

Board of Zoning Appeals Agenda

December 28, 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

9835 Zig Zag Road: Property owner Patricia Spaulding, requests to allow for an HVAC unit to be located in the front yard where HVAC units are permitted only in the side and rear yards per Schedule 151.1009(C) of the Montgomery Zoning Code.

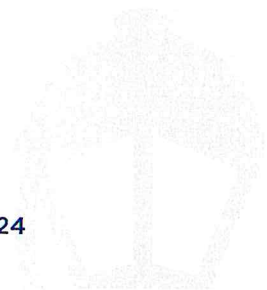
Agenda Item 2

7455 Stonemeadow Lane: Property owners Jeff and Kate Stechschulte, request to allow for a covered porch to have a setback of 30' from the rear property line where 35' is required per Schedule 151.1005 of the Montgomery Zoning Code.

Agenda Item 3

10722 Adventure Lane: Property owners David and Mary Robertshaw, request to allow for an accessory structure to have a setback of 5' from the side property line where 15' is required per Schedule 151.1009 (B) of the Montgomery Zoning Code.

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



Application for Variance: *Patricia Spaulding*

December 28, 2021
Staff Report

Applicant: Patricia Spaulding
9835 Zig Zag Road
Montgomery, OH 45242

Property Owner: Same as above

Vicinity Map:



Nature of Request:

The applicant requests to allow for an HVAC unit to be located in the front yard where HVAC units are permitted only in the side and rear yards per Schedule 151.1009(C) of the Montgomery Zoning Code.

Zoning:

This property is zoned 'A' single family residential and is being used for a single-family residence. All of the adjoining properties are also zoned 'A' single family residential and are being used for single family dwellings.

Findings:

1. The lot is located on the southwest corner of Zig Zag Road and Mitchell Farm Lane and is approximately 23,958 square feet which exceeds the 20,000 square foot requirement in the 'A' District.
2. Chapter 151.1009(C) of the Montgomery Zoning Code requires HVAC units to be located in the side and rear yards only.
3. The house was originally built in 1959 and is approximately 2,560 square feet in size.
4. An addition was constructed on the eastern side of the house in the 1970's, according to the applicant. A window air conditioning unit is currently being used to cool the room. The room was previously heated by baseboard heat, which has since been removed.

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 house is located on the corner of Zig Zag Road and Mitchell Farm Lane. An addition was put on the east side of the house in the 1970's. The applicant has stated that heating and cooling of the room are problematic, and a window air conditioning unit has been in use for several years. The room was previously heated by baseboard heat. On the south side of the addition is an existing deck.

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

Staff is of the opinion that a reasonable rate of return would not be granted should the variance not be approved. Consistent and comfortable interior room temperatures are a general expectation in a residence, and the existing system of a window unit and baseboard heating is not adequate.

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

The variance is substantial, as the entire unit is proposed to be in the front yard. However, it is the minimum necessary to allow for the unit to serve the addition located on the eastern portion of the house. In addition, the size of the unit is smaller than a standard air conditioning unit.

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

Staff does not believe that the character of the neighborhood will be substantially altered by granting the variance to allow for the unit to be located in the front yard. The unit is relatively small in size, and the applicant has stated that he will install three new shrubs to provide additional screening. The current window unit will also be removed.

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

Government services would not be affected.

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

The owners were not aware of the zoning restraint when they purchased the property.

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

No special conditions exist as a result of the owner.

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

Staff is of the opinion that the predicament cannot be feasibly obviated through some other method, as there is an existing deck located on the south side of the house, which inhibits the placement of unit in the side yard area.

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 Schedule 151.1009(C) would not be preserved by granting the variance, as the unit would be placed within the front yard area. However, Staff does not believe that it is the intent of the zoning code to inhibit improvements to an existing home, if the modification would not be detrimental to the surrounding properties, and the modification is reasonable. Staff is of the opinion the removal of the existing window air conditioning unit and installation of a new HVAC system to serve a specific room of the house is reasonable given the difficulties of conditioning this portion of the house and the placement of an existing deck which hinders the placement of the unit on the south side of the house.

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

Staff is of the opinion that granting the variance to allow for a new HVAC unit to be placed on the eastern side of the house within the front yard area would not confer on the applicant any special privilege that is denied to other properties in the district, as a practical difficulty has been established for the subject lot and granting the variance would not negatively impact the neighborhood. Staff is unaware of any similar variance requests.

Staff Comments and Recommendations

The applicant is proposing to improve the heating and cooling of a specific section of the house. The house was built in 1959 with an addition constructed in the 1970's on the eastern side. Staff is of the opinion that the request to upgrade the HVAC system for this portion of the house, including the installation of a unit along the outside wall in the front yard would not negatively impact the neighborhood, and a practical difficulty has been established. The unit cannot be installed along the south side of the house due to the placement of an existing deck, and the house is located on a corner lot

with two front yards which significantly limits the placement of HVAC equipment. The applicant has also stated that they will install three shrubs to help screen the unit on the ground.

Granting a variance for the HVAC unit to be located in the front yard where HVAC units are permitted only in the side and rear yards per Schedule 151.1009(C) of the Montgomery Zoning Code and in substantial compliance with the site plan submitted on 11/24/21, would be justified by criteria #1-10.



APPLICATION FORM

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

Project Address (Location): 9835 Zig Zag Rd

Project Name (if applicable): _____

Auditors Parcel Number: _____

Gross Acres: _____ Lots/Units _____ Commercial Square Footage 7000 (Room)

Additional Information: BASEBOARD HEATER BURNING WINDOW A/C

PROPERTY OWNER(S) Pat Spaulding/Floyd Contact 850-346-8844

Address SAME Phone: _____

City _____ State _____ Zip _____

E-mail address _____

APPLICANT Floyd Contact 850-346-8844

Address SAME Phone: _____

City _____ State _____ Zip _____

E-mail address _____

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

Patricia Spaulding
ONLY

FOR DEPARTMENT USE

Print Name Pat Spaulding

Date 11/24/21

Meeting Date:

Total Fee:

Date Received:

Received By:



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.

NONE

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

NO - No heat or AC in Room

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

NO

YES TO CONDITION SPARE ROOM

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

NO

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

NO



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

NO

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

NONE - BASEBOARD HEATER BURNED AND NOW DISABLED / NO NEED FOR WINDOW UNIT

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

NONE

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?

NONE



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 983 Zig Zag 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

Print Name

Date

Patricia Spaulding

PAT SPAULDING

11/25/21

Board of Zoning Appeals Members:

Mary Jo Byrnes

Tom Molloy

Bob Saul

Steve Uckotter

Richard White

Peter Fossett

Jade Stewart

Deck

X

Window

Link
(covered)

Window

X

34 1/4 W
85 19/32 h
85 3/16 deep

~~2 ft high~~
~~8 ft high~~

New Sub

Existing
Sub

by

Job Name/Location:

Tag #:

Date:

For: ☐ File ☐ Resubmit

PO No.:

☐ Approval Other _____

Architect:

GC:

Engr:

Mech:

Rep:

(Company)

(Project Manager)

LS240HFV3

Single Zone Standard Efficiency Wall Mount

Outdoor Unit (ODU) - LSU240HFV3, Indoor Unit (IDU) - LSN240HFV3

**Performance:****Cooling:**

Cooling Capacity (Min~Rated~Max) (Btu/h)	3,685 ~ 22,000 ~ 24,000
SEER	17.00
EER	10.00

SEER - Seasonal Energy Efficiency Ratio

EER - Energy Efficiency Ratio

Heating:

Heating Capacity (Min~Rated~Max) (Btu/h)	3,685 ~ 22,000 ~ 25,260
Max. Heating @ Indoor 70°F DB Outdoor 19°F DB / 17°F WB	17,680
HSPF	9.0

HSPF - Heating Seasonal Performance Factor

Cooling Nominal Test Conditions:

Indoor: 80°F DB / 67°F WB
Outdoor: 95°F DB / 75°F WB

Heating Nominal Test Conditions:

Indoor: 70°F DB / 60°F WB
Outdoor: 47°F DB / 43°F WB**Electrical:**

Power Supply (V/Hz/Ø)	208-230 / 60 / 1
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Outdoor Unit:

MOP (A)	20
MCA (A)	15
Cooling Rated Amps (A)	10.4
Heating Rated Amps (A)	10.4
Compressor (A)	10.0
Fan Motor (A)	0.4

MOP - Maximum Overcurrent Protection

MCA - Minimum Circuit Ampacity

Total Power Input:

Cooling Power Input (kW)	2.2
Heating Power Input (kW)	2.02

Piping:

Liquid Line (in., O.D.)	1/4
Vapor Line (in., O.D.)	1/2
Additional Refrigerant (oz./ft.)	0.26
Min. / Max. Pipe Length (ft.) ²	9.8 / 65.6
Piping Length (no add'l refriger., ft.)	24.6
Max. Elevation (ft.)	32.8

Features:

- 24-Hour on/off timer
- 2-Way (up / down) auto swing
- Auto changeover
- Auto restart
- Jet cool/Jet heat
- Condensate sensor connection
- Energy saving
- Inverter (variable speed compressor)
- Self-cleaning indoor coil
- Sleep mode
- Ultra quiet operation

Included Accessories:

- Wireless Remote Controller — AKB74955602

Optional Accessories:

- ☐ MultiSITE™ CRC1 — PREMTBVC0
- ☐ MultiSITE CRC1+ — PREMTBVC1
- ☐ Simple Remote Controller — PREMTCC00U
- ☐ Premium Remote Controller — PREMTA000
- ☐ Dry Contact - PDRCYCB100/320/400

For a complete list of available accessories, contact your LG representative.

Operating Range:**Outdoor Unit:**

Cooling (°F DB)	14 to 118
Heating (°F WB)	14 to 65

Indoor Unit:

Cooling (°F WB)	53 to 75
Heating (°F DB)	60 to 86

System Data:

Refrigerant Type	R410A
Refrigerant Control	EEV
Refrigerant Charge (lbs.)	2.975
ODU Sound Pressure (Cooling / Heating) (±1 dB[A]) ³	55 / 55
IDU Sound Pressure Cooling (H/M/L/Sleep) (±1 dB[A]) ³	48 / 43 / 38 / 32
Heating (H/M/L) (±1 dB[A]) ³	48 / 43 / 38 / 32
ODU Net / Shipping Weight (lbs.)	98.1 / 108
IDU Net / Shipping Weight (lbs.)	26 / 30
Heat Exchanger Coating	GoldFin™

Fan:

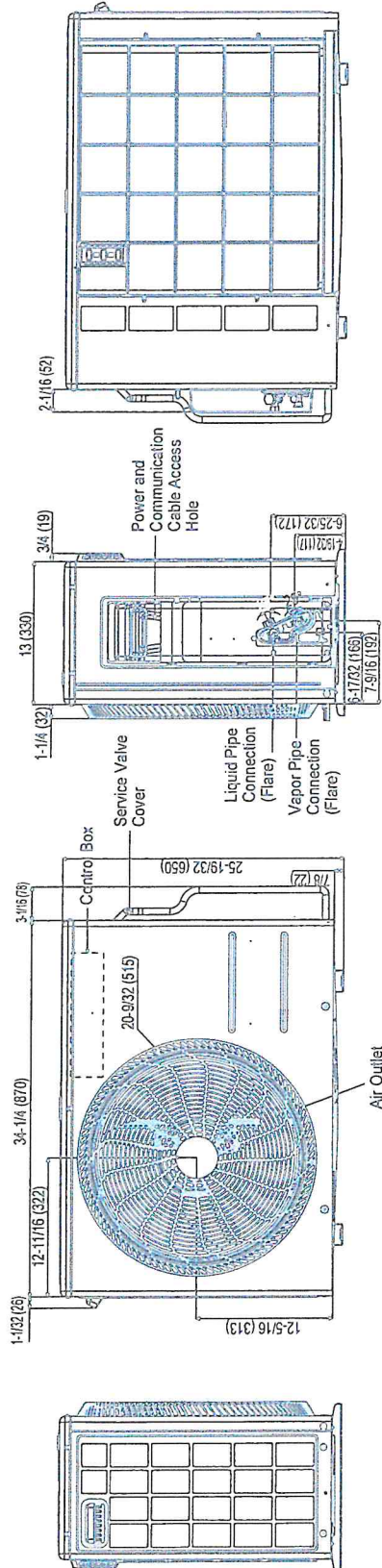
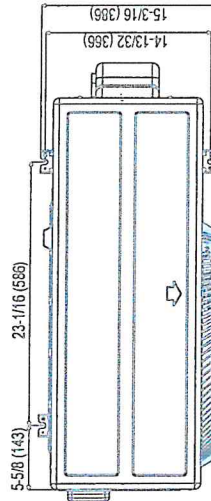
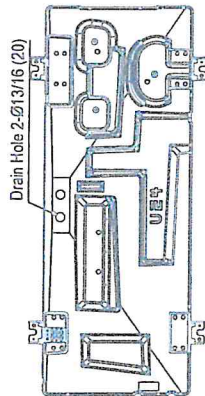
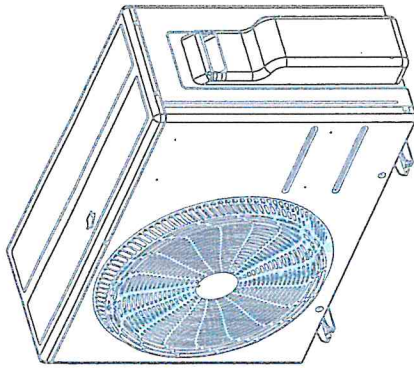
ODU Type	Propeller
IDU Type	Cross Flow
Fan Speeds (Fan/Cool/Heat)	6 / 6 / 6
Quantity (ODU + IDU)	1 + 1
Motor/Drive	Brushless Digitally Controlled/Direct
ODU Max. Air Flow Rate (CFM)	1,730
IDU Air Flow Cooling, Max/H/M/L (CFM)	689 / 512 / 459 / 371
Heating, Max/H/M/L (CFM)	653 / 565 / 477 / 388
Dehumidification (pts./hr.)	4.86

Notes:

1. Acceptable operating voltage: 187V-253V.
2. Piping lengths are equivalent.
3. Sound Pressure levels are tested in an anechoic chamber under ISO Standard 3745.
4. All communication / connection (power) cable from the outdoor unit to the indoor unit is field supplied and must be a minimum of four-conductor, 14 AWG, stranded, shielded or unshielded (if shielded, it must be grounded to the chassis of the outdoor unit only), and must comply with applicable local and national codes.
5. See Engineering Manual for sensible and latent capacities.
6. Power wiring cable size must comply with the applicable local and national code.
7. The indoor unit comes with a dry helium charge.
8. This data is rated 0 ft. above sea level, with 24.6 ft. of refrigerant line and a 0 ft. level difference between outdoor and indoor units.
9. Must follow installation instructions in the applicable LG installation manual.



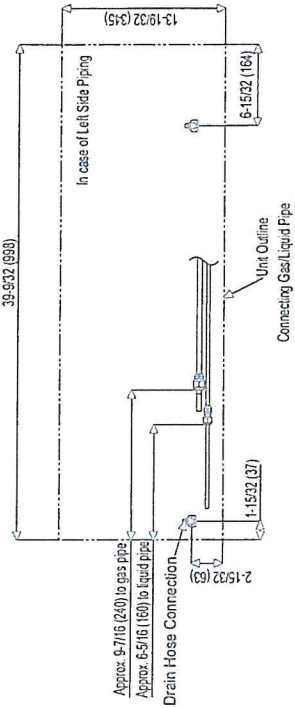
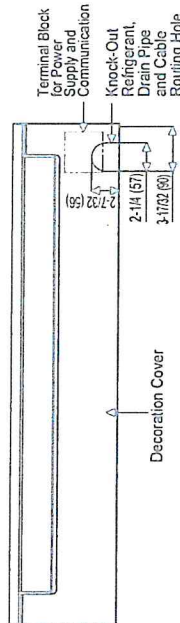
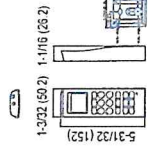
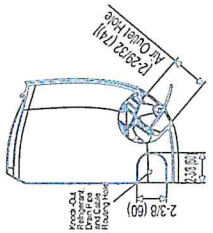
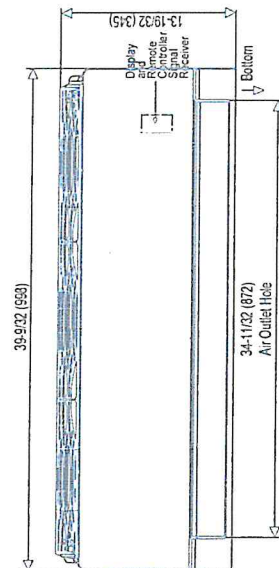
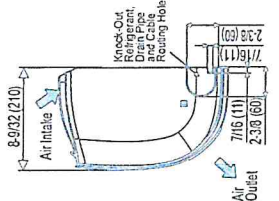
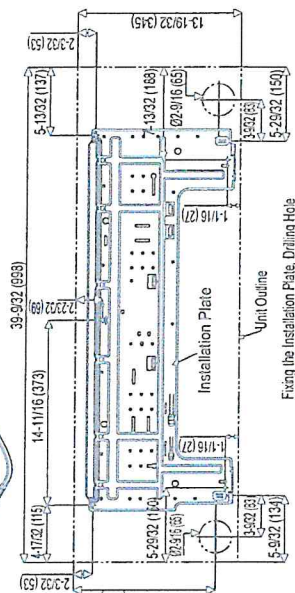
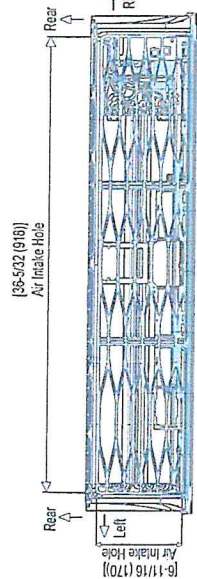
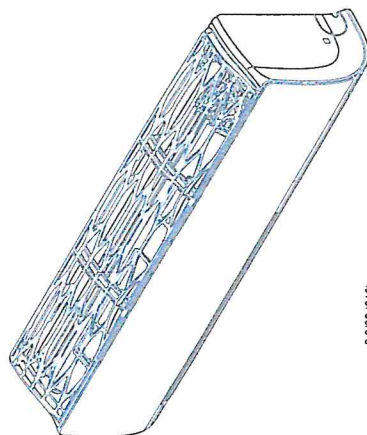
OUTSIDE UNIT



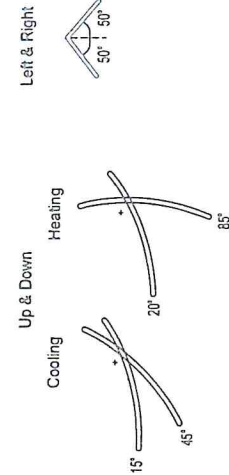
Unit: Inch (mm)

INDOOR
WALL
UNIT

Unit : Inch (mm)



* If airflow direction control is available.



Melissa Hays

From: Ranjit Sharma <rks@coppercreekhomes.us>
Sent: Saturday, December 18, 2021 9:41 AM
To: Melissa Hays
Subject: 9835 zig zag.

Melissa, We feel like this would be fine to add the ac unit outside. The property owner does a nice job of keeping their landscaping and yard nice. He is always willing to help his neighbors as well.

Ranjit K. And Sonia Sharma
9848 zig zag Road.

**CITY OF MONTGOMERY
BOARD OF ZONING APPEALS REGULAR MEETING**

*City Hall
10101 Montgomery Road
Montgomery, OH 45242*

November 23, 2021

<u>PRESENT</u>		
<u>GUESTS & RESIDENTS</u>		<u>STAFF</u>
Douglas Freeman 10387 Deerfield Road, 45242	Craig Margolis Vice Mayor Montgomery City Council 8270 Mellon Drive, 45242	Melissa Hays, Zoning and Code Compliance Officer Karen Bouldin, Secretary
	Cathy & Bob Pelz 7875 Pfeiffer Rd., 45242	<u>BOARD MEMBERS PRESENT</u> Richard White, Vice-Chairman Peter Fossett Tom Molloy Bob Saul Jade Stewart Steve Uckotter
	Stephanie Walters 10395 Deerfield Road, 45242	
		<u>MEMBERS NOT PRESENT</u> Mary Jo Byrnes, Chairman

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

Roll Call

The roll was called and showed the following responses:

***PRESENT: Mr. Fossett, Mr. Uckotter, Mr. Molloy, Mr. Saul, Ms. Stewart,
Acting Chairman White***

(6)

ABSENT: Ms. Byrnes

(1)

Pledge of Allegiance

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

Acting Chairman White gave a brief explanation of tonight's proceedings: He 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

November 23, 2021

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. Acting Chairman White 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.

He asked all guests to turn off or silence their cell phones.

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

Guests and Residents

Acting Chairman White 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

A request for a variance from Catherine and Robert Pelz, 7875 Pfeiffer Road, to allow for an accessory off-street parking area to be 2 feet from the front property line, where 25 feet is required, per Schedule 151.1009(B) of the Montgomery Zoning Code. A second variance is also requested, to allow a setback of 2 feet from the side property line, where 5 feet is required, for off-street parking, per Schedule 151.1009(B) of the Montgomery Zoning Code.

Staff Report

Ms. Hays reviewed the Staff Report dated November 23, 2021, "Application for Variance: Catherine and Robert Pelz". She asked if there were any questions.

Mr. Molloy asked if the proposed size of the parking pad (15 feet x 12 feet) met the recommendations of the Planning Commission. Ms. Hays stated that it was slightly shorter in depth, as a typical space is 9 feet x 18 feet.

Mr. Molloy asked if there were any other implications around Pfeiffer being a minor arterial road, is there anything special about emergency traffic or snow-plowing. Ms. Hays was not aware of anything in particular. She stated that Hamilton County determines the thoroughfare plan, and pointed out that Montgomery didn't have many minor arterials. She believed that a minor arterial is actually recommended to have a larger right-of-way. We only have 80 feet here, at this time. She believed that these may be roads that are marked for potential widening, at some point.

Mr. Molloy asked where the recommendation came from that any hard surface not be placed within the tree dripline. Ms. Hays stated that the City Arborist made that recommendation when he met on the site with homeowners, to look for an alternate location for the pad.

Mr. Molloy asked if the future roundabout would present any issues with sight visibility. Ms. Hays stated that it would not have any impact on sight.

Board of Zoning Appeals Meeting

November 23, 2021

Mr. Saul stated that he had visited the property, and pointed out that this proposed pad is actually a mirror image of the house to the east, next door. He asked Staff when that variance was issued. Ms. Hays stated that, in recent years, the code had changed, and that home was legal non-conforming.

Acting Chairman White asked if this was sufficient parking space. He felt it was small.

Ms. Hays deferred to the applicant, noting that she believed they would use it more as a turn-around, so that they could get their cars onto Pfeiffer.

Acting Chairman White asked if the applicant wished to speak.

Catherine Pelz, 7875 Pfeiffer Road, Montgomery, OH 45242 stated that they planned to back out of their garage into the turn-around, so that they could pull out on Pfeiffer, instead of backing out. They did not plan to use this for parking, it was for turn-around. She specified that they would use blacktop for the surface, to match the driveway. She asked if there were any questions from the Board. There were none.

Acting Chairman White asked if any guests or residents wished to speak.

Douglas Freeman, 10387 Deerfield Road, Montgomery, OH 45242 stated that his home shared the property line, in the back, with the Pelz's. He lived there for 32 years – almost as long as the Pelz's. He wanted to point out that their neighbor has an exact mirror of what they are proposing, and had not experienced any issues with it. He noted that many of the properties on Pfeiffer Road were non-compliant, and probably did not have variances.

Mr. Freeman noted that a big concern for all of them, is when the roundabout goes in. It will be much more dangerous for all of the homeowners to back-out of their driveways, because the cars will no longer have to stop when they go through the roundabout, and the cars will be upon them in no time; much faster than when they are now coming from that intersection. He felt he may need to put in a pad, as well.

Robert Pelz, 7875 Pfeiffer Road, Montgomery, OH 45242 stated that if the Board was agreeable to this request, but felt that the length of 14.7 feet was a little longer than it should be, they would be willing to vary it back a couple of feet. He preferred the 14.7 feet, but didn't want to cause an issue.

Stephanie Walters, 10395 Deerfield Road, Montgomery, OH 45242 stated that she lived on the corner of Deerfield and Pfeiffer, and will be directly involved when the roundabout goes in. She concurred with both of her neighbors. She has a turn-around, and has lived in her home since 2017. She felt it was very essential, especially with the roundabout coming in the future.

There were no more guests and residents who wished to speak.

Adjournment

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Board of Zoning Appeals Meeting

November 23, 2021

Mr. Saul moved to close the public hearing.

Mr. Molloy seconded the motion.

The public hearing adjourned at 7:20p.m.

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

Business Session

A request for a variance from Catherine and Robert Pelz, 7875 Pfeiffer Road, to allow for an accessory off-street parking area to be 2 feet from the front property line, where 25 feet is required, per Schedule 151.1009(B) of the Montgomery Zoning Code. A second variance is also requested, to allow a setback of 2 feet from the side property line, where 5 feet is required, for off-street parking, per Schedule 151.1009(B) of the Montgomery Zoning Code.

Mr. Saul stated that he typically stands behind the Zoning Codes, and is very reluctant to approve variances. He feels that the rules are important for the community because it establishes a suburban setting. However, in this case, he actually had pulled in their driveway, and personally experienced the issue of backing-out onto Pfeiffer. It took him a while, and he did not feel safe, realizing that some emergency vehicle could easily come racing by there. He explained that is the basic route for all of the emergency traffic going to and from the hospital, as well as the route for the fire department. Because this was a mirror image of the home next door, he felt it would fit in perfectly. He was in favor of this application.

Mr. Uckotter stated that he also had to back out of their driveway, and felt like he was taking his life in his hands; not to mention there are pedestrians to consider. He pointed out that every home to the right and left of the Pelz's had a turnaround.

Ms. Stewart, Mr. Fossett and Mr. Molloy also agreed with this request.

Acting Chairman White was in favor of this application; he was not even willing to pull into their driveway.

Mr. Molloy suggested that we hold two separate motions.

Mr. Molloy moved to approve the request for a variance from Catherine and Robert Pelz, 7875 Pfeiffer Road, to allow for an accessory off-street parking area to be 2 feet from the front property line, where 25 feet is required, per Schedule 151.1009(B) of the Montgomery Zoning Code, as described in the City of Montgomery Staff Report dated November 23, 2021. This approval is based on substantial compliance with the survey dated October 22, 2021.

This approval is justified by criteria # 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, as outlined in Montgomery Codified Ordinance Chapter 150.2010 (d) for granting variances.

Mr. Uckotter seconded the motion.

The roll was called and showed the following vote:

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Board of Zoning Appeals Meeting

November 23, 2021

AYE: Ms. Stewart, Mr. Fossett, Mr. Uckotter, Mr. Molloy, Mr. Saul,
Acting Chairman White

(6)

NAY:

(0)

ABSENT: Ms. Byrnes

(1)

ABSTAINED:

(0)

This motion is approved.

Mr. Molloy moved to approve the request for a variance from Catherine and Robert Pelz, 7875 Pfeiffer Road, to allow an accessory off-street parking area to have a setback of 2 feet from the west side property line, where 5 feet is required for off-street parking, per Schedule 151.1009(B) of the Montgomery Zoning Code, as described in the City of Montgomery Staff Report dated November 23, 2021. This approval is based on substantial compliance with the survey dated October 22, 2021.

This approval is justified by criteria # 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, as outlined in Montgomery Codified Ordinance Chapter 150.2010 (d) for granting variances.

Mr. Uckotter seconded the motion.

The roll was called and showed the following vote:

AYE: Mr. Fossett, Ms. Stewart, Mr. Uckotter, Mr. Molloy, Mr. Saul, Ms. Stewart,
Acting Chairman White

(6)

NAY:

(0)

ABSENT: Ms. Byrnes

(1)

ABSTAINED:

(0)

This motion is approved.

All guests and residents, except for Craig Margolis left the meeting at 7:25pm.

Adjournment

Mr. Molloy moved to close the business session.

Mr. Uckotter seconded the motion.

The business session adjourned at 7:25p.m.

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

Other Business

Mr. Margolis brought to light the December 1 event to swear in the new City Council, and invited all Board members to attend.

Board of Zoning Appeals Meeting

November 23, 2021

There will also be a resolution to identify a section of Montgomery Road as an Entertainment District.

This provides for a reduced cost of liquor licenses.

He asked for questions.

Mr. Molloy asked about the roundabout, and if traffic will be moving faster through the intersection. He asked if there was any data that suggests that statement to be true. Ms. Hays stated that traffic will flow more smoothly.

Ms. Stewart asked what the woman on the corner will do. Ms. Hays stated that some of the existing driveways will need to be realigned and that the City will purchase the house that is adjacent to the church.

Mr. Uckotter stated that he attended the Strategic Planning Retreat. He understood that the final plan will be voted on at the next Council meeting. He asked how they all came to their conclusions. Mr. Margolis stated that there were further discussions with Staff and the consultant. They have also assigned city colleagues to cross-functional teams (i.e., a police officer, finance director) -- a cross section of people working together. Mr. Margolis suggested that Steve email him, and he would send him the final report, showing all the task forces.

Minutes

Mr. Saul moved to approve the minutes of October 26, 2021 as written.

Mr. Fossett seconded the motion.

The Board unanimously approved the minutes.

Adjournment

Mr. Fossett moved to adjourn. Mr. Uckotter seconded the motion.

The meeting adjourned at 7:37p.m.

Karen Bouldin, Clerk

Richard White, Chairman *Pro-tem* Date

/ksb