0"

DOUG FISHER: 9139
EXPIRATION DATE: 12/31/2025

STATE OF OHIO ★ DOUGLAS T. FISHER 9139 ★ REGISTERED ARCHITECT

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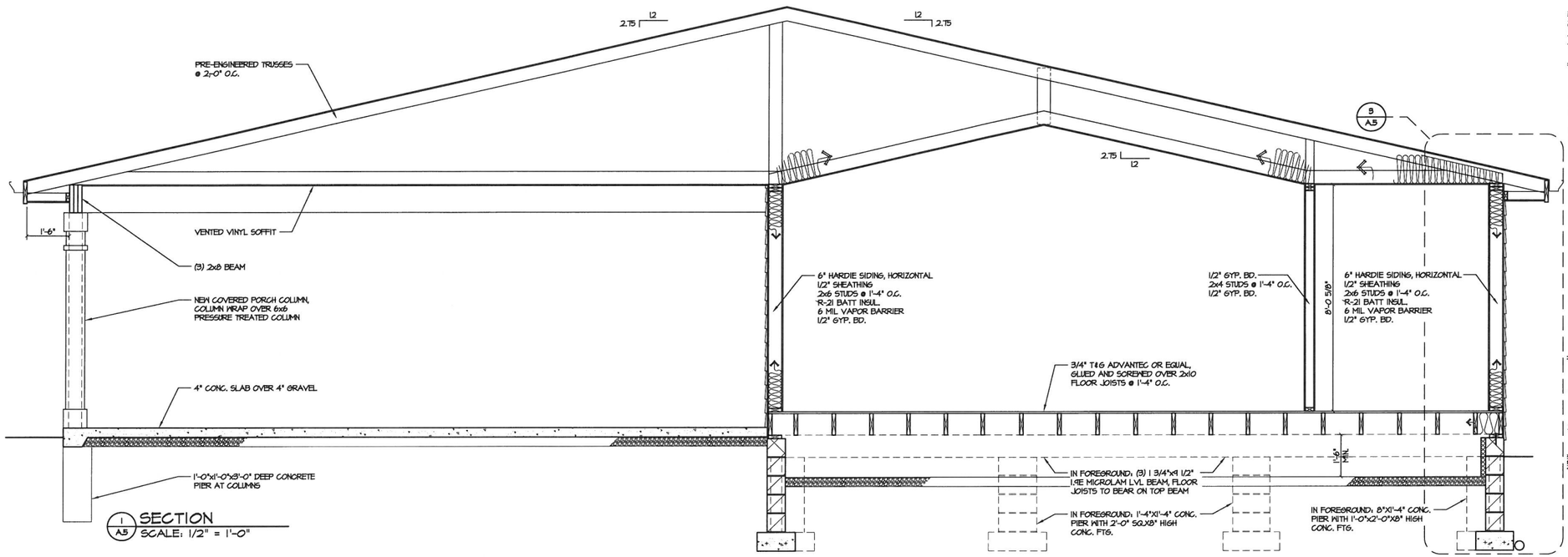
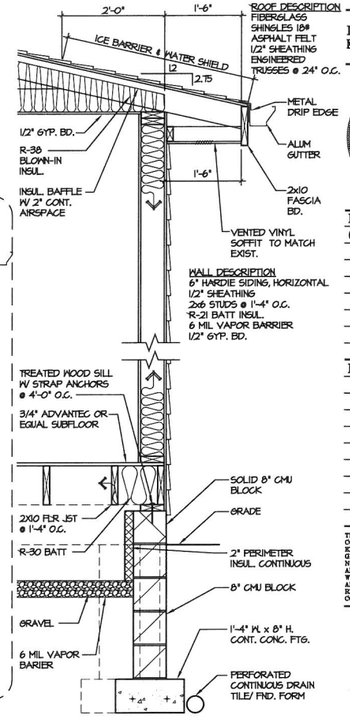
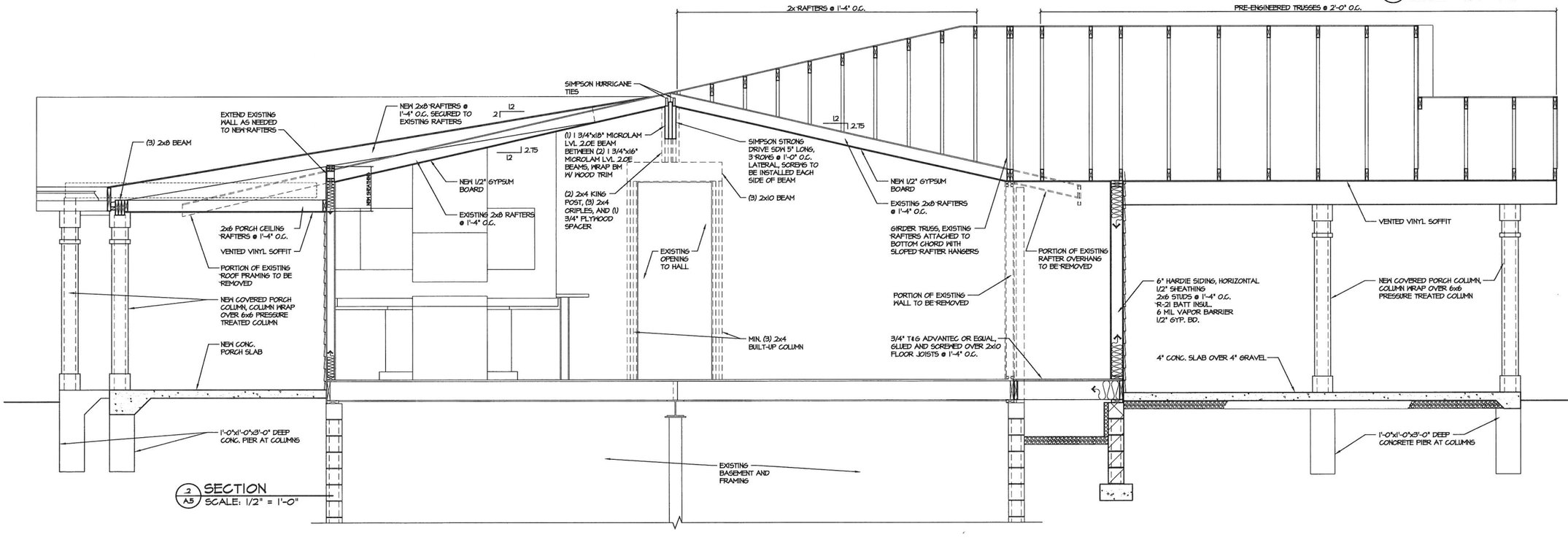
DRAWN BY
J.G.K.
CHECKED BY
D.T.F.
PROJECT NO.
24-2171

A.4





3 A5 TYP. WALL DTL. @ CRAWL SPACE
SCALE: 3/4" = 1'-0"



2 A5 SECTION
SCALE: 1/2" = 1'-0"

H:\Remark Building\2171-19334 Radabaugh Dr-Montgomery\OH\2171-sd.dwg, 1/30/2025 9:54:53 AM

DOUG FISHER: 9139
EXPIRATION DATE: 12/31/2025

STATE OF OHIO ★ ARCHITECT ★ DOUGLAS T. FISHER 9139 REGISTERED

PRINTING
01/30/25

REVISIONS

CONTRACTOR: REMARK BUILDERS

SCHNEIDER RESIDENCE
10334 RADABAUGH DRIVE
MONTGOMERY, OH 45242
HAMILTON COUNTY

ARCHITECT
FISHER GROUP ARCHITECTS, INC.
2280 US 68 SOUTH
XENIA, OHIO 45385
v.(937) 224-3344
fga@fga-1.com

DATE
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DRAWN BY
J.G.K.
CHECKED BY
D.T.F.
PROJECT NO.
24-2171

A.5

Outlook

Fw: Variance 10334 Radabaugh Dr.

From Connie Gaylor <cgaylor@montgomeryohio.gov>
Date Mon 3/17/2025 8:16 AM
To Greg Vonden Benken <gvondenbenken@montgomeryohio.gov>
Cc Kevin Chesar <kchesar@montgomeryohio.gov>

Greg,

This came into my attention.

Happy Monday!
Connie

Connie Gaylor
Executive Assistant/Clerk of Council

City of Montgomery
10101 Montgomery Rd.
Montgomery, OH 45242

513-792-8314
cgaylor@montgomeryohio.gov
www.montgomeryohio.gov

From: Tom Neumann <tn33142@gmail.com>
Sent: Sunday, March 16, 2025 8:38 PM
To: Connie Gaylor <cgaylor@montgomeryohio.gov>
Subject: Variance 10334 Radabaugh Dr.

Zoning committee,
I live at 10351 Radabaugh Dr., and recently got a notive of a zoning variance request. After reviewing and discussing with Mr. Schneider I'd like it be known I am in favor of the variance. I've lived here for

over 20 years, and feel it's a good thing for the neighborhood to keep some single level homes. Please allow for the variance request.

Tom Neumann
10351 Radabaugh Dr, Cincinnati, Oh 45242

CITY OF MONTGOMERY
BOARD OF ZONING APPEALS

Application for Variance: *9500 Todd Drive*

March 21, 2025
Staff Report

Applicant: Classic Living Homes, LLC
9383 Main Street
Montgomery, Ohio 45242

Property Owner: Junko & Matthew Crimmel
9500 Todd Drive
Montgomery, Ohio 45242

Vicinity Map:

Nature of Request:

Applicant, Classic Living Homes Family, LLC, requests a variance to allow for construction of a new single-family home to have a side yard setback of 10'

where 15' is required per Schedule 151.1005 of the Montgomery Zoning Code. Additionally, the applicant is requesting a variance to allow for a front yard setback from Todd Drive of 25.34' where 50' is required per Schedule 151.1005 of the Montgomery Zoning Code.

Please note that the applicant, after withdrawing their case last month, changed to a different style of design and increased the proposed front yard setback from the original 20.62' request to 25.34' along Todd Drive. In part, this was accomplished by reducing the width of the home to 34' and has considerably reduced the footprint from the original proposal. The home's garage has been moved from facing Remington Road, to facing Todd Drive, and the front entrance of the home now faces Remington Road, while maintaining a 50' setback from the right-of-way on Remington Road. Furthermore, the applicant reduced the garage from a three-car garage to a two-car garage, which is the minimum required by the Zoning Code.

Zoning:

This property is zoned 'A' single family residential. All of the adjoining properties to the north, east, south and west are zoned 'A' single family residential and used for single family residences.

Findings:

1. The lot is approximately 13,460 square feet or 0.309 acres, which is substantially less than the required lot size of 20,000 square feet required in the 'A' district. The lot size is legal non-conforming.

2. The lot is a corner lot fronting Todd Drive and Remington Road. The current front yard setback is 30.7' from Todd Drive and 37.88' from Remington Road for the existing home. Both front yard setbacks are legal non-conforming.

3. The current side setback of the home is 20.41' where 15' is the minimum required in the District.

4. The lot is slightly irregularly shaped with the lot width being 81.23' on the south property line, but only 70' along the north property line therefore reducing the buildable area towards the rear of the property.

5. The existing home was built in 1949 and is a ranch style home with 1,128 square feet of living space on the first floor, along with an attached two car garage. The total footprint of the house is 1,488 square feet.

6. The proposed front yard setback for the house's Todd Drive side is 25.34' to the closest point. The front porch is proposed at 19.34'; however, Schedule 151.1009(C) allows for porches to encroach into the required front yard setback a maximum of 10'; therefore, the setback of 19.34' for

the covered porch would be permitted, if the front yard variance is granted.

7. The proposed side yard setback from the eastern property line is 10' where a 15' setback is required.

Consideration for Approval of Dimensional Variances:

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.*

   The lot is legal non-conforming in regards to lot size. Current setback requirements would not allow the construction of a new home, unless some amount of variance was permitted, due to the size and shape of the lot. The lot is 13,460 square feet in size, which is significantly less than the 20,000 square foot minimum. Also, due to the fact that the lot is a corner lot with frontage on both Todd Drive and Remington Road, the new house has two front yard setbacks, making it difficult to construct a new house without some amount of a variance. Additionally, the shape of the lot limits the building area as the lot reduces in lot width approximately 11' from south to north.

   With regards to the current condition of the home, the applicant has stated there are structural concerns and limitations, which prevent a successful remodel and/or addition to the structure.

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

   Based on the current structural condition and size of the house, the land and structure are smaller than many of the homes in the area and significantly smaller than new builds within the subdivision. Considering the current setback requirements, if the structure is removed, the lot would be unbuildable without some amount of a variance. Based on these facts, Staff believes that the rate of return may be negatively impacted without granting of some amount of a variance.

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

   The variance from the required front yard setback is substantial because the applicant is asking for a 49.3% reduction in the required front yard setback on Todd Drive and a 33% reduction in the side-yard setback. Staff believes that some amount of a variance is justified due to the size and shape of the lot.

The footprint of the proposed house is 2,570 square feet, which is a 73% increase in the current home's footprint of 1,488 square feet. However, this is a decrease of 20% from the original plan from February of 2025, which was 3,231 square feet, additionally the applicant is proposing a two-car garage which is the minimum required, as opposed to the original plan of a three-car garage. A footprint of 2,570 square feet is average for a two-story house and not excessive.

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

   Staff is of the opinion that the character of the neighborhood will not be significantly altered by granting the revised variance requests. With the current front yard setback along Todd Drive at 30.7 feet and the Remington Road frontage at 38.77 the applicant is bringing the Remington setback into compliance while only increasing the Todd Drive setback by and additional an additional 17.5% or 5.4' from current condition. While Staff believes that the proposed front-yard setback variance is likely justified due to the limited building envelope, a setback of 25.34' is still somewhat out of character for Todd Drive where the average front-yard setback is between 40' and 50'. However, this lot's depth from Todd Drive is only approximately 70' while a majority of Todd Drive eastern lots are on average a minimum 226' feet or approximately 223% longer and are not corner lots.

   While the applicant is requesting to place the new home closer to the side property line than the current structure, a 10' side-yard setback is common in this neighborhood due to legal non-conformities and variances which have been granted in the past; therefore, Staff is less concerned about the side-yard setback variance substantially altering the neighborhood. For example, the immediate home to the north has a side yard setback of 5.66' shared property line and the home to the east has a setback of approximately 3' from the eastern property line.

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

   Government services would not be affected by granting the variances.

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

   The applicant is aware of the current zoning regulations and has the option to purchase the property is contingent upon the granting of some amount of a variance to allow for construction of a marketable house.

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

   No special conditions exist because of the actions of the current owner.

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

   The subject lot is a small, irregularly shaped lot with two road frontages which significantly limits the building footprint. If the Code were to be adhered to, only a 5' wide building area would exist on the northern portion of the lot which is non-buildable. Therefore, it would be difficult to build on the property without some amount of a variance. Staff understands the need for the requested variances and believes the applicant has adjusted the plans to better suit the challenges the lot presents.

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

   Staff is of the opinion that the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variances. The requested variances are reasonable to allow for construction of a new home on a legal non-conforming lot, the size of the proposed home is not excessive and the applicant is bringing the front-yard setback along Remington Road into compliance.

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

    Several front yard setback variances have been approved throughout the City. The following are front yard setback variances approved in the Ross, Todd, Campus area of the City:

    - A front-yard variance was granted to 7790 Campus Lane for a front porch. That variance allowed the porch to within 26' of the Campus right-of-way.

    - A front-yard variance of 3.5' was granted to 9630 Todd Avenue in 2004 for an unenclosed porch for a length of 7.5'.

    - A front-yard variance of 3.5' was granted to 9640 Todd Avenue in 2009 for a garage for a length of 20'.

    - A front-yard variance of 19.4' was granted for a new single family residence where 50' is required and a variance was allowed for a side yard setback of 10' where 15' is required at 7801 Campus Lane in 2017.

    The following side yard setbacks have been approved in the Ross, Todd, Campus area of the City:

- 7781 Campus Lane was granted a side yard setback of 12.02' for a length of 70' and a side yard setback of 12.04' for a length of 56' where 15' was required in October of 2015.

- 9640 Todd Drive was granted a side yard setback 12.7', as well as a side yard setback of 10' for a new roof overhanging a door, where 15' was required in June of 2009.

The following variances were denied:

- A front-yard variance of 31.8' for a length of 34' was denied for the property at 9670 Zig Zag Road in 2011.

- A front yard setback variance request for 40.5' where 50' is required for 9600 Zig Zag was denied in August of 2015. A rear yard setback variance was also denied, to allow a 19' setback where 35' is required.

Staff Comments and Recommendations

Staff believes that some amount of a front and side yard variance is justified due to the small lot size and shape. With a northern lot width of 70', a front yard setback of 50', and a side yard setback of 15', the remaining buildable area is reduced to just 5' in width. Therefore, a balanced approach to the two front yard setbacks is essential for this corner lot, which has a depth of 70′ to 81.23′ from Todd Drive, in contrast to most Todd Drive lots that exceed 200′ in depth. Staff appreciates that the proposed house is in compliance with the front-yard setback along Remington Road and understands the need to increase the footprint of the house to meet market demands. The increase in the footprint of the house is not excessive, is in line with or smaller than other two-story houses in the area and the applicant is proposing a two-car garage as required by Code.

While Staff believes that the front-yard setback variance from Todd Drive is likely justified due to the limited building envelope, a setback of 25.34' still uncharacteristic for the neighborhood; however, so too is the lot depth which is on average approximately 150 shorter than other eastern side Todd Drive lots. Furthermore, the proposed front yard setback is only approximately 5.4' closer to the right-of-way than the current condition and the front yard setback along Remington Road has been brought into compliance with the Zoning Code. Regarding the side-yard setback, while the applicant is requesting a 10' side-yard setback, this is common in this neighborhood due to legal non-conformities and variances which have been granted in the past. Therefore, Staff is less concerned about the side-yard setback variance having a substantial negative impact on the neighborhood.

While this case is supported by its own merits, it is worth noting that the applicant has taken steps to further address drainage on the site with the addition of yard drains on the eastern side of the property. Additionally, they have proposed a smaller footprint and reduced the number of garage spaces to two from the previously proposed February plan. Further, the City Engineer has reviewed the plan and has determined that the proposed front yard variance does not cause any line-of-sight or sight-distance issues. The City Engineer has also reviewed the drainage and found that the proposed plan does not increase the flow of run-off and provides sufficient improvements to direct the increased runoff to the right-of-way and the existing catch basin.

Granting a variance to allow a front-yard setback of 25.34' on Todd Drive where 50' is required could be justified by Criteria #1, 2, 4, 5, 7, 9 and 10.

Granting a variance to allow a side-yard setback of 10' where 15' is required could be justified by criteria #1 - 10.

Neighborhood Area Map of 9500 Todd Drive

Dear Montgomery Residents, Montgomery BZA, and Staff Members,

At Classic Living Homes, we understand that building a new home in an established community can be a sensitive issue. We want to assure you that we are committed to working with the community to create a home that is both in harmony with the neighborhood and respectful of the concerns of our neighbors.

We have carefully listened to the feedback and concerns expressed by community members, staff, and the BZA at the variance discussion on Feb 23, 2025. We have taken your concerns regarding setbacks, drainage, and overall aesthetics to heart and have revised our proposal accordingly.

We understand that the current zoning setbacks of 15 feet on the side, 50 feet on the front, and 35 feet in the rear are limiting and would not allow for the construction of a new home in a way that would meet the needs of today's homebuyers. We initially proposed a home with a 20.6-foot front yard setback (off Todd) and an 11-foot side yard to the East. However, with creative redesign by Wentz Design, a Montgomery-based Architect, we have been able to design a home that sits at 25 feet off Todd.

In addition, we have made the following changes to our proposal to further address community concerns:

- **Floor plan:** We have reduced the footprint of the home by creating a second-floor primary home with a proposed two-car garage. This change has lowered the overall coverage ratio of the lot.
- **Elevation Aesthetic:** To conform more with the character of Remington and surrounding streets, we have changed the overall design of the home. The front of the home now faces Remington Road with front porches on both Remington and Todd. We believe that this will allow for a much more consistent Montgomery feel.
- **Drainage:** Our goal is to tie into the existing storm sewer to avoid any unnecessary runoff. We have also worked with our civil engineer, Abercrombie and Associates, to design a layout that would not negatively affect the neighbors and would, in turn, be an improvement to the corner.

We understand that granting a variance is an exception to the zoning code and appreciate the careful consideration the Montgomery BZA and Staff Members will give to our request. We believe that our revised proposal addresses the concerns of the community and that the proposed home will be a positive addition to the neighborhood.

Thank you for your time and consideration.

Sincerely,

Bernie

Classic Living Homes

CITY OF
MONTGOMERY
A CHARMING PAST. A GLOWING FUTURE.

APPLICATION REQUIREMENTS FOR A DIMENSIONAL VARIANCE

An application for a dimensional variance shall be filed with the Zoning Administrator for review by the Board of Zoning Appeals. The application will consist of a written request containing a cover letter accompanied by the following requirements necessary to convey the reason(s) for the requested variance.

1. Application form.
2. Consent of owner(s) to inspect the premises form.
3. Proof of ownership, legal interest or written authority.
4. Description of property or portion thereof.
5. Description of nature of variance requested.
6. Narrative statements establishing and substantiating the justification for the variance pursuant to the attached criteria list.
7. Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance.
8. Payment of the application fee.
9. Any other documents deemed necessary by the Zoning Administrator.

CITY OF
MONTGOMERY
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APPLICATION FORM

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

Project Address (Location): 9500 TODD DR.

Project Name (if applicable): CLASSIC LIVING BUILD.

Auditors Parcel Number: 0603 000 100039

Gross Acres: ±3.09AC Lots/Units 1 Commercial Square Footage

Additional Information:

PROPERTY OWNER(S) MATTHEW & JUNKO CRIMMEL Contact MATTHEW

Address 9500 TODD DR. Phone: 513-307-0400

City MONTGOMERY State OHIO Zip 45242

E-mail address MCRIMMEL@YAHOO.COM.

APPLICANT CLASSIC LIVING HOMES Contact BERNIE KUCKELMANN

Address 9383 MAIN ST Phone: 513-515-5123

City MONTGOMERY State OHIO Zip 45242

E-mail address BERNIE@CLASSICLIVINGHOMES.NET

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 BERNIE KUCKELMANN

Date 3/31/25

Meeting Date:
Total Fee:
Date Received:
Received By:

CITY OF
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8. Payment of the application fee.
9. Any other documents deemed necessary by the Zoning Administrator.

CITY OF
MONTGOMERY
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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.

   Due to current zoning and setback, a new home cannot be built on the lot. Please see attached letter for a more details breakdown.

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

   No.

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

   No it is not substantial. In fact, we amended the plan based on community and BZA feedback to go with the minimum of what would be a saleable and an attractive product AND still fit with the character of Montgomery.

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

   No, a new home as proposed would fit with the character of the neighborhood and was designed by an architect that knows Montgomery very well.

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

   No

CITY OF
MONTGOMERY
A CHARMING PAST. A GLOWING FUTURE.

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

Yes, the purchase is contingent upon finding an acceptable solution.

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

No, a hardship is created by the current zoning laws and setbacks given that the lot is non-conforming.

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

No

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

Yes

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

No

CITY OF
MONTGOMERY
A CHARMING PAST. A GLOWING FUTURE.

CONSENT OF OWNER(S) TO INSPECT PREMISES

To: City of Montgomery Board of Zoning Appeals Members 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 9500 Todd Rd., we hereby grant permission to Members of the Board of Zoning Appeals 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 Board of Zoning Appeals.

Property Owner(s) Signature Matt Crimmel dotloop verified 12/16/24 6:56 PM GMT-05:00 6VGX-7RNF-YLIN-EQYG

Print Name Matt Crimmel

Date 12/16/2024

Board of Zoning Appeals Members:

Mary Jo Byrnes

Tom Molloy

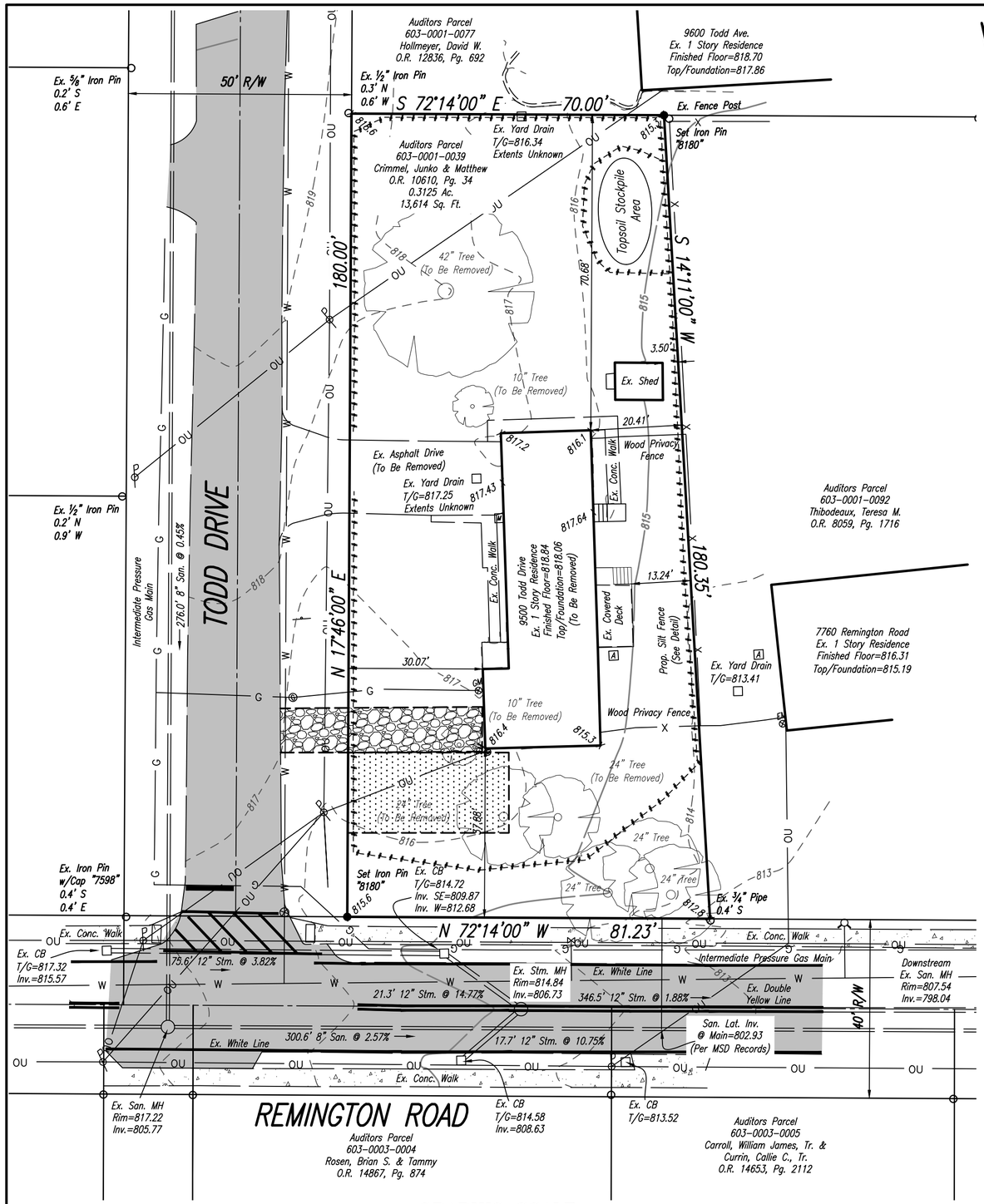
Jade Stewart

Steve Uckotter

Richard White

Eric Roth

Mark Berliant



GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

PROPERTY ADDRESS:
9500 TODD DRIVE
MONTGOMERY, OHIO 45242

BUILDER:
CLASSIC LIVING HOMES
9383 MAIN STREET
CINCINNATI, OHIO 45242
(513) 667-9085

NORTH BASED ON A RANDOM BEARING SYSTEM RELATIVE TO THE EXISTING DEED OF RECORD AS RECORDED IN O.R. 10610, PAGE 34 OF THE HAMILTON COUNTY, OHIO RECORDS.

LEGEND

℄	Ex. Light Pole
℗	Ex. Utility Pole
	Ex. Guy Wire
	Ex. Sign
	Ex. Fire Hydrant
	Ex. Water Valve
	Ex. Water Manhole
	Ex. Gas Valve
Ex. San. MH	Ex. Sanitary Sewer Manhole
Ex. Stm. MH	Ex. Storm Sewer Manhole
Ex. C.B.	Ex. Catch Basin
OU	Ex. Overhead Utility Lines

EXISTING UNDERGROUND UTILITIES REPRESENTED ON THIS DRAWING ARE APPROXIMATE LOCATION ONLY BASED ON FIELD OBSERVATIONS AND AVAILABLE RECORDS. CONTACT THE LOCAL UTILITY PROTECTION SERVICES AND AGENCIES PRIOR TO ANY EXCAVATION, CONSTRUCTION OR DESIGN.

ELEVATION DATUM SHOWN IS RELATIVE TO MSD OF GREATER CINCINNATI RECORDS.

SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "X" AS DETERMINED BY A PERSONAL REVIEW OF FLOOD MAP NO. 39061C0251F, DATED JUNE 7, 2023 OF THE NATIONAL FLOOD INSURANCE PROGRAM.

Prop. 10'x30' Construction Entrance (Number #2 Stone Or Equivalent)

Prop. 18'x36' Parking/Storage Area

PROPERTY ZONED "A"
50' FRONT YARD SETBACK
15' SIDE YARD SETBACK
35' REAR YARD SETBACK

MINIMUM LOT AREA
20,000 SQ. FT.

NOTES:

1. BUILDER TO VERIFY THE LOCATION AND ELEVATION OF ALL SANITARY AND WATER SERVICE LATERALS PRIOR TO CONSTRUCTION. IF FIELD CONDITIONS ARE DIFFERENT FROM PLAN, CONTACT THE ENGINEER/SURVEYOR.

2. UNDERGROUND UTILITIES REPRESENTED ON THIS DRAWING ARE APPROXIMATE LOCATION ONLY BASED ON FIELD OBSERVATIONS AND AVAILABLE RECORDS. CONTACT THE LOCAL UTILITY PROTECTION SERVICES AND AGENCIES PRIOR TO ANY EXCAVATION, CONSTRUCTION OR DESIGN.

3. CONSTRUCTION ENTRANCE PER RAINWATER AND LAND DEVELOPMENT GUIDE (OHIO'S STANDARDS FOR STORMWATER MANAGEMENT LAND DEVELOPMENT AND URBAN STREAM PROTECTION, CURRENT EDITION).

4. TRACKING MUD AND DEBRIS ONTO THE PUBLIC STREETS IS PROHIBITED PER 94.19 OF THE CITY CODE. THE CONTRACTOR WILL BE RESPONSIBLE FOR CLEANING UP ANY MUD AND DEBRIS IN A TIMELY MANNER.

5. ANY TREES THAT ARE TO REMAIN MUST BE PROTECTED BY ORANGE CONSTRUCTION FENCE.

6. EXTENTS OF EXISTING DOWNSPOUTS ARE UNKNOWN. DOWNSPOUTS ARE TO BE BACKTRACKED TO LOCATION OF DISCHARGE OR CONNECTION INTO STORM SEWER.

7. EXTENTS OF EXISTING SANITARY SEWER TAP ARE UNKNOWN. SANITARY TAP IS TO BE BACKTRACKED AND CAPPED AT RIGHT OF WAY.

8. EXTENTS OF EXISTING WATER TAP ARE UNKNOWN AND NO RECORDS WERE FOUND. WATER TAP IS TO BE BACKTRACKED AND CAPPED AT RIGHT OF WAY.

EROSION NOTES:

BUILDER IS RESPONSIBLE FOR ALL INSTALLATION AND MAINTENANCE OF EROSION AND SEDIMENT CONTROL AS LISTED BELOW.

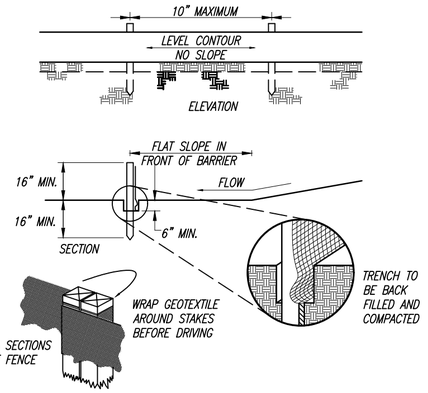
ALL GRADED AREAS THAT HAVE BEEN EXPOSED OR LEFT BARE AS A RESULT OF CONSTRUCTION AND ARE TO FINAL GRADE AND ARE TO REMAIN SO, SHALL BE SEEDED AND MULCHED AS SOON AS POSSIBLE IN ACCORDANCE WITH STATE HIGHWAY ITEM 659.

EROSION CONTROL WILL BE ACCOMPLISHED BY STRATEGICALLY PLACING STRAW BALES AND OR SILT FENCES IN SWALES AND RUNOFF AREAS, SUCH BALES OR SILT FENCES TO BE REPLACED AND EXPANDED AS NECESSARY TO AFFORD NECESSARY CONTROL.

STAKED STRAW BALES AND SILT FENCES TO BE ENTRENCHED 4-6 INCHES BELOW GRADE.

ALL EROSION CONTROL MEASURES MUST BE IN PLACE PRIOR TO ANY STRIPPING OF VEGETATION OR EXCAVATION.

SPECIFICATIONS FOR SILT FENCE



SEE THE RAINWATER AND LAND DEVELOPMENT, OHIO'S STANDARDS FOR STORMWATER MANAGEMENT, LAND DEVELOPMENT AND URBAN STREAM PROTECTION MANUAL, CURRENT EDITION, FOR SILT FENCE SPECIFICATIONS.

PHASE 1 EXISTING CONDITIONS

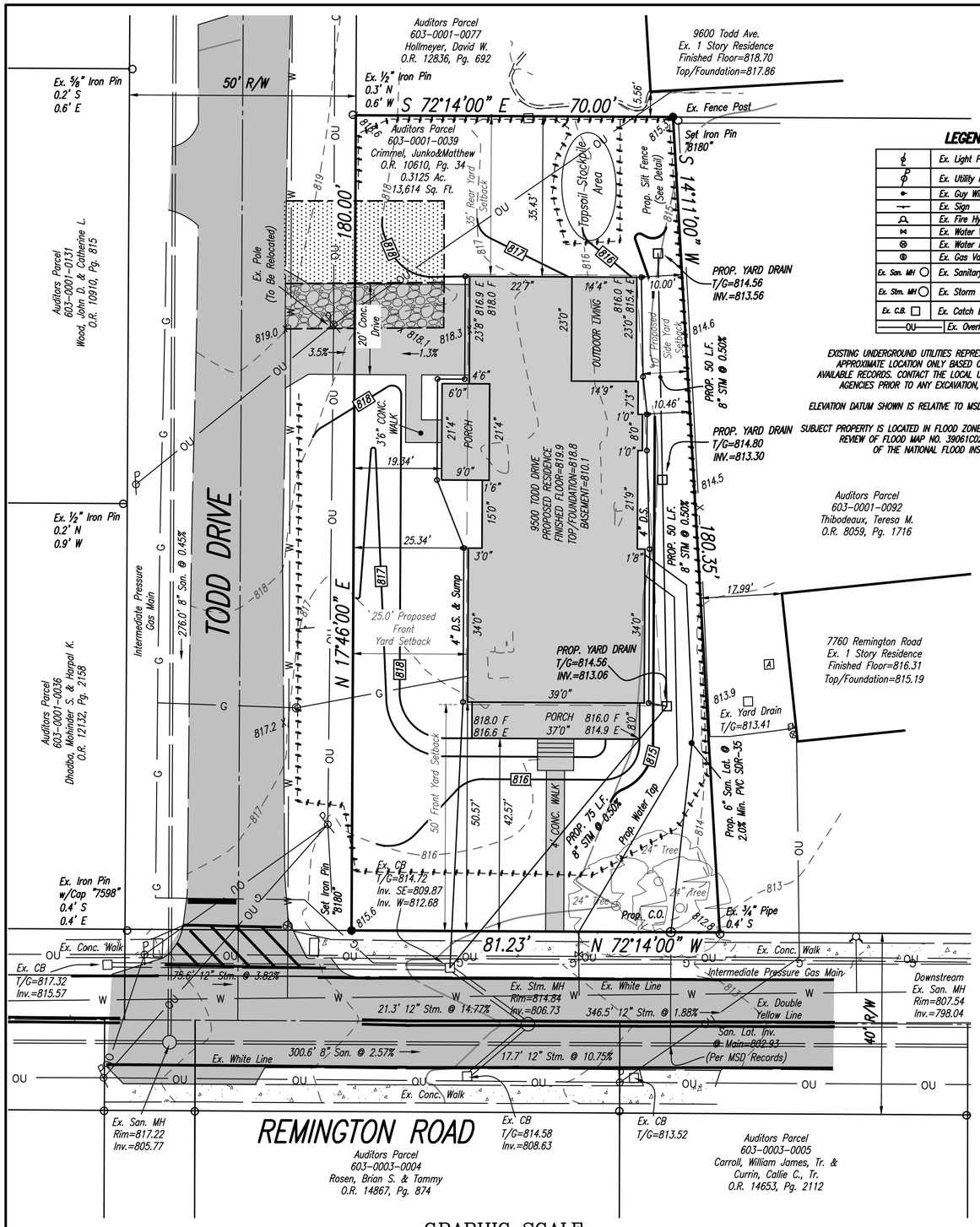
REVISIONS

SECTION 3, TOWN 4, ENTIRE RANGE 1
MIAMI PURCHASE, SYCAMORE TOWNSHIP
CITY OF MONTGOMERY, HAMILTON COUNTY, OHIO

Abercrombie & Associates, Inc.
Civil Engineering + Surveying
8111 Cheviot Road, Suite 200 •Cincinnati, Ohio 45247
513-385-5757 • www.abercrombie-associates.com

SCALE	DATE	JOB.NO.	DRAWN	
1"=20'	1-03-25	24-0325	MP	1 / 3

DWG.: MP-24-0325-BNTR



NORTH BASED ON A RANDOM BEARING SYSTEM RELATIVE TO THE EXISTING DEED OF RECORD AS RECORDED IN O.R. 10610, PAGE 34 OF THE HAMILTON COUNTY, OHIO RECORDS.

LEGEND

	Ex. Light Pole
	Ex. Utility Pole
	Ex. Guy Wire
	Ex. Sign
	Ex. Fire Hydrant
	Ex. Water Valve
	Ex. Water Manhole
	Ex. Gas Valve
Ex. San. MH	Ex. Sanitary Sewer Manhole
Ex. Stm. MH	Ex. Storm Sewer Manhole
Ex. C.B.	Ex. Catch Basin
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PROPERTY ZONED "A"

50' FRONT YARD SETBACK
15' SIDE YARD SETBACK
35' REAR YARD SETBACK

MINIMUM LOT AREA
20,000 SQ. FT.

NOTES:

UNDERGROUND UTILITIES SHOWN ARE BASED ON A COMBINATION OF SURFACE EVIDENCE AND AVAILABLE PLANS & RECORDS; THEY HAVE NOT BEEN PHYSICALLY LOCATED. SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES ON THE PREMISES, EITHER IN SERVICE OR ABANDONED; NOR IS IT GUARANTEED THAT THEY ARE IN THE EXACT LOCATION INDICATED, ONLY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE.

EASEMENTS SHOWN HEREON WERE DISCOVERED DURING THE COURSE OF RESEARCH OF PUBLIC RECORDS AND MAY NOT COMPRISE ALL OF THE EASEMENTS AND/OR ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY.

CONTRACTOR TO VERIFY ALL DIMENSIONS SHOWN HEREON AGAINST ARCHITECTURAL PLANS PRIOR TO ANY CONSTRUCTION.

THE CONTRACTOR IS RESPONSIBLE FOR KEEPING THE STREET CLEAN BY PREVENTING DEBRIS, MUD, DIRT, ECT. FROM BEING TRACKED ONTO THE STREET. THE CONTRACTOR IS RESPONSIBLE FOR CLEANING DEBRIS, MUD, DIRT, ECT. FROM THE STREET IMMEDIATELY WHEN IF OCCURS AND SHALL INSPECT THE STREET AT THE END OF EACH WORKING DAY.

SEDIMENT CONTROL MEASURES ARE TO BE CONTINUOUSLY MAINTAINED BY THE DEVELOPER UNTIL ALL DANGERS OF EROSION AND/OR SEDIMENTATION OCCURING HAVE BEEN ELIMINATED.

ANY DISTURBED AREA THAT HAS BEEN EXPOSED OR LEFT BARE AS A RESULT OF CONSTRUCTION SHALL BE SEEDED AND MUCHED IN ACCORDANCE WITH O.D.O.T. SPECIFICATION ITEM 659.

TREES TO REMAIN ARE TO BE SURROUNDED BY 4' HIGH ORANGE MESH SECURITY FENCE.

THE RECOMMENDED SITING OF THE HOUSE AS SHOWN ON THIS PLAT MAKES NO REPRESENTATION AS TO EXISTING SOIL CONDITION. A GEOTECHNICAL ENGINEER SHOULD BE CONSULTED IN ALL MATTERS PERTAINING TO SUB-SURFACE CONDITIONS AND FOUNDATION REQUIREMENTS.

DUMPSTERS AND PORTO-LETS ARE NOT TO BE LOCATED CLOSER THAN 20' FROM THE STREET EDGE

THE BUILDER SHALL CONSULT WITH THE CONVENING AUTHORITY REGARDING THE FINAL ALIGNMENT AND OUTLET METHOD OF THE DOWNSPOUTS. DOWNSPOUTS MUST RUN A MINIMUM OF 10' FROM PROPERTY LINE.

SANITARY LATERAL LOCATION AND ELEVATION TO BE FIELD VERIFIED BY BUILDER PRIOR TO CONSTRUCTION.

SANITARY LATERAL AND WATER SERVICE LOCATIONS SHOWN AT HOUSE ARE APPROXIMATE. COORDINATE EXACT LOCATION WITH APPROPRIATE UTILITY COMPANY.

SANITARY SEWER CONNECTION TO BE 6" DIAMETER @ 2.0% MINIMUM, CONSTRUCTED OF SDR-35 PVC

TAP PERMIT AND FEES ARE NECESSARY FROM MSD.

BUILDER SHALL FIELD VERIFY ALL LOCATIONS AND INVERTS OF EXISTING UTILITIES AND IMMEDIATELY NOTIFY THE ENGINEER IF EXISTING UTILITIES INTERFERE WITH THE NORMAL INTENT OF THE PROPOSED UTILITY LAYOUT.

SERVICE UTILITY MATERIALS SHALL BE PER THE APPROPRIATE UTILITY COMPANY DESIGN CRITERIA.

IF LOWEST FLOOR ELEVATION IS BELOW RIM ELEVATION OF UPSTREAM MANHOLE THEN TAP MUST HAVE BACK-FLOW PREVENTER OR BE PUMPED TO GRAVITY SEWER.

FINISHED GRADE SHALL SLOPE A MINIMUM OF 6" IN FIRST 10' FROM NEW FOUNDATION AND FINISHED GRADE PORTION OF THE SITE SHALL HAVE A MAX SLOPE OF 3:1.

IF A NEW DRIVEWAY ALIGNMENT IS TO BE USED, THE STREET, CURB AND SIDEWALK SHALL ALL BE RESTORED ACCORDING TO CITY OF MONTGOMERY SPECIFICATIONS.

IMPERVIOUS AREA:

REMINGTON ROAD: 473 SQ. FT. IMPERVIOUS / 3,985 SQ. FT. AREA = 11.8%

TODD DRIVE: 517 SQ. FT. IMPERVIOUS / 2,678 SQ. FT. AREA = 19.3%

EROSION NOTES:

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ALL EROSION CONTROL MEASURES MUST BE IN PLACE PRIOR TO ANY STRIPPING OF VEGETATION OR EXCAVATION.

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

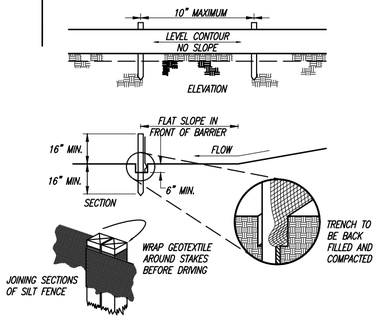
PROPERTY ADDRESS:
9500 TODD DRIVE
MONTGOMERY, OHIO 45242

BUILDER:
CLASSIC LIVING HOMES
9383 MAIN STREET
CINCINNATI, OHIO 45242
(513) 667-9085

Prop. 10'x30' Construction Entrance (Number #2 Stone Or Equivalent)

Prop. 18'x36' Parking/Storage Area

SPECIFICATIONS FOR SILT FENCE



SEE THE RAINWATER AND LAND DEVELOPMENT, OHIO'S STANDARDS FOR STORMWATER MANAGEMENT, LAND DEVELOPMENT AND URBAN STREAM PROTECTION MANUAL, CURRENT EDITION, FOR SILT FENCE SPECIFICATIONS.

STATE OF OHIO
MELVIN W. PISTOR, JR.
S-8180
REGISTERED
PROFESSIONAL SURVEYOR
3/21/25

PHASE 2 PROPOSED IMPROVEMENTS

REVISIONS
COMMENTS MP 3-03-25
COMMENTS MP 3-21-25

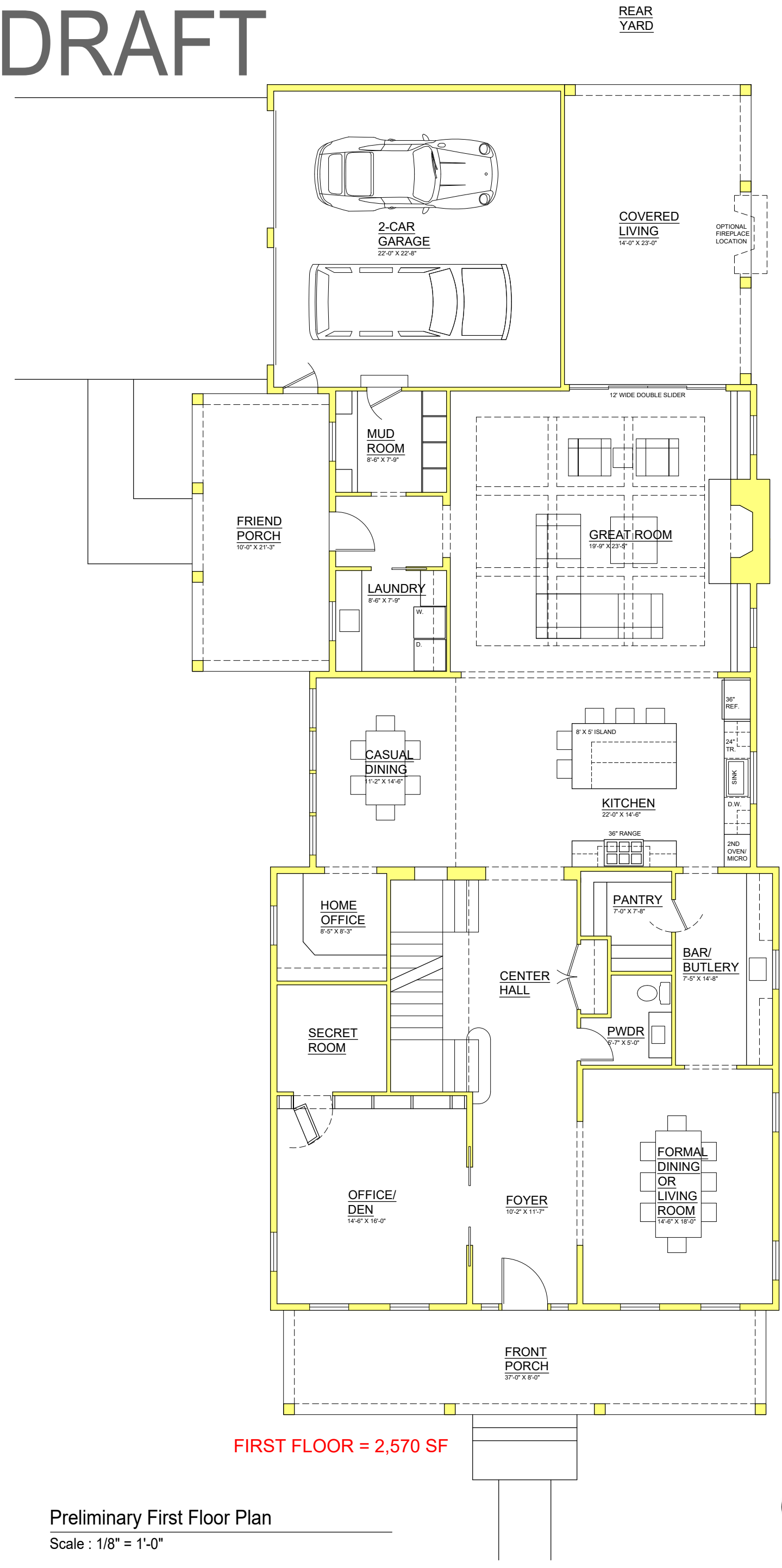
SECTION 3, TOWN 4, ENTIRE RANGE 1
MIAMI PURCHASE, SYCAMORE TOWNSHIP
CITY OF MONTGOMERY, HAMILTON COUNTY, OHIO

Abercrombie & Associates, Inc.
Civil Engineering + Surveying
8111 Cheviot Road, Suite 200 •Cincinnati, Ohio 45247
513-385-5757 • www.abercrombie-associates.com

DWG.: MP-24-0325-BNTP	SCALE	DATE	JOB.NO.	DRAWN	2 / 3
	1"=20'	1-03-25	24-0325	MP	

DRAFT

9500 TODD DRIVE



FIRST FLOOR = 2,570 SF

Preliminary First Floor Plan

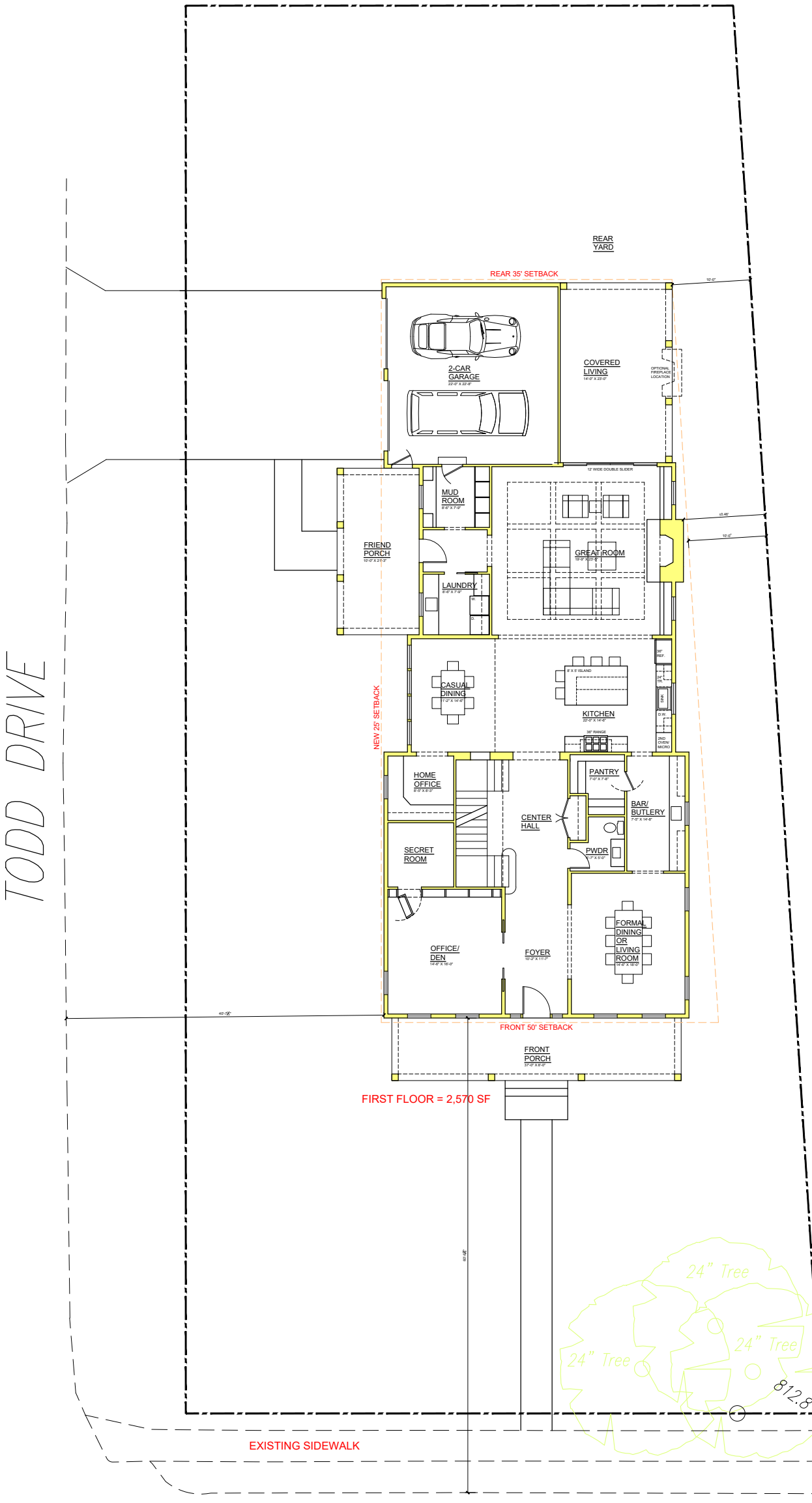
Scale : 1/8" = 1'-0"

wentzdesign

March 3, 2025

DRAFT

9500 TODD DRIVE



Preliminary Site Plan

Scale : 1/16" = 1'-0"

wentzdesign

March 3, 2025

DRAFT

9500 TODD DRIVE

Preliminary Front Elevation

Scale : 1/8" = 1'-0"

wentzdesign

March 3, 2025

DRAFT

9500 TODD DRIVE

Preliminary Side Elevation

Scale : 1/8" = 1'-0"

wentzdesign

March 3, 2025

CITY OF MONTGOMERY
BOARD OF ZONING APPEALS REGULAR MEETING
CITY HALL CHAMBERS · 10101 MONTGOMERY ROAD · MONTGOMERY, OH 45242

February 25, 2025

PRESENT

GUESTS & RESIDENTS		STAFF
Stacey Bie **7720 Remington Rd., 45242**	**Greg & Laura Nocito** **7413 Baywind Dr., 45242**	**Kevin Chesar** **Community Development Director**
Jim & Michelle Brooker **9633 Todd Drive, 45242**	**Erika & John Peter** **9610 Todd Drive, 45242**	**Greg Vonden Benken** **Zoning and Code Compliance Officer**
Brian & Melissa Frederiksen **7767 Remington Rd., 45242**	**Don K. Rehse** **7769 Remington Rd., 45242**	**Amy Smith, Secretary**
Kelli & Scott Green **9601 Todd Dr., 45242**	**Shawn Reinhart** **9606 Todd Drive, 45242**	**BOARD MEMBERS PRESENT** **Mary Jo Byrnes, Chairman** **Richard White, Vice-Chairman** **Mark Berliant** **Tom Molloy** **Eric Roth** **Steve Uckotter**
Tom & Nancy Griga **7776 Remington Rd., 45242**	**Elizabeth Rinehart** **9640 Todd Drive, 45242**	
Bill Hines **8813 Ted Gregory Lane** **45242**	**Matthew "Buck" Rumely** **7784 Remington Rd., 45242**	**MEMBERS NOT PRESENT** **Jade Stewart**
Kyle Horton **4103 Allendale Drive** **Cincinnati, OH 45209**	**Patrick Thibodeaux** **407 Race Street, #407** **Cincinnati, OH 45202**	
Adam & Erica Jesse **8742 Tiburon Dr., 45249**	**Teresa Thibodeaux** **7760 Remington Rd., 45242**	
Bernie Kurlemann **Project Manager** **Classic Living Homes, LLC** **9383 Main Street, 45242**	**John Wood** **9555 Todd Drive, 45242**	

Chairman Byrnes called the meeting to order at 7:03 p.m.

Roll Call

The roll was called and showed the following responses / attendance:

PRESENT: Mr. Roth, Mr. Uckotter, Mr. White, Mr. Molloy, Mr. Berliant, Chairman Byrnes (6)
ABSENT: Ms. Stewart (1)

Pledge of Allegiance
All of those in attendance stood and recited the Pledge of Allegiance.

Chairman Byrnes gave a brief explanation of tonight's proceedings: She stated that tonight the Board will be conducting two public hearings. A public hearing is a collection of testimony from City Staff, the applicant, and anyone wishing to comment on the case. All discussions by the Board of Zoning Appeals and all decisions will take place within the business session of this meeting, which immediately follows the public hearing. Everyone is welcome to stay for the business session of the meeting, however, the Board will not take any further public comment during the portion of the meeting, unless clarification is needed by a Board member.

At the conclusion of the business session, the Board will vote on the applicant's request. At least four members of the Board must vote yes for a variance to be approved. The decision of the Board is final.

Chairman Byrnes noted that anyone not agreeing with the Board's decision had the option of appealing to Hamilton County Common Pleas Court, under the procedures established by that court.

She asked all guests to turn off their cell phones.

Chairman Byrnes asked that anyone planning to speak to the Board please stand to be sworn in (which included the applicant). Chairman Byrnes swore in everyone planning to speak.

Guests and Residents
Chairman Byrnes asked if there were any guests or residents who wished to speak about items that were not on the agenda. There were none.

New Business (1)
A request for a variance from Adam & Erica Jesse, owners of 8742 Tiburon Drive, Montgomery, OH 45249 to allow for a new covered patio addition to have a side yard setback of 11.7 feet, where 15 feet is required, per Schedule 151.1005 of the Montgomery Zoning Code.

Staff Report
For the record, Mr. Vonden Benken presented the Chairman with the entire meeting packet (as an exhibit) which had also previously been given to all Board members. He reviewed the Staff Report dated February 21, 2025, "Application for Variance: 8742 Tiburon Drive".

He indicated that there had been no calls or emails received regarding this application.

He showed drawings on the wide screen for all to see, to provide more understanding of the Staff Report.

Mr. Vonden Benken asked for any questions.

Mr. Berliant asked Staff did not think that Criteria #2 would be appropriate for this application. Mr. Vonden Benken stated that they did not feel that denying the variance would affect the property yielding a reasonable rate of return, if they were to sell it. Given that reasoning, Mr. Berliant thought that Criteria 2 should be included. Mr. Chesar explained, if the board were to approve the variance, it would be based on the applicable criteria listed in the report and that not all criteria need to be met to grant a variance.

Mr. Chesar stated that the property would still yield a return if the variance were not granted. As such the criteria is not applicable specifically to the variance.

Mr. Molloy felt that the covering would be inline with the structure of the house. Mr. Vonden Benken confirmed, showing all on the wide screen that it was actually just inside the principal structure. He pointed out that the area outlined in purple on page 4 of the Staff Report was the area not in compliance. Additional views were shown on the wide screen.

There were no more questions from the Board.

Chairman Byrnes asked if the applicant wished to speak.

Adam Jesse, 8742 Tiburon Drive, Montgomery, Ohio 45242 stated that he agreed with Staff's Report, but wanted to add that he had spoken with the neighbor, whose property would be most affected. He read the email from his neighbor, stating that they had no issue with this project.

Chairman Byrnes asked if there were any questions for the applicant from the Board.

Mr. Molloy asked how long the Jesses have lived in the house. Mr. Jesse replied 1 and ½ years. Mr. Molloy noted that the patio was built a long time ago, and the home was built in 1977.

There were no more questions for the applicant, from the Board.

Chairman Byrnes asked if any guests or residents had questions / comments. There were none.

Adjournment

Mr. White moved to close the public hearing.
Mr. Uckotter seconded the motion.
The public hearing adjourned at 7:20p.m.

Chairman Byrnes opened the business session at 7:20p.m.

Business Session (1)

A request for a variance from Adam & Erica Jesse, owners of 8742 Tiburon Drive, Montgomery, OH 45249 to allow for a new covered patio addition to have a side yard setback of 11.7 feet, where 15 feet is required, per Schedule 151.1005 of the Montgomery Zoning Code.

Chairman Byrnes asked for comments from the Board.

Mr. Uckotter stated that this was a reverse, pie-shaped lot, and there was no expansion allowable, unless there was a variance. He felt this variance was the minimum necessary, and reasonable.

Mr. White agreed, and didn't think you could even tell the difference before, or after.

Chairman Byrnes believed this to be a difference without a distinction.

Mr. Roth agreed, noting that it was not a 4-wall structure, it was an open structure that did not impede any view.

Mr. Molloy moved to approve the request for a variance from Adam & Erica Jesse, owners of 8742 Tiburon Drive, Montgomery, OH 45249 to allow for a new covered patio addition to have a side yard setback along the west property line of 11.58 feet, where a side yard setback of 15 feet is required, per Schedule 151.1005 (2) of the Montgomery Zoning Code, and as described in the City of Montgomery Staff Report, dated February 21, 2025.

This approval is in accordance with the site plans dated December 12, 2024.

This approval is justified by criteria # 1, 3, 4, 5, 6, 7, 8, 9 & 10, as outlined in Montgomery Codified Ordinance Chapter 150.2010 (d) for granting variances.

Mr. White seconded the motion.

The roll was called and showed the following vote:

AYE:	***Mr. Berliant, Mr. Molloy, Mr. Uckotter, Mr. Roth, Mr. White, Chairman Byrnes***	***(6)***
NAY:		***(0)***
ABSENT:	***Ms. Stewart***	***(1)***
ABSTAINED:		***(0)***

This motion is approved.

Adjournment

Mr. White moved to close the business session.
Mr. Uckotter seconded the motion.
The business session adjourned at 7:25p.m.

Chairman Byrnes opened the public hearing at 7:25p.m.

Mr. Berliant asked about a quicker procedure (to avoid a hearing) for applications where Staff was unanimously in support of the application, and the Board had no objections or questions. There was more discussion, and the ultimate answer was that there was not a method to do so.

New Business (2)

A request for a variance from Classic Living Homes LLC, for the property located at 9500 Todd Drive, Montgomery, OH 45242, to allow for construction of a new single family home to have a side yard setback of 11.04 feet, where 15 feet is required, per Schedule 151.1005 of the Montgomery Zoning Code; and also for a variance to allow a front yard setback of 20.62 feet, where 50 feet is required, per Schedule 151.1005 of the Montgomery Zoning Code.

Staff Report

For the record, Mr. Chesar presented the Chairman with the entire meeting packet (as an exhibit) which had also previously been given to all Board members. He reviewed the Staff Report dated February 25, 2025, "Application for Variance: 9500 Todd Drive".

He showed drawings on the wide screen for all to see, to provide more understanding of the Staff Report.

Mr. Chesar asked the Board if there were any questions.

Mr. Molloy asked if other house designs had been evaluated, with reference to the minimum variance request. Mr. Chesar deferred this to the applicant. Staff noted that he had talked about a 2-car garage, versus a 3-car garage, which could impact the width of the house, specifically along Remington Drive, and the front yard setback along Todd Drive.

Mr. White asked about the current size of the footprint, and their proposed size. Staff defined livable area versus footprint. He stated that the total footprint of the current structure (which includes the garage) was 1,488 square feet; the proposed footprint of the structure was 3,411square feet. Mr. White was concerned with that large of an increase.

Mr. Molloy asked if this proposed application met the guidelines regarding impervious surface. Mr. Chesar stated that would relate to the front yard. He noted that in the original proposal, the driveway was adjusted further north, as it is required to be set back 50 feet from Remington

Road. The impervious surface in the front yard must not exceed 35% of the pavement; this application does not exceed that.

There were no more questions from the Board.

Chairman Byrnes asked if the applicant wished to speak.

Bernie Kurlemann, Classic Living Homes, LLC, 9383 Main Street, Montgomery, Ohio 45242 stated that when they looked at this, they wanted to meet the market demand and the price point that new homes were in Montgomery, as well as the requirements of the Zoning Code. They felt that this home might fit the needs of an empty nester, or a family with children. He stated that their plan was an improvement to the front yard setback, compared to what was there before, and also further back, and in conformance; noting that the house to their right was not. He stated that the house across the street was also in nonconformance. To the applicant, it made more sense to have the driveway come to the front of the home, instead of having the driveway coming off of Remington, where there was more traffic.

Mr. Kurlemann pointed out the challenges they had with the depth of the land. He stated that they looked at several different designs, but they didn't work. He asked if Staff had a design, they would like to see it. He stated that the size of their proposed home was similar to many of the lots being built in Montgomery, with the setback of 20.6 feet, plus the distance to the street (about 35 feet from the pavement of Todd to the house). He compared this 35 foot distance with some of the homes in the Vintage Club.

He described the rooms and their sizes to the Commission, and how they organized the rooms in the home, to fit the lot. They felt that the lot size and house on the corner of Ross and Campus was similar to theirs, with a 19 or 20 foot variance. He stated that this home could price up to $2 million, based on the cost to build it. He stated that these room sizes were a little less than what most of the homes were providing, due to the challenges of the lot size. He didn't think that a 3-car garage made that big of a difference.

Mr. Kurlemann asked for any questions from the Board.

Mr. Uckotter was aware that all of Classic Living's homes were unique. He asked if this was also a unique plan. Mr. Kurlemann stated that he has been in business for 35 years and has never built the same house twice – over 500 homes. Mr. Uckotter asked about a 2-car garage, and suggested moving it back to the east side, so that the yard was flush, all the way across.

Mr. Kurlemann wouldn't rule that out, he would need to look at it, because it may not flow well inside. He stated that they had not looked at it that way. He felt that they were very good at creating good floor plans and good-looking homes. He felt they were doing the best they could with what they had, to have a marketable plan with rooms sizes appropriate and necessary, for something of this scope.

Mr. Berliant asked if they had an approximate price range they would ask for this home. Mr. Kurlemann stated that it would be at least $1.5 million. He noted that nearby homes were worth much more than that.

Mr. Uckotter asked if this was a market home. Mr. Kurlemann stated that this was a floor plan that they would market, if approved by the Board. They did not have a buyer. He stated that there are so many people who want to live in Montgomery, and there was no place to build. The entire quarter from Hyde Park through Kenwood, Montgomery, and Indian Hill – was a very desirable area for professionals and people who want to live in good school systems and have the amenities that the communities offer. He stated that this could end up being a ranch, but the footprint wouldn't change. He explained the relation of size to price.

Mr. Berliant asked if there were any other contingencies, other than this variance, to delay Mr. Kurlemann from closing on this purchase. Mr. Kurlemann did not think so. It was about getting a house on this lot that was marketable.

There were no more questions for the applicant, from the Board.

Chairman Byrnes asked if any guests or residents had comments, noting that they needed to keep their comments to 3 minutes or less.

Shawn Reinhart, 9606 Todd Drive, Montgomery, Ohio 45242 was against this variance for several reasons: 1) drainage/water flow issues and 2) line of sight from Remington and Todd. He did not feel this was a fair comparison to the Campus /Ross lot, as that was a 4-way stop, with sidewalks on both of those roads. He pointed out that Todd Drive had no sidewalk, so everyone had to walk in the road, in all weather conditions. If you lose that line of sight from Remington -- with no stop sign, you would not be able to easily see pedestrians.

Mr. Reinhart felt this lot seemed to be a relative high point, for the block. Most water flows back to Ross, and down Todd Drive, and most lots around there already have water/drainage issues. Losing that green space by granting this variance will increase the flow of water to everybody around that lot.

Mr. Reinhart felt that this proposed home would look out of place in the neighborhood; and it would set precedence for other corner lots. He felt that just because other people were buying $1.5 million homes, it didn't mean that had to go on this lot.

Mr. Chesar felt that the developer could address the drainage issue. He stated that based on the flow of the lot, the developer should be able to contain all of the drainage of the proposed structure, via the gutters which would go underground into the storm drain along Remington Road. He stated that because many of the homes in Montgomery were built from the 1950s to the 70s, there were drainage issues, because this was before detention engineering went into neighborhood or regional drainage systems. Overall, this has been a known challenge with many lots in Montgomery. Now, engineering always reviews intent is that a proposed structure will not create any more adverse water impact for anyone else.

Chairman Byrnes asked Mr. Kurlemann to speak about this. Mr. Kurlemann stated that this is a relatively flat lot, and because the proposed house footprint is taking up so much more of the property than the current home, all of the water that hits the roof will go in the gutters, into the underground pipes, to the storm drain to Remington Road. Actually the water that comes off of the yard will be less than there is now, because you will be capturing so much more water via the roof/gutter system.

Mr. Kurlemann explained that the drainage issues in Montgomery in dealing with new construction was because you were not allowed to have the house be any more than 1 foot higher than the existing home. If there is a foundation in the ground from the previous house, you take it out, and put a new house in, the new foundation is only permitted to be one foot higher. For example, on Radabaugh, all of those older homes were really close to the level of the street, and if you build new homes, you can't get the water off of them because you are unable to raise the house up a bit more, to create swales and direct the water into the street.

Regarding the sight issue, Mr. Kurlemann stated that was the reason to place the house back. They requested to maintain the current front yard on Remington, which is closer than this house. You want to maintain the sight line, and you also want to have landscaping to screen out the house from the road – which can potentially hurt the sight line. There is a bit of a trade-off.

Mr. Molloy noted that the Remington/Todd corner of this proposed home was only 1 ½ story height, because there was nothing built over the garage. Mr. Kurlemann confirmed.

Michelle Brooker, 9633 Todd Drive, Montgomery, Ohio 45242 stated that she has lived here for 32 years. She did not agree with this variance. She stated that other builders in the area, namely Ireland May, have built with a shotgun approach for a home, and they also had a driveway right next to the home. She pointed out examples of this on Remington Road.

Ms. Brooker was also concerned with the height of the existing home, she felt that they were getting higher, and less charming. She did not feel that it fit with the character of the neighborhood – the gutter lines did not line up with any of the other ones. She suggested some adjustments be made, closer to the Ireland May homes.

Mr. Molloy asked if they were proposing within the height limit. Mr. Chesar confirmed, noting that it was under the 35-foot height limit.

Jim Brooker, 9633 Todd Drive, Montgomery, Ohio 45242 recalled that Staff comments stated that the front entry request was excessive. Mr. Brooker pointed out that the revised drawings actually increased the frontage by almost 2 feet. They cut it down on the length of the lot, but added to the front – he did not understand that. Mr. Chesar explained that they were increasing the setback, which was better.

Mr. Brooker liked the historic aspect of Montgomery, pointing out that this proposed home sits right across from a Landmark home. He liked the looks of the proposed home, but felt that it

looked too big. He asked if there could be some more historic aspects put into it, to make it look more interesting.

Brian Frederiksen, 7767 Remington Road, Montgomery, Ohio 45242 stated that his home was built in 1905, and he bought it in 1998. He has had several renovations on the house, and kept the front looking like a 1910 home. They have done 2 major remodels, and did not ask for a variance, and kept within the 15 foot side yard setback. He understood it was a long, skinny lot, and understood that the side yard set backs were there for a reason, and it is the neighborly thing to do. They kept the charm of the house, and built on. He was not in favor of this variance.

Stacey Bie, 7720 Remington Road, Montgomery, Ohio 45242 stated that she lived across the street. She understood there was a need for some variance, but she did not believe that every house in the neighborhood had to be a $1 to $2 million home. There are people who very much want to live in Montgomery, and don't want to spend that much. She felt that building a house that fit a little bit more within the confines of that lot, that didn't cost millions, was okay with her. She felt that the design could be revised to fit better on the lot and would allow someone to move into the neighborhood that otherwise could not afford to.

Ms. Bie introduced Kyle Horton, a water expert, in her opinion.

Kyle Horton, 4103 Allendale Drive, Montgomery, Ohio 45209 stated that he has done work for many residents of Montgomery, along Ross and Remington, and has done work for Ireland May. He has seen a lot of the water flow in the community coming from Swaim Fields, down toward the elementary school, beyond Ross Avenue. He has put in a lot of drain tile, after homes have been built. His opinion is that for homes that are built, there needs to be a plan to shoot the water in directions towards the drainage or swale, not into neighbors' yards, so that everything goes downhill. He asked that some sort of drainage be used, for this new home, to shoot everything towards Remington Road, so that it does not intrude into Ms. Thibodeaux's backyard any more than it already does. He stated that it is a big problem for her, and many other people here. He noted that she has photos of the water coming across Todd.

Mr. Molloy asked for clarification, if the water was coming from across the street, on Todd. Mr. Horton stated that as a landscaper for many clients on Ross, Remington and Zig Zag, he likes to come back and check on his jobs afterward, especially during storm events. He has seen a lot of water coming west to east, from Swaim Fields down to Ross Avenue. He has seen the clogged drains and more.

Mr. Berliant asked if he thought this variance would create an additional problem. Mr. Horton wanted to keep his comments related to Theresa Thibodeaux's property, on the north side of this proposed home. If this house is built, Mr. Horton asked that the builder do as much as he possibly can to not let water from his property and/or from Todd Drive, go through this property and into the neighbor's yard, because it all goes downward toward Ross Avenue.

Teresa Thibodeaux, 7760 Remington Road, Montgomery, Ohio 45242 stated that she has lived in Montgomery for nearly 50 years, attending elementary school through high school.

She lives next door to 9500 Todd Drive. She is not in favor of this variance, as she felt the code should be enforced. She has many photos of the runoff that has existed since 2005. She showed pictures from March 14, 2019 displaying the results of heavy downpours coming across Todd and comes fully into her yard. The downpour comes between 9555 and 9600 Todd, which are relatively new builds – one in 2008, the other in 2005. To the other side of her, at 7776 Remington Road, their house is built up higher than hers, and she gets their runoff. All of the new house builds had problems with water runoff. She was also sure that many of her neighbors had the same drainage issues, and felt that this needed to be addressed, either by zoning or by the City. They need to preserve the older homes, as well as the new ones.

Ms. Thibodeaux requested, if the new build goes in next door, that it be smaller and more quaint, something that fit into the community, especially a historic street like Remington Road. She wanted to keep the charm going in this City. She was not in favor of huge builds, noting that you can still build a beautiful home and not have to pay a million dollars to live in Montgomery. She also requested that 3 catch basins to be installed inside the property line at 9500 Todd – in the front, the middle and the back of the side yard, to catch all of the water runoff.

Mr. Kurlemann stated that pretty much every home they build in Montgomery, already has drainage issues. Generally, they are corrected or improved with new construction. The problem with drainage has nothing to do with building a new home. Building a new house gives you the ability to control and do what needs to be done to improve the drainage situation. You cannot make water go uphill, so if there is some kind of fall in the yard going in a certain direction, you can't get the water to go the other way, unless you put a giant pump in. There are many ways to control and detain water. He stated that he is a Civil Engineer, and has built many structures all over the country, and is very familiar with these issues. He stated that they will make sure that, along with the City of Montgomery, they will analyze how to improve the situation. He stated that drainage would not be an issue with this new build.

Chairman Byrnes asked Ms. Thibodeaux if the water that is affecting her, is coming across the road. Mr. Thibodeaux confirmed, noting that it comes from the big blue house on Zig Zag, onto Todd, and into her backyard. The "river runs through it", and into her neighbor's yard, and now into Ross. Chairman Byrnes asked if the City was aware of this. She did not feel that this application would be the answer to Ms. Thibodeaux's situation. Mr. Chesar stated that the City was aware of drainage issues coming across Ross based on recent community input.

Mr. Berliant asked Ms. Thibodeaux if she was advocating not building on this lot whatsoever. Ms. Thibodeaux stated that was not what she was advocating. She felt the structure was too large for that small of a lot. She asked them to keep the beauty that Ireland May has done.

Chairman Byrnes stated that this Board cannot deliberate on aesthetics, however, she understood Ms. Thibodeaux's point of view.

Laura Nocito, 7413 Baywind Drive, Montgomery, Ohio 45242 stated that she grew up here, and her parents still live in Montgomery. She stated that her parents had submitted a letter regarding this application, expressing their strong disapproval of this process. From their perspective, she wanted to express their water issues. They had lived on Todd for 10 years, with

no water issues; then when it became the tear-down district and all of the builders came in, that is when they started having water issues. The City has been out there, admitting that it was due to the construction, but there is no recourse. They are just financially on the line for what is now happening on their property, even though it is due to runoff from other properties. She states this as evidence, that a number of builders have not addressed water issues properly because, prior to that, there were no water issues. Her parents have had up to 2 feet of water coming up to their front door. They have grates on their sidewalk. It is hard for people to believe that this builder will do something different than anybody else has.

Ms. Nocito wanted to address the statement made earlier tonight that the current house would negatively impact the salability of the property. She stated that her parents receive letters regularly from people prospecting their home. Within the past six months, they have specifically have had a single female looking for a ranch house in Montgomery that she could update. Ms. Nocito believed the current home was very sellable, as is. She felt that it could be updated. Tearing it down and putting a monster house there was not the only option to sell a house in Montgomery. Ms. Nocito noted that as a resident who is raising children, she felt it was very important to have varying price points; these are getting harder and harder to find. She believed that a diverse community brings a lot of value to their neighborhood and City.

Melissa Frederiksen, 7767 Remington Road, Montgomery, Ohio 45242 stated that as a resident, she felt that the setbacks provided green space, privacy for neighbors, more light, and more landscaping. As a registered professional engineer in Civil Engineering, Ms. Frederiksen stated that, from the drawings, she could see that the drainage will present a problem. On the wide screen, she talked to the drawing showing elevations, and explained her thoughts on the problem. Ms. Frederiksen was not in favor of any construction on this lot, or any of the variances.

Don K. Rehse, 7769 Remington Road, Montgomery, Ohio 45242 stated that he lived in a home diagonal to this proposed monster home. He was strongly against this variance because it would affect the character of the neighborhood and also the drainage. He believed that it is inevitable that Ms. Thibodeaux will be flooded out even more, if this is approved. Most of the houses developed in this neighborhood in the last 20 years have presented flooding problems. He showed pictures of his backyard to the Board. Last Friday night, there was a huge piece of standing water in his backyard. When Ireland May built the home next to him at 7781 Remington, they trucked in many loads of fill, and raised the level of the house. They made the front yard slope at a 30 degree angle, and it is now almost impossible to cut the grass on that side of his house, due to the water issue. It doesn't get in his basement, but it is standing in his yard every time there is a torrential rain. He felt this was all caused by the new developments and he wanted to put a stop to it. If for some reason, this Board agrees to grant these variances, the least you could do is to make sure they put in 3 catch basins, and scale it down.

Matthew Rumely, 7784 Remington Road, Montgomery, Ohio 45242 stated that he lived 2 doors down from the proposed property. His home was built in 1926 (almost 100 years old), and they have made a significant amount of renovations in an odd shaped lot, and were able to stay within the setbacks. He recalled a builder suggesting that it might be easier to demolish the

home, and rebuild. Mr. Rumely agreed with Ms. Nocito that the notion about the current house not being marketable, was not true. He cited several examples of homes. He did not agree with Staff's comments, referring to item 2 on page 3 of the Staff Report. The builder does not own the building right now, even though the agenda says that he is the owner. The owner would have a substantial return on their investment, even selling it as is, or if they put on an addition. Mr. Rumely was opposed to granting the variances.

Tom Griga, 7776 Remington Road, Montgomery, Ohio 45242 stated that he and his wife live 2 houses away from this proposed home, and have lived there since 2009. He stated that there is a huge slope in the current yard, which he pointed out on the wide screen, noting that it was about 15 to 20 feet wide, and was torrential. Saying that the yard does not slope, is completely untrue. The water goes through all of the yards. Mr. Griga stated that when they built their new home in 2008, there was an underground aquafer that is naturally occurring right through the slope of those yards. If a house of that size would be built, it would probably alter the aquafer, and then probably disperse all of the ground water underneath, and who knows where it would go. At least right now, we know where it is. It is thankfully very deep, and it is controlled. He was against this variance also because of putting the garage on the Remington side, where everyone on the Remington side would see it. He stated that you cannot hide it with any type of landscaping – 6 foot conifers in front of it? He felt that they would destroy 3-4 pine trees that are 30 to 40 feet tall, not to mention the 200 year-old oak tree, on the north side of that corner lot. That would totally destroy the look and feel of what that neighborhood is. He was not in favor of these variances and suggested they build a different type of house. Coming to you and saying that they just want to build a million dollar house just because that is what they can push through, is simply the wrong thing to do.

Patrick Thibodeaux, 407 Race Street, #407, Cincinnati, OH 45202 stated that he was Teresa Thibodeaux's son, and grew up in the house next door to this proposed home. He felt that it was surreal that a home could now sell for a million dollars in his old neighborhood. He is in favor of development, but is opposed to granting this variance. His primary concern was that, at the closest point, the home would be 11 feet from his mother's property line. If she wished to sell her home, would a simple 11 foot variance be the expectation for her new plan. Is that something that this Board wants to do, is there a precedent for it, can you guarantee in writing that such courtesy would be extended to her? He and his mother felt that this, materially and adversely, affects the valuation of her property. He asked if the City could seriously address these water issues, citing that it has been more than evidenced by many of the neighbors today.

Mr. Thibodeaux also pointed out that as a soon-to-be-wed 32 year old, he found it very challenging to find a home to buy in Montgomery. To the extent that we keep with the rules, and don't grant social privileges to folks that want it - at the expense of long-term community members, he was opposed to this variance.

John Wood, 9555 Todd Drive, Montgomery, Ohio 45242 lives right across the street from the proposed home. He did not have an issue with looking at garage doors; he already does now. He agreed with all of the above mentioned points from residents. He stated that he did a tear-down in 2008, and his home is the other half property causing "the water runs through it". His

concern is that everyone has worked really hard to make the homes fit. On this street, there are no variances; there are 3 new builds, all kept within the rules. They respect their side yard setbacks.
He believed that his street was unique and beautiful. He questioned the size of this home; it felt egregious to him. He pointed out that the precedents that were mentioned worked on those streets, but would not work on his.

Mr. Wood submitted and read a letter from another neighbor: Callie Currin and Bill Carroll, 7765 Remington Road, Cincinnati, OH 45242, noting their opposition to the variance. They felt that granting these variances would have negative consequences for the community and integrity of the area.

Mr. Kurlemann asked to speak one last time. With regard to the existing house, and the idea that you could sell it, he stated that the home had serious foundation issues. Under the zoning code, adding to the current home was not permitted. Regarding drainage issues, he stated that every one of the new builders submitted site plans to Montgomery, and the Montgomery staff approved them. He agreed that the builders carried some of the responsibility, but when you don't have a place to accept drainage because it isn't in the infrastructure, it is hard to find places to put the water. This is a problem for builders, and Montgomery, and the people in the neighborhood. He believed that something better on this site would be better than what is there now.

Mr. Kurlemann felt that the likely circumstances of this particular application would not be approved, exactly the way it was. He was open to feedback from the Board on what would be acceptable. He explained his point of view on what could be built on this lot, and the costs. He recommended that the Board approve this.

There were no more questions or comments from the guests or residents.

Adjournment
Mr. White moved to close the public hearing.
Mr. Uckotter seconded the motion.
The public hearing adjourned at 8:45p.m.

Chairman Byrnes called for a 5-minute break for all. All members agreed.

Chairman Byrnes opened the business session at 8:53p.m.

Business Session (2)
A request for a variance from Classic Living Homes LLC, for the property located at 9500 Todd Drive, Montgomery, Ohio 45242, to allow for construction of a new single family home to have a side yard setback of 11.04 feet, where 15 feet is required, per Schedule 151.1005 of the Montgomery Zoning Code; and also for a variance to allow a front yard setback of 20.62 feet, where 50 feet is required, per Schedule 151.1005 of the Montgomery Zoning Code.

Chairman Byrnes asked for discussion from the Board. She started by saying that this Board can not address the style of a home; it is not our purview. We can only address the legality of the setbacks and any other Code requirements. She told all guests and residents that this Board can not discuss or deliberate on the way the house will look.

Chairman Byrnes agreed and understood that the water issues are a problem in Montgomery. She was unsure of how that would be resolved. She has seen it all over the City. She asked Staff how we would deal with it, if this building did make the drainage issues worse.

Mr. Molloy pointed out items that this Board does not deal with: aesthetics, drainage, and the cost of the home. He noted that they deal with setbacks, and precedents that have been set; if we are creating an injustice to not agree with a certain amount of setbacks, when other people have been approved for the same setbacks. He pointed out that we also do not want to set a precedent, so that in the future, someone could say, you did it for them, you have to do it for me. He noted that this Board needs to have a legal basis to approve or deny these items.

Mr. White agreed, especially with the precedents, noting that we have set a lot of them in this area. A few examples were cited, and there was much discussion.

Chairman Byrnes asked if we could require the extra drainage. Mr. Chesar stated that this Board can place a condition that it be strongly examined by the Engineering Department to see if some type of drainage solution could be put in place to address their issues but solving purported regional drainage issues is not the responsibility of this property.

Mr. Uckotter referred to items that he was concerned with:

On page 3 of the Staff Report, item 3) Is the variance substantial? Is it the minimum necessary? Mr. Uckotter felt that a substantial variance would be required to build on this lot. He did not believe that this application provided the minimum necessary. He believed a 2-car garage was enough, and a 3-car garage was not absolutely necessary.

On page 4 of the Staff Report, item 4) Will the character of the neighborhood be substantially altered? Mr. Uckotter believed it would be. He believed that the proposed setback was a little too much. With the setback proposed, the house will protrude; there is no avoiding that. Too much house for too little lot.

On page 5 of the Staff Report, item 10) Would granting the variance confer on the applicant any special privilege that is denied to other properties in this district? Mr. Uckotter believed that in this case, it was different than the other property listed as precedent. This is actually a larger lot, even though it has minimal building space, it is a lot more than the one down on Campus and Todd.

Mr. Roth wanted to piggyback on Mr. Uckotter's thoughts. Mr. Roth felt that this situation was not unique. He stated that he drives past at least a half dozen homes on corner lots that would not pass building code today. He felt that we would be setting precedent, for the future, in other

neighborhoods, and he did not want to continue this situation. Mr. Molloy noted that a variance *would be required* for this application. Mr. Roth agreed, but just not so substantial.

Mr. Molloy agreed with Mr. Uckotter and Mr. Roth. When he first looked at the request, he felt it was excessive; however he admitted that this Board set a precedent, referring to the house on the corner. However with past precedent already set (specifically 7790 Campus Lane) , he did not feel that we could deny this request.

Chairman Byrnes asked for Staff's input on the comparison of those two lots. Mr. Chesar showed the lots on the wide screen. The home is actually setback 23.8 foot from Campus Lane, and the variance was allowed for 19.4 feet where 50 feet was required. There was a 10-foot side yard setback was permitted, where 15 feet was required. The lot was approximately 11,076 square feet, which is smaller than the lot on Ross. It was also a legal, non-conforming. The house was 1459 square feet of living space, with 2-car attached garage area.

If this is approved, Mr. White asked if it would be a legal, non-conforming home. Mr. Chesar stated that if you approve the variance, it runs with the land. It would then be considered legal, from a variance perspective. The house, as it exists now, on Todd is legal, non-conforming because it doesn't meet the current setbacks.

Mr. Uckotter did not feel it was the same because each case was unique, and these are different lots. He felt there were different circumstances for each. On the Campus /Todd variance, he stated that even though the owner came back with a larger house, they brought more into compliance, than it was before. We actually improved the compliance. As far as thinking that the current application needed to follow precedent, he did not agree that it applied.

There were outspoken comments from guests and residents, however, the Board determined that they did not need to hear any more from them.

Mr. Berliant felt that generally speaking, if a larger home was built in a neighborhood, it was welcome because it would raise the value of the other homes. Mr. White had no issue with the size of the home. Chairman Byrnes understood that the market was driving this. As long as there are willing buyers, they will continue to buy. She also understood that this would alter the character of the neighborhood.

Chairman Byrnes recommended that Mr. Kurlemann consider some alterations with the garage. Mr. Kurlemann asked what would be appropriate. Mr. Chesar pointed out that if the site plan was altered, Mr. Kurlemann would need to come back before the Board with a revised plan, for the Board to vote on.

Mr. Chesar asked for the Board's discussion now, as to what would be acceptable, so that the applicant had sufficient feedback to make revisions.

Mr. Molloy stated that there have been a number of discussions and variance requests for houses along Cooper Road. Narrow plots and smaller lots. His personal opinion was that, if the

variance did not exceed 50% of the requirement, it would be appropriate, because of the practical difficulties. So, instead of a 50 foot front yard setback, it would be 25 feet. For the side yard, it would be a 5 foot setback, instead of 10 feet. Mr. Uckotter asked if someone was looking for a number, he felt that a 25 foot setback would be fair.

From a staff perspective, Mr. Chesar wanted to confirm that a possible suggestion that 50% of a variance would be appropriate.

Residents from the crowd continued to speak consecutively outside of the public hearing, which was not readily distinguishable/audible for staff to hear concerning variance appropriateness. The Board indicated it is discussing information to this builder; and that it is ultimately it's role is to either – 1) table, or 2) approve it, yes or no. Mr. Molloy agreed.

Mr. Chesar stated that the applicant had the right to request that this application be tabled and then come back with a revised plan. Or the Board can move forward and approve or deny.

Mr. Berliant asked the applicant if this was to be tabled, would the time factor make any difference in the acquisition of the property. Mr. Kurlemann stated that it would not; he felt that they could probably work something out.

Mr. Kurlemann pointed out that there were right-of-ways that were closer and some that were further away from the pavement. The one on Campus was actually much closer to the pavement than what his application proposed because the right-of way was much closer to the pavement. Not all streets are the same width, and not all right-of-ways are the same. He suggested that the Board consider how far away the house was from the street, because if the right-of-way line and the property line sits 15 to 20 feet off of the street, then you are 65 to 70 feet from the pavement.

There was discussion among the Board about the voting process and how to move forward now.

There were questions from the guests and residents regarding process, as well. Mr. Chesar stated that, 14 days in advance of the meeting, the City notifies all property owners who live within a 300 foot radius of the applicant's address. This is also published in the Enquirer, 14 days in advance of the meeting. This is also listed on the Montgomery website.

Mr. Chesar emphasized to all that the Boars of Zoning Appeals is a quasi-judicial Board; if you have been to other meetings that involve the City, they are not as formalized as the Board of Zoning Appeals, i.e., this Board has a public hearing. Everything presented and entered in, becomes evidence. However, the public hearing has closed and as such the audience is not entitled to continuously talk outside of the public hearing unless the Board is willing to let additional comments. To that end, they can ask clarifying questions to the applicant.

He further stated that anyone with standing can appeal this decision to court, and the court will take a look at past precedent that has been established. Code regulations are the minimum required. Any variance or deviation from them do figure into the decision- making process. The

intent is to hold to that precedent as closely as possible, because if it is challenged for whatever reason, you can say that the circumstances are similar. He gave examples.

Chairman Byrnes asked if the applicant wished to withdraw or table this application, and revise the plan. Mr. Kurlemann requested to withdraw his application.

Mr. Chesar stated that if Mr. Kurlemann chooses to submit a new plan, every property owner within a 300 mile radius of the applicant's proposed home will be mailed a notice. If any of these residents wish to get more information, please contact the City, and we will email you the revised plan, or you can come in and look at it, and we will discuss it with you. This is all public record.

Adjournment

Mr. White moved to close the business session.
Ms. Stewart seconded the motion.
The business session adjourned at 9:35p.m.

Chairman Byrnes opened the public hearing at 9:35p.m.

Other Business

Several of the members were not comfortable with this meeting and the lack of decorum of the audience. There was discussion. It was noted that training is slated for a future meeting with Terry Donnellon, the City Law Director.

Minutes

Mr. Berliant moved to approve the minutes of January 28, 2025, as written.
Mr. Uckotter seconded the motion.
The Board unanimously approved the minutes.

Adjournment

Mr. Uckotter moved to adjourn. Mr. Roth seconded the motion.
The meeting adjourned at 9:40p.m.

_____ _____

Karen Bouldin, Secretary Mary Jo Byrnes, Chairman Date

/ksb