
Board of Zoning Appeals Agenda

November 22, 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. Old Business

Agenda Item 1

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 MONTGOMERY BOARD OF ZONING APPEALS

Application for Variance: *Chris Lenahan*

November 22, 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.
8. The applicant is proposing to locate the fence 5' from the front property line.

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. The applicant is, however, attempting to minimize the visibility from the street by proposing the fence be located behind the existing tree line.

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 into the front yard and located 5' from the front 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. In addition, the applicant has the ability to erect a fence enclosing the rear and side yards up to 6' in height.

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 at 7820 Campus Lane. 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 at 8611 Hetheridge Lane.
- 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 that was located approximately 35' from the front property line.
- 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. The fencing was located approximately 55' from the front property line.

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

A CHARMING PAST. A GLOWING FUTURE.

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 [Signature]

FOR DEPARTMENT USE

Print Name Chris Lenahan

Date 10-14-22

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



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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



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Consideration for Approval of Dimensional Variances

The following criteria will be used, along with other testimony provided at the public hearing to determine whether a practical difficulty exists that warrants a variance from the Zoning Code. Applicants should be prepared to respond to these issues.

1. Whether special conditions and circumstances exist which are peculiar to the land or structure and which are not applicable to other lands or structures in the same zoning district. Examples are narrowness, shallowness or steepness of the lot, or adjacency to non-conforming uses.

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

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

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A CHARMING PAST. A GLOWING FUTURE.

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?

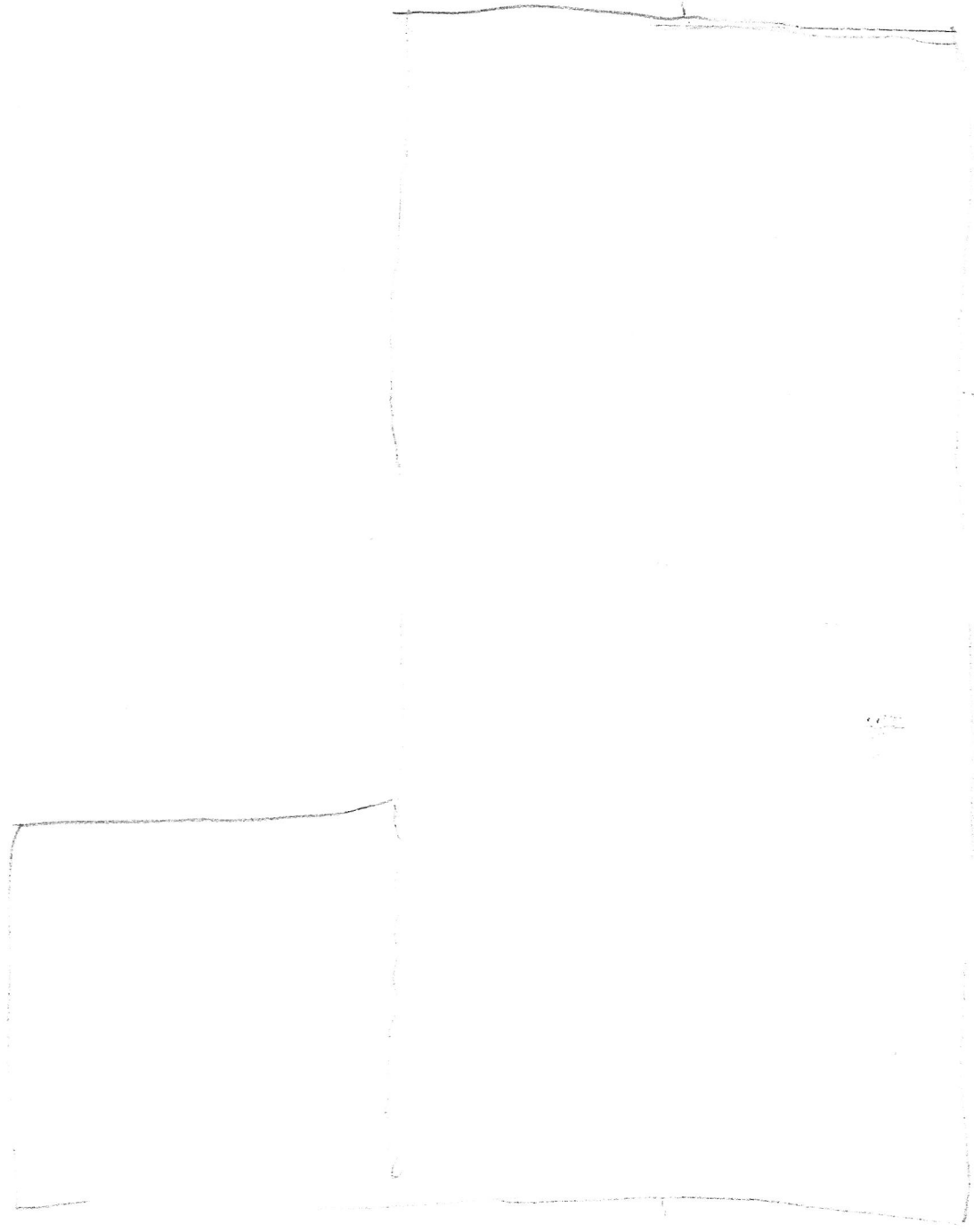
No.

Coopermeadow Ln.

Cul-de-Sac

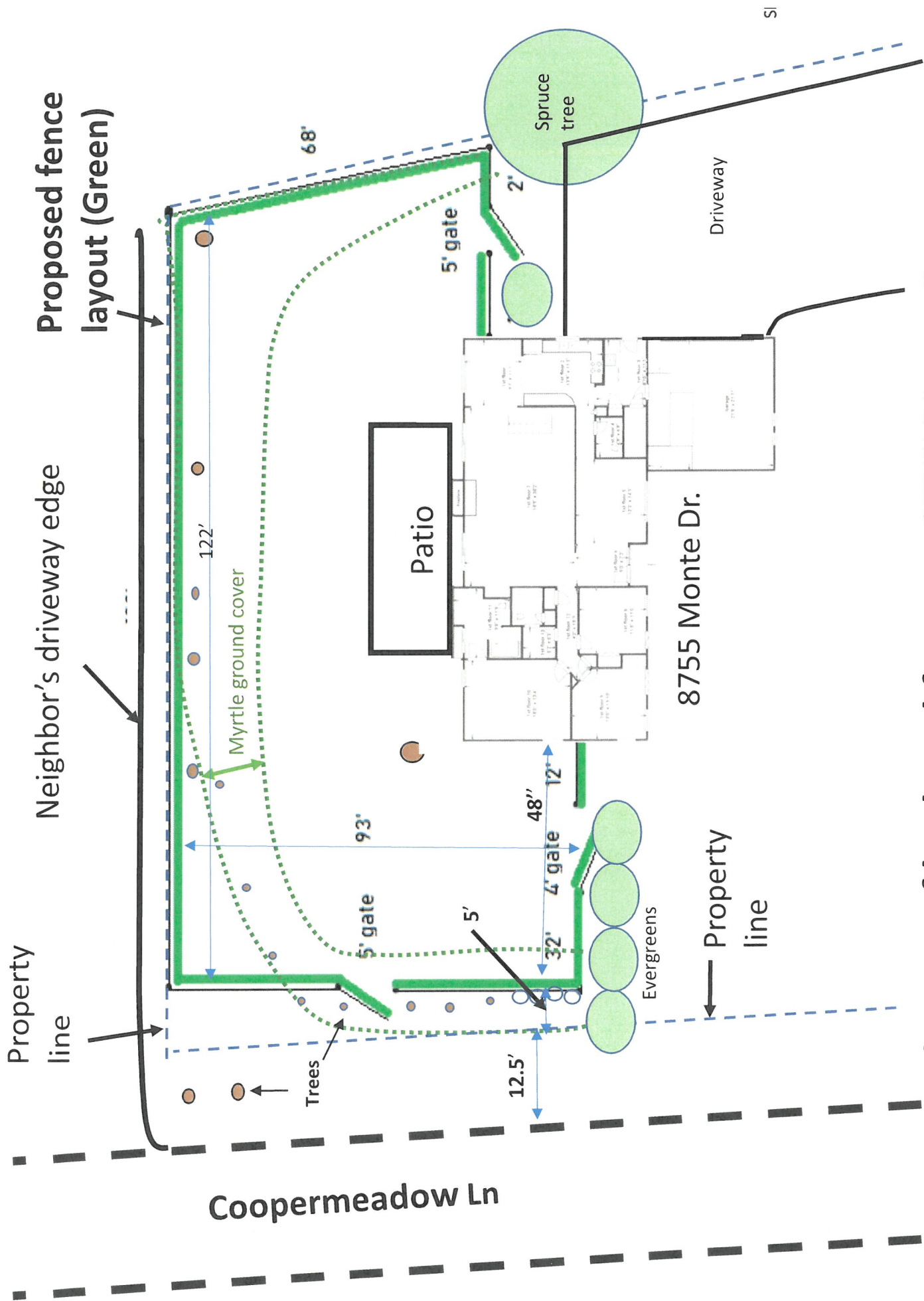


WHITE HOUSE



Ground Cover





Layout of backyard fence at 8755 Monte Dr.



Property at corner of Monte Dr. and Coopermeadow Ln. needs a backyard fence for safety of two pet dogs

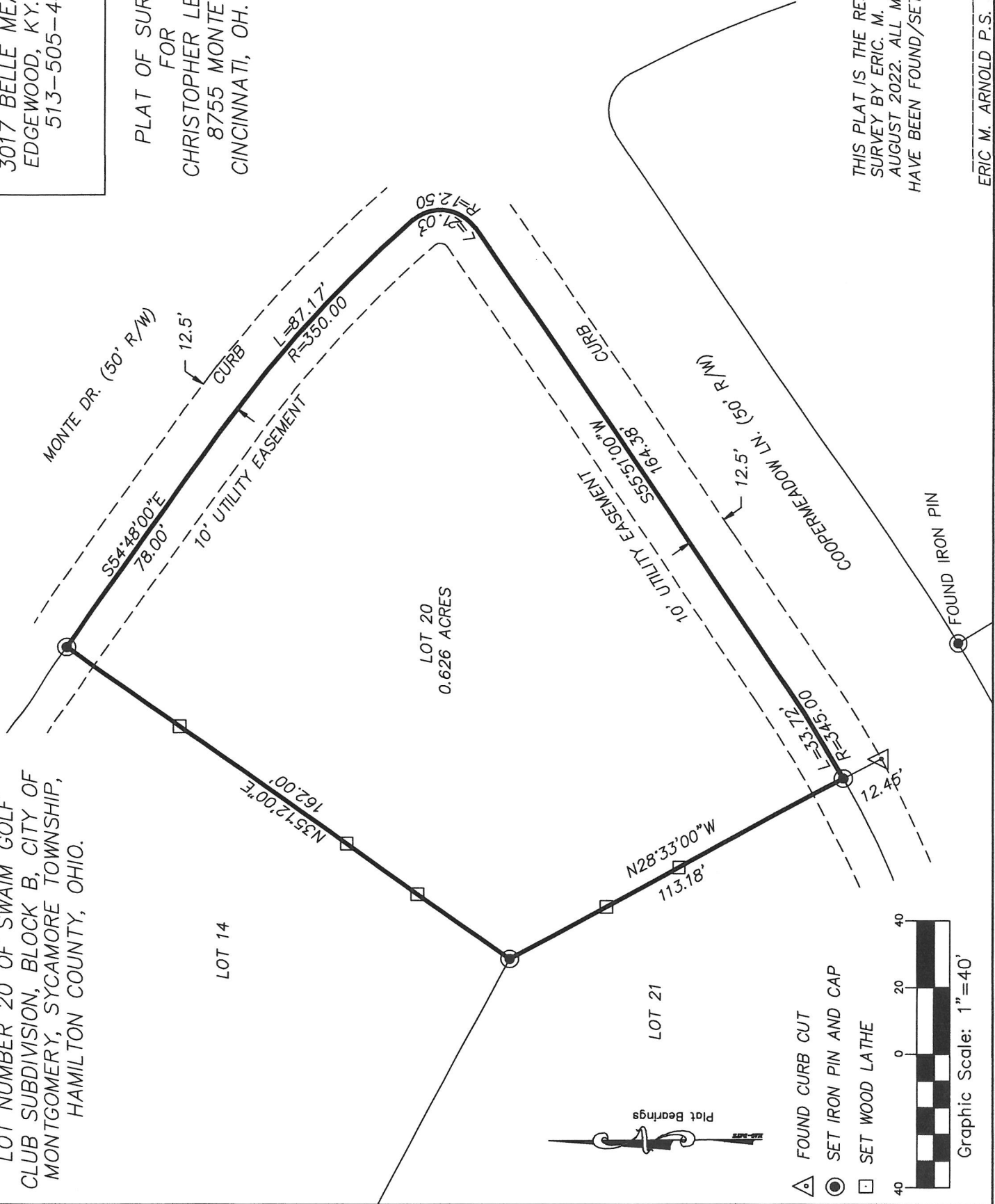
ARNOLD SURVEYING LLC
 3017 BELLE MEADE LN.
 EDGEWOOD, KY. 41017
 513-505-4486

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

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

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

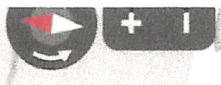
ERIC M. ARNOLD P.S. #8276 OHIO





Google

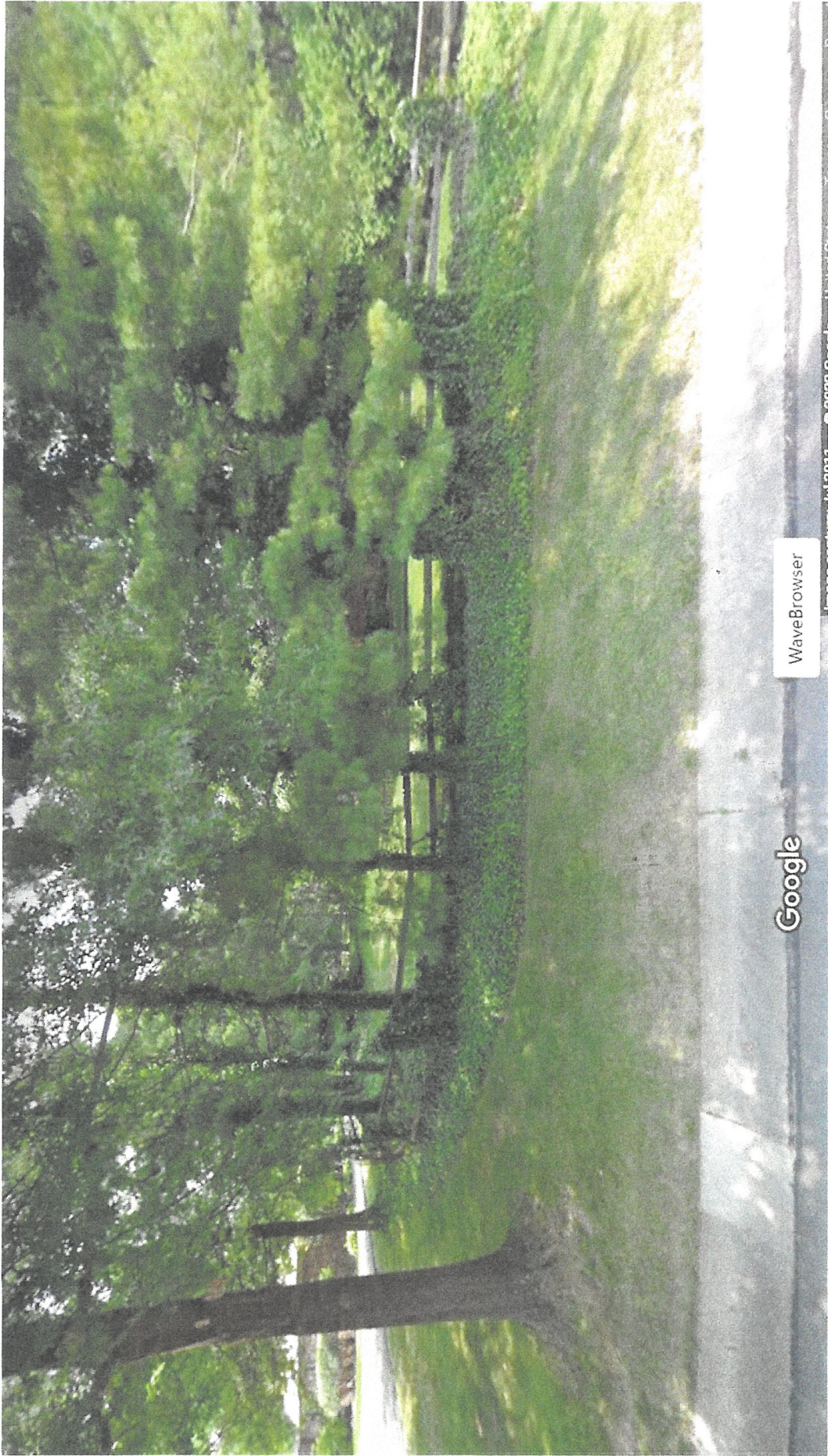
Wednesday, October 5, 20





Google





Google

WaveBrowser











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.

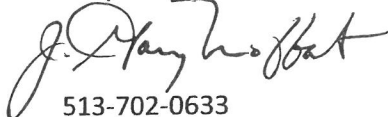
As the owner of a property within 300 feet of this property and living in the neighborhood of Swaim Field, my husband and I are AGAINST such a variance.

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.

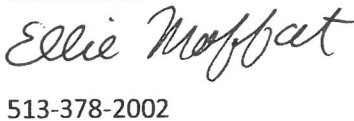
We are unable to attend the hearing but appreciate the opportunity to provide our input.

Gary Moffat



513-702-0633

Ellie Moffat



513-378-2002

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

City Hall · 10101 Montgomery Road · Montgomery, OH 45242

October 25, 2022

<u>PRESENT</u>		
<u>GUESTS & RESIDENTS</u>		<u>STAFF</u>
Ron Messer Council Member Montgomery City Council		Melissa Hays, Zoning and Code Compliance Officer Karen Bouldin, Secretary
Cathy & Bob Pelz 7875 Pfeiffer Rd., 45242		<u>ALL BOARD MEMBERS PRESENT</u> Richard White, Acting Chairman Catherine Mills Reynolds Tom Molloy Jade Stewart Steve Uckotter
Josh Schaad 7370 Cornell, 45242		<u>MEMBERS NOT PRESENT</u> Mary Jo Byrnes, Chairman Bob Saul

Richard White, Acting Chairman called the meeting to order at 7:00 p.m. He asked all guests to silence their cell phones.

Roll Call

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

- PRESENT:** Ms. Mills Reynolds, Mr. Uckotter, Mr. Molloy, Ms. Stewart,
 Acting Chairman White (5)
- ABSENT:** Ms. Byrnes, Mr. Saul (2)

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: The Board will hear any comments, suggestions or questions for any item not on tonight’s agenda. He stated that tonight the Board will hear testimony concerning the three items on tonight’s agenda, first in the public hearing, and then in the business session. All persons speaking will please go to the podium and state their name and address, for the record. A public hearing is a collection of testimony from City Staff, the applicant, and anyone wishing to comment on the case; members

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Board of Zoning Appeals Meeting

October 25, 2022

29 of the Board may pose questions to Staff. Next, the applicant may provide testimony and
30 respond to any questions from the Board or Staff. Then, any member of the public may offer
31 comments or questions. At the completion of the public hearing, the Board will adjourn and
32 open the business session. The Board will not take any further public comment during this
33 portion of the meeting, unless clarification is needed by a Board member. At the conclusion of
34 the business session, the Board will vote on the applicant's request. At least four members of the
35 Board must vote yes for a variance to be approved. The decision of the Board is final.
36 Acting Chairman White noted that anyone not agreeing with the Board's decision has the option
37 of appealing to Hamilton County Common Pleas Court, under the procedures established by that
38 court.

39
40 Acting Chairman White asked that anyone planning to speak to the Board please stand to be
41 sworn in (which includes the applicant). Acting Chairman White swore in everyone planning to
42 speak.

Guests and Residents

44 Acting Chairman White asked if there were any guests or residents who wished to speak about
45 items that were not on the agenda. There were none.

Old Business

47 There was no old business to discuss.

48
49 Acting Chairman White suggested that Agenda Item 3 be heard first.

New Business -1 (Agenda Item 3)

52
53 *A request for a variance from Chris Lenahan, property owner, to allow fencing 4 feet in*
54 *height in the front yard area along Coopermeadow Lane, where Section 151.1009(I) (1) of the*
55 *Montgomery Zoning Code does not permit fences over two feet in height, in the front yard.*

Staff Report

57
58 Ms. Hays stated that she had received a request from Chris Lenahan to table this request, until
59 the upcoming November 22 meeting.

60
61
62 *Mr. Molloy moved to table this application, until the November 22, 2022 Board of Zoning*
63 *Appeals meeting.*

64
65 *Mr. Uckotter seconded the motion.*

66
67 *All members unanimously approved.*

New Business -2 (Agenda Item 1)

68
69 *A request for a variance from Josh Schaad, property owner, 7379 Cornell Road, Montgomery,*
70 *OH 45242, for a one-year extension of the variances granted on October 26, 2021:*

71
72 *1.*

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Board of Zoning Appeals Meeting

October 25, 2022

- 73 1. *A variance to allow an accessory off-street parking area to be 15 feet from the front*
74 *property line, where 25 feet is required, per Schedule 151.1009(B) of the Montgomery*
75 *Zoning Code.*
76
77 2. *A variance to allow a new single-family dwelling to have a front yard setback of 40*
78 *feet, where 50 feet is required in the "A" District, per Schedule 151.1005 of the*
79 *Montgomery Zoning Code.*
80

Staff Report

81 Ms. Hays stated that this property was adjacent to our Public Works facility, and across the street
82 from the High School, on Cornell.
83

84
85 Ms. Stewart asked if Public Works area had been cleaned up. Ms. Hays confirmed, noting that
86 they were also in the process of installing a fence to improve screening of the Public Works
87 facility.
88

89 Mr. Molloy referred to Mr. Schaad's letter requesting an extension. He asked for the reason to
90 have a new survey done.
91

92 **Josh Schaad, 4430 Boardwalk Court, Blue Ash, OH 45242** stated that the new builder he has
93 acquired will have a new site plan and required a new survey to be done.
94

95 Mr. Molloy asked if there would be any changes in the request for the variances, since there
96 would be new plans. Mr. Schaad stated there would not. He noted that he had the dimensions of
97 the new house, so there would not be any more or any less variances from the setback.
98

99 Ms. Hays pointed out that these plans would come before her first, and she would ensure that
100 they be in substantial compliance with the original variance request.
101

102 Acting Chairman White asked if any guests or residents had comments. There were none.
103

Adjournment

104 Ms. Mills-Reynolds moved to close the public hearing.

105 Mr. Molloy seconded the motion.

106 The public hearing adjourned at 7:07p.m.
107

108
109 Acting Chairman White opened the business session at 7:07p.m.
110

Business Session -2 (Agenda Item 1)

112 *A request for a variance from Josh Schaad, property owner, 7379 Cornell Road, Montgomery,*
113 *OH 45242 for a one-year extension of the variances granted on October 26, 2021:*
114

- 115 1. *A variance to allow an accessory off-street parking area to be 15 feet from the front*
116 *property line, where 25 feet is required, per Schedule 151.1009(B) of the Montgomery*

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Zoning Code.

2. ***A variance to allow a new single-family dwelling to have a front yard setback of 40 feet, where 50 feet is required in the "A" District, per Schedule 151.1005 of the Montgomery Zoning Code.***

Mr. Molloy was concerned with this, because the original variance cited the previous site survey and was based on the previous plan that was shown to the Board at that time. He noted that the dates will be inaccurate, since we did not have the new survey, and we have not seen the site plans, although the applicant has stated there won't be changes to the variances. He preferred to see the new plans, before approving.

Ms. Stewart felt that this request was simply an extension of what has already been approved by this Board, and the applicant will either meet those requirements, (with Staff's oversight), or he won't; in which case he will have to appear before us again. She believed the applicant had every intention of meeting those variances requested. She understood Mr. Molloy's concerns, but believed this to be only an extension of time to what has already been approved; it wouldn't matter if the site plan dates changed.

Mr. Molloy agreed, because the variance approvals were specifically tied to the parcel of property.

Mr. Schaad stated that the new footprint was 42 feet wide, with a four foot porch overhang, so it will stay within the 12 foot side setback, and the depth remains the same; it will not affect the front or back setbacks.

Mr. Molloy moved to approve the request from Josh Schaad, property owner of 7379 Cornell Road, (Parcel 060300260086), Montgomery, Ohio 45242 to provide a one year extension for two variances originally granted on October 26, 2021:

1. ***A variance to allow an accessory off-street parking area to be 15 feet from the front property line, where 25 feet is required, per Schedule 151.1009(B) of the Montgomery Zoning Code.***
2. ***A variance to allow a new single-family dwelling to have a front yard setback of 40 feet, where 50 feet is required in the "A" District, per Schedule 151.1005 of the Montgomery Zoning Code.***

The approvals of October 26, 2021 were based on substantial compliance with the survey dated September 25, 2021.

Ms. Stewart seconded the motion.

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Board of Zoning Appeals Meeting

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

162
163 *AYE: Ms. Stewart, Ms. Mills Reynolds, Mr. Uckotter, Mr. Molloy,*
164 *Acting Chairman White* (5)

165 *NAY:* (0)

166 *ABSENT: Ms. Byrnes, Mr. Saul* (2)

167 *ABSTAINED:* (0)

168

169 *This motion is approved.*

170

Adjournment

172 Mr. Molloy moved to close the business session.

173 Mr. Uckotter seconded the motion.

174 The business session adjourned at 7:13p.m.

175

176 Acting Chairman White opened the public hearing at 7:13p.m.

177

New Business -3 (Agenda Item 2)

179 *A request from Catherine and Robert Pelz, property owners, 7875 Pfeiffer Road, Montgomery,*
180 *OH 45242 for a one year extension of the variances granted on November 21, 2021:*

181

182 *1. A variance to allow an accessory off-street parking area to be two feet from the front*
183 *property line, where 25 feet is required, per Schedule 151.1009(B) of the Montgomery*
184 *Zoning Code.*

185

186 *2. A variance to allow a setback of two feet from the side property line, where five feet is*
187 *required for off-street parking, per Schedule 151.1009(B) of the Montgomery Zoning*
188 *Code.*

189

Staff Report

191 Ms. Hays stated that the applicant is requesting this extension due to the construction delay in the
192 roundabout.

193

194 Mr. Uckotter asked how much of a delay it would be. Staff stated that the applicant may have a
195 better idea, as they have been communicating about this on a more frequent basis.

196

197 Acting Chairman White asked if the applicant wished to speak.

198

199 **Robert and Catherine Pelz, 7875 Pfeiffer Road, Montgomery, OH 45242:** Mr. Pelz stated
200 that they were unaware that the roundabout construction was going to take place in front of their
201 home. If the construction hadn't happened, they would have had the driveway already done.
202 He noted that part of the construction will tear up the front of their area – the sidewalk and the
203 street, taking bushes out, pulling trees down. He stated that they would like their driveway to be
204 seamless, and not have the end of a new driveway be patched, due to the roundabout

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205 construction. This is why they wanted to wait; they plan to have the driveway done as soon as
206 the construction has finished, and all is back in order.

207
208 Mr. Molloy asked if they had a contractor lined up already, and Mr. Peltz stated that they did.
209 Mr. Molloy asked how close they lived to the construction. Mr. Peltz stated that their house was
210 one house in, from the roundabout area.

211
212 Mrs. Peltz stated that the utility work has occurred spring, summer & fall, so far.

213
214 **Mr. Messer, City Council Member, City of Montgomery** stated that information concerning
215 the delay was supposed to be printed in the November *Montgomery Bulletin*. He stated that the
216 update he received from Gary Heitkamp, Public Works Director, a few weeks back, was that it
217 may not be until August, 2023 until the roundabout is finished. Due to utility and water issues
218 that were unexpected, this construction has required more work and time.

219
220 Mrs. Pelz, asked about the extension – if it was granted, would it be for 12 months from today?
221 Ms. Hays stated that it would be 12 months from the November, 2022 expiration date.

222
223 Acting Chairman White asked if any guests or residents had comments. There were none.

Adjournment

226 Mr. Molloy moved to close the public hearing.
227 Mr. Mills-Reynolds seconded the motion.
228 The public hearing adjourned at 7:20p.m.

229
230 Acting Chairman White opened the business session at 7:20p.m.

Business Session-3 (Agenda Item 2)

233 *A request from Catherine and Robert Pelz, property owners, 7875 Pfeiffer Road, Montgomery,*
234 *OH 45242 for a one-year extension of the variances granted on November 21, 2021:*

235
236 *1. A variance to allow an accessory off-street parking area to be two feet from the front*
237 *property line, where 25 feet is required, per Schedule 151.1009(B) of the Montgomery*
238 *Zoning Code.*

239
240 *2. A variance to allow a setback of two feet from the side property line, where five feet is*
241 *required for off-street parking, per Schedule 151.1009(B) of the Montgomery Zoning*
242 *Code.*

243
244 *These approvals were based on substantial compliance with the survey dated October 22, 2021.*

245
246 *Ms. Stewart seconded the motion.*

247
248 *The roll was called and showed the following vote:*

249

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250 **AYE: Mr. Uckotter, Mr. Molloy, Ms. Stewart, Ms. Mills Reynolds**
251 **Acting Chairman White** (5)
252 **NAY:** (0)
253 **ABSENT: Ms. Byrnes, Mr. Saul** (2)
254 **ABSTAINED:** (0)
255

256 *This motion is approved.*
257

258 **Adjournment**

259 Mr. Molloy moved to close the business session.

260 Mr. Uckotter seconded the motion.

261 The business session adjourned at 7:22p.m.
262

263 Acting Chairman White opened the public hearing at 7:22p.m.
264

265 **Other Business**

266 Mr. White noted that from a meeting he attended at Twin Lakes this afternoon, he learned that
267 they have definitely postponed their building across the street because it was too expensive; they
268 cannot build it for the price that they can sell it. They plan to keep the land but are not sure what
269 they will put on it.
270

271 **Council Report**

272 Mr. Messer stated that there was no significant information to share. There is a lot of financial
273 and year-end work being done. Next year's budget is in terrific shape, with over 12 months'
274 reserve on-hand.
275

276 **Minutes**

277 Mr. Molloy moved to approve the minutes of September 27, 2022, as written.

278 Ms. Stewart seconded the motion. The Commission unanimously approved the minutes.
279

280 **Adjournment**

281 Mr. Uckotter moved to adjourn. Ms. Mills-Reynolds seconded the motion.

282 The Commission unanimously approved. The meeting adjourned at 7:25 p.m.
283
284
285
286
287

288 _____
Karen Bouldin, Clerk

Mary Jo Byrnes, Chairman

Date

289 /ksb
290