

Board of Zoning Appeals Agenda
November 23, 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

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

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

Application for Variance: *Catherine and Robert Pelz*

**November 23, 2021
Staff Report**

Applicants: Catherine and Robert Pelz
7875 Pfeiffer Road
Montgomery, Ohio 45242

Property Owner: SAME

Vicinity Map:



Nature of Request:

The applicants are requesting a variance to allow an accessory off-street parking area to be 2' from the front property line where 25' is required per Schedule 151.1009(B) of the Montgomery Zoning Code. A second variance is also being requested to allow a setback of 2' from the side property line where

5' is required for off-street parking per Schedule 151.1009(B) of the Montgomery Zoning Code.

Zoning:

This property is zoned 'A' – Single Family Residential and is used for a single-family residence. All surrounding properties are also zoned 'A' single family residential.

Findings:

1. Schedule 151.1009(B) of the Montgomery Zoning Code requires accessory off street parking to be located 25' from the front property line or the right-of-way line if the property line runs to the centerline of the street.
2. Schedule 151.1009(B) of the Montgomery Zoning Code also requires off-street parking to be a minimum of 5' from the side property line.
3. The proposed parking pad is approximately 15' x 12'.
4. A roundabout will be installed at the intersection of Deerfield Road and Pfeiffer Road in 2022.
5. Pfeiffer Road is considered a minor arterial in accordance with the Hamilton County Thoroughfare Plan and has 80' in right of way. No on street parking is permitted.

Variance Considerations:

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

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

The lot is located on a minor arterial road as depicted on the Hamilton County Thoroughfare Plan. There is no on-street parking permitted along

Pfeiffer Road. In addition, right of way for this road is 80', which is greater than the typical subdivision street right of way of 50'.

A new roundabout will be installed at the current four-way stop intersection at Pfeiffer Road and Deerfield Road in 2022, which will improve traffic flow at the intersection.

In addition, there are existing trees on either side of the driveway near the house, which prevent the placement of a parking pad.

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

Staff is of the opinion that there may not be a reasonable rate of return if the variances are not granted. The accessory off-street parking space will allow for additional parking as well as provide a turnaround area for vehicles. Backing out onto Pfeiffer Road can be challenging during peak hours, and no on-street parking is permitted further limiting the parking of vehicles.

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

The accessory off-street parking variance from the front property line is substantial, as the applicant is requesting a 92% reduction. However, Pfeiffer Road has a larger than typical right of way and there are existing trees located closer to the house in the areas where the pad could be placed in accordance with the zoning code.

The accessory off-street parking variance from the side property line is also substantial, as the applicant is requesting a 60% reduction. However, Staff is of the opinion that the applicant is proposing the minimum necessary in order to allow for the turnaround of vehicles or the parking of a small vehicle. The depth of the parking area is proposed to be only 14.69'.

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

Staff is of the opinion that the neighborhood would not be substantially altered by granting the variances, as there are many homes along Pfeiffer Road with similar off-street parking spaces.

- 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 has stated that they were not 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?*

Staff is of the opinion that the applicant does not have a feasible option to install an off-street parking space without a variance, due to the placement of existing trees adjacent to the driveway closer to the house. It is not recommended that any hard surface be placed within a drip line of a tree.

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

The intent of the accessory off street parking setback is to reduce visual clutter by requiring parking pads to be located closer to the house and to provide for safe travel by requiring the parking pad to be located 25' from the right-of-way. Pfeiffer Road has a large amount of right of way and no on street parking is permitted. Staff is of the opinion that the proposed placement of the parking pad will not create visual clutter or interfere with sight visibility.

The 5' setback requirement is intended to allow proper drainage between properties. Staff believes that allowing for a 2' setback would not negatively impact the drainage between properties, as the swale along the property line drains towards the rear of the properties.

Staff does not believe that it is the intent of the zoning code to inhibit improvements to an existing property, if the improvement would not be detrimental to the surrounding properties or character of the neighborhood, the request is reasonable and a practical difficulty has been established.

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

The following variances have been approved for off-street parking has been approved:

A variance for 9991 Zig Zag Road to allow an accessory parking area to be 0' from the right of way was granted October 23, 2018. The practical difficulties associated with the justification of this variance request were topography, existing vegetation, and a utility pole.

A variance for 9978 Knollbrook Terrace to allow an off-street parking area to be 0' from the property line was granted October 19, 2021. This house had a non-conforming front yard setback.

A variance for 7379 Cornell Road to allow an off-street parking area to be 15' from the front property line was granted October 19, 2021. This was in conjunction with a new house.

Staff Comments and Recommendations

Staff believes that the variance requests are reasonable and would not be detrimental to the surrounding properties or the character of the neighborhood. A practical difficulty has been established due to the location along a minor arterial road, large amount of public right of way, and location of existing trees.

Approving an accessory off-street parking area to be 2' from the front property line where 25' is required per Schedule 151.1009(B) of the Montgomery Zoning Code and in substantial compliance with the site plan submitted October 27, 2021 could be justified by criteria #1-10.

Approving a variance to allow an accessory off-street parking area to be 5' from the side property line where 5' is required per Schedule 151.1009(B) of the Montgomery Zoning Code and in substantial compliance with the site plan submitted October 27, 2021 could be justified by criteria #1-10.



CITY OF

MONTGOMERY

A CHARMING PAST. A GLOWING FUTURE.

APPLICATION FORM

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

Project Address (Location): 7875 Pfeiffer Road

Project Name (if applicable): _____

Auditors Parcel Number: 1003-0010-0037-00 AND 1003-0010-0139-00

Gross Acres: 1/2 Lots/Units 1-2 Commercial Square Footage _____

Additional Information: _____

PROPERTY OWNER(S) CATHERINE PELZ
ROBERT PELZ Contact CATHERINE PELZ
ROBERT PELZ

Address 7875 Pfeiffer Road Phone: 513-793-9121p

City Montgomery State OH Zip 45242

E-mail address Cathy pelz.53@gmail.com

APPLICANT CATHERINE PELZ
ROBERT PELZ Contact CATHERINE PELZ
ROBERT PELZ

Address 7875 Pfeiffer Road Phone: 513-793-9121p

City Montgomery State OH Zip 45242

E-mail address Cathy pelz.53@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
Catherine Pelz Robert Pelz

ONLY

FOR DEPARTMENT USE

Print Name
CATHERINE PELZ, ROBERT PELZ

Date October 27, 2021

Meeting Date:	<u>11/23/21</u>
Total Fee:	<u>\$300</u>
Date Received:	<u>10/27/21</u>
Received By:	<u>JMH</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 7875 Pfeiffer 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 Catherine Pelz Robert Pelz

Print Name CATHERINE PELZ, ROBERT PELZ

Date October 27, 2021

Board of Zoning Appeals Members:

Mary Jo Byrnes

Tom Molloy

Bob Saul

Steve Uckotter

Richard White

Peter Fossett



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

No - the zoning laws changed well after we purchased our home

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

No

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

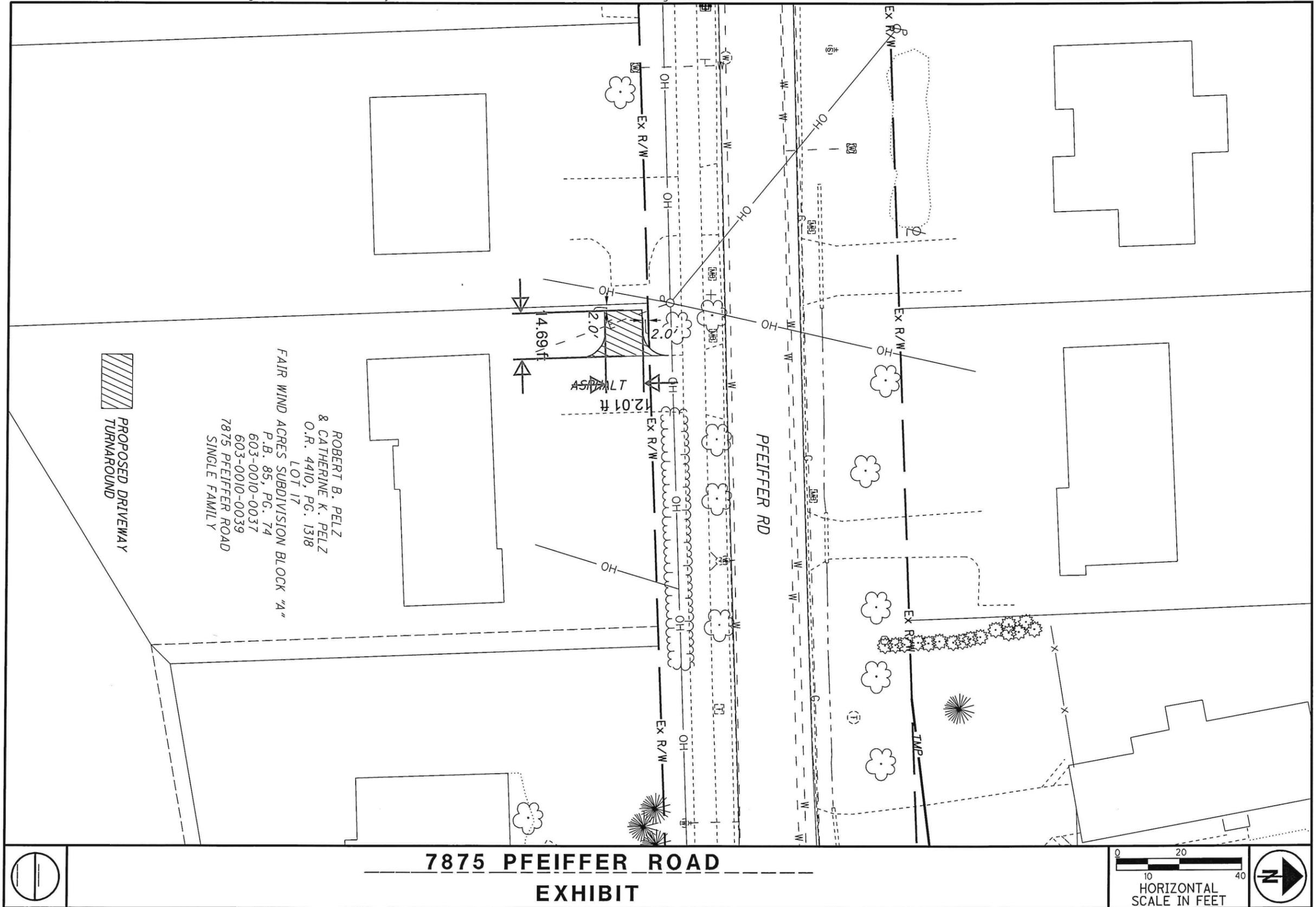
No

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

Yes

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

No - in fact, most neighbors already have turn-arounds and most are located where we want to build ours.



7875 PFEIFFER ROAD
EXHIBIT

0 10 20 40
HORIZONTAL
SCALE IN FEET



From: Staci Patrick Bradley <spbradley3@aol.com>
Sent: Tuesday, November 9, 2021 9:49 AM
To: Melissa Hays <mhays@montgomeryohio.org>
Subject: Notice of Public Meeting Letter

Hi Melissa,

I just received a letter from the City of Montgomery for the upcoming Board of Zoning Appeals meeting. It is in regards to my neighbors directly across the street, Robert & Catherine Pelz at 7875 Pfeiffer Rd.

They are requesting a variance to allow an accessory off-street parking area to be 2' from the front property line where 25' is required per Schedule 151.1009(B) of the Montgomery Zoning Code. A second variance is also being requested to allow a setback of 2' from the side property line where 5' is required for off-street parking per Schedule 151.1009(B) of the Montgomery Zoning Code.

I agree with and support the variances they are requesting. I am unable to attend the meeting, and wanted to be sure you received my opinion on the matter.

Please reach out to me with any questions.

Thank you,
Staci Bradley
7880 Pfeiffer Rd.
Montgomery, OH 45242
cell: 513.227.4320

From: kelly oneal <kboneal@gmail.com>
Sent: Tuesday, November 9, 2021 7:27 AM
To: Melissa Hays <mhays@montgomeryohio.org>
Subject: Catherine and Robert Pelz variance

Hi, I received an invite to the public meeting for variance at 7875 Pfeiffer Rd. I do plan to attend the meeting; however, I wanted to go ahead and email my support for approving this variance just in case I can't make it out that day.

Thank you
Kelly O'Neal
7860 Pfeiffer Rd

Sent from my iPhone

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

*City Hall
 10101 Montgomery Road
 Montgomery, OH 45242*

October 26, 2021

<u>PRESENT</u>		
<u>GUESTS & RESIDENTS</u>		<u>STAFF</u>
Andrew McMath and Melissa House 9978 Knollbrook Terrace Montgomery, OH 45242	Josh Schaad 7379 Cornell Road, 45242	Melissa Hays, Zoning and Code Compliance Officer Karen Bouldin, Secretary
Craig Margolis Vice Mayor Montgomery City Council 8270 Mellon Drive, 45242	Steve Silverman 7504 Golf Green Dr, 45242 (arrived at 7:35pm)	<u>ALL BOARD MEMBERS PRESENT</u> Mary Jo Byrnes, Chairman Richard White, Vice-Chairman Peter Fossett Tom Molloy Bob Saul Jade Stewart Steve Uckotter
		<u>MEMBERS NOT PRESENT</u>

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

Roll Call

The roll was called and showed the following responses:

PRESENT: Mr. Saul, Mr. Fossett, Mr. Uckotter, Mr. White, Mr. Molloy, Ms. Stewart,
 Chairman Byrnes (7)

ABSENT: (0)

Pledge of Allegiance

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

Chairman Byrnes gave a brief explanation of tonight’s proceedings: She stated that tonight the Board will be conducting two public hearings. A public hearing is a collection of testimony from City Staff, the applicant, and anyone wishing to comment on the case. All discussions by the Board of Zoning Appeals and all decisions will take place within the business session of this meeting, which immediately follows the public hearing. Everyone is welcome to stay for the

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Board of Zoning Appeals Meeting

October 26, 2021

29 business session of the meeting, however, the Board will not take any further public comment
30 during the portion of the meeting, unless clarification is needed by a Board member.

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

34

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

36

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

39

Guests and Residents

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

43

New Business (1)

45 *A request for a variance from Andrew McMath and Melissa House to allow an accessory off-*
46 *street parking area to be zero feet from the front property line, where 25 feet is required, per*
47 *Schedule 151.1009 (B) of the Montgomery Zoning Code.*

48

49 Mr. Uckotter recused himself, because he lived within 300 feet of the applicant.

50

Staff Report

52 Ms. Hays reviewed the Staff Report dated October 18, 2021, "Application for Variance: Andrew
53 McMath and Melissa House." She stated that she had received one email and one phone call, in
54 support of this variance.

55

56 Mr. Molloy had driven around and noticed several homes in the neighborhood that had a
57 driveway into the garage, and an added driveway area, from their driveway down to another curb
58 cut in the street. He stated that there were cars parked all along that area, which was adjacent to
59 the sidewalk. He asked if those situations warranted a variance. Ms. Hays confirmed that when
60 it was an actual u-shape/horse-shoe shape, it did not require a variance. They are permitted to
61 have more than one curb cut; but because they are separated, we do not total the width, together.
62 And vehicles are permitted to park along the curved area, to the point of being adjacent to the
63 sidewalk.

64

65 Chairman Byrnes asked if the applicant wished to speak.

66

67 **Melissa House, 9978 Knollbrook Terrace, Montgomery, OH 45242** stated that they were
68 planning to update and upgrade the curb appeal of their home. She stated that her husband drove
69 a very large truck, and their driveway was quite narrow, and made it difficult to park two
70 vehicles, without using the yard (creating tire tracks). She noted that the accessory parking space
71 would allow for a third vehicle, and keep some cars off of the street, when they have guests.

72

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Board of Zoning Appeals Meeting

October 26, 2021

73 Mr. White felt that they were adding more than just one parking space – they were basically
74 widening the entire driveway; he asked if that was legal. Ms. Hays stated that was the purpose
75 for the variance. Ms. Hays understood that they were not planning to alter the apron, pointing
76 out that everything they were doing was behind the sidewalk; it was not the full length of the
77 driveway. Mr. White did not understand why was it 40 feet long, if it was just for one parking
78 space. Ms. Hays stated that part of it would run at an angle, so it would not be the entire 40 foot
79 length. The actual pad itself was 24 feet.

80
81 Mr. White noted that they currently have a pile of rocks there, so even though it looks like you
82 could use it, you are not using it; he did not understand this.

83
84 **Andrew McMath, 9978 Knollbrook Terrace, Montgomery, OH 45242** stated that the pile of
85 rocks was there because he had started this project, and was unaware of the zoning requirements.
86 When he learned that he needed to come before BZA, he stopped. He left them there, in the
87 event that they would be granted a variance, so that he can use them as a base coat for a new
88 driveway. He didn't want to remove them all, and then have to buy more gravel.

89
90 Mr. Molloy wanted to clarify -- if they were only widening the driveway, and they were within
91 the setback for the front and the side, would they need a variance? Ms. Hays stated they would
92 not, up to 20 feet wide – which is the maximum driveway width permitted. She explained that
93 this is four feet extra. The bump-out / parking pad is not considered a part of the driveway.

94
95 Mr. McMath stated that the angled section is designed so that it is easy to pull into that spot,
96 rather than trying to make a 90 degree turn. Mr. Molloy agreed, especially with only the one
97 curb cut.

98
99 Mr. Saul asked if they were infringing upon the impervious surface, with this application.
100 Ms. Hays stated that in this instance, they are not. She noted that code permits a 35% maximum
101 impervious surface coverage of the front yard. In this case, they won't come near that
102 percentage, because they have two front yards.

103
104 Chairman Byrnes asked if any guests or residents wished to speak. There were none.

105
106 There were no more questions or comments from the Board.

107
108 **Adjournment**

109 Mr. Saul moved to close the public hearing.

110 Mr. White seconded the motion.

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

112
113 Chairman Byrnes opened the business session at 7:20p.m.

114
115 **Business Session (1)**

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Board of Zoning Appeals Meeting

October 26, 2021

116 *A request for a variance from Andrew McMath and Melissa House to allow an accessory off-*
117 *street parking area to be zero feet from the front property line, where 25 feet is required, per*
118 *Schedule 151.1009 (B) of the Montgomery Zoning Code.*

119
120 Mr. Molloy felt we should do what we could, for safety in the neighborhood, by eliminating the
121 on street parking, especially since it is a busy intersection. He was in favor of this application.
122

123 *Mr. Molloy moved to approve the request from Andrew McMath and Melissa House,*
124 *9978 Knollbrook Terrace, Montgomery, Ohio 45242 to allow an accessory off-street parking*
125 *area to be zero feet from the western front property line, where 25 feet is required, per*
126 *Schedule 151.1009 (B) of the City of Montgomery Zoning Code, as described in the City of*
127 *Montgomery Staff Report dated October 18, 2021.*

128
129 *This approval is based on substantial compliance with the survey dated May 2021.*

130
131 *This approval is justified by criteria # 1, 4, 5, 6, 7, and 8, as outlined in Montgomery Codified*
132 *Ordinance Chapter 150.2010 (d) for granting variances.*

133
134 *Mr. Saul seconded the motion.*

135
136 *The roll was called and showed the following vote:*

137
138 *AYE: Ms. Stewart, Mr. Saul, Mr. Fossett, Mr. White, Mr. Molloy, Chairman Byrnes (6)*
139 *NAY: (0)*
140 *ABSENT: (0)*
141 *ABSTAINED: Mr. Uckotter (1)*

142
143 *This motion is approved.*

Adjournment

144
145 Mr. White moved to close the business session.

146 Mr. Fossett seconded the motion.

147 The business session adjourned at 7:24p.m.

148
149
150 Chairman Byrnes opened the public hearing at 7:24p.m.

151
152 Mr. Uckotter resumed his seat on the Board.

New Business (2)

154
155 *A request for two variances from Josh Schaad, 7370 Cornell Road (Parcel 060300260086),*
156 *Montgomery, Ohio 45242 to 1) allow an accessory, off-street parking area to be 15 feet from*
157 *the front property line, where 25 feet is required, per Schedule 151.1009 (B) of the*
158 *Montgomery Zoning Code; and 2) to allow a new single-family dwelling to have a front yard*
159 *setback of 40 feet, where 50 feet is required in the "B" District, per Schedule 151.1005 of the*
160 *Montgomery Zoning Code.*

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Board of Zoning Appeals Meeting

October 26, 2021

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162

DRAFT

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Board of Zoning Appeals Meeting

October 26, 2021

163 **Staff Update**

164 Ms. Hays reviewed the Staff Report dated October 26, 2021, “Application for Variance: Josh
165 Schaad”.

166
167 Mr. White asked where this lot was located.

168
169 **Josh Schaad, 7379 Cornell Road, Montgomery, Ohio 45242** stated that there was a pile of
170 dirt at the eastern-most lot – and it is not involved in this variance. That will have to be regraded
171 before a home can be built there. This lot is the western-most lot, located next to the Public
172 Works driveway; the garage structure that was there for decades has been demolished. **It is**
173 **currently a grass area.**

174
175 Mr. Molloy stated that in other cases, particularly along Cooper Road, we looked at the average
176 amount of setback, when granting variances -- and the applicant had noted that, in his comments
177 to the Board. Ms. Hays stated that the **built-up-on-block rule** would not apply to this because
178 they did not have the number that was needed in order to get that calculation -- according to what
179 the code required. The calculation calls for the average of two houses on either side of the
180 property -- and because of the lack of houses here, that calculation cannot be determined.

181
182 **So, for perspective, Mr. Molloy felt that the Board could look at the applicant’s comments. He**
183 **noted that the setbacks were accurate. Ms. Hays confirmed.**

184
185 Mr. Uckotter noted that this house fit the lot; the applicant was just asking to move it 10 feet to
186 the north.

187
188 Ms. Stewart would not want to remove the foliage in the back, as it screened the Public Works
189 behind it. Ms. Hays agreed.

190
191 Chairman Byrnes asked if any guests or residents wished to speak. There were none.

192 193 **Adjournment**

194 Mr. White moved to close the public hearing.

195 Mr. Saul seconded the motion.

196 The public hearing adjourned at 7:37p.m.

197
198 The business session was called to order at 7:37 p.m.

199 200 **Business Session (2)**

201 *A request for two variances from Josh Schaad, 7370 Cornell Road (Parcel 060300260086),*
202 *Montgomery, Ohio 45242 to 1) allow an accessory, off-street parking area to be 15 feet from*
203 *the front property line, where 25 feet is required, per Schedule 151.1009 (B) of the*
204 *Montgomery Zoning Code; and 2) to allow a new single-family dwelling to have a front yard*
205 *setback of 40 feet, where 50 feet is required in the “B” District, per Schedule 151.1005 of the*
206 *Montgomery Zoning Code.*

207

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Mr. Saul was in favor of this project. He felt this was a difficult piece of property, and it looked like the builder was planning to put something worthwhile in there. **Chairman Byrnes agreed, noting that pretty much anything would be an improvement, at this point.**

Ms. Stewart felt it was a small request, and if anything, it was to make a 3 point turn, to make a front-way entrance out onto a very busy street in a very busy area of the street.

Mr. White agreed, pointing out that the 35 mph speed limit on the street was not adhered to, either.

Mr. Molloy felt that moving the house forward to maintain the vegetation in the back, as a buffer, was also a good idea.

Mr. Uckotter stated that he made the mistake of pulling into the driveway, and felt that it was quite a safety issue, to get out of there. Mr. Uckotter was concerned that the applicant was planning to put a house in there that would be bigger than the lot, but then learned that was not the case; that the house was conforming, but just being moved up 10 feet. He noted that this was the second case in the last two months that we have had for improvements to the western entrance of city.

Mr. Molloy suggested that two motions be made. Chairman Byrnes and all members agreed.

Mr. Molloy moved to approve the request from Josh Schaad, 7370 Cornell Road (Parcel 060300260086), Montgomery, Ohio 45242 to allow an accessory, off-street parking area to be 15 feet from the front yard 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 October 26, 2021.

This approval is based on substantial compliance with the survey dated September 25, 2021.

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

Mr. Saul seconded the motion.

The roll was called and showed the following vote:

<i>AYE: Mr. Fossett, Mr. Uckotter, Mr. White, Mr. Molloy, Ms. Stewart, Mr. Saul,</i>	
<i>Chairman Byrnes</i>	(7)
<i>NAY:</i>	(0)
<i>ABSENT:</i>	(0)
<i>ABSTAINED:</i>	(0)

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253 *This motion is approved.*

254

255 *Mr. Molloy moved to approve the request from Josh Schaad, 7379 Cornell Road (Parcel*
256 *060300260086), Montgomery, Ohio 45242 to allow a new single-family dwelling to have a*
257 *front yard setback of 40 feet, where 50 feet is required in the “B” District, per Schedule*
258 *151.1005 of the City of Montgomery Zoning Code, as described in the City of Montgomery*
259 *Staff Report dated October 26, 2021.*

260

261 *This approval is based on substantial compliance with the survey dated September 25, 2021.*

262

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

265

266 *Mr. Fossett seconded the motion.*

267

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

269

270 *AYE: Mr. Uckotter, Mr. White, Mr. Molloy, Ms. Stewart, Mr. Saul, Mr. Fossett,*
271 *Chairman Byrnes*

(7)

272 *NAY:*

(0)

273 *ABSENT:*

(0)

274 *ABSTAINED:*

(0)

275

276 *This motion is approved.*

277

Adjournment

278 Mr. Saul moved to close the business session.

279 Mr. Uckotter seconded the motion.

280 The business session adjourned at 7:42p.m.

281

282

283 Chairman Byrnes opened the public hearing at 7:42p.m.

284

Other Business

285 Mr. Molloy asked Staff to make a change on the Request to Visit Form (for BZA members to
286 visit applicants' properties). He noticed that it had Doug King's name on it; but not Jade
287 Stewart. Ms. Hays stated that she would update this.

288

289

290 Mr. Margolis reported on the last two weeks. He wanted to share some information from three
291 organizations that he is involved with. He attended the Ohio Public Works Integrating
292 Committee – a group involved with dispensing grants / money for public improvements.

293 They are also now involved with dispensing monies that bump up into sales tax that is mixed in
294 with SORTA. This Committee had the good fortune of approving \$33 million in grants for
295 projects. One of note is the Western Hills Viaduct – there will be an \$8 million payout over the
296 next 25 years. The first year was mostly for street repairs.

297

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Board of Zoning Appeals Meeting

October 26, 2021

298 Mr. Margolis pointed out that you read in the paper about bridges needing repair. One of the
299 requirements for the projects of this particular funding mechanism are: they must be within 3
300 quarters of a mile of a bus route. SORTA explained that they have also added seven 24-hour bus
301 routes, and they now have more cross-county routes. It was interesting that out of 30 or 40
302 projects submitted, they hired two outside engineering firms to grade the projects, to make it a
303 fairer choice in rating these projects, in terms of who is granted funding.

304

305 Chairman Byrnes asked where Ohio Public Works received their money funneled from.
306 Mr. Margolis stated that each county has an Integrating Committee. The other funding
307 mechanism was Capital Improvements from the state; but this Integrating Committee funding
308 mechanism was part of the sales tax.

309

310 Mr. Margolis stated that he also attended the quarterly meeting for the Hamilton County
311 Emergency Management Agency Department of Homeland Security. This agency provides the
312 benefit of building the capacity of communities to respond to local disasters. They have also
313 been in the forefront of the pandemic response. They provided the sub-zero freezers for vaccine
314 storage. They have distributed up to 1500 million articles of PPE (personal protective
315 equipment), over the last year and a half. They also control and maintain the sirens that announce
316 severe weather. They sponsor Partners in Preparedness, where (at the last meeting) they
317 reviewed what communities should be prepared for, regarding multiple snowstorms. They build
318 the capacity of communities to respond to local and county-wide emergencies; they also support
319 and maintain the **Alert HC** – an online program which will give direct notification to your cell
320 phone of various emergency situations in the community – gas leaks, weather, etc.

321

322 Chairman Margolis stated that he attended a Hamilton County **Mis Meeting?** – a group who
323 purpose is to help inform Hamilton County and local communities of legislation in Ohio. There
324 is a person who is the conduit between this group and the state house, with responsibility to keep
325 member communities up-to-speed on legislation that is happening, or possibly going to happen.
326 One big issue is the centralized collection of tax receipts. He noted that this is being held at bay.
327 He stated that the City of Montgomery does not feel that it would benefit our residents, and so
328 this group advocates on behalf of our community.

329

330 Chairman Margolis reminded all of the election coming up, and encouraged all to vote. He
331 asked if there were any questions.

332

333 Chairman Byrnes asked about a **CERC** team – **(Crisis and Emergency Risk Communication) or**
334 **is it Community Emergency Response**. She stated that we used to have this team, perhaps
335 funded by FEMA? She noted that there were regular training sessions, and wondered if this
336 program has stopped. **Mr. Margolis stated that he was not aware of whether it was dormant or**
337 **active, but he would find out.**

338

339 Chairman Byrnes stated that previously, there were opportunities to attend sessions at the
340 Hamilton County Planning Partnership; she asked if that was still available, or if there was any
341 type of training that might be of value to the Board of Zoning Appeals. **Chairman Margolis**

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342 stated that because of budget cuts, those were no longer happening – but there may be some
343 internal training available from Staff: Ms. Henao or Ms. Hays.

344
345 Chairman Margolis asked if there was a particular training the members might be interested in;
346 that it may be possible to provide it. Chairman Byrnes enjoyed the meetings that spoke to the
347 issues happening in southwest Ohio, where she would learn what other communities were facing
348 and how they handled it, i.e., Madeira or Anderson Township.

349
350 Mr. Saul stated that we haven't had a training session with the City Attorney; he felt it would be
351 very valuable to discuss what this particular committee was responsible for. Chairman Byrnes
352 agreed.

353
354 Ms. Hays stated that she would look into some training possibilities. She would also look into
355 Ohio's American Planners Association, to see if they have anything available.

356
357 There was discussion about the current building status of the Montgomery Quarter.
358 Ms. Stewart commented that the roundabout was very well done.

359
360 Chairman Byrnes suggested that during rush hour, they do not allow a left turn onto Cooper,
361 when travelling southbound on Montgomery Road. She pointed out that there was no reason
362 why anyone would need to turn left there. It made for a terrible bottleneck in traffic there.
363 She suggested no left turn from 7-9am and 4-6pm. Mr. Uckotter suggested this for both
364 intersections, because they could go right down to the roundabout and come back. Ms. Hays
365 stated that she would pass this suggestion along to Public Works.

Minutes

366
367 Mr. White moved to approve the minutes of September 28, 2021, as written.

368 Mr. Uckotter seconded the motion.

369 The Board unanimously approved the minutes.

Adjournment

370
371 Mr. Saul moved to adjourn. Mr. Fossett seconded the motion.

372 The meeting adjourned at 8:00p.m.

373
374
375
376
377
378
379
380
381 _____
Karen Bouldin, Clerk

381 _____
Mary Jo Byrnes, Chairman

Date

382
383 /ksb

384