

Board of Zoning Appeals Agenda
August 24, 2021
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

Larry and Ellen Faist, 8130 Hopewell Road, are requesting a variance to allow an addition to have a front yard setback 44.5' at the nearest point to the setback line where Schedule 151.1005 of the Montgomery Zoning Code requires a minimum front yard setback of 50' in the 'A' District.

Agenda Item 2

Mosteller Investments, LLC, applicant for 9305 Montgomery Road, is requesting variances to allow for a multi-tenant ground sign to be 10' in height and approximately 44.6 square feet in size. The sign would serve the properties at 9305 and 9309 Montgomery Road. Section 151.3012(a)(1) and (2) of the Montgomery Zoning Code states that externally illuminated signs shall not exceed 36 square feet in size and shall not exceed 5' in height.

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

CITY OF MONTGOMERY BOARD OF ZONING APPEALS

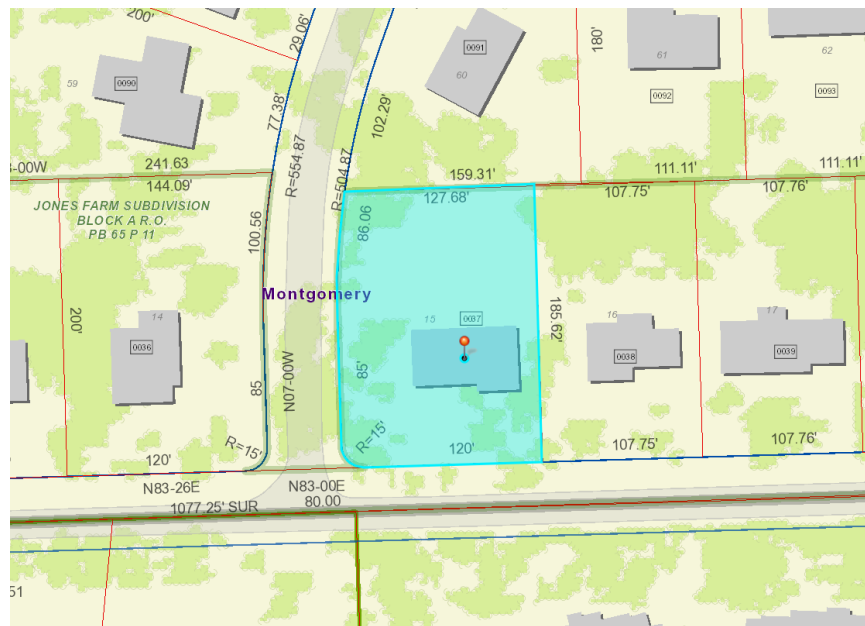
Application for Variance: Larry and Ellen Faist

August 24, 2021
Staff Report

Applicant: Larry and Ellen Faist
8130 Hopewell Road
Montgomery, OH 45242

Property Owner: Same as above

Vicinity Map:



Nature of Request:

Applicants are requesting approval for an addition to have a front yard setback of 44.5' at the nearest point to the setback line where Schedule 151.1005 of the Montgomery Zoning Code requires a minimum front yard setback of 50' in the 'A' District'.

Zoning:

This property is zoned 'A' single family residential. Properties to the east, west and north are zoned 'A' single family residential and used for single family residences. Properties to the south are zoned D-2 and is the Twin Lake North Campus.

Findings:

1. The lot is approximately 24,393 square feet, which meets the minimum lot size of 20,000 square feet required in the 'A' district. The lot is located on the corner of Hopewell Road and Buxton Lane.
2. The house was built in 1955 and is 1,754 square feet in size with a partial basement. The house faces Hopewell Road and there is an existing two car side loading garage off of Buxton Lane.
3. Chapter 151.1005 requires principal buildings to be a minimum of 50 feet from the front property line in the 'A' zoning district and as this is a corner lot, the house would be required to meet the 50' front yard setback from both Hopewell Road and Buxton Lane.
4. The existing house is conforming on the Buxton Lane side with a current setback of 50.64'. The setback from Hopewell Road is legal non-conforming, as it is 49.78'.
5. The property owner is proposing a 1,000 square foot, single story addition on the northwest corner of the house. This will include an additional garage space, living area and bedroom suite.

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 home is legal non-conforming to the current 'A' zoning in the front yard setback along the south property line. While the lot does meet the minimum square footage, the building envelope is somewhat limited due to it being a corner lot. The area proposed for the new garage bay is over an existing slab and the applicant has stated that it would be more burdensome from a structural and cost perspective to encroach into the existing house. However, the area of the existing

slab does not meet the required depth for a vehicle and therefore, an extension into the front yard setback along Buxton Lane would be required.

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

Staff believes the property would yield a reasonable rate of return if the variance were not granted, as the existing house does have two enclosed garage spaces.

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

The variance from the required front yard setback is significant because the applicant is asking for a 11% reduction in the required front yard setback. However, the request is the minimum necessary to utilize the existing slab for an additional garage bay, as the applicant is seeking a garage depth of 10'2 ½". The remainder of the addition is proposed to be inline with the garage face.

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

Staff believes that the character of the neighborhood would not be substantially altered, as there is only one additional house along the Buxton Lane side of the block located at 10240 Buxton Lane. This neighboring house has a non-conforming front yard setback of 37.17' from Buxton Lane so the proposed addition would not look out of character.

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 owners were aware of the zoning restraint.

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

No special conditions exist as a result of the actions of the owner.

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

The applicant could choose to maintain the existing house; however, this would not meet the applicant's objective of providing additional parking and garage space as well as providing additional living space and utilizing the existing configuration of the floor plan and structural support. The applicant intends to use the existing slab for the garage addition, with the remainder of the addition being flush with the garage. Staff believes that the applicant has attempted to meet the setback as closely as possible, while working with an existing structure.

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

The spirit and intent of the front yard setback is to create a more uniform street wall within the neighborhoods. However, only two houses are located on the east side of Buxton Lane along this block. The proposed front yard setback would not appear out of place, as 10240 has a non-conforming setback of 37.17'.

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

The following front yard variances have been approved:

A front yard variance of 9.5' for a garage addition at 7600 Huckleberry Lane was approved in 2015. The original garage had been previously enclosed and the applicant's requested to add a two car addition.

A front yard variance of 3' was granted to 7900 Mitchell Farm Lane in 2017 for the construction of a new home.

A front yard variance of 5' was granted to 7910 Mitchell Farm Lane in 2009 for the construction of a new home; however, this variance has since expired as construction of the project did not begin within a year of granting the variance.

A front yard variance of 4.4' for a length of 34' was granted to 8675 Weller Road in May of 2011 for the construction of an attached garage.

In addition, several front-yard setback variances have been applied for the Ross, Todd, Campus area of the City, as shown below:

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

Staff Comments and Recommendations

Staff believes that the front yard variance may be justified by the configuration of the lot and by the fact that the adjacent house along Buxton Lane has a legal non-conforming setback. Staff is also of the opinion that the proposed addition would not have an impact on the street wall along Buxton Lane.

Granting the variance to allow the proposed house to encroach a maximum of 5.5 feet into the required front yard setback would be justified by criteria #1, 3, 4, 5, 7, 8, 9, and 10.



APPLICATION FORM

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

Project Address (Location): 8130 Hopewell Road

Project Name (if applicable): Faist addition

Auditors Parcel Number: 603-0009-0037-00

Gross Acres: 0.561 Lots/Units 15 Commercial Square Footage _____

Additional Information: _____

PROPERTY OWNER(S) Larry and Ellen Faist Contact Ellen Faist

Address 8130 Hopewell Road Phone: 412-576-7325

City Montgomery State OH Zip 45242

E-mail address Montgomery@faist.org

APPLICANT Heather Estridge, Architect Contact Heather Estridge

Address 3747 Eastern Ave Phone: 513-708-3533

City Cincinnati State OH Zip 45226

E-mail address HLEarchitect@gmail.com

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

Property Owner Signature

Larry Faist Ellen Faist _____ FOR DEPARTMENT USE
ONLY

Print Name

Larry Faist Ellen Faist

Date 08/04/2021

Meeting Date:	<u>8/24/21</u>
Total Fee:	<u>300.00</u>
Date Received:	<u>8/4/21</u>
Received By:	<u>Or</u>



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 8130 Hopewell Road, 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 Larry Faist Ellen Faist

Print Name Larry Faist Ellen Faist

Date 08/04/2021

Board of Zoning Appeals Members:

Mary Jo Byrnes

Tom Molloy

Bob Saul

Steve Uckotter

Richard White

Peter Fossett

Heather Estridge, Architect
3747 Eastern Ave
Cincinnati, OH 45226
513-708-3533
HLEarchitect@gmail.com

August 3, 2021

RE: 8130 Hopewell Zoning Relief Request

It is the desire of the Owners of 8130 Hopewell to add a 1000 sf, single story addition to their home. This addition will bring the existing home up to more current market standards and buyer expectations while also keeping with the mid-century style and scale of this and surrounding homes. The Owners plan to reside in the home.

The home sits at the northeast corner of Hopewell Road and Buxton Lane. Because this home is on a corner lot, the side facing Buxton Lane is also considered a front yard with a 50 feet setback requirement. A portion of the addition encroaches into the setback by as much as 5.38 feet.

This portion of the addition includes a garage bay for a 3rd car that is adjacent to the existing garage. It is over an existing slab which is not quite large enough for a car. It would be more burdensome from a structural and cost perspective to encroach into the existing residence rather than to extend toward the property to the west. We also believe that by adding some dimension to this side of the building, this portion of the addition adds more visual appeal to the West Elevation.

The owners are asking for zoning relief for the western, front yard setback of 5.38 feet. This will not give the Owners an advantage as the addition will still be within the existing, non-compliant front yard setback created by the adjacent property to the north at 10240 Buxton Lane as demonstrated by the Site Plan on Sheet G101. This is the minimum necessary.

There are no special circumstances or site conditions.

Granting the variance will not adversely affect the granting of government services.

The Owners understood that there could be a zoning restraint when the property was purchased.

Special conditions do not exist because of the actions of the Owner.

The Owners cannot be feasibly obviated through some other method.

SINGLE FAMILY ADDITION

8130 Hopewell Rd, Montgomery, OH

CODE INFORMATION

APPLICABLE CODES:
 CITY OF MONTGOMERY ZONING CODE
 2019 RESIDENTIAL CODE OF OHIO

ZONE DISTRICT:
 A RESIDENCY

THE PROJECT IS A SINGLE FAMILY RESIDENCE AND CONSISTS OF A BED, BATH, AND LIVING ROOM ADDITION

ABBREVIATIONS

AFY ABOVE FINISHED FLOOR
 AD AREA DRAIN
 AL ALUMINUM
 APPROX APPROXIMATE
 APT APARTMENT
 ARCH ARCHITECT, ARCHITECTURAL
 BD BOARD
 BLDG BUILDING
 BLKG BLOCKING
 BLKWD BLOCKWALL
 BM BEAM
 BOT or B/ BOTTOM BEARING
 BRG BRASS
 CAB CABINET
 C/C CERAMIC TILE
 C/J CONTROL JOINT
 CL CENTER LINE
 CLD CLOTHING
 CLOS CLOSET
 CMU CONCRETE MASONRY UNIT
 CO CLEANOUT
 COL COLUMN
 CONC CONCRETE
 CONSTR CONSTRUCTION
 CONT CONTINUOUS
 CPT CARPET
 CS CONCRETE SEALED
 CW COLD WATER
 DF DRINKING FOUNTAIN
 DS DOWNSPOUT
 DWG DRAWING
 EA EACH
 ELEV ELEVATION
 EQ EQUAL, EQUALLY
 EQP EQUIPMENT
 EXP EXPANSION
 EXST EXISTING
 EXTER EXTERIOR
 FACE OF
 FA FIRE ALARM
 FD FOUNDATION
 FE FIRE EXTINGUISHER
 FH FIRE HYDRANT
 FIN FINISH
 FLR FLOOR/FLOORING
 FLG FLASHING
 FLUO FLOOR/FLUORESCENT
 FR FRAME
 FRT FIRE RETARDANT TREATED
 FT FOOT/FEET
 FTG FOOTING
 GA GAUGE
 GALV GALVANIZED/-D
 GEN GENERAL
 GLASS GLASS
 GR GRADE/-ING
 GYPSUM GYPSUM WALLBOARD
 HB HOSE BIBB
 HOLLOW CORE HOLLOW CORE
 HWND HARDWOOD (DOOR)
 HWND HARDWARE
 HM HOLLOW METAL
 HORIZ HORIZONTAL/-LY
 HR HOUR
 HT HEIGHT
 HW HOT WATER
 IM INSULATED METAL (DOOR)
 IN INCH/-S
 INSUL INSULATION
 INT INTERIOR
 INV INVERT
 IPS INSIDE PIPE SIZE
 JOINT JOINT
 KD KNOCK-DOWN
 KIT KITCHEN
 LAN LAMINATE/-ION
 CONTR CONTRAST
 LABEL LABEL
 LBR LUMBER FOOT
 LLH LONG LEG HORIZONTAL
 LVT LANT VERTICAL
 LR LIVING ROOM
 LVA LAMINATED VENEER LUMBER
 LVR LUMBER
 MASONRY MASONRY OPENING
 MAS MASONRY
 MATL MATERIAL
 MBR MASTER BEDROOM
 MD MEDIUM DENSITY OVERLAY
 MECH MECHANICAL
 MFR MANUFACTURER
 MH MANHOLE
 MIN MINIMUM
 MISC MISCELLANEOUS
 MTD, MTO MOUNTED, MOUNTING
 METAL METAL
 NA or N/A NOT APPLICABLE
 NC NOT IN CONTRACT
 NO. or # NUMBER
 NOM NOMINAL
 NTS NOT TO SCALE
 O/D OUT TO OUT
 OC ON CENTER
 OD OUTSIDE DIAMETER
 OFF OFFICE
 OH OPPOSITE HAND
 OPNG OPENING
 OPP OPPOSITE
 PAR PARALLEL
 PERM PERFORATED/-ATIONS
 PERM PERIMETER
 PERP PERPENDICULAR
 PL PLATE w/ PROPERTY LINE
 PL-LAM PLASTIC LAMINATE
 PLBG PLUMBING
 PLTWD PLYWOOD
 PNL PANEL
 PSF POUNDS PER SQUARE FOOT
 PSI POUNDS PER SQUARE INCH
 PSL PARALLEL STRAND LUMBER
 PNT PAINT
 R RISE
 R/W RIGHT OF WAY
 RD ROOF DRAIN
 RENF REINFORCE, -D, -ING
 REQD REQUIRED
 RESL RESILIENT
 REV REVERSE, REVISION
 RFD ROOFING
 RM ROOM
 ROOF ROOF
 SA SUPPLY AIR
 SANITARY SANITARY
 SC SOLID CORE
 SD SMOKE DETECTOR
 SQ SQUARE FOOT
 SSG SLIDING GLASS DOOR
 SHT SHEET
 SIM SIMILAR
 SQ SQUARE
 ST STORY
 STC SOUND TRANSMISSION CLASS
 STL STEEL
 STRUC STRUCTURAL
 SUSP SUSPENDED
 TREAD TREAD
 TAB TOP AND BOTTOM
 TAB TONGUE AND GROOVE
 TYP TYPICAL
 TYP TYPICAL
 UNLESS NOTED OTHERWISE UNLESS NOTED OTHERWISE
 UR URINAL
 VET VENT
 VERT VERTICAL, -LY
 W/W WITHOUT
 WC WATER CLOSET
 WO WOOD
 WH WATER HEATER
 WT WEIGHT
 WFF WELDED WIRE FABRIC

INDEX OF DRAWINGS

SHEET NUMBER	SHEET NAME	ISSUE DATE	REVISION NUMBER	REVISION DATE
G000	COVER SHEET	08-01-2021		
G101	SITE PLAN	08-01-2021		
A101	FLOOR PLANS	08-01-2021		
A102	FLOOR PLANS	08-01-2021		
A201	EXTERIOR ELEVATIONS	08-01-2021		

OWNER

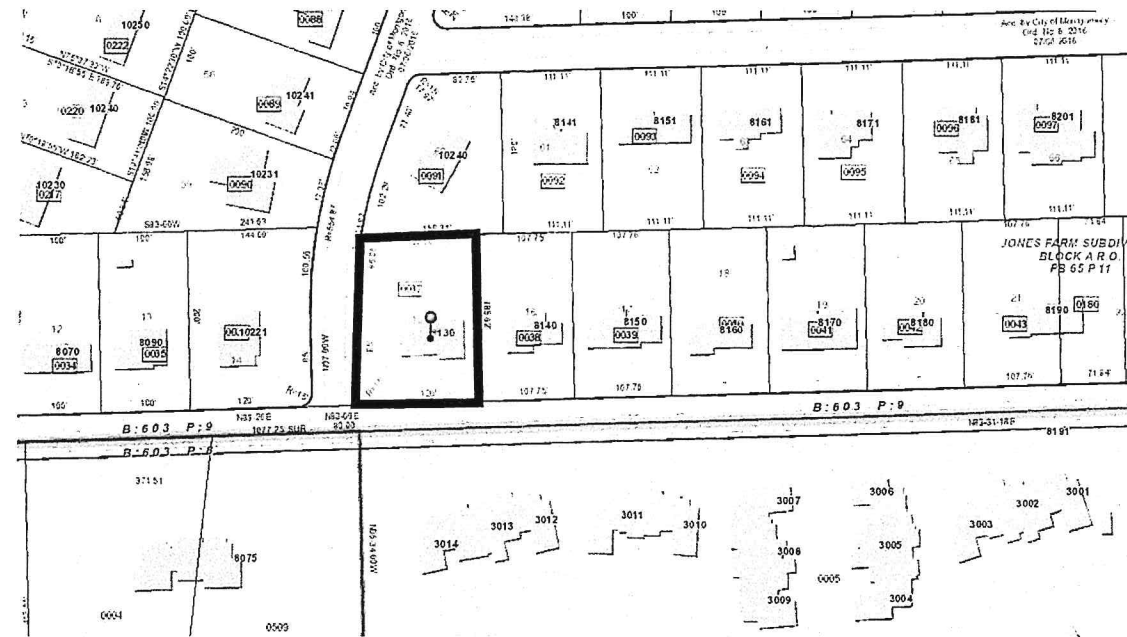
LARRY AND ELLEN FAIST
 8130 HOPEWELL RD
 MONTGOMERY, OH 45242
 PHONE: 412-576-7325
 E-MAIL: fairfield@faist.com

ARCHITECT

HEATHER ESTRIDGE, RA, NCARB
 3747 EASTERN AVE
 CINCINNATI, OH 45226
 PHONE: (513) 708-3533
 E-MAIL: HLEarchitect@gmail.com

STRUCTURAL ENGINEER

PINNACLE ENGINEERS
 TOM MOORE



SYMBOL LEGEND

TYPICAL FOR ARCHITECTURAL DRAWINGS ONLY

DOOR NUMBER	(XXX)	EXTERIOR ELEVATION TAG	(X/AXXX)	DETAIL NO.
WINDOW TAG	(X)	INTERIOR ELEVATION TAG	(-1/)	SHEET NO.
REVISION TAG	(A)	ENLARGED DETAIL MARK	(X/AXXX)	DETAIL NO.
UNIT TYPE	(XX)	SECTION MARK	(X/AXXX)	SHEET NO.
DRAWING NOTE	(XX)			
PARTITION TAG	(X)			
ACCESSORY TAG	(X)			
ELEVATION MARK	XX'-X" JST BRG			

MATERIAL LEGEND

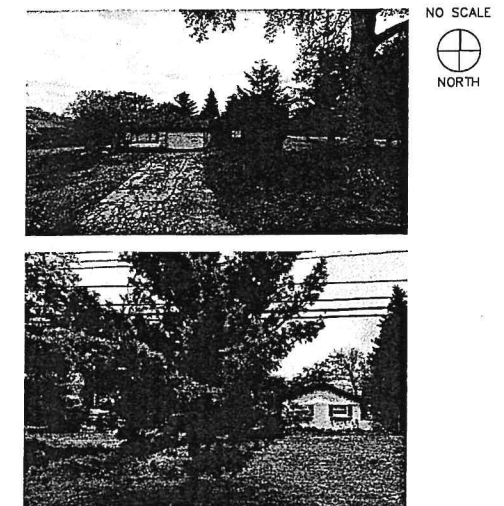
TYPICAL FOR ARCHITECTURAL DRAWINGS ONLY

BRICK	CONTINUOUS LUMBER
CONCRETE	INTERMITTENT BLOCKING
BATT INSULATION	EARTH
RIGID INSULATION	GRANULAR MATERIAL

GENERAL NOTES

- WORK TO BE DONE IN AN APPROVED WORKMANLIKE MANNER AND SHALL BE IN ACCORDANCE WITH GOVERNING CODES + REGULATORY AGENCIES.
- OWNER'S CONTRACTOR WILL OBTAIN PERMITS & COMPLY WITH REQUIREMENTS OF LICENSING AGENCIES.
- EGRESS DOORS SHALL BE READILY OPERABLE FROM THE SIDE FROM WHICH EGRESS IS TO BE MADE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT.
- FIRE RATED ASSEMBLIES SHALL BE PROTECTED FROM WEATHER DAMAGE.

VICINITY MAP



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HEATHER ESTRIDGE, LICENSE NO. 13059
 EXPIRES: 12/31/2021

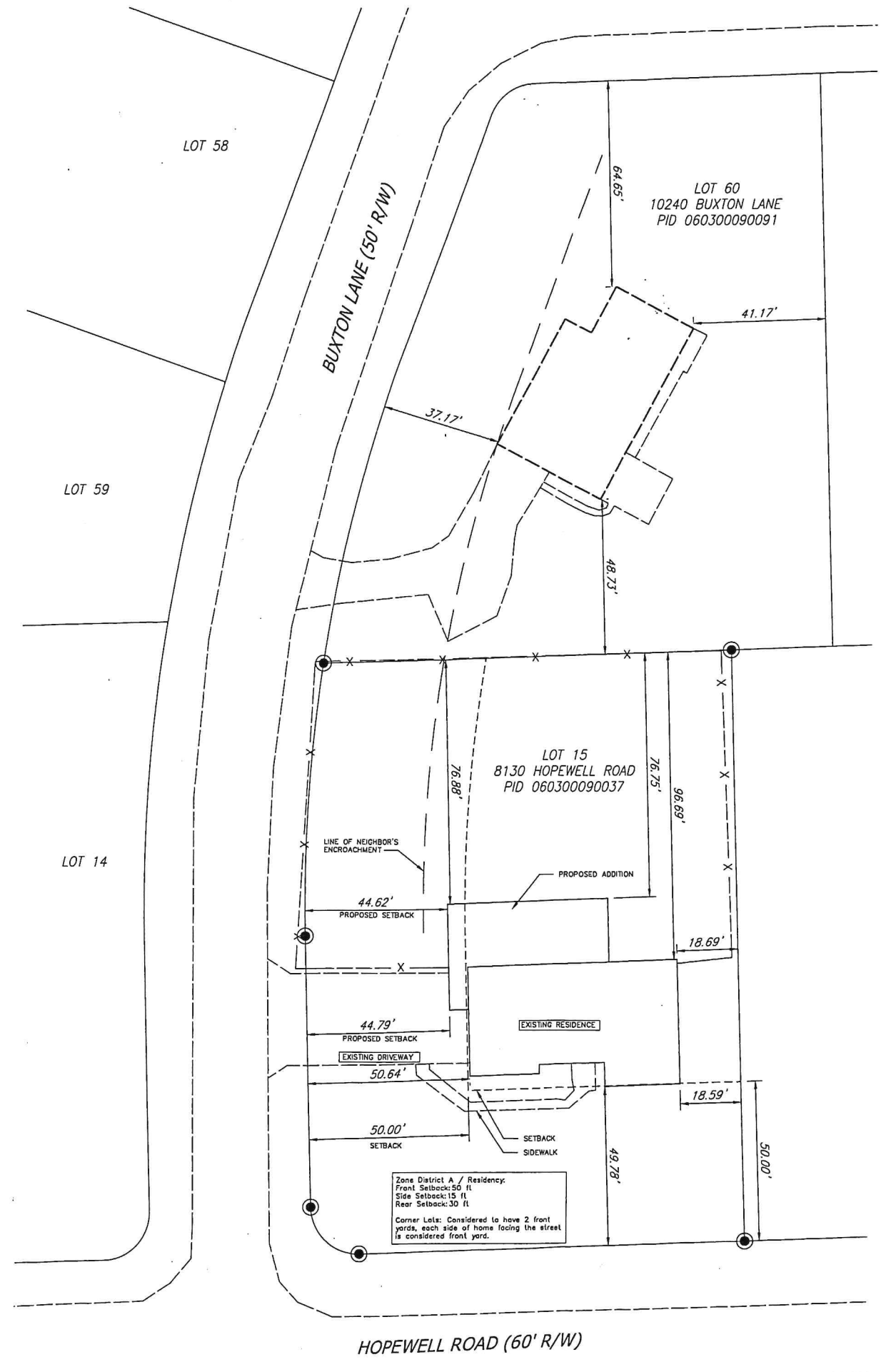
PROJECT NAME

8130 HOPEWELL RD
 MONTGOMERY, OH

DATE 08-02-21

TITLE COVER SHEET

SHEET G000



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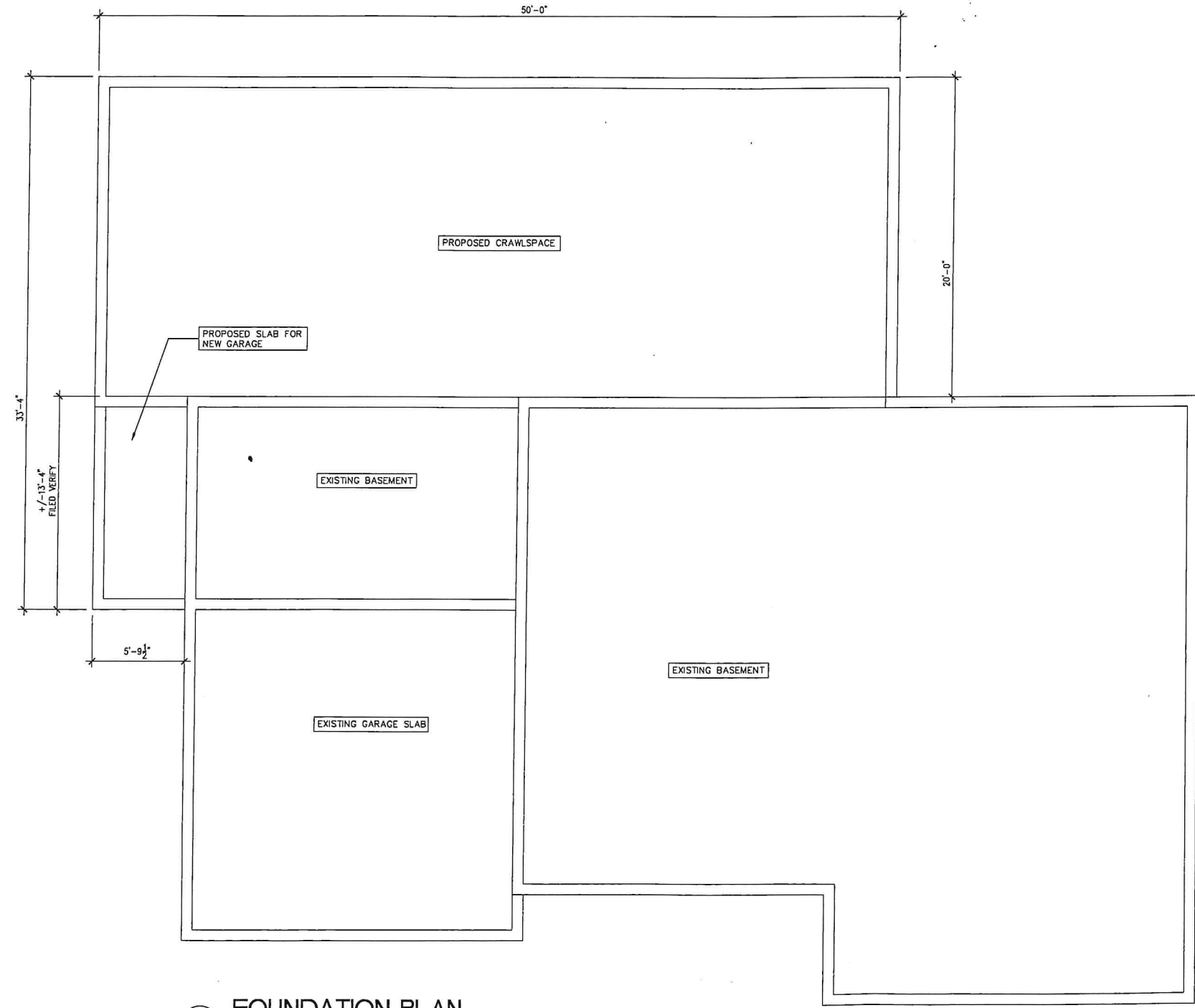
PROJECT NAME

8130 HOPEWELL RD
MONTGOMERY, OH

DATE 08-02-21

TITLE SITE PLAN

SHEET



1 FOUNDATION PLAN
A101 SCALE: 1/4"=1'-0"



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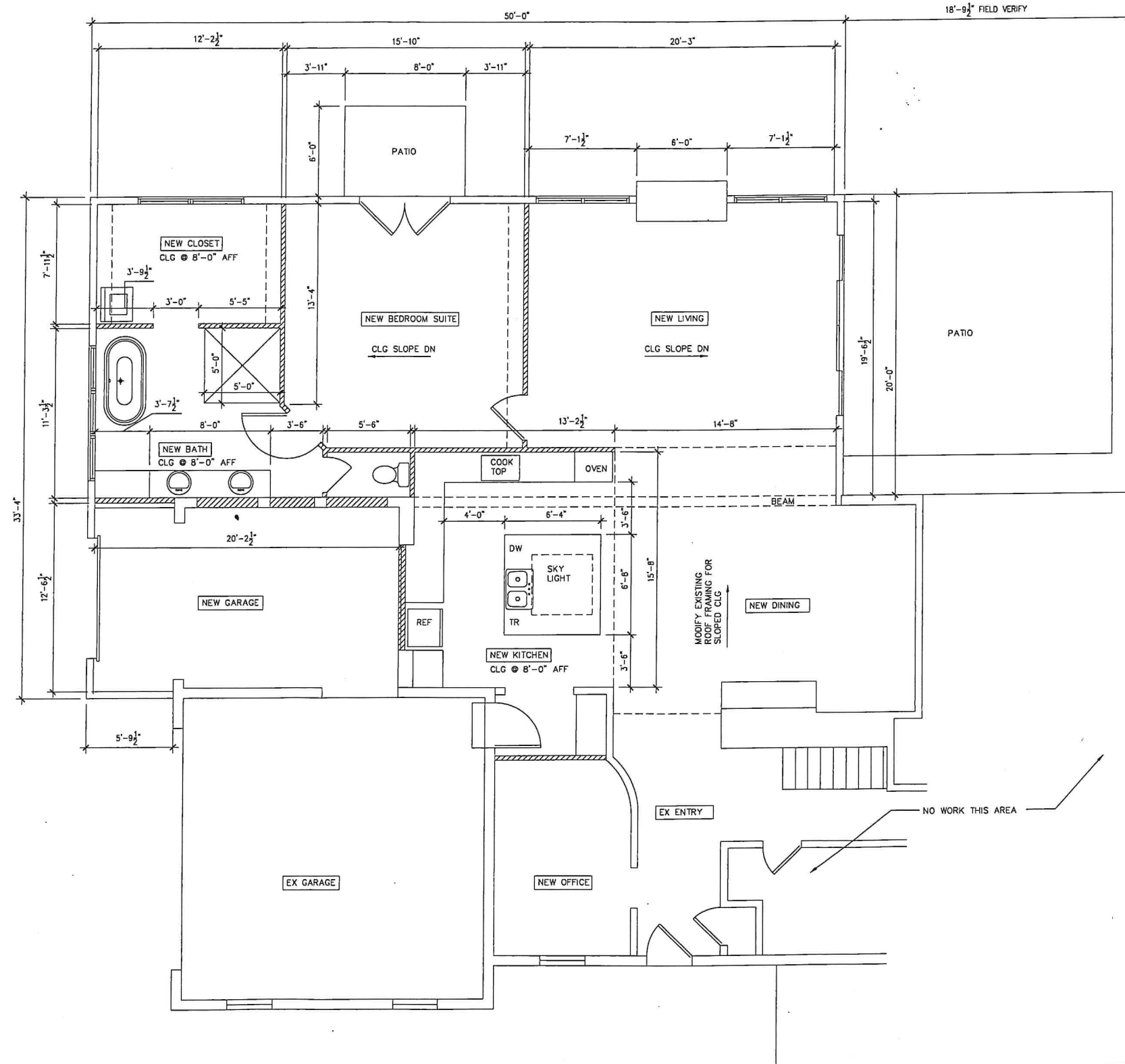
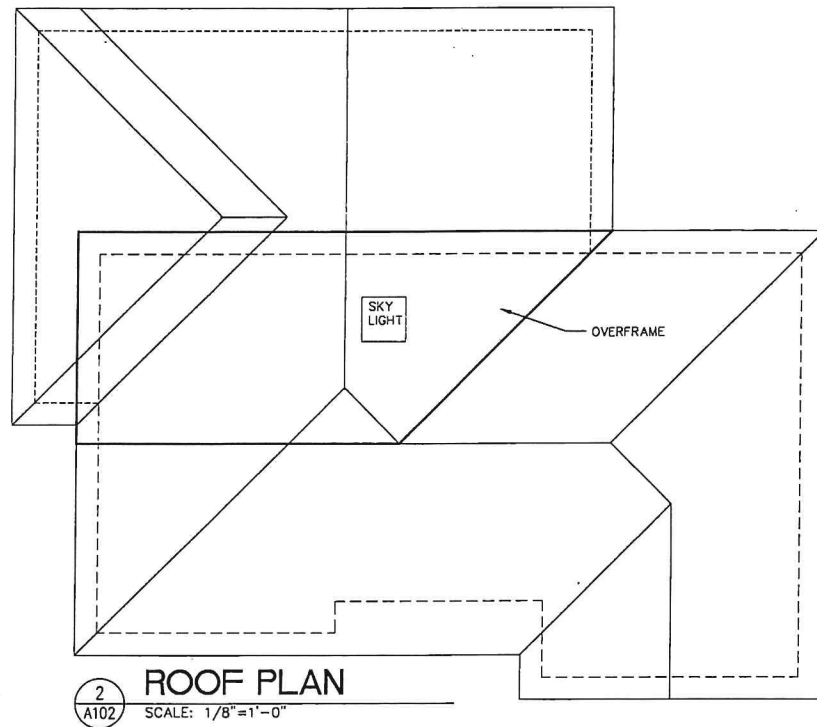
HEATHER ESTRIDGE, LICENSE NO. 13059
EXPIRES: 12/31/2021

PROJECT NAME
8130 HOPEWELL RD
MONTGOMERY, OH

DATE 08-02-21

TITLE PLANS

SHEET A101



1
A102

1ST FLOOR PLAN

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

NORTH

0 5 10 20

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EXPIRES: 12/31/2021

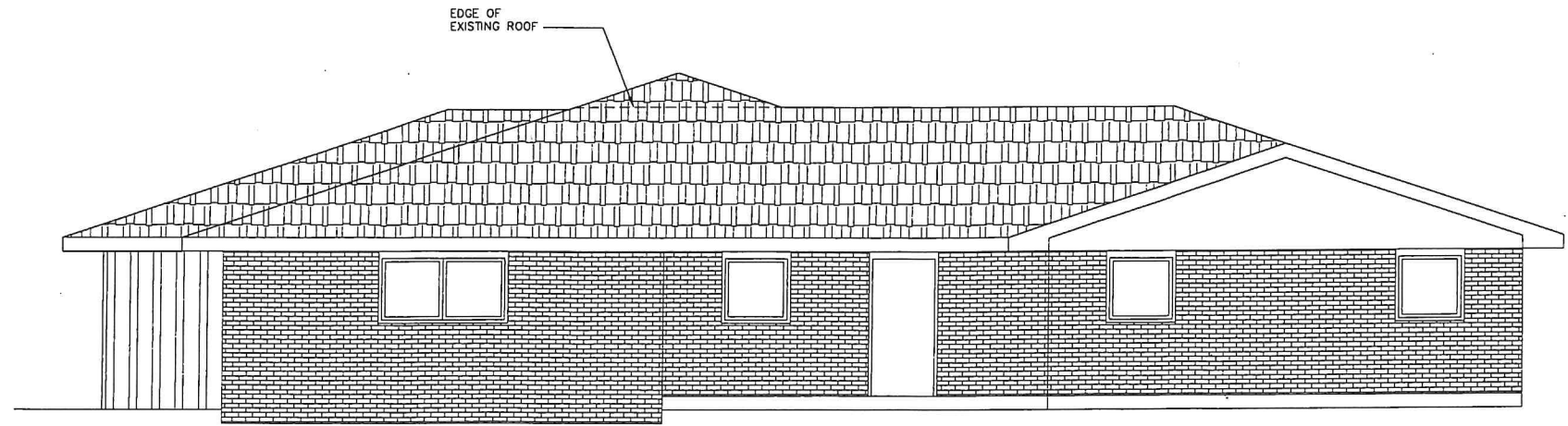
PROJECT NAME

8130 HOPEWELL RD
MONTGOMERY, OH

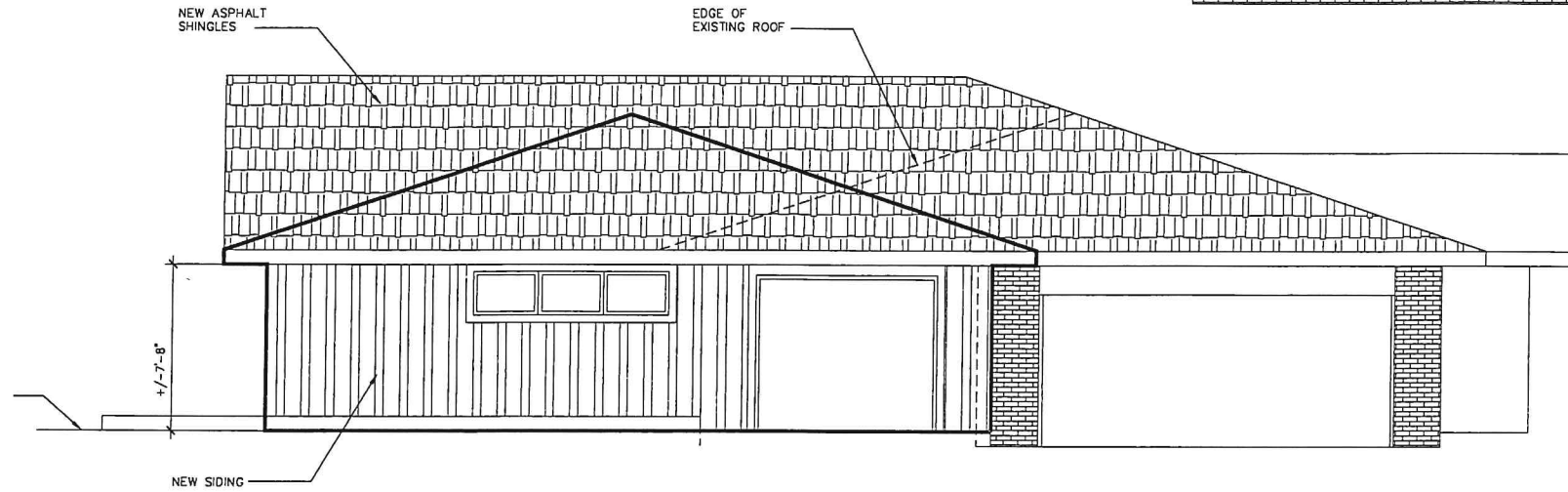
DATE 08-02-21

TITLE PLANS

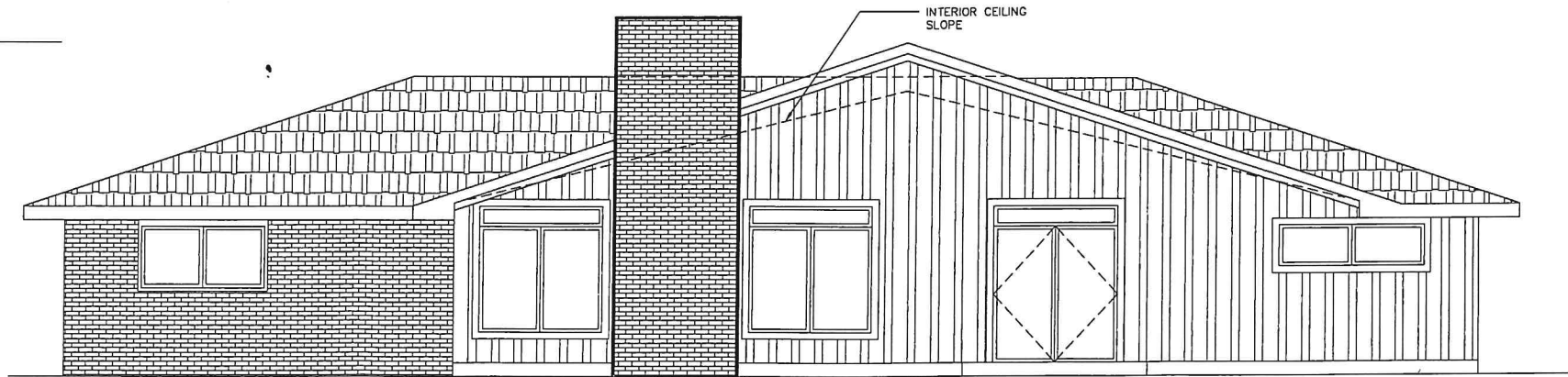
SHEET A102



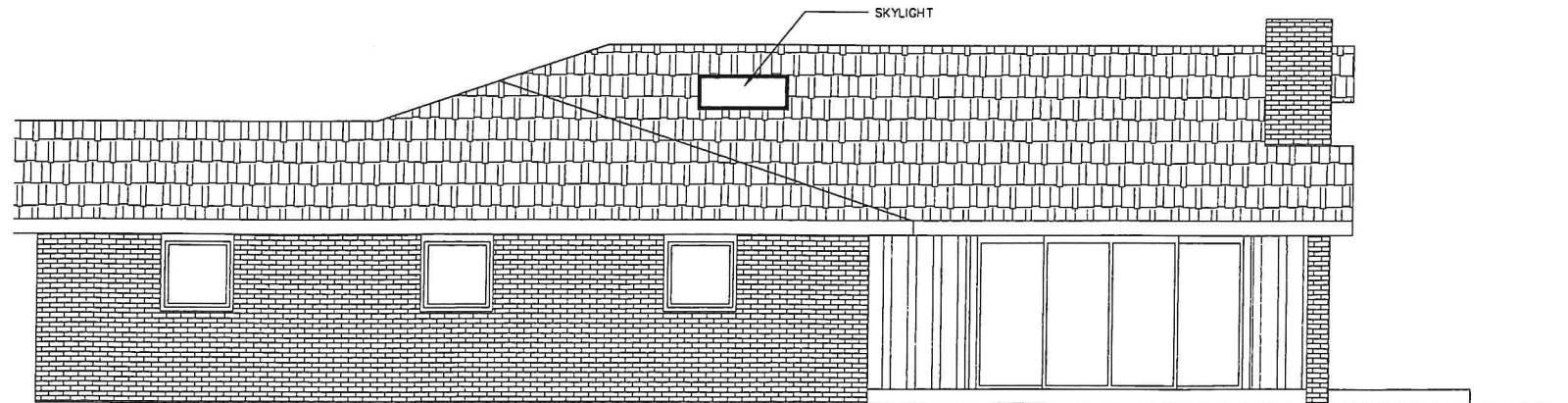
1 FRONT (SOUTH) ELEVATION
SCALE: 1/4"=1'-0"



2 SIDE (WEST) ELEVATION
SCALE: 1/4"=1'-0"



3 REAR (NORTH) ELEVATION
SCALE: 1/4"=1'-0"



4 SIDE (EAST) ELEVATION
SCALE: 1/4"=1'-0"

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HEATHER ESTRIDGE, LICENSE NO. 13059
EXPIRES: 12/31/2021

PROJECT NAME

8130 HOPEWELL RD
MONTGOMERY, OH

DATE
08-02-21

TITLE
ELEVATIONS

SHEET

A201

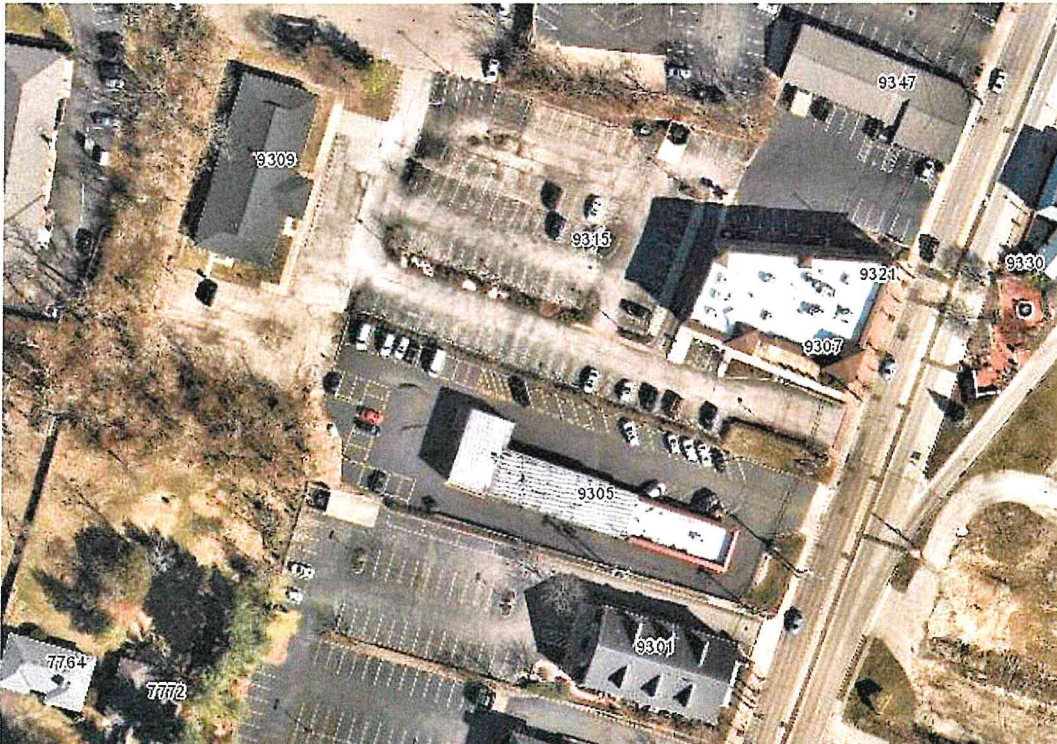
CITY OF MONTGOMERY
BOARD OF ZONING APPEALS
August 20, 2021

9305 Montgomery Road

APPLICANT: Mosteller Investments, LLC
8041 Hosbrook Road #206
Cincinnati, Ohio 45236

PROPERTY OWNER: Same as above

VICINITY MAP:



NATURE OR REQUEST:

The applicant is requesting approval of two variances to allow for a multi-tenant ground sign to be 10' in height and approximately 44.6 square feet in size. Section 151.3212(a)(1) and (2) of the Montgomery Zoning Code stated that externally illuminated signs shall not exceed 36 square feet in size and shall not exceed 5' in height.

ZONING:

The property at 9305 Montgomery Road is zoned 'OMG' - Old Montgomery Gateway and is used for Avis, Budget Rental Car, Auto Salon of Montgomery, and Nordic Motors. All the surrounding properties are also zoned 'OMG'. The property to the north is a multi-tenant building used for Coldwell Banker and Dunkin' and the property to the south is a multi-tenant building used for The Myers Y. Cooper Company, Cincinnati Taekwondo Academy and Activate Brain and Body. The property to the west is used for Houdini's Room Escape. The property to the east is part of the Montgomery Quarter, which is currently under development for a mixed-use project.

Findings:

1. The property is located in the Old Montgomery Gateway District on the west side of Montgomery Road across the street from Montgomery Quarter, a large, mixed-use development.
2. As part of the roundabout project at Montgomery Road and the terminus of Cross County Ronald Reagan Highway, the City will be installing a new traffic signal at the intersection of Montgomery Road and Main Street that will align with the existing driveway for Houdini's Room Escape, Coldwell Banker and Dunkin'. This project requires the consolidation of this driveway with the driveway for the subject property to achieve proper alignment and provide for a safe intersection. Therefore, the two existing driveways will be consolidated into one and all three properties will have access to Montgomery Road at the new traffic signal. The traffic control box and the decorative mast arm for the new traffic signal will be located in the right-of-way south of the consolidated driveway.
3. The new consolidated driveway will be approximately 4' wider than the existing driveway for Houdini's Room Escape, Coldwell Banker and Dunkin' in order to accommodate one in-bound lane and two outbound lanes from the drive.
4. There is topography change such that the properties at 9305 and 9309 Montgomery Road slope down towards the low point of Montgomery Road. Due to the topography, a new retaining wall will be required along the property at 9305 to maintain the existing parking lot. The retaining wall will be approximately 4' tall at the northernmost point and taper down to match grade. Due to the height of the wall, a pedestrian barrier of a minimum of 42" will be required on top of the wall per the Ohio Building Code. Final design of the barrier has not yet been finalized.
5. As part of the curb cut consolidation project, the City's standard streetscape with brick pavers, light poles and street trees will be added along the front of the property at 9305 Montgomery Road.
6. There are three existing ground signs on the subject property identifying five business including: Avis, Budget Car Rental, Nordic Motors, Auto Salon of

Montgomery, and Houdini's Room Escape. If the variance is granted, all three signs would be removed, and the businesses would share the proposed ground mounted sign.



7. The existing sign for Avis, Budget Car Rental and the Auto Salon of Montgomery is legal non-conforming in height and square footage. The existing sign is 6' in height and approximately 40 square feet in size. The Zoning Code permits a maximum height of 5' and a maximum size of 36 square feet for externally illuminated signs.
8. The property at 9305 Montgomery Road is legal non-conforming due to the number of existing ground mounted signs. The Zoning Code only permits one ground mounted sign per property, with the exception of corner lots.
9. The property at 9309 Montgomery Road is a panhandle lot with a 20' strip of land that connects to Montgomery Road. As part of the curb cut consolidation project, the panhandle will be located in the middle of the drive, thus leaving no land to erect a ground mounted sign for the property.
10. The proposed sign location is in compliance with the Zoning Code.

Variance Considerations:

Section 150.2010 allows the Board of Zoning Appeals to grant 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?*

Staff believes that the area is unique as it will be undergoing a significant change in access due to the consolidation of two existing curb cuts for the installation of a new traffic signal that will serve three properties. These properties are also unique due to a legal non-conforming situation which has resulted in a total of three ground-mounted signs, which would be consolidated into one sign to provide identification for five businesses.

The property at 9305 Montgomery Road slopes down towards a low point in Montgomery Road that necessitates the installation of a retaining wall that is approximately 4' tall with a 42" barrier near the new consolidated driveway. This retaining wall along with the traffic control box and decorative mast arm, limits the potential locations for ground mounted signage.

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

Business identification signage is extremely important for the success of any business. Furthermore, having signage close to the access point for the business is important for wayfinding and the safety of the travelling public. The consolidation of the curb cut along with the installation of a retaining wall and a traffic control box/mast arm has limited the potential locations for ground signage near the access drive, which is best rectified by creating a combined sign for the properties at 9305 and 9309 Montgomery Road. Staff believes that denying the variance requests could have a negative impact on the reasonable rate of return for both properties.

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

The variance for square footage is minimal as the applicant is proposing a total of 44.6 square feet of signage and the Zoning Code limits the square footage of externally illuminated signs to 36 square feet. The three existing ground signs total approximately 88 square feet of signage and therefore, there would be a reduction in the square footage of signage for the two properties. Staff believes that the variance request to allow for approximately 44.6 square feet of signage is the minimum necessary to provide legible signage for all the businesses.

The variance in height is significant as the applicant is requesting a sign that is 50% taller than what is permitted by the Zoning Code. While the amount of the height variance is significant, the height is needed in order to provide for effective, legible signage for motorists due to the number of businesses being

identified and the site conditions (i.e. retaining wall, grade change, traffic control box and decorative mast arm). The applicant has stated that the variance is the minimum necessary to accommodate tenants from both properties.

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

Staff does not believe that the square footage variance would negatively impact the area. Although, the sign will be slightly larger in square footage than what is permitted by the Zoning Code (44.6 sq. ft. vs. 36 sq. ft.), the total amount of ground mounted signage and the number of signs will be reduced.

While the variance in sign height is significant, Staff does not believe that it would adversely impact the area. The combined sign will reduce the amount of visual clutter in the area by reducing the number of signs and the height is needed to provide for effective, legible signage for motorists. Staff does not believe that the sign will appear out of scale for the area due to the site conditions.

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

Government services would not be affected by granting the variance.

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

The applicant was aware of the zoning restraints; however, the changes to the properties are being completed by the City to install a new traffic signal as part of a traffic improvement to the interchange of Montgomery Road and Cross County Ronald Reagan Highway. The consolidation of the curb cut along with the installation of a retaining wall, a traffic control box, a decorative mast arm and streetscape improvements has limited the potential locations for ground mounted signage near the access drive, which is best rectified by creating a combined sign for the properties at 9305 and 9309 Montgomery Road

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

No special conditions exist as a result of the actions of the owner.

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

The proposed sign could be split into two separate signs for each property to reduce the overall size of the sign; however, Staff does not believe this is feasible due to the addition of a retaining wall and the narrow area available for ground-mounted signage south of the consolidated drive. The combined sign allows for visibility for all the businesses, identifies the property location to enter the properties and reduces visual clutter.

The decorative cap on the proposed sign could be removed to reduce the overall height of the sign; however, Staff believes this option is problematic because it contains the street addresses of the two properties which is critical for wayfinding for the travelling public and safety services. Due to the location of the retaining wall, visibility of the street numbers would be limited while traveling north bound on Montgomery Road, if the numbers were to be placed on the base of the sign. Street address identification is required on ground mounted signs per Section 151.3012 in the Zoning Code.

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

While the proposed sign exceeds the maximum square footage and height requirements for ground mounted signs, the intent of the sign regulations is to allow for reasonable and appropriate signage for the identification of businesses while reducing visual clutter. Staff believes that combining the ground mounted signs for the properties at 9309 and 9305 Montgomery Road provides the most effective means of identification given the site constraints, reduces visual clutter and provides for a safer situation by aligning signage to the access drive for the businesses.

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

Numerous variances have been granted for sign size due to unique circumstances and/or practical difficulties over the years.

Fewer variances for the height of ground mounted signs have been granted; however, variances for sign height have been granted for signs on the Bethesda North Hospital Campus and surrounding medical office buildings as well as at the Vintage Club for way-finding signage. The following height variances have been approved for individual properties due to unique circumstances and/or practical difficulties:

- A variance to allow for a 7' tall ground mounted sign for the property at 10547 Montgomery Road was granted in December of 2011.
- A variance to allow for a 7' tall ground mounted sign for the property at 8201 Weller Road was granted in May of 2012.

Granting the variances would not confer any special privilege regarding use.

Staff Comments and Recommendations

The access to the subject property will be changing due to the installation of a new traffic signal at the intersection of Montgomery Road and Main Street that will align with the existing driveway for Houdini's Room Escape, Coldwell Banker and Dunkin'. The project requires the consolidation of two drives which serve three properties to

achieve proper alignment and provide for a safe intersection. The consolidation of the curb cut along with the installation of a retaining wall and a traffic control box/mast arm has limited the potential locations for ground signage near the access drive, which is best rectified by creating a combined sign for the properties at 9305 and 9309 Montgomery Road. A combined sign at this location will reduce the number of ground mounted signs and the total amount of signage while providing adequate business identification for the businesses on both properties.

While the variance in sign height is significant, Staff does not believe that it would adversely impact the area. Staff believes that combining the ground mounted signs for the properties at 9309 and 9305 Montgomery Road provides the most effective means of identification given the site constraints, reduces visual clutter and provides for a safer situation by aligning signage to the access drive for the businesses.

Should the Board grant the variance, Staff would recommend the following conditions:

- The sign shall be externally illuminated in compliance with Section 151.1518(H) of the Montgomery Zoning Code.

Granting the variance to allow for a multi-tenant ground sign to be 10' in height and approximately 44.6 square feet in size would be justified by criteria #1 - 10.



APPLICATION FORM

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

Project Address (Location): 9305 Montgomery Road

Project Name (if applicable): _____

Auditors Parcel Number: 603-0003-0182-00

Gross Acres: 3.956 Lots/Units _____ Commercial Square Footage 6,000

Additional Information: Adjoined with parcel 603-0003-0143-00

PROPERTY OWNER(S) Mosteller Investments, LLC Contact Mark Rippe

Address 8041 Hosbrook Road #206 Phone: 513-984-4450

City Cincinnati State Ohio Zip 45236

E-mail address Mark.Rippe@NisbetBrower.com

APPLICANT Mosteller Investments, LLC Contact Michael Rosenbaum

Address 8041 Hosbrook Road #206 Phone: 513-984-4450

City Cincinnati State Ohio Zip 45236

E-mail address MRosenbaum@NisbetProperty.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

ONLY

FOR DEPARTMENT USE

Print Name

Mark Rippe

Date 7/21/21

Meeting Date: 8/24/21

Total Fee: 0

Date Received: 8/3/21

Received By: JMH



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.

Currently there is signage in this location. The City is redeveloping the corridor and intersection and our pylon must be relocated by request of the City for the development. Combining signage to a single location is best use.

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

No. The property will lose the main tenant pylon with the redevelopment of the intersection and without this variance most tenants will lose their current signage which will effect future income.

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

No. The sign chosen is aesthetically pleasing and the most effective and efficient solution when combining tenants from both properties post redevelopment of this new intersection.

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

No. The sign is modern with clean lines and neutral colors. We think it will be an enhancement over the previous signage it is replacing.

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

No. This sign should have no adverse effect on government services.



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

The current Owner is aware of the zoning. The City has requested to make changes to our property and the pylon relocation is necessary to comply with the changes requested by the City.

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

Since we will be going from three separate signs to a single combined sign for both properties, a larger sign than code will be required to accommodate all the tenants.

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

This is the most effective and efficient method proposed for the properties and has been discussed with City leaders on multiple occasions.

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

Yes. It would be more efficient when combining the three separate signs into one and provide an aesthetic upgrade which is visually more pleasing than the three previous signs.

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

None that we are aware of.



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 9305 Montgomery Road, 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

Mark Rippe Member

Print Name Mark Rippe

Date 7/20/21

Board of Zoning Appeals Members:

Mary Jo Byrnes

Tom Molloy

Bob Saul

Steve Uckotter

Richard White

Peter Fossett

ONE (1) DOUBLE FACED INTERNALLY ILLUM. MONUMENT

ARCHED ROOF
 • .090 alum. over angle painted Akzo Nobel Satin Black.

ADDRESS CABINET
 • .090 alum. over angle painted Akzo Nobel® 426-E-3 (neutral tan).

ADDRESS
 • 1/2" thick, F.O. acrylic painted Akzo Nobel Satin Black.
 • Flush stud mounted (grilled/capped) to address cabinet.

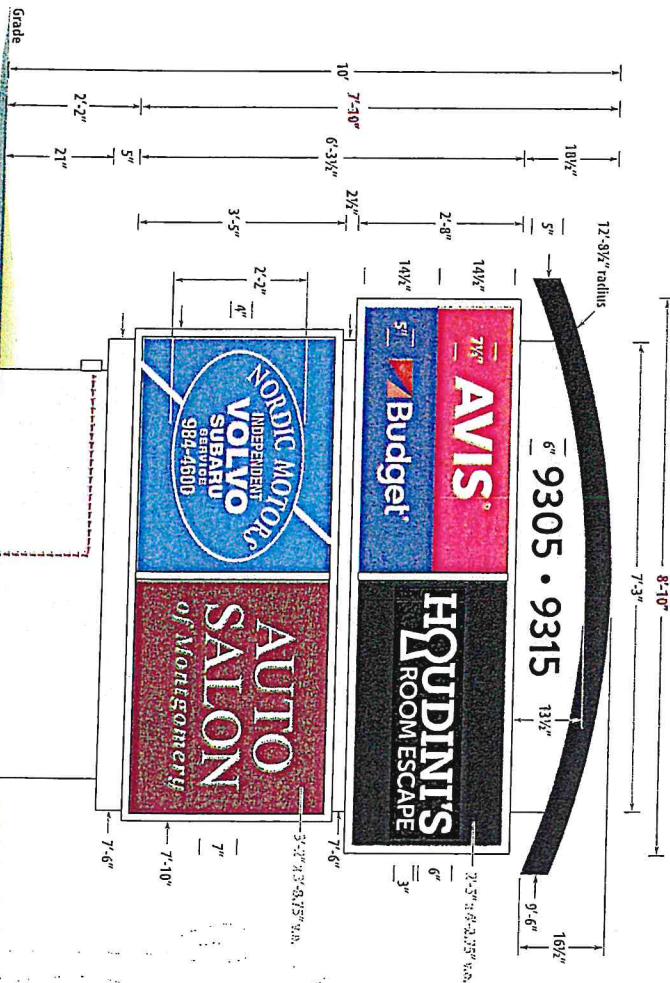
UPPER MULTI-TENANT CABINET
 • .090 alum. over angle acrylic painted Akzo Nobel® 426-E-3 (neutral tan).
 • Cabinet interior painted Bright White.
 • 1.5" rebar, 1.5" divider H-bar.
 • Internal Principal® White (7100X) LED illum. w/ low voltage universal power supplies.
 • .150" thick, flat clear polycarbonate tenant faces w/ 2nd surf. vinyl graphics backed with trans. White vinyl.
 • M/S: 3M #3530-143 Poppy Red trans. vinyl.
 • Budget: 3M #3530-124 Burnt Orange, 84 Turquoise, and 187 Infinity Blue trans. vinyls.
 • Foundry: 3M #3530-22 Black vinyl.
 • All White letters/elements: vinyl cut out / White show-thru.

LOWER MULTI-TENANT CABINET
 • .090 alum. over angle painted Akzo Nobel® 426-E-3 (neutral tan).
 • Cabinet interior painted Bright White.
 • 1.5" rebar, 1.5" divider H-bar.
 • Internal Principal® White (7100X) LED illum. w/ low voltage universal power supplies.
 • .150" thick, flat clear polycarbonate tenant faces w/ 2nd surf. vinyl graphics backed with trans. White vinyl.
 • HODIC MOTORS: 3M #550-157 Satin Blue trans. vinyl.
 • AUTO SALON: 3M #3530-49 Burgundy trans. vinyl.
 • All White letters/elements: vinyl cut out / White show-thru.

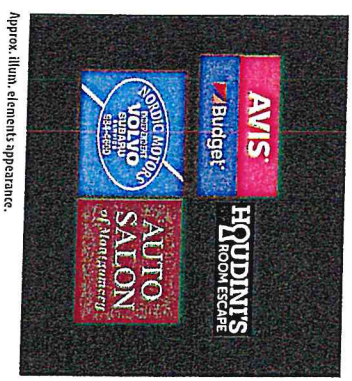
REVEAL
 • .090 alum. over angle painted Akzo Nobel® 426-E-3 (neutral tan).

POLE SKIRT
 • .090 alum. over angle painted Akzo Nobel® 426-E-3 (neutral tan).

ENABELLISHMENT
 • .090 alum. over angle painted Akzo Nobel® 426-E-3 (neutral tan).

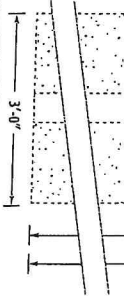


ELECTRICAL
 • Dedicated Primary Electric by Klusty.
 • Cabinet: 120-277 volt / amps T80 by mfg.
 • 2" x 4" weatherproof box (to match pole skirt) w/ grounded disconnect switch and "Single Gang Device Cover".
 • PVC through foundation by Klusty.
 • Final connection by Klusty only if in place within 10'-by others) and to code at time of installation.
 • Sign MET listed and labeled. (C)



FOUNDATION
 • 3 dia. x 3' deep (1.31 cu yds.) concrete caisson by Klusty.
 • Augered hole and dirt spoils removed by Klusty.
 • Subject to engineers sealed drawing(s).

STEEL SUPPORT
 • 5.567 O.D. x 2.58" steel pipe (primed gray) by Klusty.
 • Internal illum. cabinet portion painted White by Klusty.
 • Direct burial.
 • Subject to engineers sealed drawing(s).






Klusty Sign Associates
 Design | Branding Logistics
 3160 East Kemper Road • Cincinnati, OH 45241 1517

*After zoning approval, manufacturing methods may be subject to change.
 *Colors may not be exact as shown because of printer limitations. Refer to actual material color charts for true color representation.

CLIENT: Nisbet Property Holdings	DATE: 8/4/21	APPROVED BY: _____	DATE: _____
LOC: 9305-9315 Montgomery Rd.	SCALE: 1/2" = 1'-0"	LANDLORD APPROVAL: _____	DATE: _____
Montgomery, OH 45242	BY: Brian Marco	All designs and specifications are the sole copyrighted property of Klusty Sign Associates, Inc. Any unauthorized use, copying, or reproduction is a violation of Federal Copyright laws and will be subject to prosecution.	
DRAWING NO: MR.1.4596	REP: Vince Klusty		

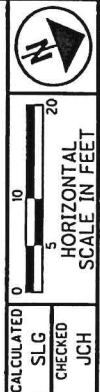
- (A) N = 451685.258; E = 1442862.071
- (B) N = 451667.317; E = 1442866.700
- (C) N = 451656.469; E = 1442876.987
- (D) N = 451661.207; E = 1442878.583
- (E) N = 451673.510; E = 1442879.374
- (F) N = 451686.704; E = 1442881.275
- (G) N = 451687.353; E = 1442879.383
- (H) N = 451666.087; E = 1442900.085
- (I) N = 451671.204; E = 1442901.857
- (J) N = 451675.495; E = 1442910.857
- (K) N = 451670.537; E = 1442902.675
- (L) N = 451653.207; E = 1442907.015
- (M) N = 451638.107; E = 1442947.455
- (N) N = 451724.897; E = 1442892.514
- (O) N = 451701.191; E = 1442886.317
- (P) N = 451700.371; E = 1442888.678
- (Q) N = 451720.664; E = 1442904.929
- (R) N = 451709.428; E = 1442932.830
- (S) N = 451702.805; E = 1442935.817
- (T) N = 451652.762; E = 1442976.242
- (U) N = 451684.502; E = 1442988.366
- (V) N = 451651.260; E = 1442979.263
- (W) N = 451667.600; E = 1442985.442
- (X) N = 451644.203; E = 1442985.222
- (Y) N = 451664.882; E = 1442992.806
- (Z) N = 451685.512; E = 1443000.510

LEGEND

-  PLANING AND OVERLAY SECTION
ITEM 254 - PAVEMENT PLANING, ASPHALT CONCRETE, 1.5"
ITEM 441 - 1.5" ASPHALT CONCRETE SURFACE COURSE,
TYPE A, (448), PG64-22
ITEM 407 - TACK COAT
-  FULL DEPTH PAVEMENT
ITEM 441 - 1.5" ASPHALT CONCRETE SURFACE COURSE,
TYPE A, (448), PG64-22
ITEM 407 - TACK COAT
ITEM 301 - 5" ASPHALT CONCRETE BASE, PG64-22
ITEM 204 - SUBGRADE COMPACTION
-  CONCRETE DRIVEWAY APRON
ITEM 452 - 8" NON-REINFORCED CONCRETE PAVEMENT
ITEM 204 - SUBGRADE COMPACTION

NOTES:

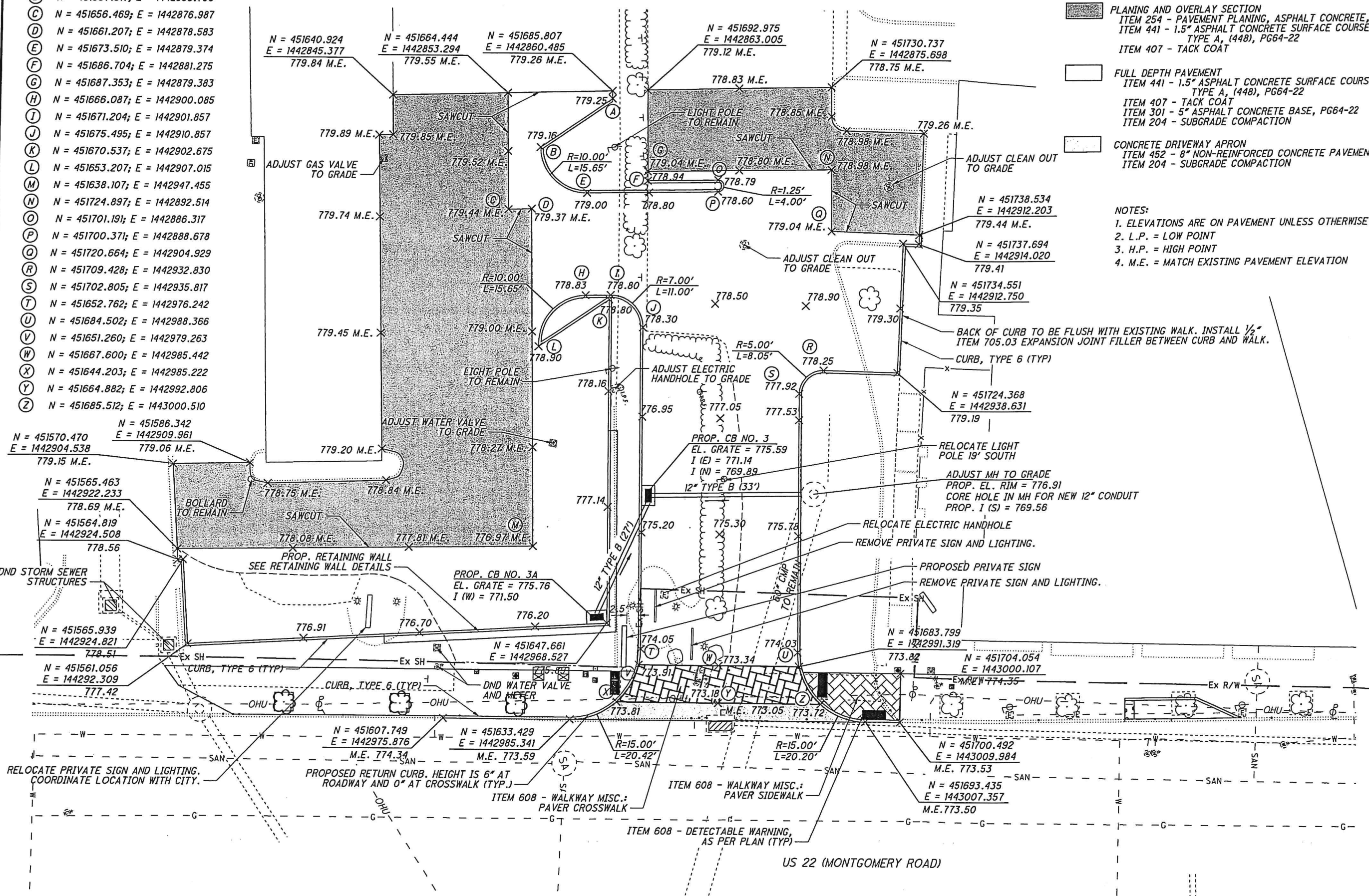
1. ELEVATIONS ARE ON PAVEMENT UNLESS OTHERWISE NOTED
2. L.P. = LOW POINT
3. H.P. = HIGH POINT
4. M.E. = MATCH EXISTING PAVEMENT ELEVATION



SITE PLAN

ACCESS MODIFICATIONS

S:\CIN\4400--4499\4457\003\Drawings\CAD\00000\roadway\sheet\00000GF001.dgn Sheet 8/6/2021 1:21:02 PM CorR





The Myers Y. Cooper Company

REAL ESTATE INVESTMENT DEVELOPERS | SINCE 1895

Tracy Henao
The City of Montgomery Community Dev. Dept
10101 Montgomery Road
Cincinnati, OH 45242

August 19, 2021

Re: Montgomery 8/24/21 BZA meeting &
Dimensional variance request of Mosteller Inv.

Dear Tracy,

On behalf of the Myers Y. Cooper Company, 9301 Montgomery Road, I support the referenced variance request. It is our company's belief that relief from the zoning code relating to sign dimensions is appropriate in the area of the new Gateway project for a variety of reasons not considered when the regulations were adopted.

- The mass of new buildings on the east side of Montgomery, (Four stories from street level) dwarf buildings and signs on west side of Montgomery Road visually inconspicuous.
- Signs are intended to inform motorists of business name and access. As visual markers the signs assist safe traffic movement. Small signs may lead motorists to indecisive actions and jeopardize traffic safety.
- The city has invested significant resources to support business and safe traffic movement. The sign regulations enacted before the corridor was reinvented does not serve either objective.

I ask that the sign set back from Montgomery Road be evaluated for neighboring business visibility to oncoming traffic when entering the roadway. I appreciate the city's sensitivity to business signage throughout the community and ask that consideration to the circumstances of new development and traffic movement.

Sincerely,

The Myers Y. Cooper Company



Raymond K Cooper II

These Board of Zoning Minutes are a draft. They do not represent the official record of proceedings until formally adopted by the Board of Zoning Appeals. Formal adoption is noted by signature of the Clerk within the Minutes.

CITY OF MONTGOMERY
BOARD OF ZONING APPEALS REGULAR MEETING
CITY HALL, 10101 MONTGOMERY ROAD, MONTGOMERY, OH 45242
July 27, 2021

1
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3
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6

PRESENT		
GUESTS & RESIDENTS		STAFF
Craig Margolis Vice Mayor Montgomery City Council 8270 Mellon Drive, 45242	Kurt & Lisa Skinner 10694 Hollowood Circle Montgomery, OH 45242	Melissa Hays, Zoning and Code Compliance Officer Karen Bouldin, Secretary
		BOARD MEMBERS
		Mary Jo Byrnes, Chairman
		Peter Fossett
		Tom Molloy
		Bob Saul
		Jade Stewart
		Steve Uckotter
		BOARD MEMBERS NOT PRESENT
		Richard White

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Chairman Byrnes called the meeting to order at 7:00 p.m.

Roll Call

The roll was called and showed the following responses:

PRESENT: Ms. Stewart, Mr. Uckotter, Mr. Saul, Mr. Molloy, Mr. Fossett,
Chairman Byrnes

(6)

ABSENT: Mr. White

(1)

Pledge of Allegiance

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

20
21
22
23
24
25

Chairman Byrnes gave a brief explanation of tonight’s proceedings: She stated that tonight the Board will be conducting one public hearing. 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

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Board of Zoning Appeals Meeting

July 27, 2021

26 business session of the meeting, however, the Board will not take any further public comment
27 during the portion of the meeting, unless clarification is needed by a Board member.
28 Chairman Byrnes noted that anyone not agreeing with the Board's decision has the option of
29 appealing to Hamilton County Common Pleas Court, under the procedures established by that
30 court.

31

32 She asked all guests to turn off their cell phones.

33

34 Chairman Byrnes asked that anyone planning to speak to the Board please stand to be sworn in.
35 Chairman Byrnes swore in everyone planning to speak.

36

Guests and Residents

38 Chairman Byrnes asked if there were any guests or residents who wished to speak about items
39 that were not on the agenda. There were not.

40

Old Business

42 There was no old business to discuss.

43

44 Mr. Saul recused himself, as he was an adjacent property owner of the applicant, and lived
45 within 300 feet.

46

New Business

48 *A request for a variance from Kurt and Lisa Skinner, 10694 Hollowood Circle, Montgomery,*
49 *Ohio 45242 to allow for an addition to have a rear yard setback 27 feet, at the nearest point, to*
50 *the setback line, where Schedule 151.1005 of the Montgomery Zoning Code requires a*
51 *minimum rear yard setback of 35 feet in District A.*

52

Staff Report

54 Ms. Hays reviewed the Staff Report dated July 27, 2021, "Application for Variance: 10694
55 Hollowood Circle".

56

57 Mr. Molloy asked if there was any historical data on the addition that was approved in 1993; if a
58 variance had been granted at the time. Ms. Hays stated there was no variance, and she didn't
59 have much information. She felt that they probably did not require a survey at that time; noting
60 that now, we do.

61

62 There were no other questions from the Board.

63

64 **Kurt and Lisa Skinner, 10694 Hollowood Circle, Montgomery, OH 45242** agreed with all
65 of the information Ms. Hays brought forward. Mr. Skinner stated that they have been working
66 on this project for 2 ½ years, have had 3 contractors look at the structure upstairs, and the sloping
67 floor, who helped them understand the issue with the racoons nesting, as well as the
68 inappropriate basement ventilation, going out through the window well.

69

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Board of Zoning Appeals Meeting

July 27, 2021

70 Mr. Skinner stated that they were trying to solve these existing problems in their house, and
71 update, by adding minimal square footage. He pointed out that they planned to be here for the
72 long term, and were trying to plan ahead for their senior years - putting in a downstairs shower
73 and bathroom, with the ability to transform one of the downstairs rooms to a master bedroom, if
74 it becomes necessary.

75
76 Chairman Byrnes asked if the Board had any questions.

77
78 Ms. Stewart wanted to clarify that they would not be able to configure their kitchen the way they
79 wanted, if the new addition was the same size as the current room.

80
81 Mr. Skinner confirmed, and explained that they wanted to open the doorways from 48 to 60
82 inches, to prepare for a possible future of wheelchairs, walkers; and this would take away much
83 of their storage / cupboard space. It would also not allow for first floor bathroom facilities.

84
85 Mr. Molloy stated that this project was more than just the addition, it involved HVAC and much
86 more.

87
88 Mr. Fossett asked about the repeated references to the deteriorating condition of the current
89 structure, and he was struggling to see the connection between the deteriorating condition of the
90 structure and the need for the new addition to be larger, and to extend more into the setback.
91 From what he has just heard, Mr. Fossett felt that Mr. Skinner wanted to expand the new addition
92 to make it more useful.

93
94 Mr. Skinner stated that structurally right now, there is most likely a problem with the footing.
95 In order to figure that out, they have to go in and tear things apart. The floors are sloped and the
96 decking is separating from the house. He noted that the contractor thinks that most likely, the
97 existing legal non-conforming piece was probably built on the deck frame and a few footers, but
98 nothing else. That was the deteriorating piece to this. Mr. Skinner stated that also, aesthetically,
99 they would like the additional space.

100
101 Mr. Fossett asked if the current deck was encroaching into the setback. He felt that the most
102 egregious encroachment into the setback was the deck. Ms. Hays confirmed, stating that it
103 actually met the code, at a 10 foot setback for decks. Mr. Fossett pointed out that the new
104 extension proposed for the side house would not extend out beyond the deck, so when you were
105 looking from the side of the house, you wouldn't actually see this new structure extending farther
106 into the setback than the deck. It did not add any visual encroachment. Ms. Hays confirmed.

107
108 Chairman Byrnes asked if there were any more questions from the Board, and there were none.
109 She asked if there were any guests or residents who wished to speak.

110
111 **Robert Saul, 7610 Shadowhill Way, Montgomery, Ohio 45242** stated that he had been
112 neighbors for 15 years, with the Skinners. He spoke very highly of them, as neighbors and
113 custodians of their home. He supported this variance.

114

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Board of Zoning Appeals Meeting

July 27, 2021

115 **Adjournment**

116 Mr. Molloy moved to close the public hearing.

117 Mr. Uckotter seconded the motion.

118 The public hearing adjourned at 7:25p.m.

119

120 Chairman Byrnes opened the business session at 7:25p.m.

121

122 **Business Session**

123 *A request for a variance from Kurt and Lisa Skinner, 10694 Hollowood Circle, Montgomery,*
124 *Ohio 45242 to allow for an addition to have a rear yard setback 27 feet, at the nearest point, to*
125 *the setback line, where Schedule 151.1005 of the Montgomery Zoning Code requires a*
126 *minimum rear yard setback of 35 feet in District A.*

127

128 Mr. Uckotter stated that he actually went to see the home, and he saw how the deck was
129 separating from the house, and needed to be replaced, or else the house would fall down. He felt
130 this was a good plan to remedy issues, and make a nice improvement. He agreed with
131 Mr. Fossett, in that it didn't visually extend past the deck.

132

133 Mr. Molloy agreed with Mr. Uckotter. He also felt that because it was a pie-shaped lot, this was
134 unique. To put an addition on there without encroaching the setback, would be difficult. While
135 there may not be extenuating circumstances, he felt that the special condition was the shape of
136 the lot.

137

138 Ms. Hays referred to a comment made by Mr. Saul earlier, and asked Mr. Skinner if their geo
139 thermal system was in the front yard. Mr. Skinner confirmed, that if you were facing the home,
140 it ran down the left side, along the sidewalk. Ms. Hays' noted that because this system was in
141 the front, they would not have been able to put the addition in the front.

142

143 Chairman Byrnes asked if there were any more questions, and there were none.

144

145 *Mr. Molloy moved to approve the request from Kurt and Lisa Skinner, 10694 Hollowood*
146 *Circle, Montgomery, Ohio 45242 to allow for a rear yard setback of 27 feet, where a rear yard*
147 *setback of 35 feet is required, per Section 151.1005 of the City of Montgomery Zoning Code,*
148 *as described in the City of Montgomery Staff Report dated July 27, 2021.*

149

150 *This approval is based on substantial compliance of the survey dated June 18, 2021.*

151

152 *This approval is justified by criteria # 1, 4, 5, 6, and 7, as outlined in Montgomery Codified*
153 *Ordinance Chapter 150.2010 (d) for granting variances.*

154

155 *Mr. Uckotter seconded the motion.*

156

157 *The roll was called and showed the following vote:*

158

159 *AYE: Mr. Fossett, Ms. Stewart, Mr. Uckotter, Mr. Molloy, Chairman Byrnes (5)*

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160 **NAY:** (0)
161 **ABSENT: Mr. White** (1)
162 **ABSTAINED: Mr. Saul** (1)

163
164 ***This motion is approved.***

Adjournment

167 Mr. Fossett moved to close the business session.
168 Mr. Uckotter seconded the motion.
169 The business session adjourned at 7:27p.m.
170
171 Chairman Byrnes opened the public hearing at 7:27pm.

172
173 Mr. Saul resumed his seat as a Board member.

Staff Report

176 **Craig Margolis, Vice Mayor, Montgomery City Council, 8270 Mellon Drive, 45242** thanked
177 those members who helped during Bastille Day, which was a wonderful event.

178
179 He stated that next Wednesday they will be teeing up some legislation to consolidate two access
180 points at 9305 and 9321 Montgomery Road (Avis Rental and Dunkin locations) into one access
181 point. Eliminating curb cuts does so much to help with the safety of pedestrian and car travel.
182 He noted that anytime the Planning Commission was able to accomplish this, it was a plus.

183
184 Mr. Molloy asked if it affected the access to the drive-through to Dunkin. Mr. Margolis stated
185 that it will not affect anything current. It also has a function of aligning the access point with
186 another access point in the Montgomery Quarter project. There will be a traffic signal at the
187 point of Triangle Park.

188
189 Mr. Margolis stated that budget season was approaching, noting that they start to discuss next
190 year's budget the first week in September. He stated that this was also the end, and the
191 simultaneous beginning of our 5-year strategic plan. He noted some of the goals for our current
192 plan.

193
194 At a recent Landmarks meeting, Mr. Margolis observed the Commissioners reviewing windows
195 for the Montgomery Quarter apartments. Ultimately, they did not approve of the samples shown,
196 noting that it will be a challenge to be consistent with the requirements of the Old Montgomery
197 Gateway. Mr. Margolis pointed out that they are closer, however, to meeting these needs.

198
199 Mr. Margolis reported that at a recent Planning Commission meeting, Twin Lakes discussed a
200 project to build 3 buildings across the street – an apartment design – all on one level. Two of the
201 buildings will be 3 stories, and one will be 2 stories, with a total of 30 units, and underground
202 parking. Mr. Margolis stated that an interesting point was shared -- because they are a non-
203 profit, so far this year - they were able to offer over \$80,000 of benevolent care to residents who

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204 could not afford to stay in their residence. They are able to support residents, no matter what
205 their financial need. He felt this was a tremendous testament to the type of community they are.
206

207 Mr. Uckotter can attest to the benevolent fund, noting that his mother was in their sister
208 development, Twin Towers nursing home for 7 years, and spent down all of the way, and was
209 able to take advantage of the benevolent fund. He stated that if you run out of money, they will
210 not make you leave, no matter what or how long.

211
212 Mr. Uckotter asked about the Strategic Planning Retreat , and if was open to the public.
213 Mr. Margolis stated that management, senior staff, and City Council attend these meetings.
214 He stated that these were public meetings, and suggested contacting Connie Gaylor,
215 Administrative Coordinator & Clerk of Council to confirm the dates/times. Ms. Hays stated that
216 she will be attending these meetings, and thought they were on a Friday, from 1-6pm and
217 Saturday from 8am to 12.

218
219 Mr. Saul asked about the City's budget, and how the City has fared through the pandemic.
220 Mr. Margolis stated that we were somewhat unique, in that we typically budget for 10-12 months
221 of operating in a reserve fund. This means that if no income comes in, we could still provide
222 services to our community for that amount of time. That didn't happen during the pandemic.
223

224 Mr. Margolis explained that their consultant, Management Partners, presented a forecasting plan
225 last October, to show us different scenarios with our budget, and the City showed that it would
226 come out just fine, in the worst case scenario. Mr. Margolis felt that the income from the
227 earnings tax and real estate is still about equal to prior years, if not maybe a bit more. There was
228 more discussion.

229
230 Chairman Byrnes asked if they moved the corporation line between Montgomery and Indian
231 Hill. Ms. Hays stated that it was a slight modification, to allow a new home to be built, entirely
232 in Montgomery. It is only about 1000 square feet or so, on Remington, right at the corporation
233 line, that is moving into Montgomery. It still has to be worked out between the school systems –
234 this is what is holding things up.

235
236 Regarding Twin Lakes' new proposed buildings, Chairman Byrnes asked who would service
237 those properties. Mr. Margolis stated that Montgomery has taken over the agreement, but was
238 not sure if Montgomery's police and fire will service it, or Indian Hill. Ms. Hays stated it will
239 just be standard mutual aid with Indian Hill. There is no separate agreement for that subdivision.
240

241 Mr. Uckotter stated that he has been getting a lot of questions about this issue, about who is
242 responsible for public safety, and if our tax dollars were going to take care of these Indian Hill
243 homes back there.

244
245 Mr. Margolis stated that we share this with Indian Hill, and they do the same with us, if there is a
246 large fire. He stated that small suburbs can't support a large fire department, so they all work
247 together.
248

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249 Mr. Margolis stated that they were now starting on the office building at the Montgomery
250 Quarter. The other parking garage will be surrounded by 3-story retail, on the north side.
251 The tenant on the second or third floor is Fifth Third.

252

253 **Other Business**

254 There was no other business to report.

255

256 **Minutes**

257 Mr. Molloy moved to approve the minutes of June 22, 2021 as written.

258 Mr. Uckotter seconded the motion.

259 The Board unanimously approved the minutes.

260

261 **Adjournment**

262 Mr. Molloy moved to adjourn. Mr. Fossett seconded the motion.

263 The meeting adjourned at 7:45p.m.

264

265

266

267

268

269

270 _____
Karen Bouldin, Clerk

_____ Mary Jo Byrnes, Chairman

_____ Date

271

272 /ksb

273