
Board of Zoning Appeals Agenda

October 25, 2022

**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

7379 Cornell Road: A request from Josh Schaad, property owner, for a one-year extension of the variances granted on October 26, 2021. A variance to allow an accessory off-street parking area to be 15' from the front property line where 25' is required per Schedule 151.1009(B) of the Montgomery Zoning Code. A variance to allow a new single-family dwelling to have a front yard setback of 40' where 50' is required in the 'A' District per Schedule 151.1005 of the Montgomery Zoning Code.

Agenda Item 2

7875 Pfeiffer Road: A request from Catherine and Robert Pelz for a one-year extension of the variances granted on November 21, 2021. 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 was also granted 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.

Agenda Item 3

8755 Monte Drive: A request from Chris Lenahan, property owner, for a variance to allow fencing 4' in height in the front yard area along Coopermeadow Lane, where Section 151.1009(I)(1) of the Montgomery Zoning Code does not permit fences over two feet in height in the front yard.

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



CITY OF

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APPLICATION FORM

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

Project Address (Location): 7379 Cornell Rd

Project Name (if applicable): 7379 Cornell Rd

Auditors Parcel Number: 060300260086

Gross Acres: .286 Lots/Units 1 Commercial Square Footage _____

Additional Information: _____

PROPERTY OWNER(S) _____ Josh Schaad Contact Josh

Address 4430 Boardwalk Ct Phone: 513-873-8000

City Blue Ash State OH Zip 45242

E-mail address joshschaad@twc.com

APPLICANT Same as above Contact _____

Address _____ 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

FOR DEPARTMENT USE ONLY

Print Name Josh Schaad

Date 9-14-22

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



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 _____ 7379 Cornell 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 _____ Josh Schaad _____

Date _____ 9-14-22 _____

Board of Zoning Appeals Members:

Mary Jo Byrnes

Tom Molloy

Catherine Mills Reynolds

Bob Saul

Jade Stewart

Steve Uckotter

Richard White

Montgomery BZA:

RE: 7379 Cornell Rd minimum front setback and parking pad variance – 6-month extension

Thank you for reviewing my variance extension request for:

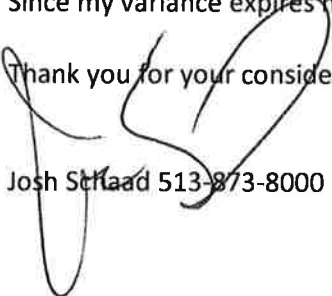
1. a 40' front setback in lieu of the current requirement of 50' and,
2. a 15' parking pad setback in lieu of the current requirement of 25'.

On October 26-2021, the Board approved my variance request as noted above. Unfortunately, due to unusual market conditions, there has been a slight delay in my planned new construction at 7379 Cornell. Specifically, inflation and supply chain disruptions increased my builder's proposal by \$120k (25%), making it difficult to justify construction at this time. As such, I have spent the last few months looking for other options. I have since found a viable option with a different builder for a comparable home design that will fit on the lot. I will be signing a contract with them in the next few weeks however they will not have time to pull permits before the beginning of next year. My tentative schedule appears to be looking like this:

Oct-22-proposal and acceptance
Nov-22-site survey
Jan-Feb-23-permits and final plans
March-Sept-23-construction period

Since my variance expires next month, I would like to request a 6-month extension.

Thank you for your consideration,


Josh Schaad 513-873-8000

Melissa Hays

From: Cathy Pelz <cathypelz53@gmail.com>
Sent: Thursday, October 6, 2022 2:49 PM
To: Melissa Hays
Subject: Extension Request of Variance

Melissa:

Last November, we were approved to build a turn-around on our property .

We decided to have our driveway resurfaced along with building the turn-around so that we have a smooth and seamless surface.

Since last November, we found out that the sidewalk will be removed and a temporary lane built there as well as a temporary sidewalk south of that. This will entail cutting our driveway.

Although everything will be replaced, we do not want a seam in the driveway.

We want to defer having the new driveway and turn-around built until after the roundabout work is completed.

Thanks for your consideration.

See on October 25th.

Melissa Hays

From: Staci Patrick Bradley <spbradley3@aol.com>
Sent: Thursday, October 20, 2022 2:55 PM
To: Melissa Hays
Subject: RE: Notice of Public Meeting letter

Hi Melissa,

I received the Notice of Public Meeting letter regarding my neighbors across the street, Bob and Cathy Pelz at 7875 Pfeiffer Rd., requesting the Board of Zoning and Appeals to extend their variance for one year. I am totally supportive of that and wish them the best!

I won't be able to attend the meeting that day, so please reach out with any questions. Thank you!

Thank you!
Staci Patrick Bradley
cell/text: 513.227.4320

CITY OF MONTGOMERY BOARD OF ZONING APPEALS

Application for Variance: *Chris Lenahan*

October 21, 2022
Staff Report

Applicant: Chris Lenahan
8755 Monte Drive
Montgomery, OH 45242

Property Owner: Same as above

Vicinity Map:



Nature of Request:

The applicant is requesting a variance to allow fencing 4' in height in the front yard area along Coopermeadow Lane, where Section 151.1009(I)(1) of the Montgomery Zoning Code does not permit fences over two feet in height in the front yard.

Zoning:

This property is zoned 'A' single family residential. All the adjoining properties are zoned 'A' single family residential and used for single family residences.

Findings:

1. The property is approximately 27,225 square feet in size, which exceeds the 20,000 square foot minimum for the 'A' District.
2. The house was built in 1978 and conforms to all setback requirements in the 'A' District.
3. The rear yard setback of the house is approximately 55', which exceeds the 35' minimum required. Below is a depiction of where a fence is permitted as of right:



4. The property is a corner lot on Coopermeadow Lane and Monte Drive, with two front yards. The driveway is located on Monte Drive.
5. Chapter 151.1009 of the Montgomery Zoning Code states that fences and walls over 2 feet high may not be located in any part of the front yard.

6. The zoning code was changed in 2002 to limit the height of fences in the front yard to 2 feet. Prior to the code change, fences could be a maximum of 4 feet in height in front yards.
7. A split rail fence was previously located in the front yard area, with a front yard setback of 10'. This fence was legal non-conforming and was 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?*

No special conditions and circumstances exist which are peculiar to the land. The lot is a corner lot and meets the requirements of the District with regards to lot size, dimensions and setbacks.

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

The property will yield a reasonable rate of return without granting the variance, as many corner lots within the City do not have fencing located in the front yard.

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

The variance is substantial because the applicant is proposing a fence which is two times taller than what is allowed in the front yard by the zoning code. In addition, the proposed placement on the property line along the street would be visible.

Staff is of the opinion that the applicant is not requesting the minimum necessary, as the property does have a rear yard area that could be fenced.

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

Staff is concerned that the character of the neighborhood would be altered by granting the variance as depicted on the site plan

with the fence extending out to the property line, as fences in the front yard are not common and this would protrude significantly past the front plane of the house. While the house located to the south has a legal non-conforming fence in the front yard area, it is setback 25' from the front property line.

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

Local 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 owners have stated they were unaware 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 erect a fence which is only two feet in height or fence in the rear yard area only. However, the applicant is seeking to fence in a larger portion of his property.

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

It is clear in section 151.1009 that fences should not exceed two feet in height in the front yard. The intent of this regulation is to keep the front yards of lots within the City open and un-cluttered, while still allowing for taller fences to be erected in the side and rear yard to provide for private outdoor spaces. While Staff recognizes that fencing in an area of the front yard along Coopermeadow Lane would give the applicant additional space to enclose their yard, Staff is of the opinion that the intent of the zoning regulation would not be observed by granting variance which allows a 4' high fence to extend out to the front property line.

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

The following requests for a variance regarding fence height in the front yard have been considered by the Board of Zoning Appeals since the adoption of the regulation in 2002:

- A variance to allow a wrought-iron fence four feet in height was granted for a property located at 7942 Cooper Road on May 22, 2007. This property is zoned 'A' Single Family Residential and is located in the Heritage District. Since this variance request, the Zoning Code has been changed to allow for four foot wrought-iron fences in the front yard in the Heritage District.
- A variance to allow a split rail fence four feet in height was denied for a property located at 10016 Zig Zag Road on February 26, 2008. This property was also zoned 'A' Single Family Residential and was adjacent to the I-71 sound wall. The applicant was proposing to erect the fence in the front yard approximately 23' from Zig Zag Road.
- In September 2013, the Board of Zoning Appeals granted a variance to allow for a 6' high fence/wall in the front yard along Ted Gregory Lane for the new home being constructed at 7813 Remington Road. This property is a through lot and abutted commercially zoned property.
- In October 2013, the Board of Zoning Appeals granted a variance to allow for a 6' high fence/wall in the front yard along Ted Gregory Lane for the new home being constructed at 7797 Remington Road. This property is a through lot and abutted commercially zoned property.
- In January 2016, the Board of Zoning Appeals granted a variance to allow a 4' high split rail fence be located along the front yard property line. This was a corner lot with non-conforming side yard setbacks, square footage and front yard setbacks.
- In May 2016, the Board of Zoning Appeals denied a variance to allow a 4' high fence to be located in the front yard area of a corner lot surrounding a pool.

- In November 2017, the Board of Zoning Appeals approved a variance to allow 94' of fencing, 3' in height in the front yard area of 10538 Adventure Lane. The fence was a replacement of an existing legal non-conforming fence.
- In January 2021, the Board of Zoning Appeals approved a variance to allow a 4' high fence to extend a 10' into the front setback in order to go around an existing pine tree at 10658 Weil Road.

Staff Comments and Recommendations

Staff recognizes that fencing in an area of the front yard along Coopemeadow Lane would provide the applicants a larger enclosed space than what is permitted as of right, and that existing foliage would aid in the screening of the fencing. However, Staff is concerned that granting the requested amount of variance in accordance with the submitted site plan would not preserve the intent of the zoning regulation and would set a precedent for other lots within the City. Staff is of the opinion that a practical difficulty has not been clearly established.

Granting the variance to allow the proposed fence to be four feet in height in the front yard at 8755 Monte Drive would be justified by criteria #5, 6, and 7.

10/17/2022

To: City of Montgomery Board of Zoning Appeals
10101 Montgomery Rd.
Montgomery, OH 45242
Attn: Melissa Hays, AICP
Zoning and Code Compliance Officer

Request from Christopher Lenahan for Dimensional Variance for back yard black aluminum fence along Coopermeadow Ln. Cul-de-Sac side.

I live at 8755 Monte Drive, Montgomery 45242, a corner lot, and would like to request a variance to install a black aluminum fence along my side yard on the Coopermeadow (cul-de-sac) side.

There is extensive ground cover on the already shallow lot, making it even more shallow. The black aluminum fence with a wrought-iron look would be in the shade, and the view of it would be practically hidden by all the mature trees and shrubs.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read 'Chris Lenahan', with a long horizontal flourish extending to the right.

Chris Lenahan



CITY OF MONTGOMERY

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APPLICATION FORM

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

Project Address (Location): 8755 Monte Dr, Montgomery OH 45242

Project Name (if applicable): _____

Auditors Parcel Number: 603-0007-0029-00

Gross Acres: .62 Lots/Units 1 Commercial Square Footage _____

Additional Information: _____

PROPERTY OWNER(S) Chris Lenahan Contact Christopher Lenahan

Address 8755 Monte Dr, Phone: _____

City Montgomery State OH Zip 45242

E-mail address chrislenahan73@gmail.com

APPLICANT Chris Lenahan Contact Christopher Lenahan

Address 8755 Monte Dr. Phone: 513-254-6111

City Montgomery, State OH Zip 45242

E-mail address chrislenahan73@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

[Handwritten Signature]

FOR DEPARTMENT USE

Print Name Chris Lenahan

Date 10-14-22

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



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 8755 Monte Dr., we hereby grant permission to Members of the Board of Zoning Appeals and City of Montgomery Staff to enter the property for visual inspection of the exterior premises. The purpose of said inspection is to review the existing conditions of the subject site as they relate to the application as filed to the Board of Zoning Appeals.

Property Owner(s) Signature _____

Print Name Chris Lenahan

Date 10-7-22

Board of Zoning Appeals Members:

Mary Jo Byrnes

Tom Molloy

Catherine Mills Reynolds

Bob Saul

Jade Stewart

Steve Uckotter

Richard White

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.

8755 Monte Dr. is a shallow lot, made even more shallow by extensive ground cover around all 3 sides of backyard.

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

Unknown, but for resale value, the variance would be of added value.

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

The variance is not substantial. It is minimal, but important.

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

In no way would character of neighborhood be altered with black aluminum fence in total shade, surrounded by trees and shrubbery.

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

No. It is along a side street which is a cul-de-sac.



CITY OF

MONTGOMERY

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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?

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. Black aluminum fence (like wrought iron) would be practically invisible due to mature trees and shrubs.

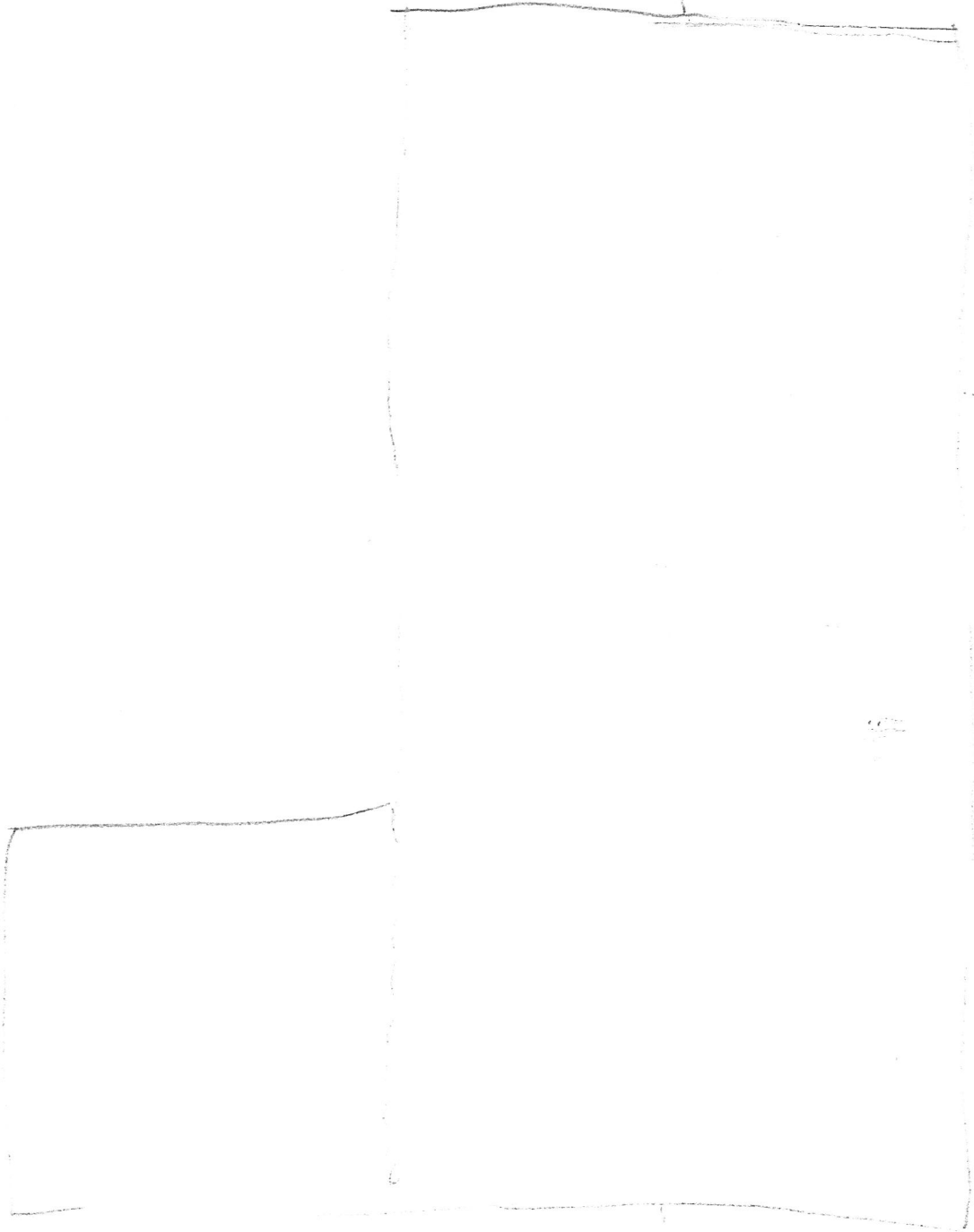
10. Would granting the variance confer on the applicant any special privilege that is denied to other properties in this district?

No.

Cooper meadow Ln.
Cul-de-Sac



MONITE AREA



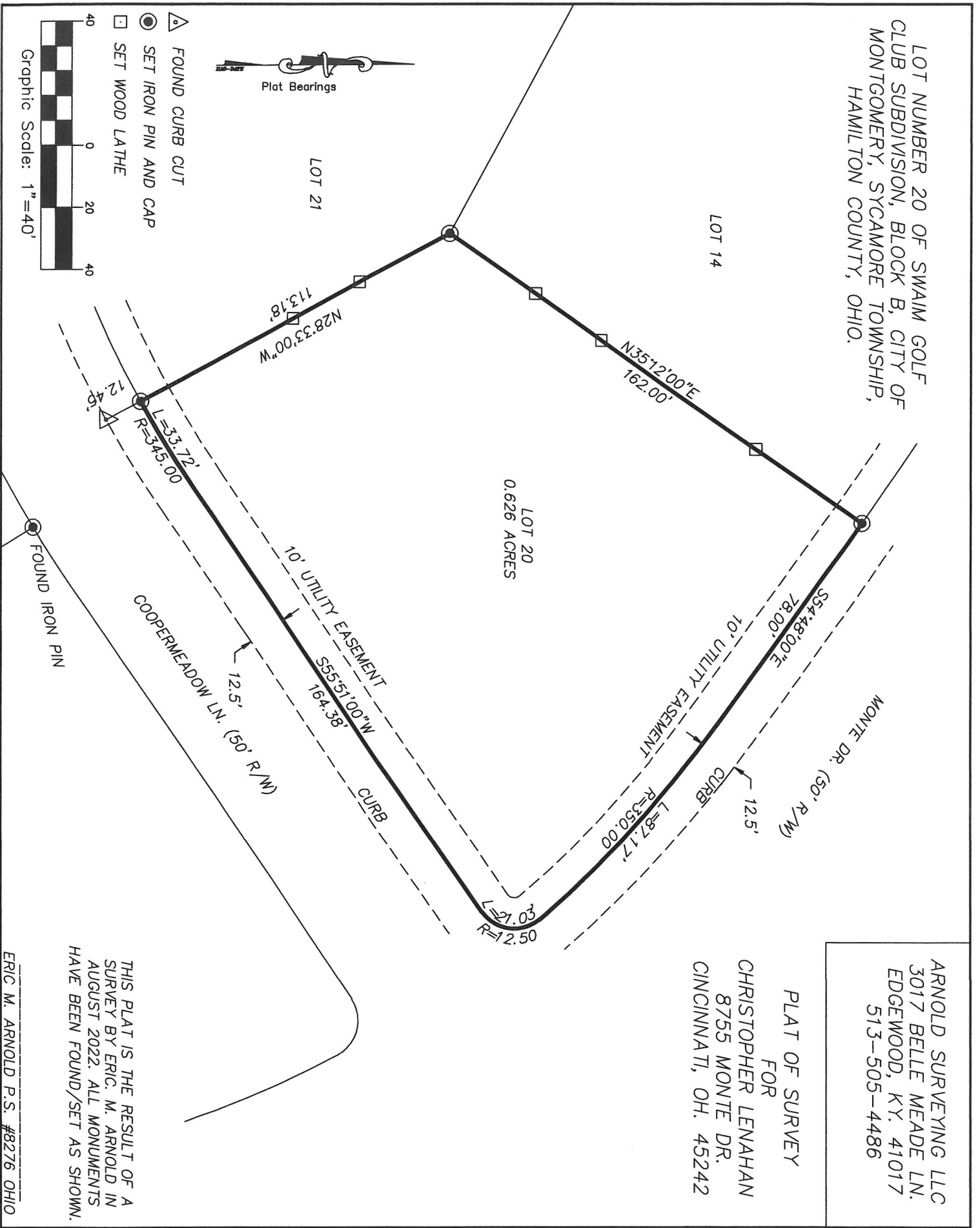
Ground Cover



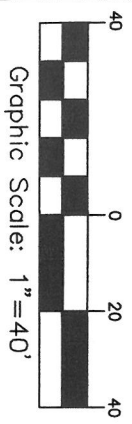
LOT NUMBER 20 OF SWAIM GOLF CLUB SUBDIVISION, BLOCK B, CITY OF MONTGOMERY, SYCAMORE TOWNSHIP, HAMILTON COUNTY, OHIO.

ARNOLD SURVEYING LLC
 3017 BELLE MEADE LN.
 EDGEWOOD, KY. 41017
 513-505-4486

PLAT OF SURVEY
 FOR
 CHRISTOPHER LENAHAN
 8755 MONTE DR.
 CINCINNATI, OH. 45242

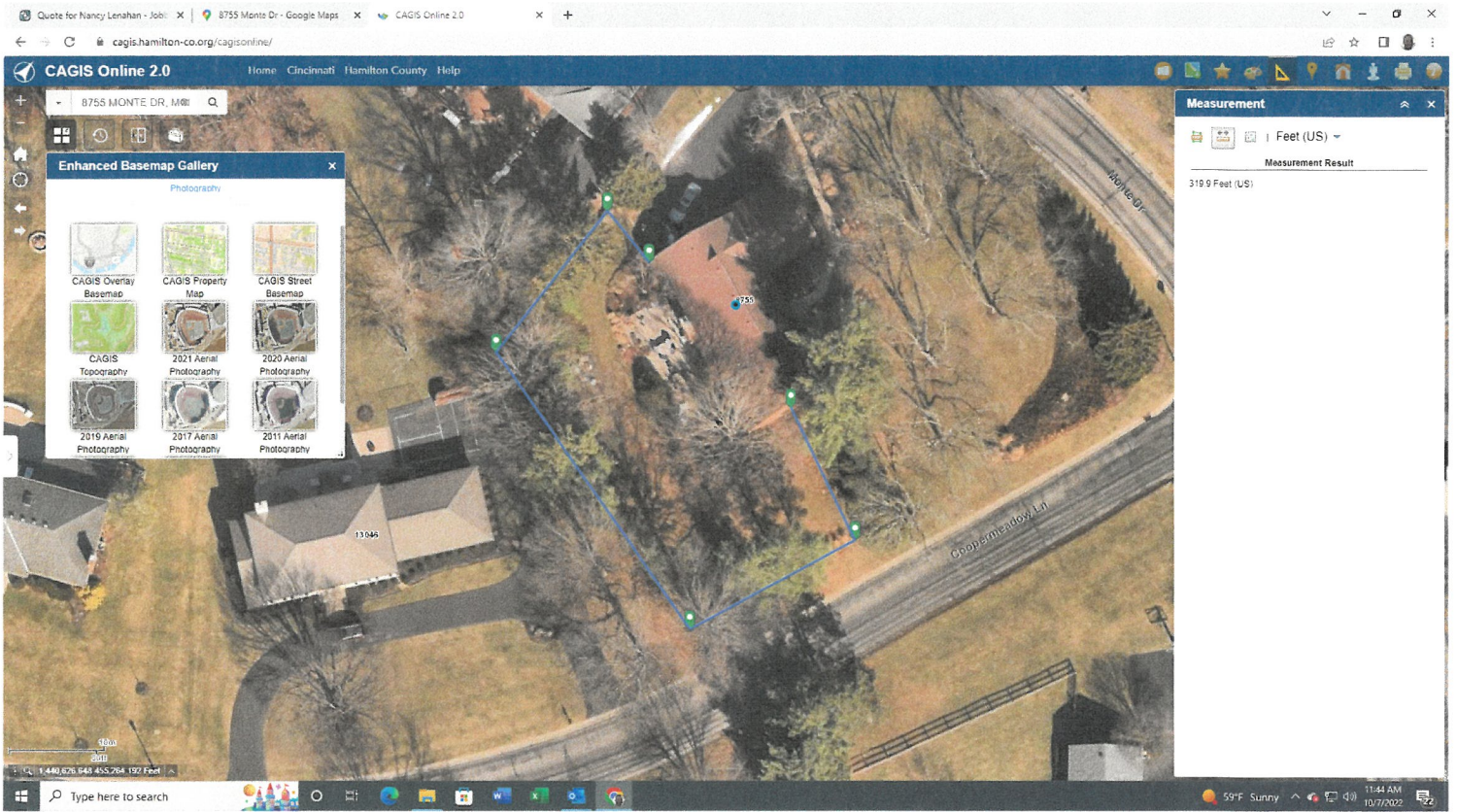


- ▲ FOUND CURB CUT
- SET IRON PIN AND CAP
- SET WOOD LATHE



THIS PLAT IS THE RESULT OF A SURVEY BY ERIC M. ARNOLD IN AUGUST 2022. ALL MONUMENTS HAVE BEEN FOUND/SET AS SHOWN.

ERIC M. ARNOLD P.S. #8276 OHIO



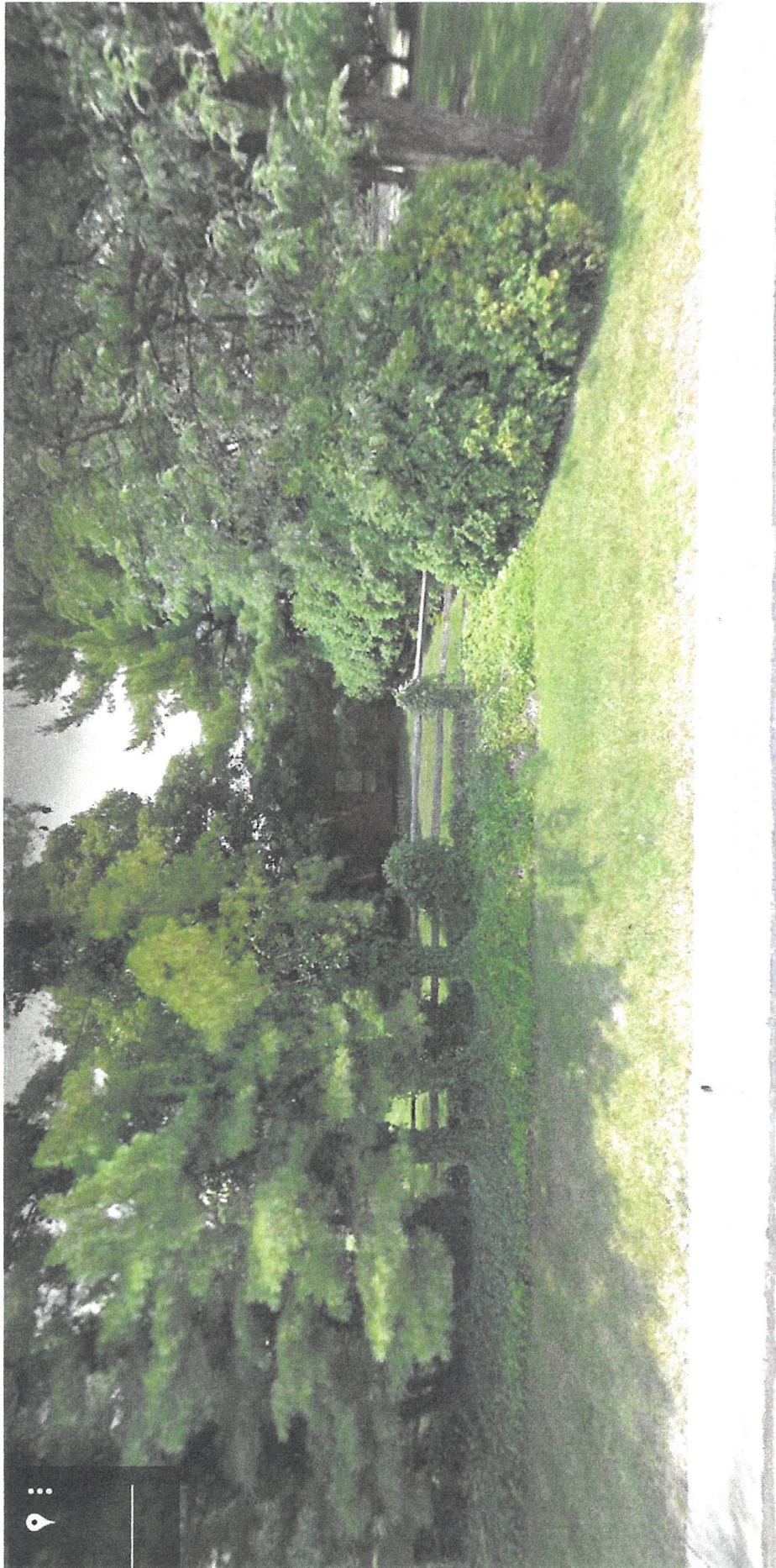




Google

Wednesday, October 5, 20





Google







8755 MONTE DR, MO

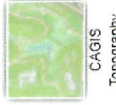


Enhanced Basemap Gallery

Photography



CAGIS Overlay Basemap



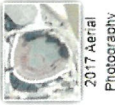
CAGIS Topography



CAGIS Property Map



2021 Aerial Photography



2017 Aerial Photography



CAGIS Street Basemap



2020 Aerial Photography



2011 Aerial Photography











Melissa Hays

From: cathyf@fuse.net
Sent: Sunday, October 16, 2022 10:59 AM
To: Melissa Hays
Cc: cathyf@fuse.net
Subject: Input regarding Zoning appeal for Fence; Lenahan Property 8755 Monte Drive

Importance: High

Hello Melissa

I am emailing you in regards to the letter I received regarding the "Notice of Public Meeting" regarding the fence request of Chris Lenahan property owner of 8775 Monte Drive.

Can you please make sure this is passed on to the City Council Members and Community Development Department who will be making this decision.

Can you also confirm you received this email.

Greeting: City Council Members and Community Development Department

Thank you for seeking my input. I am 100% in support of the fence that property owner Chris Lenahan is requesting. As you can see by the picture that was sent to me in the letter I received there is a tasteful fence on a corner lot directly adjacent to Mr Lanahan's property and has been there for many years. This has not impacted the beautification of the Swain neighbor nor property values. I do believe this subdivision was developed in the 70's which was a much different era and there were many rules enacted at that time that may not be as relevant today. I would like to say the corner lot houses in Swain Field are beautiful and eye catching. That being said I see an architectural flaw with the location of the house on the property leading to a minimal if any backyard space. Back in the 70's there were really minimal to no fences on any lot but as times have evolved fences have become quite a common practice to assist in safety of children and animals as to keep them in the yard and other humans and animals out. Those with corner lots are presented with a challenge as they have not been afforded the same privilege. I know many corner lots owners have invested in electric fences for dogs. I will say I am not a fan of the electric fence as they are not predictable and either are some dogs. There are also some breeds that electric fences are not feasible. The electric fence doesn't protect to keep humans or other animals out of the yard.

I would like to recommend that the current restrictions for corner lots be relooked at regarding expanding the opportunity for tasteful fencing. There is an old saying "good fences make good neighbors."

I would also like to bring up an area that I feel there needs to be more of a focus which is young children and motorized scooters. There are many young children in the Swain, Zig Zag and Cooper area that are allowed to ride these scooters on the more heavier traffic area's such as Monte and Zig Zag. Presently there are no helmet or shoe requirement I am being told. They are young and as we all felt at that age a bit "invincible." I have witnessed them play "chicken" with cars on Monte and Zig Zag in the street and be reckless with people walking on sidewalks. Both my neighbor and myself had inquired about this a little more than a year ago after witnessing a "near miss event." Unfortunately we were told there are no restrictions or rules on these and it was suggested we follow up with the family if we knew who these kids belonged to. I was not impressed with the answer. Scooter are fun but there should be rules in place for safety that can be enforced.

Thankyou very much for your time and considerations of my recommendations.

Catherine Follmer

Sincerely Catherine Follmer
8690 Monte Drive

City of Montgomery
Board Of Zoning Appeals
10101 Montgomery Road

Att: Melissa Hays

October 17, 2022

This responds to your request for our input for your careful consideration on the variance being requested by Chris Lenahan, 8755 Monte Drive to install a 4' high fence in the front yard along Coopermeadow Lane.

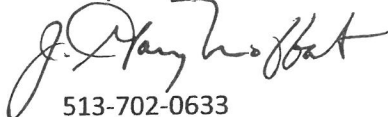
As the owner of a property within 300 feet of this property and living in the neighborhood of Swaim Field, my husband and I are AGAINST such a variance.

Rationale:

1. We moved to this neighborhood in 1986 and one of the main reasons was the SWNA rules and the zoning of the City of Montgomery.
2. We followed the rules and installed a split rail fence (since removed) in the rear of our home to contain kids and pets.
3. We would see this fence several times each day and the maintenance of the fence would be questionable.
4. We would like our home values maintained and not risked with multiple variances over time.

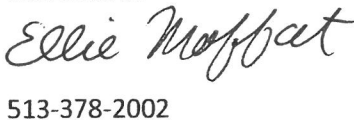
We are unable to attend the hearing but appreciate the opportunity to provide our input.

Gary Moffat



513-702-0633

Ellie Moffat



513-378-2002

*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**

September 27, 2022

<u>PRESENT</u>		
<u>GUESTS & RESIDENTS</u>		<u>STAFF</u>
Craig Margolis Mayor City Council	Kevin Namaky 7607 Lakewater Drive, 45242	Melissa Hays, Zoning and Code Compliance Officer
		Karen Bouldin, Secretary
		<u>BOARD MEMBERS PRESENT</u>
		Mary Jo Byrnes, Chairman
		Richard White, Vice-Chairman
		Catherine Mills Reynolds
		Bob Saul
		Jade Stewart
		Steve Uckotter
		<u>MEMBERS NOT PRESENT</u>
		Tom Molloy

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

Roll Call

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

**PRESENT: Ms. Mills Reynolds, Mr. Uckotter, Mr. White, Mr. Saul, Ms. Stewart,
Chairman Byrnes** (6)

ABSENT: Mr. Molloy (1)

Pledge of Allegiance

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

Chairman Byrnes gave a brief explanation of tonight’s proceedings: She stated that tonight the Board will be conducting 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 business session of the meeting, however, the Board will not take any further public comment during this portion of the meeting, unless clarification is needed by a Board member.

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.

Board of Zoning Appeals Meeting

September 27, 2022

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

30
31 She asked all guests to turn off their cell phones.

32
33 Chairman Byrnes asked that anyone planning to speak to the Board please stand to be sworn in
34 (which included the applicant). Chairman Byrnes swore in everyone planning to speak.

Guests and Residents

35
36
37 Chairman Byrnes asked if there were any guests or residents who wished to speak about items
38 that were not on the agenda. There were none.

Old Business

39
40
41 There was no old business to discuss.

New Business

42
43
44 *A request for a variance from Kevin and Rachel Namaky, 7607 Lakewater Drive,*
45 *Montgomery, OH 45242, to allow for an accessory off-street parking area to be 6 feet from*
46 *the front property line, where 25 feet is required, per Schedule 151.1009(B) of the*
47 *Montgomery Zoning Code.*

Staff Report

48
49
50 Ms. Hays reviewed the Staff Report dated September 27, 2022, "Application for Variance:
51 Kevin and Rachel Namaky". She showed drawings on the wide screen for all to see, to provide
52 more understanding of the Staff Report. Ms. Hays asked for any questions, noting that the
53 applicant was also in attendance to answer any questions.

54
55 Ms. Stewart asked if a variance was required to have a driveway extension along the side of the
56 garage. Ms. Hays stated that it was not. She noted that it was not common, but it was
57 permissible, as long as they maintained a 5 foot setback. Ms. Hays pointed out that the applicant
58 was proposing 12 feet, exceeding the required 5 feet.

59
60 From the wide screen, using the CAGIS program, Ms. Hays showed all attendees another
61 property, noting how the driveway pad looked with a front-entrance garage. She stated that,
62 typically, you would see this parking area on the side of a house.

63
64 Mr. Saul pointed out that this was better, because it would be next to the neighbor's driveway,
65 instead of being next to the neighbor's home. This would provide even more separation.

66
67 Ms. Hays added that there was also a drainage easement (a 10 foot wide storm sewer easement)
68 between these two properties, which also allowed for a bit more space between the two homes.

69
70 There were no more questions from the Board.

71

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Board of Zoning Appeals Meeting

September 27, 2022

72 Chairman Byrnes asked if the applicant wished to speak.

73

74 **Kevin Namaky, 7607 Lakewater Drive, Montgomery, OH 45242** stated that, as their family
75 grows, they are running out of room for their cars. He stated that they have always had issues,
76 they would park in their neighbors driveways, or park at the end of the cul-de-sac if they had to –
77 and that was a good walk. He noted this was a high traffic intersection, and he was concerned
78 with parking a car out there. He told members that the stop sign was right in front of his home,
79 so he really couldn't park anywhere in front of his home. He stated that this proposal seemed
80 like a reasonable way to expand their parking capacity.

81

82 Ms. Stewart asked if they were removing the trees and bushes adjacent to the property, on the
83 right side. Mr. Namaky stated that one large tree will stay. The small garden with some shrubs
84 on the corner of the home will be taken out. Their plan is to have new landscaping around the
85 new driveway.

86

87 Ms. Stewart asked how many vehicles he was planning to park in this area. Mr. Namaky stated
88 that they will be able to park one car beside the home, with an additional car length that would
89 provide safety for pulling in and out. He noted that this would give them the option of parking
90 two cars in the driveway, although they do not anticipate that.

91

92 Ms. Mills-Reynolds asked about the letter that was received from the neighbors and wanted to
93 see on the wide screen where they lived. Mr. Namaky pointed it out on the wide screen, noting
94 that it was not the house next to them, but one house away. He noted that the second letter came
95 from a neighbor in the other direction of the street, which he pointed out, on the screen. These
96 were both letters in favor of this application.

97

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

99

Adjournment

101 Mr. Saul moved to close the public hearing.

102 Mr. White seconded the motion.

103 The public hearing adjourned at 7:15p.m.

104

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

106

Business Session

108 *A request for a variance from Kevin and Rachel Namaky, 7607 Lakewater Drive,*
109 *Montgomery, OH 45242, to allow for an accessory off-street parking area to be 6 feet from*
110 *the front property line, where 25 feet is required, per Schedule 151.1009(B) of the*
111 *Montgomery Zoning Code.*

112

113 Mr. Saul was in favor of anything that reduced parking on the street, and in favor of this
114 application.

115

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September 27, 2022

116 Ms. Mills-Reynolds agreed that this did not seem unreasonable, and felt it would help. She also
117 thought this would be beneficial, since Sycamore had the new stadium being built close by, and
118 wondered if there would be street parking from the games. This was even more reason to keep
119 the Namaky's cars off the street.

120

121 ***Mr. Uckotter moved to approve the request for a variance from Kevin and Rachel Namaky,***
122 ***7607 Lakewater Drive, Montgomery, OH 45242, to allow for an accessory off-street parking***
123 ***area to be 6 feet from the front property line, where 25 feet is required, as defined by Section***
124 ***151.1009(B) of the Montgomery Zoning Code, and described in the City of Montgomery Staff***
125 ***Report, dated September 27, 2022.***

126

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

129

130 ***Mr. Saul seconded the motion.***

131

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

133

134 ***AYE: Ms. Stewart, Ms. Mills Reynolds, Mr. Uckotter, Mr. White, Mr. Saul,***
135 ***Chairman Byrnes*** (6)

136

NAY: (0)

137

ABSENT: Mr. Molloy (1)

138

ABSTAINED: (0)

139

140 ***This motion is approved.***

141

Adjournment

143 Mr. Uckotter moved to close the business session.

144 Mr. White seconded the motion.

145 The business session adjourned at 7:22p.m.

146

147 Chairman Byrnes opened the public hearing at 7:22p.m.

148

Council Report

150 Mr. Margolis thanked the Board for their good work.

151

152 He noted that he had just come from an interesting meeting called "Behind the Ballot" held at the
153 Hamilton County Board of Elections, which explained how the voting process worked, showing
154 all of the integrity that was built into their systems to ensure a secure and safe process. Mayor
155 Margolis stated that he was shocked at all of the checks and balances that were in place. It was
156 also geared to engage young adults (age 17 and up) to get involved, and to recruit them to work
157 the polls. They would get paid and also receive community hours.

158

159 Chairman Margolis gave updates:

160

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September 27, 2022

- 161 • Montgomery Quarter: They are still having material sourcing issues for equipment
162 needed for 2 of the restaurants, which haven't been able to open yet.

163
164 There are 3 restaurants: 1) Bru Burger, 2) Livery – Latin American (owned by the
165 Cunningham Group, who also owns Stone Creek), and 3) Genki Ramen & Izakaya –
166 Japanese (chain - one in Deerfield, one in Oakley and Over The Rhine). There is also
167 one larger restaurant, to be announced soon.

168
169 Hellman's Fine Men's Apparel, (previously Blaine's) had opened in late August.
170 The owner had a men's store named Hellman's in Carew Tower, then purchased
171 Blaine's, and moved into the Montgomery Quarter, and closed the downtown store.

172
173 Condominiums will be built during Phase 2 of this project, which is projected to start in
174 the next few years. Next fall (2023), the apartments will start to be populated; they are
175 under construction now (in the back). There are two main apartment complexes, and a
176 third that will have underground garages. They are large, town-home style, but called
177 apartments.

- 178
179 • Vintage Club: they are under construction with retail buildings and condominiums.

- 180
181 • Twin Lakes was building the flats (2-bedroom apartments), but they have not broken
182 ground yet. Mr. White stated that he just attended a meeting at Twin Lakes, and they
183 were told that this construction is temporarily postponed, noting that it was too expensive
184 to build right now.

185
186 Mr. Uckotter asked about the people parking on the street, in the wrong direction at The Winds –
187 parking against the traffic, on the other side of the street. He stated that it was rampant, noting
188 that this is actually against the law. Ms. Hays stated that the Police Department just received an
189 email about that today, but she wasn't sure of the response. Mayor Margolis suggested that
190 Mr. Uckotter also send an email to the police. Ms. Hays stated that she would follow up with
191 Mr. Uckotter.

192
193 Ms. Mills-Reynolds stated that she knew someone who parked at Swaim Park and had their car
194 broken into, and money stolen.

195
196 Mayor Margolis stated that the police were aware of gangs coming in from out of state, and they
197 are watching for cars that look out of place. And this is happening everywhere, not just
198 Montgomery.

199
200 There was no other business to report.

201
202

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Board of Zoning Appeals Meeting

September 27, 2022

203 **Minutes**

204 Mr. Uckotter moved to approve the minutes of August 23, 2022, as written.

205 Mr. White seconded the motion.

206 The Board unanimously approved the minutes.

207

208 **Adjournment**

209 Mr. White moved to adjourn. Mr. Saul seconded the motion.

210 The meeting adjourned at 7:40p.m.

211

212

213

214

215

216

217 _____
Karen Bouldin, Clerk

_____ Mary Jo Byrnes, Chairman

_____ Date

218

219 /ksb

220

DRAFT